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Leipzig Weddings Function 0218652736

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Rec'd 19/4

15 April 2013

To whom it may concern

**RE: Proposed Upgrade of the Piet se Bos and Grotto – Registration as an affected party**

Ref no. 16/3/1/1/E2/14 2006/13  
 I & AP Registration: Johan Georg Carinus, family and grandchildren (10 people)  
 Gender: male and female  
 Po Box: 12017 Die Boord, Stellenbosch 7600  
 Tel: 021 8652128 Fax: same as landline

**Our concerns:**

We have owned our Hermanus property, which is located in 9<sup>th</sup> street directly above Grotto, since the 1980s. We would like to highlight that we are unhappy about the proposed erection of the amphitheatre at Grotto. We sincerely object to the noise and traffic that would be caused by establishing of such a venue.

Hermanus has been absolutely exemplary in establishing clean, family friendly beaches, in controlling traffic and in regulating the presence of unwanted elements in the vicinity of public beaches. And most importantly – at night all residents close to Grotto can relax to the sound of crashing waves, safe in the knowledge that neighbours will respect each other's peace and quiet and property rights. That is after-all why one owns a holiday home.

We understand and respect the desire of residents to have such a facility in the Hermanus – but perhaps a more secluded location like the pending De Mond development or perhaps even one of the commercial farms outside Hermanus will be more suited to the plans.

We do not object the general upgrading of the area or conversion thereof to it's natural state, but we do object to the erection of open-air facilities that can substantially increase traffic volumes and unwanted noise levels during any time of the day and especially in the evening.

We hope to be consulted further with regards to the proposed plans.

Kind regards

Johan Carinus



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# EnviroAfrica

Environmental Planning and Impact Assessment Consultants  
Omgewingsbeplanning en Impakbeoordeling Konsultante

25 April 2013

Mr J Carinus  
P O Box 12017  
Die Boord  
STELLENBOSCH  
7600

Dear Mr Carinus

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

Your fax received on 19 April with regard to the abovementioned project refers.

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

With specific regard to the proposed upgrade of Piet se Bos, some questions raised in your letter dated 16 April 2013 that can be answered now with are as follows.

In the conversations that we have had with municipality they are not looking for an area where an amphitheatre can be constructed, but is looking at the upgrading and rehabilitation of the Piet se Bos area. A feasible option that the Municipality has come up with is an amphitheatre that will meet the requirement under the Integrated Coastal Management Act, which requires that coastal areas be made more accessible to the general public. The proposed amphitheatre use is in keeping with the concept and regulations of the Blue Flag Beach.

With regard to your concerns about traffic and noise, these can only be answered by the Municipality and have been referred to them. Their response was that these issues will be addressed as soon as the comment period on the draft BAR has closed. Once this information becomes available from the Municipality it will be disseminated to registered I&APs.

Yours sincerely



Charel Bruwer

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Charel Bruwer Snr  
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Bernard de Witt

# EnviroAfrica

Environmental Planning and Impact Assessment Consultants  
Omgewingsbeplanning en Impakbeoordeling Konsultante

5 September 2013

Mr J Carinus  
P O Box 12017  
Die Boord  
STELLENBOSCH  
7600

Dear Mr Carinus

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

Your fax received on 19 April 2013 with regard to the abovementioned project refers.

We wish to inform you that, apart from our reply dated 25 April 2013, we have received the following answers from the municipality to your questions.

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

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

Question:

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

Answer: There are no suitable sites available with existing facilities. The municipality is not looking for an area where an amphitheatre can be constructed, but is looking at the upgrading and rehabilitation of the Piet se Bos area. A feasible option that the municipality has come up with is an

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amphitheatre that will meet the requirement under the Integrated Coastal Management Act, which requires that coastal areas be made more accessible to the general public.

Question:

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

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

Question:

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

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

Question:

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

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

Question:

**What considerations have been given to the existing road system being able to handle the additional traffic**

Answer: The existing road network is deemed adequate and the current parking at the Grofto area makes provision for all types of vehicles. The existing parking is deemed adequate and when necessary, Overstrand municipal traffic officials will deal with the traffic flow.

Question:

**What loudspeaker and amplification system is envisaged – location, height and direction of loudspeakers and wattage**

Answer: This is not known at the moment as it will be dependent on the individual event and organiser requirements, but will be approved by the municipality for each event.

Question:

**How is it envisaged to attenuate the sound emanating for events being held in the amphitheatre and to what extent**

Answer: This will only be attended to in detail once the business plan for the amphitheatre is drawn up.

Yours sincerely

*Copy*

Charel Bruwer

19/04/13 15:18 FAX 021 886 6301

MVR ATTORNEYS

marieke van rooyen

Rec'd 19/4

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2013-04-19

Your ref: 16/3/1/1/E2/14/2026/13  
Our ref: MVR/S0844

EnviroAfrica  
P O Box 4  
ONRUS  
7201

BY FAX: 086 513 2141

Dear Sir

**DEA&DP REF NO 16/3/1/1/E2/14/2026/13**  
**PROPOSED UPGRADE OF THE PIET SE BOS AND GROTTO BEACH**  
**AREA, HERMