

It was mentioned that the "Dutchies Building" did not comply with the existing Health and Safety legislation and was built as a shop and uses that could be accommodated in the existing building were shop and storage purposes and the security personnel during high season.

It was brought to the attention of the meeting that in terms of the Department of Environmental Affairs and Development Planning guidelines the proposed restaurant does not need to go through a BAR process, since there was commencement of activities before 1998.

The Chairman concluded the meeting indicating that the minutes would be made available to all interested and affected parties.

PIET SE BOS VERGADERING 18 JANUARIE 2014
AUDITORIUM OVERSTRAND MUNICIPALITY

Werner Zybrands: I'm trying to do it bilingually so what I am saying is if there is a specific thing that you think I am not addressing I will do it in both languages (stilte op opname) going to use Afrikaans as well so I am going to use both languages but I can assure you that I will not prejudice you in any way if you are happy about that.

Unknown person says thank you.

Werner Zybrands: Kan ons net seker maak asseblief dat die selfone af is. Please switch off your mobile phones that we don't get disrupted here.

Then before we start I just now heard and I think it is an opportune time to mention this that one of our well known residents in Voëlklip, passed away during the evening, Casper Venter. A lot of you will know him he lived in Eighth Street in Voëlklip. I am sad to announce his passing away last night. So I think if we can think of him and Wanda in this regard please think of his passing away and Wanda his wife. I am sorry to have announced this but at least everybody knows now.

Ons gaan daar is 'n saak lys, there is an agenda it was made available I am just going to go through this. It is the welcome and introduction of the project team I am going to do that now. The project team is one very tall guy. The attendance register we have already done. If there are apologies, I have one specifically from Max Leipoldt who is overseas he gave me his comments if need be I will just refer to that but the others if there are some other apologies I don't think that it is necessary that we do it here you can just put it on the attendance register if there is someone who wishes to apologise. So as u 'n verskoning het, teken dit maar net daar aan. Dit is belangrik dat ons wel die presensie lys teken dit is deel van die amptelike dokumentasie so please ensure that you have signed the attendance register as it is part of the official documents.

I am going to go on to point three just now, purpose of the meeting and initial questions and then background information. We will ask Charel to come forward and give a bit of the legal process and where we stand with this and then we have the discussions of the issues concerns and impacts. There are three items listed here it is a bit vague but I will deal with that just now, the way forward and closure. So dit is die sakelys soos ons hom hier het dat ons daardie items dan net bespreek.

The project team is Charel Bruwer who is here I am going to ask him just now to come forward and address you on this. Charel sal netnou vorentoe kom. Charel wil jy net so opstaan dat ons sien wie en wat jy is ons gaan baie van jou netnou sien. So moet nie met hom sukkel nie hy is lank. Charel is the representative of EnviroAfrica but we have quite a few people from the Municipality. Here is Planning and Environmental Management staff present here today. But they are in attendance so hulle woon net by en neem waar wat hier plaasvind. So baie welkom aan almal hier. Ek sien 'n hele klompie, Riaan, Liezel, Hanneen, Penelope, there are quite a few of the Municipal Staff here.

Then, of course, you the public. Die mense wat belanghebbendes, geaffekteerde geïnteresseerde partye is. All the interested and affected parties thanks for being here. Even people who have not registered as interested and affected parties we are not going to exclude you here this morning. If you have and want to voice your opinion you are more than welcome

to do so. So ek gaan op hierdie stadium dan oorhandig aan, ek net seker maak daar is ja, die doel van die vergadering and Charel will deal with this a bit more in detail. I do want to steal his thunder but it is a process in terms of NEMA the National Environmental Management Act. There is other pieces of legislation that come to play, the Integrated Coastal Management Act also plays a role there and various other issues so I am not going to deal with that, Charel is briefly going to deal with that. Don't think we going to get bogged on the legalities it is just that he gives you a short resumé of the legal process. So hy gaan 'n kort uiteensetting gee van die regsproses. Die hele bedoeling is natuurlik op hierdie stadium dat ons, daar was 'n openbare deelname proses die kommentare het ingekom daar is daarop gereageer. Maar die Munisipaliteit het gevoel dit is wenslik dat nog 'n platform geskep word vir openbare deelname sodat die insette wat ons vandag hier kry die hele proses verder vat. Hierdie is 'n sogenaamde Basic Assessment Report, so the inputs that you are going to give today will form part of that final document. This goes to DEADP as we say the Department of Environmental and Development Planning. So dis Omgewingsake en Beplanning so die Munisipaliteit neem nie besluit nie. This goes now to the Minister in the Western Cape and they will then eventually issue a Record of Decision. Dis 'n besluit wat geneem word en Charel sal verder daarvoor gesels. Daar is ook as daai besluit geneem is 'n Appèl proses, maar dit is dalk moontlik dat as ons 'n breë basis van konsensus vandag kry dat 'n mens die hele situasie kan ontloot. Ek dink dit is die gedagte dat ons kan kyk of ons as 'n gemeenskap kom en tot 'n breë basis van konsensus kom. So your inputs could lead to a consensus based recommendation going to the Minister but even if there is decensus we will register all the opinions, that of those people that disagree with the outcome of this meeting.

Ek gaan op hierdie stadium dan oorhandig aan Charel, if you will come forward. You want to work from there on your computer? Sorry before we go further.

Unknown Person: Will There be minutes of this meeting?

Werner Zybrands: Ja, daar is 'n bandopnemer wat aan is, so there is, the whole proceedings will be recorded, minutes are being taken. We are not taking full minutes because we have the recording but we are looking at a summary of what is being said. There are people who are taking notes.

Unknown Person: May I add will those minutes be distributed to everyone present or is that confidential? Surely it is not confidential in this instance?

Werner Zybrands: It depends on what we mean by minutes. If the minutes reflect the outcome of what is taking place here I am sure it can be circulated. But I am not going to say Mr. A said this and Mr. B said that and Mr. C disagreed on that. That will be on the recording so it is not verbatim or summarized verbatim so I suggest that if we, if there is a broad concensus lets say that we want to rehabilitate the wetlands that we don't minute everybody who said I was in favour of are you happy with that?

Unknown person: As long as it is comprehensive particularly as far as the answers from the Municipality is concerned that is the most important.

Werner Zybrands: Ok well thank you I think we take note of that. Nog iets?

Unknown person: About the way ahead. You said that once the department approves the project it is the green light and you can go on.

Werner Zybrands: No no I did not say that, I said there is still an appeal process.

Unknown Person:The Municipality because we have not seen the economic viability and finances.

Werner Zybrands: But I don't think we should confuse the issues.

Unknown Person: That's why I am asking.

Werner Zybrands: Ja, Ja

Unknown Person: If I understand correctly this is about the type of projects we want, then they will be evaluating that with our comments, then they will say from the Environmental approach if we think we can live with that.

Werner Zybrands: Okay

Unknown Person: Then we come back to this Municipality and that is where my problem is, then we must come back to the ward committees and OMAF to discuss the financial viability as we did the golf course that was not handled this way.

Werner Zybrands: Can I, I just want to say any development of the Municipality must first become part and parcel of its Integrated Development Plan that forms the basis of the budget as you full well know so I don't want to go into that. Charel will be addressing part of that. I am chairing the meeting, I am not giving decisions or anything.

Unknown Person: You said what we decide goes to Province?.

Werner Zybrands: Yes it does go to Province.

Unknown Person: Then who decided to bring us here?

Werner Zybrands: It is a process, it is a legally prescribed process.

Unknown person: If the Municipality brought us here they can't be useful they must be of use (Dink dit is wat gesê is opname dof)

Werner Zybrands: I am not going to comment on that I am just chairing the meeting sir, I am not going to comment on that.

Unknown Person: I don't understand the process.

Werner Zybrands: Ok Charel Bruwer as I said earlier, Charel will be addressing, if you see on the agenda it says quite clearly what he is going to do. It says the legal process requirements is the first item and what he is going to deal with. If you have any queries about that I don't think that I as chairman should become involved in that.

If you are happy about that, I am just talking about the agenda and getting this show on the road. Can I ask just for record purposes I did not do this in the beginning as I thought it was just a superficial question or two, if you do make a comment or state something please introduce yourself. We have roving microphones here so if you want to have this recorded if it is not a

procedural small question and you want it recorded then I have to make a ruling that we must bring the roving microphone to you and then go along that. Can I just ask there your hand there at the back

Gavin Clare: My name is Gavin Clare. If it is possible I would like to call somebody at the Municipality who can answer questions from the Municipality.

Werner Zybrands: Ok we are going to ask Charel Bruwer forward to give you the legal process, what is the flow chart of this whole process. He is the expert in this, they deal with this. If this is not clear then we can get someone from the Municipality to elaborate a bit further on that. But if you are happy with that? Mnr. Hoogenhout?

Mr. Hoogenhout: Mr. Chairman just to confirm again I am not sure if I misunderstood, we must just make sure that these minutes will be available in a fairly quick time period after this meeting because we really need to get those minutes for further action. So the minutes must be available within a week or two.

Werner Zybrands: I can't say for the Municipality. Hanneen?

Hanneen van der Stoep: Your name?

Mr. Hoogenhout: Niel Hoogenhout.

Werner Zybrands: Okay Hanneen says it is possible, let's make it two weeks. Is that what you are saying Hanneen?

Hanneen nods.

Werner Zybrands: Okay thanks. Are you happy with that?

Excuse me sir my name is could we get a copy of the recorded minutes a copy on a CD it is just fair so that we know what has been said.

Unknown person: I agree.

Werner Zybrands: Charel?

Charel Bruwer: Yes I think I will try and address that question because basically what we are doing is we are diverting from the NEMA process. I just want to make sure that everything is in line so I will try and come up with some sort of solution.

Werner Zybrands: Okay Charl. Let's give Charl an opportunity please. I think once he has explained it everybody will understand it better. Remember this was an additional opportunity that was created it is not a prescribed meeting it's an additional opportunity to hear the voice of the people. So Charl would you mind coming forward and address the issue? And I think we are now on point four of the agenda. Thank you.

Charel Bruwer: Baie dankie Morning Ladies and Gentlemen my name is Charel Bruwer. Those of you that have received letters from me see that it is spelt in a funny way, Charel. People always ask me how do you pronounce your name? My Afrikaans friends call me Sarel,

my English friends call me Charl and my intoxicated friends call me Charel, the way that it is actually spelt! So you decide what you want to call me I answer to all three.

Ok Basically let me just explain to you how this activity actually came about. Basically what happens is there is Environmental Legislation which started I think the first time officially in 1997. It had a couple of regulations which listed activities that had to go through a formal impact assessment process. Now often people said ah we want an EIA done. You can't have an EIA done. An EIA is what we call an Environmental Impact Assessment and it is a process. In 2006 the Provincial Environmental Authorities changed the legislation. They included a lot more listed activities that you have to apply for and in 2010 there was another sort of revision of activities and that is why we sit nowadays with the situation that if you are closer than within the 100 meters high water mark of the sea, and you want to top dress your garden, and you use more than 5 m³ of soil, you have to go through an impact assessment process. So the legislation often has some fuzzy semantics to it. For instance NEMA refers to environmental damage; you are not allowed to cause environmental damage. But define environmental damage? If I go around this room amongst the fifty people here we get 100 opinions on what environmental damage is. So, so from that fuzzy part so basically NEMA took 2010 plus the amendments that came subsequently, describes the process that has to be followed. So what happens in this instance? The Municipality looks at amongst all the other legislation Integrated Management Act for instance, it forces them to make the coastal areas more accessible to the larger population in the area. So what the Municipality does is they come up with an idea of what they want to do, it is not an idea that comes from us. Then they determine whether this whether there are any listed activities in that which they want to do. Verskoon my as ek nie Afrikaans praat nie maar baie van hierdie terme sukkel 'n ou mee bietjie in Afrikaans so maar as daar iemand is wat wil hê ek moet vir hom in Afrikaans verduidelik dan kan ek dit vir hom in Afrikaans verduidelik. Ek kan dit net nie in Zoeloe doen nie en ook nie in Xhosa doen nie so verskoon my daarvoor. Maar ok so basically the Municipality then says so ok fine we have a series of listed activities. Then the need to appoint what they call an Independent Environmental Assessment Practitioner. So they go to tender, they invite a whole number of firms and you go and sit and you tender. I think our document was 56 pages, so ja then we got the tender so then we start with the process. So what we do then is there is a prescribed process under the National Environmental Act that you have to follow. It has minimum requirements and you can also go further than that. The way that I was taught, I was in 1991 in the fortunate position to be in Canada to attend an impact assessment process that Hydro Quebec wanted to take water from the last natural river on which the Indians lived and there was an geology professor who was at the time probably one of the foremost people in impact assessment. And one guy asked him and said to him "How much do we need to do how many people do we actually need to let know how expansive should this process be?" And his answer was actually quite an eye opener he said "You should do just enough, nothing more and nothing less". That has been a cue for many environmental practitioners in the country and worldwide. Everybody has a perception of what he wants to see done and there is a lot of people that says I could not be bothered so where does the balance lie between just enough? So basically what we did one of the criticisms was that we did not go wide enough with our public participation. It is a prescription which I do not want to go into it is basically the prescription says you have basically got to let organs of state know and organs of state area defined. Then you have got to let all the direct neighbours on the site you have got to let them know. Now what we normally do is to go, we actually went to quite a number of rows of houses beyond that, there was one person that took exception because he gave me a phone call and said to me that my process was flawed and this and that. I asked him how wide would you want me to go? He said to me I must go much wider and I said ok would you like me to inform everybody from Helen Zille to Jacob Zuma? It is an Afrikaans figurative speech for the whole

world so there would always be somebody that is unhappy that you have not done the correct thing. Basically we are guided by the public participation process there is a guideline document which you can access and I suggest you really do this on the Cape Gateway DEADP Website. There is a whole lot of information in that and that would explain how the process actually works. So basically what we did is we then advertised. We only have to advertise in one newspaper but we advertised in two newspapers. We put out site adverts, we let as I say those individuals know we also let the Steering Committee know and people like the Hermanus Ratepayers Association and if you go if you read let me just check something. Who read the document the final basic assessment report can you just put up your hands? Ok who has not read the document? Ok in that document, it is still on the Municipal website, in that document there is a whole list of the interested and affected parties, there is a whole list of the initial interested and affected parties that were actually informed. Ok basically what happens then is we send out a background information document, plus we also sent out a Draft Basic Assessment Report. Obviously the contents of those reports are at the very initial stage of your investigation and the purpose of that is to actually give whoever is interested enough information, so that he can make inputs, raise what we refer to as issues, concerns and impacts. The majority of people say I object, boom, I want to be an I&AP. Now what? You need to realise is that somebody on the other side in Province is actually going to read this document and take a decision on the documentation that is in the document, the written documentation. So if you say you object and you are an I&AP what must that guy on the other side think, why does this guy object, he has not given any reasons? So it is very important if you participate further in processes like this that you actually change your mindset and say, what is the impacts that I am actually worried about. I am worried about noise, I am worried about parking, I am worried about this that and the other. So a number of you have got letters back to say that you have not raised any issues because if you do not raise issues then we cannot address them in the documents. So basically we went through the Draft Basic Assessment report. There is a requirement that we first have to submit that to the Department and then we can submit it to I&AP's. There is a forty day comment period on that stipulated in the legislation. A lot of people say oh that is not enough time we want six months or whatever. I have been in this environmental game now for forty years and my experience is that about 95% of the people send their response 2 days before the deadline. So whether the deadline is 21 days or whether the deadline is two years, they will send that response two days before the deadline. Okay so I don't know what the reason is why when something lands on your desk surely when that manager sends you an invoice you don't say I did not have enough time to look at the invoice. So make peace with the fact that you have forty days, make peace with the fact that on the final document you have 21 days. There was a request that we expand, that we extended the comment on the Final Basic Assessment Report. We have answered each and every letter that was addressed to us on the Draft Basic Assessment Report. The reason why we don't there is always this question why we don't work with e-mail. The reason why we don't work with e-mail we worked with e-mail once and just the e-mail correspondence was 360 pages back to back and e-mail eventually becomes like driving an electronic argument I sent you an e-mail three days ago and you have not answered yet. Meanwhile we are out in the field maybe for a week or two and you know I am not satisfied with this boom boom boom. The department also does not work with e-mail they neither work with fax. There is a legal document on the legality of the use of e-mail which I suggest that you actually read. There is a specific reason why we don't work with e-mail, we actually want a written paper trail, we want a written letter with your details at the top and the bottom because otherwise we get an e-mail Mike Heyns now who is Mike Heyns, I don't know who Mike Heyns is he has not got an address nothing he has just got an e-mail address, nowhere to contact the guy. So bear with us when we say written communication, there is a fax number. Ok, now on the question of ...

Someone interrupts hereafter referred to as Person One: I have got an issue around this. There is not an environmental practitioner in the country that does not accept e-mails, DEADP accepts e-mails the Banks accepts e-mails. Why sir can you not accept e-mails?

Charel Bruwer: DEADP does not accept e-mails.

Person One: If it contains an attachments that is a letter there is no way you cannot accept it. You are useless in answering your clients e-mails even when they are legitimately asking questions around your process.

Charel Bruwer: No I can tell you now I will send you the documentation where DEADP does not accept e-mails. If DEADP accepts an e-mail

Person One: DEADP accepts e-mail.

Charel Bruwer: If DEADP accepts an e-mail.

Someone else asks: Is this really relevant?

People respond: YES it is!

Person One: He does not respond to e-mails, he does not accept e-mails. Legitimate e-mails that are sent to his address addressing issues that are related to Environmental Impact Assessments are ignored by him. This is not an acceptable situation.

Someone says: Absolutely

Charel Bruwer: Sir in the background information document that you have received what is the process that is described if you want to communicate on this? Is there a process described number 1, yes or no?

Person One: It is described but it is out of order because...

Charel Bruwer: It is described.

Person One: Every other environmental practitioner including your own associates in EnviroAfrica in other areas accept e-mails

Someone says: Absolutely

Person One: Why is it that you are the only one

Charel Bruwer: OK

Person One: The only one that I have ever dealt with on an Environmental Impact Assessments that will not accept e-mails?

Charel Bruwer: OK OK

Person One: It is out of order

Charel Bruwer: It is not out of order I will send you, we can resolve this afterwards but I will send you the documentation where where

Person One: I want the Municipality to issue as an instruction that the person. appointed by you to accept e-mails like everybody else does.

Charel Bruwer: Can you just wait one minute and listen to what I have to say please? I will send you a document that says that DEADP does not accept e-mails you have to follow it up with a written letter they do not accept faxes you have to follow it up with a posted letter, I will send you that document.

Werner Zybrands: Sorry can I just, at this point do you want to make a comment?

Simon Pickstone Taylor: What I believe Mr. Bruwer is ignoring is the fact that this is a somewhat unusual situation Voëlklip is full of absent landlords who live a long way away it is not most people many people do not have faxes anymore. Many of us live on farms far away the world has changed. Yes you can say that you have to send your document by fax, why can't you send it as an attachment? Mr. Bruwer does not come across as a neutral person. Who is looking for solutions and I do appeal to the Municipality to accept attachments I find it supremely frustrating to have to drive and do many things because Mr. Bruwer won't accept an attachment. I find it totally non neutral.

Werner Zybrands: Ok can I just at this point does it mean that we have to go through the process again or do we have sufficient inputs from the community to continue with the process unless we park this issue and refer it to the Municipality to give a clear guideline on this interpretation Mnr. Bruwer has.

Simon Pickstone Taylor: I think that this process has been flawed on a number of issues and this is one of the many and I am going to appeal for this whole process to start again and this is only one of the issues.

Charel Bruwer: Ok let me let me I can resolve that no problem. Okay. If you send me an e-mail with an attachment right, with an attachment not just a pièce of letter in other words if I print that out as a paper trail. I want an address on it I want to be able to relate to the person. With a postal address and a fax number is that acceptable?

Simon Pickstone Taylor: I asked you if I could do that and you said no.

Charel Bruwer: Okay but okay we will do that but then you must send it as a complete letter as an attachment not in the body of the e-mail. And eventually what also happens I mean we have got experience of this lot eventually you have 20 pages as people just doem doem-doem doem add on.

Simon Pickstone Taylor: The point is you said no to that

Charel Bruwer: Okay but I say now that I will say to you listened to what you have to say and that if you send it as an attachment I am quite happy to accept it as an attachment. Right

Werner Zybrands: The lady over there.

Unknown Lady: I am confused now because Mr. Bruwer just told us that there is an act governing the process of communicating with him and he seems to be making a rule now. So who do I follow? Is Mr. Bruwer making rules as we go along, I am unhappy with that.

Werner Zybrands: Okay can we just come to the point if this whole process is deemed to be flawed then we are all wasting our time here. If however we get to the nub of the matter and with all the comments I had a look at the comments there were more than 42 people registered and who submitted their comments. If this forms a basis to constructively proceed, remember there is still if I am correct, if the outcome of the ministers decision is subject to a further appeal process ja if you want to follow that route otherwise we must nip this in the bud and I don't think we have all gone to this trouble and effort to stop this process on a legal technicality if we can get the voice of the people heard and taken into consideration. I had a look at all the documents and there seems to be a well discussed, the matter was properly ventilated. They aired their views comprehensively here and it is a mechanism that has been created to proceed hereafter.

Rob Fryer: I would say that if EnviroAfrica has enrolled everybody onto the I&AP list that made application for registration on the I&AP list by e-mail can continue, however if he has not registered people for I&AP's that applied for such registration through e-mail that the process is flawed.

Charel Bruwer: We have enrolled everybody that has asked on e-mail but where people have written e-mails we have written them posted letters that say we don't deal with e-mail so everybody is registered that have sent e-mails. I mean you sent your first e-mail for registration on the very last day of the comment period on the draft on the final basic assessment report which means (the lady says that is irrelevant) basically that you have not made inputs which cannot be taken into consideration in that report. And now we sit with the situation where we have now redo the report. Now the suggestion that I want to make you spoke about minutes. It is impossible to take minutes to satisfy all of you people and to have that comprehensive minutes. So what I want to suggest on the basis of the outcome of today that you send me your written comments as you would like to see it we will try and compile minutes but I know from experience that those minutes are always inadequate. So the best and the safest is for you to actually respond in writing send it as an attachment as an e-mail if you want to or throw it in the post or fax it, we will record it each and every one of those they will be taken up in the documentation.

Werner Zybrands: Yes sir

Unknown person: Mr. Chairman you started saying that should we abandon the process because it is flawed? And then you argued that you did not want it to be abandoned but I wonder don't we want it to be abandoned?

Someone says ja.

Werner Zybrands: Mnr. Hoogenhout?

Mr Hoogenhout: Mr. Chairman I think it is appropriate just to remind you about the initial question I have got an initial question which relates exactly to the issue. We as a group and for those of you who don't know I am Neil Hoogenhout I am one of the people involved in the Grotto Beach action group and Mr. Albrecht and Laura en Neil du Toit and we have been working on this since April. It has been a total nightmare to work with Mr. Bruwer but let's not go there

today I don't want to go there. But what we have done we have spent enormous amounts of time we have been going to lawyers we have written a lawyers letter of some 35 or 38 pages. And the problem that the lawyer has pointed out is that in the final BAR that Mr. Bruwer mentioned earlier. There was a number of problematic issues with the BAR as well but let's not go there. But in that lawyer's letter we have copied to the Municipal Manager we have not received a reply yet. Now I do know that the rules say that the comments on the final BAR there is no obligation to reply and that is fine but we also copied it to the Municipal Manager and the gist of the lawyers letter is the items that Mr. Kruger and others have now mentioned is that the whole process is fatally flawed and therefore invalid. And it starts with the appointment of the environmental consultant. It goes on with the number of people advised and canvassed as far as comments are concerned and a number of the issues in the end as the way the BAR was drawn up is not with our lawyers and in line with the laws of this country. And it starts with the constitution and I am not lawyer so I don't know all the names of the acts but the documentation is in the hands of the Municipality as it is in the hands of the Environmental consultant. So I think in the end my comment is, yes the process is fatally flawed but we all took the trouble to come here today. The main problem that we have is the whole idea of a amphitheater in the middle of a residential area is a fatal mistake as it is it is something that should never have happened I don't know how it happened. I don't know I would actually like to know not from Mr. Bruwer but from the Municipality how it actually came about that someone thought of this idea. So if we all agree that the amphitheater is out of the drawing and dead then we can have a constructive discussion as to how we are going to rehabilitate that area how we are going to improve it how we are going to make it nice for the people to come and have a picnic there and perhaps talk about a kiosk or a restaurant or whatever the case is. But the amphitheater is not at all possible so i think if we all agree on that and you know my lawyer also said is that what we should get is a confirmation from the Municipality that the I have got the wording here that the documentation that have been submitted must be withdrawn otherwise this whole thing about the amphitheater may arise from the ashes again because everyone here is against it but we need confirmation that that is now dead and buried. If we don't get it today then we should at least get it within the next time frame because we cannot call our lawyer off. He is on his way to prove that the whole system is fatally flawed and to start again as some gentlemen here mentioned. But if we can agree that the consensus is that there is no amphitheater then we can go ahead, otherwise you are right then we are wasting our time.

Werner Zybrands: Mr. Hoogenhout can I, I have defined the following issues, first of all you are challenging the legality of the process and indicating that it is perhaps fatally flawed that is a legal issue I am not informed of this but I assume that the Municipality can take legal opinion on this and we can address that. That is one issue is this fatally flawed or not there is a legal opinion from your side lets get another one and lets be guided by that. And that is the process itself. If I listen to what you just said and what I have read here there seems I am not putting words in your mouth I am just trying to summarize this. I got the broad impression that everybody is happy with creating the wetland restitution of the original wetland that appears to be a consensus

(Clapping)

The second issue is that in order to protect the Grotto the cave areas but also to make it visible for the people there should be a boardwalk there and that this boardwalk will create a type of barrier so you cannot get there because you can go over the wetland area. I did not see anybody objecting to the boardwalk itself it is part of the whole cliff path thing.

(Clapping)

Thirdly no one objected to the re-establishment of fynbos indigenous to that very specific area no one objected to that I think there was a broad consensus on that as well.

(Clapping)

The fourth thing the re-establishment of certain Milkwood trees in that area and to continue with the Milkwood forest and continuation of the Milkwood forest that includes the fauna and the birdlife in that area for the protection of that nobody objected to that.

(Clapping)

I think that was so the only then it brings us to the there was one or two side issues we had a man made canal there and it opens out onto Grotto beach I had a look there myself it has been damaged by floods and the idea was that that should be rehabilitated to cope with the excess runoff of stormwater the others will go through the vlei rehabilitated wetland and the overrun will then go through some or other canal but that will also then be rehabilitated on the exit side because it looks a bit bad at this stage just making it more attractive. I don't think anybody objected to that. Very few people saw that I think but that does look very bad on the Grotto side. Then I saw very few people objecting nobody really objected to the old Driftwood or Nautilus that is a very well established site. The main objection thereto was the bulk the height and the impact. But the concept of having the re-establishment of the old Nautilus in some way or another hardly anybody objected to that. Yes sir

Person two: the a there was never any financial analysis done any prejudice about that.

Werner Zybrands: But that that is not the purpose of the.

Person two: I know that has got nothing to do with it and EnviroAfrica.

Werner Zybrands: Mmm

Person Two: But before EnviroAfrica comes in surely one should have done some financial analysis because it needs analysis a business plan that does not exist that should be done before anything else.

Werner Zybrands: Can we just try and go slowly through this. I don't want to prejudge this but your we're looking at the rights or the impact of that on that site it is very difficult to say how is it financially viable because it will be a developer who will come in and develop it to certain parameters.

Unknown Person: Surely there must be a plan.

Werner Zybrands: I know there is a plan.

Unknown Person: Is there a plan?

Werner Zybrands: There is a the discussion plan. What I want to get just give me an opportunity sir.

Unknown Person: Sorry

Werner Zybrands: I am trying to see there was a broad non-objection to the old Nautilus site but if we can look what are the parameters that we are looking at the footprint, the height, the type of thing. Once that is in place and we have a broad consensus on that we can look at the detail. Is there a total no go for that site?

Unknown Person: I've still got a problem with spending money the Municipality spending money without any financial plan without a business plan. You know Charel he started explaining the process but it is the Municipality has not done its homework before it triggered the exercise.

Werner Zybrands: I am not sure whether the Municipality is actually going to build this or whether they going, the way I got it is that the Municipality is going to put this out to tender and that the developer then do this.

Unknown Person: Why?

Werner Zybrands: Because it is not the Municipality's core business to erect commercial buildings as a matter of fact there is a provision in the Municipal Management Finance act which prohibits the Municipality to become involved in that type of activity.

Unknown Person: If it is why do they want to make it?

Werner Zybrands: Because it is a public area, a public facility there are numerous people going there, there is a demand for this. If there is no demand for this it probably won't be developed. Can I just park this issue for a moment. The big issue appears out of the discussion we had today it is the amphitheater. If we can just look at one or two aspects, it is a public open space so in other words do we have consensus that the public should have access to that space? The second thing is regarding that the braai areas do look rather tatty and dilapidated. Something should be done about the braai areas or as somebody Duncan said let's get rid of that and just put picnic tables as long as we accept that this is going to be a public open space. How it is going to be used that I think we should put on the agenda and let's get suggestions from the audience what do you think should be there. This is then an input into the system into the Municipality if we have the bulk of you saying just grass it, slope it whatever you make some kind of embankments for people that you can because we have the waste material coming out there. We can either cart it away at a cost or we can landscape it into something. I don't know because we can have young children who can play over little hills or whatever it is you can have something of that nature. Can I ask you if you are happy if you say that this must and will be public open space, I got that impression? What do you want on that public open space, what is acceptable to the community if we can then address, put that on the agenda. And look at the second agenda point and that will then be the restaurant area. If we can focus on those two issues then perhaps we can move constructively forward. Are there people opposed to this? Can I just get your hand please Mr. Hoogenhout?

Mr Hoogenhout: Mr. Chairman just again to help the people that are seated here. We as a group are not going to let this, these flaws in the current process go, if this is going to be taken to court in the end we will go to court we are not afraid of this if that is necessary, but the likely result is going to be that the Municipality is going to start from scratch again, appoint an environmental consultant. No there has already been spent a huge amount of money in getting the process so far they know that everybody is against the amphitheater. For them, now to start afresh again, to go through the whole process to spend the money. If we all agree that the

amphitheater is not going anywhere then I think we can look at it. Because quite frankly everybody is against the amphitheater it is no use starting the BAR process again because we are just going to have the same result. And it is going to waste everyone's time.

Werner Zybrands: Okay

Mr Hoogenhout: If the Municipality can agree that the amphitheater is a no go, off the table then we can have a proper discussion.

Werner Zybrands: Okay

Clapping

Werner Zybrands: I think we are moving forward very constructively at this stage, can I see Riaan had his hand up can I just give him an opportunity or not are you happy Riaan? There is a lady there at the back, is it Mary? Mary Faure?

Mary Faure: Ja, May I remind you everybody here is against the amphitheater but I don't think hand clapping is necessary to determine that. My suggestion is that we actually have a show of hands I think in anyway people who are against came to attend the meeting more than those who are in favour of so I suggest with very strict reservation and parameters I am not going into this again so that is fine I think before just putting it off the table I think that everybody is against it.

Werner Zybrands: Thank you Mary for that. Because if it is on the agenda we make that the agenda point, it is public open space what do you want to see there? If you say no amphitheater or amphitheater but only operating at daytimes no amplified noise no liquor no that. But that is the type of thing that you suggest we should just give the audience an opportunity to. I think it is fair comment lets just hear because there are different views on that but lets put it on the agenda to give you an opportunity to discuss this right now. If we have broad consensus on a lot of issues, but the contentious issues like the amphitheater at this stage. Is it Pat?

Pat Muller: Yes, thanks Werner, I always said when we get to a contentious point in a discussion it is good to go back to basics and that is first principle and I would like to return to the original idea and the original impetus for this project and that was to protect the environment to that area. To restore and rehabilitate damage that had happened to it, not only to the picnic area not only to the wetlands but also to the Milkwood forest. And everything in the original proposal was directed to that and I think we should remind ourselves that we should return to that and it is wonderful to hear from the hand clapping Mary the support that people have in the community for that principle. Now the big problem with the Milkwood forest comes in fact from the use, the current use of the picnic area. Because it is a public open space it is a popular space, it is a large space where people can gather but it is hot there is no protection for people at all there is no amenities for people to do what they want to do. They want to enjoy a braai they want to enjoy a picnic when it is hot they go into the Milkwood forest, they break off. Branches to make a braai they trample the small desperately important small trees underneath and that Milkwood forest is dying as a result. So whatever happens in the picnic area has to be directed towards keeping people out of the Milkwood forest so that it can rehabilitate. The idea of the "amphitheater" and I am putting it deliberately in inverted commas, I support them and I don't live in Voëklip but I can imagine it was a bad experience over Christmas and the Christmas period where you have amplified music. When you hear amphitheater you think amplification. The original idea was not that at all, it was the re-sculpting of that grassed area to

provide a different type of slope that would firstly keep people in a gentle way away from the wetland etc,etc you know and direct them to the boardwalk. But secondly should people want to put on something a sort of show, but on a very small scale you know small concerts that sort of thing it would be able to be used by that. The idea of amphitheater was never to be the concept of rock concerts etc. etc. that would turn into disaster. I want to also say whatever happens in terms of the development of a restaurant please let us keep the basic principles in mind that whatever takes place in that area is focused and directed towards the rehabilitation of very special natural environment there that has become very degraded over the years. Those Grotto caves is the only place where the ferns occurs naturally because there were places in the past. We don't want to see what happens there actually destroying the basic principle. I think from the general public's idea everybody is in agreement that is what we want to see. We want to see that special natural environment protected and cared for and to have people gently directed in such a way that that is able to happen. Nature can rehabilitate itself is we don't constantly make it impossible for that to happen so please let us keep that in mind. And when we look at the amphitheater I hear what Werner is saying we are not looking at a massive amphitheater, we are not looking at the Greenpoint stadium. Here we are looking at that was the original idea to re-sculpt that area in terms of the earthworks so that if people should want a slope to sit on to be able to see some small production some chamber music or something like that I don't know the facility was there.

Werner Zybrands: Thank you Pat. Just for the record Dr. Pat Muller for sometime chaired the Botanical Society and if I am not mistaken you have some kind of amphitheater sculptured in Fernkloof?

Pat Muller: Yes we do and it is very popular for small concerts it is carefully controlled but it is very small, but the sculpture concept.

Werner Zybrands: I don't want to get carried away unless we have broad consensus that we are now on this agenda point of the amphitheater and getting views on this and maybe Mary Faure was right lets not just get the views by handclapping we understand that but lets just get like Pat Muller did right now. Are you happy that we proceed on this basis to get some views on this on the use of the public space there what are your ideas on this? Are we happy about that?

Kai Albrechts: Can I?

Werner Zybrands: Yes Just introduce yourself again?

Kai Albrechts: I am Kai Albrechts, I am also one of the people who started the Grotto Beach Action Group with Mr. Hoogenhout, Mr. Du Toit and his wife Laura. We have 59 written letters and e-mails giving us authority to voice our objection to the discussion of the amphitheater. Many of those people who are not present here who have also voted and therefore I think in this situation to vote is inappropriate if those people we represent cannot vote as a batch of 60, 59 people. That was the first point the second point is that mention was made thought of what to do with the land, the waste that was actually going to arise when you are going to rehabilitate the wetland. We all know and I think Mr. Bruwer said it to me that this waste is actually rubble, builders rubble. And being builders rubble it will contain lead, asbestos all sorts of things like that which would be completely unacceptable for people to be playing on or to be actually present. So in my opinion that rubble cannot be reused for a mound or anything like that. If you want to make a mound you have to make it with fresh soil it cannot be reused.

Werner Zybrands: I think he addressed that issue and acknowledged the fact that you will have to sort the waste, if it is not sortable then I accept that.

Kai Albrechts: In Europe it is not allowed and surely I don't think it should be allowed here.

Werner Zybrands: I hear what you are saying and I think we have noted that. Can we I just want to get a few hands here. Can just mention your name again?

Simon Pickstone Taylor: Yes I am Simon.

Werner Zybrands: Can we just get the microphone where is it. It is not recording properly that is our problem.

Simon Pickstone Taylor: I am Simon Pickstone Taylor and we have a property probably the closest to this proposed development. My confusion with this is surely I phoned the Municipality and they said well if the majority of residents are against this it will stop right there. I am telling you what the Municipality told me. I am not a lawyer and I am very upset about this and I apologise for my emotionality in this meeting but I find this extraordinary that people in their offices can do this and cause sleepless nights. Our family has been there since 1917 to get away from the village to have peace and calm and to live in a natural environment so what I would like to know is why aren't we being told of those people that were consulted how many said yes and how many said no. It is the very first starting point in this process and it just does not make sense to me. If the majority said no why are we even bothering to continue? And I totally agree that it would be absurd to only allow this audience the people like me who make a noise. It should be done by a democratic process with all the people who are involved and who are affected.

Werner Zybrands: You see I think you should be careful with that one sir because you can find that people who make a living by staging rock concerts can say we would like to have it there. I am not being facetious but I am just trying to say that the broad consensus here appears to be not commercial amphitheater. The question on the table is what do you as an audience want to see there and there was Dr. Pat Muller indicated something mounds to try and assist to gently to turn people's attention to certain aspects and keep them out of the Milkwood forest.

Simon Pickstone Taylor: I have an answer to that as well. Once you have got the amphitheater other uses will be useful but my question is but legally if the vast majority of people are against it and I am not a lawyer that will bring a stop to what?

Werner Zybrands: It does not legally stop it but I think the input is going to come from here and the impression I got is that the Municipality will be guided by what this meeting tells it. That is the impression I got. So it is not just showcasing they seriously want to hear. We can't just say scrap the amphiteater and don't put anything you have got to put something in its place just give us an idea. There were some constructive comments like a picnic area or whatever it is.

Charel Bruwer: Can I maybe address that one you know maybe try and come up with some sort of solution. You see when you talk about the majority of people you are looking at a very specific surrounding. If I brought in somebody like Shaun Johnstone from Hawston and said how would you guys like to see this and 5000 people come from Hawston and the Cape Flats now who is the majority? You see so it is very we do not work with the concept of majority anymore we work with if there is a local sort of thing against that development which what you are doing here is exactly what the process is here for. Exactly that, the lawyer will be answered.

What we basically said is let's just put this thing on hold and have a meeting because there are issues that need to be discussed. So what you are all doing here Rob inclusive you are participating in the process as it should be participated in. Your questions will be answered. What I suggest is that we take the process forward because ultimately whatever you decide is going to happen there whether it is rehabilitation of only the wetlands or what you area going to need a Basic Assessment Report. We have gone so far down the line there is opportunity for a number of other alternatives. What the Chairman is trying to do is trying to determine what the alternatives are so that we can take that forward into the process is that ok? Is that something that we agree on?

Werner Zybrands: Yes I think so lets get.

Unknown person: Mr. Chairman?

Werner Zybrands: Just introduce yourself please?

Rhidwaan Kadji: Sure, sure, sure. My name is Rhidwaan Kadji and our property is on the corner of Tenth and Eleventh. I have been recently involved in this because again to a larger extent I think the communication was quite poor. Having come to this meeting firstly it is clear that there are procedural issues and there are substantial issues of the actual amphitheater and for my purpose I am really here to address the issue of the amphitheater. Now we can sit here and talk about the processes and the procedures and yes that maybe sound in law but the essence of the issue from what you have said to us is that whatever happens in this meeting should go into a minute or some form of a document and that document will then be addressed by the Council or the Minister or whoever it is that is going to look at it.

Werner Zybrands: That is right.

Rhidwaan Kadji: So on the issue of whether this process is valid or not, I do believe it is defective but whether we believe it or not I do believe that we are currently in this process whether we like it or not and until that association and various individuals involved get that process thrown out we are stuck in this. So having said this we have sat here for an hour and a half and I think we are rightfully so expressing our feelings about this. Then we went into a process where we started talking about whether there are alternatives for the site. But the essence of what we should be doing here at least in my opinion is that we should be putting on record firstly why we have an objection to this site in this minute. So we have done so in terms of our representations in writing so we should firstly again and it really is my opinion. But in the one and a half hours here I think no one has really been afforded the opportunity to explain or to reiterate why we should not have the amphitheater because that is the essence of, it was nobody's idea amongst the majority of us to even change that site from its current condition. So to expect us to now sit and give recommendations on what should be there is highly unfair in this stage. We are here simply to express our view, at least I am here I can't really speak for anyone else to express my view on why that site should not become converted into an amphitheater. The environmental issues I am not really in the position to express any comment on. So for the purposes of my submission and my input into this meeting I would firstly like to say that the issue of noise is a factor. And the lady with the yellow although she may say to us it will be like Maynard but it may not be like Maynard and I cannot fully expect the Municipality to give some kind of an undertaking regarding what will happen and what won't happen there because we all know we have New Years, and we have Christmas, we have Easter we have Matrics. Everything happens and the reality of it is that by creating that amphitheater it

facilitates certain things happening that would not otherwise happen so it is a preventative measure if anything else.

Werner Zybrands: Sir can I put those arguments you put forward have all been documented we have them all of them, the noise the vehicles the busses, lights etc. why the amphitheater should not be there. I think this is well documented and if everybody is going to repeat those same arguments because they are verbatim virtually the same. We have all of them well documented as an integral part that goes to province. I don't think that is the key issue, the key issue now is if there is no amphitheater what would you like to see in its place?

Rhidwaan Kadji: But there was nothing to that effect, I cannot come here and give you representations on what should be there and what should not be there.

Werner Zybrands: Even if you....

Rhidwaan Kadji: I can't sit in this chair for one hour and suddenly come to you with an answer isn't that unfair?

Werner Zybrands: Ja

Rhidwaan Kadji: Isn't that an unfair process?

Werner Zybrands: Ja I am not trying to be I am trying to assist you Sir.

Rhidwaan Kadji: OK but the point is what you said to us right at the beginning, and I am not trying to curtail the process, but in terms of the process that you said to us at the beginning of this meeting we are here to express an opinion or express our views this will go into a minute the issue of the minute was emphasized quite strongly by certain individuals in this meeting because that minute would then influence or possibly influence the decision of whoever the decision makers are. So for that purpose although it may have been put into other documentation it may have been reiterated many times before but I think it now needs to be reiterated in the minute as well.

Werner Zybrands: It is really I must tell you it is so well documented and it goes to the Province to repeat everything that is there, we are just trying to get a proposal even if your proposal is keep it as a grassed area, that is a proposal make it a picnic area is another proposal plant some trees for people to have shade or put some thatched umbrellas there for people to have picnics under, those are simple proposals that we can take forward. But to do nothing today is a waste of our energy at least we can get some inputs constructive ideas. Quite a few hands there at the back.

Ian Odendaal: My name is Ian Odendaal, I am just repeating that. Secondly for the record I am recording this because you never gave me confidence that you are going to give me ample minutes so I am recording this; is that fine for everybody on my smartphone?

Werner Zybrands: It is good to have a backup

Ian Odendaal: Thirdly we sent an email and we have not had the decency of a written reply it could have got lost in the post and we sent it in time. I am not sure our comments which I got a professional town planner to comment and I am also part of the Grotto Action Group. You say that our comments are in some document, I would like confirmation in writing that my comments

on that e-mail are in that document or I would like my e-mail recognized at least. And I think the other party that was here the gentlemen also never had that confidence. Could you give us confidence that the comments that we made in our e-mails are actually within your document? Oh we had submitted letters as well.

Charl Bruwer: You had submitted letters.

Werner Zybrands: The letters is it Odendaal can we just check there?

Charel Bruwer: Was the comment on the draft or was the comment on the final?

Ian Odendaal: Final

Charel Bruwer: The comments on the Final has not been addressed yet because of the fact that but you should have received a notification of this meeting is that correct you received a notification?

Ian Odendaal: Yes, yes

Charel Bruwer: In that notification it basically says that we are taking this process forward that we are taking this opportunity we have not addressed this issue the comments on the final BAR. Basically because we want to see what comes out of here today and then we will refer to all those issues. We will also address your lawyer about the issues that he has had a problem with. So all those things will be addressed ja.

Ian Odendaal: Thanks, just on, you made a comment on a rock star somebody made some comment. If he lives there I accept his comment but if he doesn't live there I do not accept his comment. We live on this corner just across the road from Le Gratitude which is perhaps the closest house to the Grotto. I have been coming here 57 years, I own two properties, one in Voëklip and one on Grotto and we would like our voice heard even if it is on e-mail and we would like it recognized.

Charel Bruwer: You sent it as an attachment

Ian Odendaal: I will resend the e-mail then as a letter as well.

Charel Bruwer: If it is as an attachment fine.

Ian Odendaal: But all e-mails should be accepted and those comments should be in the document.

Charel Bruwer: I will tell you what the problem is Sir, we have an we really have major problems with e-mail.

Almal lag

Charel Bruwer: Okay okay fine fine so the thing is

Ian Odendaal: Sorry sir I am also not so technically not disadvantaged with e-mails but I do my best. to get them going. So-uhm just just enough comment here from..

Charel Bruwer: If you send it as an attachment fine you know what we will do is when we acknowledge that thing all the attachments all the written stuff but I am not going to entertain an e-mail van why haven't you asked this one why haven't you asked that one why haven't you done that.

Werner Zybrands: Okay can we just get back to the.. your hand was just up now sir.

Anton Lotz: My name is Anton Lotz, a question to Charel in terms of the process. The BAR was very specific for the amphitheater.

Charel Bruwer: Sorry

Anton Lotz: Anton the process was very specific for the amphitheater and obviously for all the environmental improvements. In terms of the process going forward looking at alternatives and again I think it also relates to the letters that have been submitted. You want some alternative comments or proposals on what can be done with this site. Quite a few of the letters have included proposals. In terms of the process how would it need to or would it be part of the existing process to start looking at alternatives or how does the process go forward in looking at the variety like environmental education facility, tourism facilities how do we take the process forward going from here?

Charel Bruwer: No absolutely I mean if you suggest those alternatives it is basically what we have to address, we have to address them. The other thing that you also got to remember is if you come up with an alternative we have to go and assess with the Municipality whether that is an acceptable alternative for them. You know and so obviously it will be addressed ja.

Werner Zybrands: Okay there is another hand there gentlemen there with the microphone. It is coming that way now.

Mike Puty: My name is Mike Puty and I would just like to suggest something I am getting a little afraid that you are saying well as well as they have a pretty little amphitheater it would be very nice sort of on an amateur level. Now I can tell you that I was actually in the performing arts for donkey's years and so was my wife a lot of old toppies would remember her as very active with the ballet company etc. etc. What I am trying to say is that this lady over here has got it all wrong. You have a pretty little amphitheater instead and voila there it is. Please do not go anywhere near an amphitheater.

Werner Zybrands: Okay thank you sir. Just get those people there at the back they have been waiting a long time.

Justin Gongery: My name is Justin Gongery from Dutchies Restaurant. I heard you say there was a compromise on a non commercial amplifier it was actually recorded so I just want to make sure that we all get this right, a non commercial amplifier you stated that? I did not hear anybody in this room agree on that. You stated just about fifty minutes ago that there was a compromise in this room on non commercial amphitheater but I don't think we had an ..

Werner Zybrands: No No No sorry

Justin Gongery: You did state that I just wanted to make sure that I was correct.

Werner Zybrands: It was a suggestion. I said if there was a suggestion that it was a non Commercial amphitheater that could be an option.

Justin Gongery: Alright I do not think there is a definition of a non commercial...

Werner Zybrands: This gentlemen also says no. Geraldine those people have not had a chance at all.

Unknown Person: In regard to the question of noise I have the following experience. We have a property 450m away from Kirstenbosch. When they first started to propose the Kirstenbosch concerts it was indeed just a little bit of non-professional music that was going to be played possibly a bit of classical music and we supported it because they also said it would provide a certain sort of income to Kirstenbosch gardens. What we have today is that we have got Kirstenbosch concerts I think it is over four and a half months every single Sunday including over Christmas we have got the Christmas carols in addition to which BIG concerts also hold events there which will then last until twelve o'clock at night. I can only tell you that having first agreed to this I really regret having done so and the real big problem is with noise you cannot really contain it you cannot measure it and reproduce it. We have had meetings with Kirstenbosch Management they are aghast at the noise 450m away from the concerts and they cannot say well this is not acceptable because they would lose their income. I can only warn everybody that you must not go down that road. Noise is something that you cannot contain and you will not be able to reproduce and explain what an anguish everybody is feeling.

Werner Zybrands: Thank you sir we have those comments documented as well it is in writing. Somebody comments: But not everybody has heard it.

Werner Zybrands: We have heard now that noise is one of your main concerns. I think that the general approach is do not go the amphitheater route that is what you are saying. Right we have the gentlemen there at the back.

Matthys de Kock: Ek wil net sê dankie vir die Munisipaliteit en Charel of Charel ek is nie intoxicated nie. Dis Matthys de Kock. Ek wil net sê dankie vir die geleentheid dat ons hier kan wees ek dink dit was baie die moeite werd maar ek dink eintlik ons is klaar ek dink jou opsomming was baie reg en ek dink as ons net daai punte kan neersit en ons is in agreement oor al hierdie punte maar die amfiteater is uit. Dat ons net stem daaroor met hart en dit net notuleer dat dit was die stem (Werner se dankie) dat ons net dit kan klaarkry en dan kan ons later nou praat oor hoe kan ons dit mooi maak, maar ek wil net sê wat Dr. Pat daar gesê het ek sien die probleem is skaduwee so ons moet so vinnig as moontlik wil ek voorstel dit bysit by hierdie voorstel dat ons so vinnig as moontlik groot bome gaan plant. Ek het groot bome in Stellenbosch geplant en ek kan nie glo hoe vinnig daai goed gegroei het in vier vyf jaar. So ek wil net voorstel dat ons so vinnig as moontlik in daai public area wat alreeds 'n public area is baie skaduwee groot bome plant sodat ons die melkhout kan beskerm.

Werner Zybrands: Can I just for the sake of the English people just summarize quickly. Dr. De Kocks suggestion is it seems to have exhausted the debate that we should just vote on the issue amphitheater or not but his suggestion is that we should plant large trees as a matter of urgency there because they are rapid growers and at least create or restore some of the natural beauty in that area and create shade for the people.

Bobby von During: Bobby von During from the Business chambers I am not speaking on behalf of the Business Chambers please understand that. All I would like to know, Werner you

said leave it as a public open space and you know Province would not allow us to change it not to become stay an public open space. Now when you talk about public open space, everybody complaining does the Municipality have any idea who uses that place what is the usage and what kind of people. If you are talking about public participation not what Western Cape said but what is included in National Government if it is public participation should you not ask that people using that place as well what they would like to see there because they are actually the people using it.

Werner Zybrands: Thank you for that. We must what Mr. Von Doring is referring to amongst others is that in terms of the Integrated Coastal Management act your coast areas must be made accessible to the broad public and that is one of the issues we cannot ignore national legislation that the general public should have access to especially the beaches and places and of course you need some other facilities I think that is what you are trying to refer to thank you. Right the gentlemen

Anthony van Hoogstraten: Thank you Mr. Chairman. Anthony van Hoogstraten, the area under debate is adjacent to Piet se Bos and forms part of the Fernkloof Nature Reserve. I would have thought Fernkloof incidentally has an advisory board that is a statutory body number one and is appointed by the mayor number two. I happen to sit on it and there are at least two other members here as well and at no time was this debate raised at that board at the appropriate time, subsequently it has been raised. If it had been raised at the appropriate time by the Municipal officials then you would have saved everybody here a massive amount of time. Kari Brice here is a Ward Three Councilor also on that board and she would have given the Municipality and we would have all given the Municipality a general feel of what the people here think. We live in this town we know the general feel. And not once and here I am afraid Charel you were amiss it was not raised at that forum and you are proceeding with another event which is the parking area on the eastern side and once again the Fernkloof Advisory board has been completely overlooked and I think that that is a serious omission and I think just as a matter of courtesy that that and any other issue which affects Fernkloof should first and primarily be raised at the Fernkloof Advisory Board bimonthly meeting. Thank you.

Werner Zybrands: I understand that it is not part of the Fernkloof area as yet am I right?

Somebody comments it is neighbouring

Werner Zybrands: You are quite right it is neighbouring. I see people are leaving but I want to conclude this in due course but I don't want to stifle discussion at this stage. Pat?

Pat-Muller: I totally support the idea of shade trees yes but please lets consult with the Botanical Society as to what trees are planted there that we don't have another runaway Keurboom situation or something of the sort. Trees yes but as an interim measure also shade for people. Picnic tables with a shaded area over it would keep people out of the forest and that is what we really need to do. I was I was appalled to see in the Hermanus Times this week that a with all good intention I am sure, young theater group. Sorry but we get back to the amphitheater thing had put on a production where in the Milkwood Forest. Doing exactly what we need to stop people from doing from going into that forest that is providing the shade in the process of doing so they are killing the forest. There are only old growth apart from the young trees that we have planted the last five years. There are only old growth trees there that is not a healthy forest. A healthy forest has to have young trees the old trees act as a protector for the young trees. So whatever we do in terms of sculpting that area please let people want shade and people go there for picnics. It is not rocket science provide adequate picnic facilities,

provide braai facilities, if necessary provide piles of alien wood that they can make their braai's with so they don't go in and break of trees, break of branches, which happens, off the Milkwoods, it is an irreplaceable asset.

Rob Fryer: Rob Fryer Conservation. In terms of alternatives for the use of that site I am very much, and I know the Board of the Whale coast conservation of which Pat is a member, will be very much in favour of doing rehabilitation work in that area. What is more critical to me is that there is a full more critical study done of what that rehabilitation and the extent of that rehabilitation should be. To what extent one can retain the picnic area and have rehabilitation. There are minimum sizes of wetland sustainable and obviously one has to create something which is sustainable. What my proposal is and I have not discussed this with the board. But my proposal is have an urban park of some sort created there of a nature of the park created at the Green Point Urban reserve area. There is very amenable to people because it has been set up in a way that provides free access to people but also looks after the natural environment exceptionally well. And I think there should be a formal study done to what extent one can rehabilitate Fynbos as it is not an easy to re-establish fynbos particularly on an area that has been disturbed and the nature of the rubble that has been put there. I am not an expert but I question whether trees planted in that rubble are going to flourish without major excavation work to establish that. And I would also like to add as well what has not been raised in the discussions at all today is the re-establishment of a wetland area. It is important for the wellbeing and aesthetics of the area but water that runs through there goes to the Blue Flag Beach. It is highly contaminated with bacterial matter and a wetland system would filter that out and protect our Blue Flag beach asset which is all important to the community and to the economy of the area. So my proposal is that we should actually go back to the basics and look what can be re-established there from a wetland perspective, what can be feasibly re-established from a fynbos perspective and what can be accommodated for people inside that rehabilitation should we decide to go ahead with it. I am very much in favour of us going ahead with it obviously it is going to cost money so there needs to be some commercial aspect of it which finances part of it so one needs to look at that in a rational way. But I think that need to go right back to the basics and decide what is feasible and what is desirable and what is necessary there because rehabilitation I think is necessary. From a Blue Flag point of view and from the local environment point of view. The other thing I would like to propose and I think Hoogie and Pat Muller would support this is it should become a component of the Fernkloof nature reserve I think the Fernkloof nature reserve should be expanded to cover that particular area and that it should fall under the cover of the Fernkloof nature reserve and the financial and economic component of that should contribute to the overall Fernkloof nature reserve which is such an asset in this area. Thank You.

Charel Bruwer: Can I ask you a couple of questions, have you read the specialist wetland report that was produced on the rehabilitation?

Rob Fryer: No Charel I have not read that report.

Charel Bruwer: Have you also noticed that in the BAR documentation there is reference made to the fact that the Municipality wants to incorporate that area into the Fernkloof Nature Reserve?

Rob Fryer: Yes I am aware of that. So those issues have been addressed in the documentation. And they are on the website.
Werner Zybrands: The lady over here.

Karen Kruger: My name is Karen Kruger I would just like to agree with Mr Cloete here a final point on the amphitheater there is no way where you can situate an amphitheater on the beach and think that you are going to have any kind of drama production, any kind and of classical music it just won't happen. I am very concerned that we have focused so much on the amphitheater and nothing has been said about the restaurant. We have a restaurant on Grotto and it is something that I would like to talk about at some point I would like that issue to be addressed.

Werner Zybrands: Yes it is still on the agenda and I think we have to move along a bit faster. Mr Hoogenhout you are voicing gag?

Mr Hoogenhout: Ja look I think it is like one of the gentlemen I think he left now actually just said now. He actually said it is not our job to provide alternatives to the Municipality. If you read the BAR in detail you would see there they had the brainstorming sessions and quite frankly Rob there said they should go back to the drawing board and start again. And I think that really is what needs to be done. We could make suggestions here ecology center, picnic area, trees all those sort of things very nice things. The Municipality has got to do something about this they need to go back and say look we made a mistake it is not an amphitheater we need to put something else on the table that can work. We can canvas people for their views we can get experts we can get experts from all kinds of Town Planning people there are a number of people like that around. It is not rocket science it can easily be done. I think we know one should not ask around there has only been five suggestions here or alternatives, it is not our job to make the alternatives. So I think we should move on and talk about the restaurant because I think we are all clear here we are not going anywhere near the amphitheater not even a small amphitheater like someone said it is like a slippery slope you just go down to the dungeons if you do that sort of thing. It needs to be trees picnic area something like that whatever they can come up with whether they use the materials they can come up with dug up from the wetland if they can do that and it is possible it is great if it is not possible we can cart it away and they can use it to repair the damage out at the parking area. But with all due respect all we have heard today was from Mr Bruwer we have had all the correspondence from him and we did not get anywhere with any of that that is why we had to appoint a lawyer. Why don't we hear from the Municipality why can't the Municipality say why they came up with any of these ideas then if they can't say why then we must just leave it.

Werner Zybrands: There is a suggestion there that we should perhaps just formulate it in some way or another I summarized earlier the wetlands and everything there and there was broad.

Clapping.

Werner Zybrands: Can I take that all these environmental matters are in principle okay? Anybody who is opposed to the environmental rehabilitation anybody? I don't see a hand right. So at this stage the proposal put forward by Mr Hoogenhout is who is opposed to that proposal, who thinks it should still be an amphitheater? Right nobody here. So I think that gives a clear unanimous indication for no amphitheater. I think the message is conveyed. Now the problem is sir the problem is this and if you say and sorry I am not being bias if they say make it a braai area I can bet my bottom dollar that somebody is going to oppose the braai area again. I am trying to get something out of this meeting so that we can at least guide the Municipality if they do come with further proposals. It seems like and I want to summarise this, it seems like that one should have as natural as possible a grassed area which is still accessible to the public where they can have picnics or perhaps a braai or something of that nature but with more shade, more protection against the elements. Perhaps a thatched lapa type of thing I am not

sure but that is seems to be the broad consensus that I am getting here. But the public must still be there, keep it as simple as possible and don't cater for intensive kind of developments. Keep it as natural as possible. Am I, Sir in the pink shirt I think it is pink.

Anton Lotz: I am Anton Lotz there are two comments again. I think the first one is in terms of process there are certain suggestions for shade and I think one needs to be quite careful in terms of types of trees in that area are quite water dependant and there area lots of impact as soon as you start planting trees and it is not indigenous or it has got some effects.

Werner Zynbrands: No Bluegums.

Anton Lotz: And I think that certainly is one consideration again as how the process is taken forward. We are looking at structures, I think Charel as soon as there is a structure being constructed then it is part of this process. Whether in terms of what is put on the table the rehabilitation and environmental considerations the protection is very important the protection of the Milkwood forest whether this process can go forward without the specific development opportunities being identified at this stage. Having said that, the financial viability is also quite important. Rehabilitation will cost money. This is quite a unique area it was said earlier there are a couple of unique features and there are environmental, tourism and educational opportunities that can still be developed out of this. Whether without identifying specific development opportunities the BAR process can be taken forward so that at least the protection or conservation component can be finalized without having specific ideas on the table and in future and the redevelopment of that area.

Werner Zybrands: Thank you just pass the microphone to the front here please.

Simon Pickstone Taylor: Simon Pickstone Taylor from La Gratitude Basically I am appealing to the Municipality and agreeing with Dr van Hoogstraten's comment. How much money has been wasted today, how many sleepless nights, R50 000 on lawyers. If you had just consulted local people and felt things then maybe all this nonsense and sleepless nights would not be necessary. Now we are talking about new proposals and I am making appeal to the Municipality Wendy Hofmeyer knows better than anyone else that this nonsense happens every ten years. New proposals we go through all of this energy new proposals and this trauma and then we are back to square one. Please could the Municipality try and work in a more consultative way with local committees with people who knows what is going on what people feel, even if it is not the official path and they say we do not have to include people. I must say that I have a huge amount of doubts about the process that has been and the Municipality today has heard how difficult it has been to communicate with Mr Bruwer and I don't feel I am being bias. And for someone to start the process of disparaging the law in South Africa as he explains it I find quite appalling. I don't know if anybody picked that up he did it three times as he explained the legal process to us. So frankly I am appealing to the Municipality to be more consultative, think about what they are doing, look at the past, look at the people who was involved in the past. All it takes is half an hour of discussion with the local heritage committee and the other committees that are here a lot of this nonsense can be saved. Because I don't like leaving my family that I have precious time to see to drive down here for this sort of waste of time and upset on a regular basis even if it is once every ten years. Thank you.

Werner Zybrands: I hope that you are going to feel that it is not a waste of time today. I think we have concluded at this stage, if you are happy, the amphitheater aspect. Can we just look at the second key point here and that was the restaurant I just want to summarise all the comments because it was an existing right most people are not opposed to it the bulk of the opposition was with regard to the height, the type of activity that would be there. Can I just get an indication of how many people want to talk about this? Oh quite a few here ok right lets start from the side. Lets start with GAG if you don't mind.

GAG: Judging what people have said in their letters as I have mentioned before the main emphasis has always been on the amphitheater. The fact that they have not spoken about the restaurant is because they want to make their point about the amphitheater. So my feeling is the point that I am making is because the restaurant is not actually in the front of everybody's concern it still has a relevant aspect to it. And there is number one the height and number two the actual position and I am aware that that particular restaurant did exist years ago, was successful but as everybody knows a few years ago we had the sea wash away the very land that that restaurant was placed on. So the question is before we start anything about the restaurant should it not be first done whether in fact that site is safe to put any building on before you decide is it going to be single storey double storey with BAR without BAR. Thank you.

Werner Zybrands: Thank you sir. As you know the cloak room facilities are there they are still standing but lets get some opinions on this.

Charel Bruwer: Maybe I can answer this. If you take the photograph that you have got there and you walk down to that site that photograph was taken in 2008. The result of that wash away was exactly the same as with this last flood and if you take that photograph and you go and look at the scour you will see those little wooden bollards on the left hand side now the restaurant is on the left of that. Now during that 2008 flood that restaurant site nothing happened to it.

GAG: and maybe in 20 years time it is gone.

Werner Zybrands: Professor du Toit?

Professor du Toit: Yes I think with respect to that particular site I think it has been taken over by events very rapidly. As we know when the Kleinrivier lagoon breached last year it moved back to its original site and one of the effects was that it changed the entire coastline from the outlet right up the way to Grotto Beach. And what is happening now is that at the other parking area there are two sites where the higher water line is within eight meters of the exit road. And the only and that eight meters is composed of soft dune sand. So unless dolosse or something to that effect all of it very expensive is very quickly set out there I am quite confident that in the very next winter some storm surge is going to breach that exit road. And then of course there is a knock on effect and with that knock on effect that particular site again under different circumstances will become under threat.

Werner Zybrands: Thank you.

Unknown Person: Why have we got two restaurants we have got Dutchies already why do we need another restaurant?

Werner Zybrands: Dutchies came in as a Dutchies at one stage if I remember correctly was mainly a little curio shop selling clothes and equipment and ultimately it will revert to that a little curio shop selling bathing things and costumes and stacking the chairs that are being used at the moment when visitors come they can keep their chairs in there. And I got the impression I don't know that it might still be a little ice cream parlor something of that nature. But the restaurant facilities should be in a proper restaurant designed building. That was the idea.

Unknown person: If Dutchies is there then why have another one?

Werner Zybrands: Sir the problem is you are getting the situation that apparently with the increase in visitors and Voëlklip is not what it was 20 to 30 years ago. The population increase has been quite significant and that the bulk of restaurants facilities are in the center of town with traffic problems etc etc. Apparently there is this growing demand for a proper facility there at that stage but the market will indicate the market will indicate.

Unknown person: Was there a study done by the authority was Dutchies for winter months.....

Werner Zybrands: Not any more because the growth is lets get to the point I don't want to....

Unknown person: You referred to a study now? Was there an assessment made of the need?

Werner Zybrands: I don't think you can easily determine that but with the inputs that people have said to the municipal staff is apparently that it would be nice to have some kind of facility.

Unknown person: Can we see those input? Was it Dutchies? Can we get an indication where it is coming from?

Werner Zybrands: I don't know sir can I just get.... I think the fact that for close on thirty forty years restaurants were making a living there.

Unknown person: There was also a Goldfish restaurant and it is gone.

Unknown person: Can I just say if you are looking at a restaurant for a larger population etc. etc. why don't you just increase the Dutchies that is there? Why go near the Beach, why go near the Milkwood trees that everybody is so concerned about?

Werner Zybrands: I don't know can we get somebody to answer that question but I don't think. If you want to do that you probably have to do because that was never really a commercial site in the sense of a restaurant but with proper restaurant you are going to need proper toilet facilities proper kitchen facilities. Let's hear Mrs Wendy Hofmeyer.

Wendy Hofmeyer: I would just like to know in terms of the Coastal Management Act how you can even think to build right on the beach when you have got a minimum of 100 metres back from the high water mark. Even if you made it a demountable structure which would probably be the only way to go I don't even know that that would even pass. Any environmental impact assessment.

Werner Zybrands: Can I just ask the question to the officials is this an existing footprint? Can we just ask Liesel or Charel.

Charel Bruwer: You know once again.

Simon Pickstone Taylor: Can we speak to the Municipality please?

Werner Zybrands: Liesel Hanneen or somebody Riaan?

Unknown person: Riaan can answer it.

Riaan Kuchar: It is an Environmental Question.

Liezel Bezuidenhout: It is fine I can answer I am Liezel Bezuidenhout I am the Environmental Manager for Overstrand. The current situation is that a circular has gone out on this particular point where you have existing footprints or existing erven. If something has been developed before 1997 then it is seen as a commencement and if in this case it has burnt down and you want to re-establish it is seen as a further commencement so that what you are saying the ICA or NEMA implications does not count in this specific case. It has changed it is a new circular that has gone out in May 2013 which states specifically this.

Werner Zybrands: Ok does that answer you Wendy?

Wendy Hofmeyer: Yes

Simon Pickstone Taylor La Gratitude: I just want to support about what somebody else said about expanding Dutchies. I mean just look at that picture and that massive great thing on the Beach so what if they can legally reinstate it is this really about what legally can be done or is this what should be done? And I think I certainly want to say that to me logically looking at that picture if you want to have less impact you have got a massive problem there in the middle. Okay maybe you are going to dig out all that rubble and make it all wetland again but the obvious start is to rehabilitate the coastline where it is making it look more natural and expanding Dutchies to the back. I think that is a very logical point and I really support what the other person said and please Municipality we pay your wages listen to us please.

Unknown Person: Mr. Chairman I am not a land surveyor but I walked there a couple of days ago and that concrete base where the restaurant use to be is not nearly the size of that thing that is on the picture there, not nearly. And that picture there that my friends show actually covers the first point here and that back part of the building there that is closest to the parking lot there is definitely no concrete base there. So if they are thinking about re-establishing the restaurant it is going to be a small thing. As my recollection, it is a long time ago and I am getting old too. But my-recollection it was not bigger I would say than a third of this room and that is not what they are proposing.

Unknown person: Is that true?

Another unknown person: Ja, diagonally where the gumtree's are. It sat right on the beach, it was not there and single storey. It was never double storey.

Werner Zybrands: Lets give the Lady a chance.

Lady: What date is this photograph taken is it a very recent map?

Charel Bruwer: I think it is a google image prior to the mouth changing it's position and I think it is about 2011 2009 roundabout there.

Werner Zybrands: Can we just get some progress in this specific.

Someone: Mr. Chairman?

Anthony van Hoogstraten: Mr. Chairman just for the record Anthony van Hoogstraten that building when it existed was a wooden building hence it burned down it was a wooden building and it was not a very large building so to try and super impose a massive concrete structure on that foundations i am afraid the Municipality is fooling itself.

Werner: Okay some more comments?

Lillian Klusey: Lillian Klusey I am part of the action group. I just feel that Dutchies serves the purpose at the moment very well. The people who come to the beach are informal people who don't want a smart restaurant would be very happy with something simpler ja that is all.

Werner Zybrands: Thank you for that, can we it seems like there is another hand can we just get that.

Rob Fryer: Rob Fryer Whale Coast Conservation: Once again I think one needs to be realistic in this day and age there is need for some commercial activity and tourism facilities to be developed in that area and I think Whale coast conservation would be all in support of that. But I think in respect of that specific site I think there needs to be very careful thought given as to what is happening in climate change and to reassess the setback line and so as a result of increase in storm surges and so on and in the next 40 to 50 years people are talking about conservatively 300 to 400 mm sea rise and substantial changes in the storm surge currents around the world so to put something on to what is already a threatened beach frontage which has been eroded substantially by storm surges within the last three to four years i think is a very brave and perhaps foolhardy move. You said that the existing facilities are still standing, well I question how long that is going to be safe? Someone has already mentioned that the road on the eastern side is under threat, there has been discussions as how to shore UP the embankments as to prevent that road disappearing within the next couple of seasons. So the whole coastline there has changed so in the event that there is continued Westwood migration of the mouth of the estuary which is quite possible the mouth mind well wind UP right at the rocky point there in the next couple of years as it did at the lookout bay in Plettenberg Beach. In one season the entire lookout beach was gone. it is now recovering slowly but in the event that it happens here and it is nt beyond the realms of absurdity that whole infrastructure there could be under threat including Dutchies actually.

Werner Zybrands: Okay the gentlemen here.

Andrew Grieve: Hi. My name is Andrew Grieve I would just like to comment on the usage of the restaurant. There is a very fine or a very small step between restaurant and nightclub. Now I think the Municipality must be commended for how they have controlled the noise that have existed five or six years ago that they managed to stop that and a setup like Dutchies works very well and if the utilization of this space is similar then it is less of an impact on the surrounding residence. Then I think one must just be very careful about the steps toward night club loud music and then we are back to the amphitheater scenario. Thank you.

Werner Zybrands: Some more hands on this side before we go back. Pat there at the back again.

Pat Muller: A very simple proposal I think if a larger restaurant site is needed the existing Dutchies site should be extended, and I would like to see us experiment whether we can't take the site of the old restaurant and plant more Milkwoods, look at how many has already gone just in that area all of that area would be out of Milkwoods eventually. So it would be a very good environmental experiment to see if we can do anything to rehabilitate that area with Milkwoods, that would also do some mitigation, that is my proposal. But use the footprint that is already there for the Dutchies restaurant for the new restaurant.

Werner Zybrands: Thank you we are getting to an concluding point now.

Unknown Person: What she just said I was standing there the other day looking at the nice area and you know we have been coming to Hermanus for many years and particularly people with small children to the grassy area where they can sit. To me that is an ideal place. Milkwood is a very good opportunity as well but actually take that opportunity to break out that concrete slab take it away and plant some grass maybe Milkwood trees so that it is an grassy area where people can enjoy the beach. It is really why they come to the beach to enjoy it not a fancy restaurant. You know at the moment alcohol is prohibited there if you put a restaurant with a bar there ok Dutchies has got a licence but I think it is fairly under control it is right on the beach and is going to be difficult to control the alcohol problem onto the beach which you obviously don't want. So I think if you are looking for other suggestions there is Milkwood there is grassy area it is much better than a restaurant.

Werner Zybrands: Can I just summarise this at this stage is although some of you in your written comments did not object you supported the reinstatement of the old restaurant area it appears that the majority of the people here feel don't follow that route for environmental or other reasons. Rather include it in the environmental extending the environmental aspect of that and then revisit the Dutchies site because it needs to be refurbished and upgraded you cannot operate a restaurant with primitive conditions for too long in terms of health legislation. You have to revisit that and do it properly. Apparently I just checked can this be done Riaan from a Charel says from an environmental point of view it should be okay but from town planning point of view?

Riaan Kuchar: Yes just to go back to some, if you look at the apparent site for the proposed restaurant. Basically what we also considered if you redevelop Dutchies and lets say larger footprint and all that you move the activity you actually move it to the opposite side of the road where people and children have to cross the road all the time to the more extensive activities and that was also the more the reason why we have said let's go back to the old footprint if it needs to be a smaller footprint that can be accommodated that is just a proposal that we had. If we go back to Dutchies again you go and look what alternative uses you can have on that site. And if you look at the development plan that is in the hall here at the back we did provide for children's playground and grass areas in the plan as well. The other thing about Dutchies is we retain it as is some mentioned that you do an enviro eco centre or a education centre, that is perfect for the size of that building that is there now which could be accommodated. Or you can keep all that the umbrellas and other facilities that people use when they go to the beach as well. So from a planning point of view if you go and move the activities to Dutchies you will have to move the roadway as well with the crossing. The activity of Dutchies is currently contained in terms of its size and in terms of its exposure to the.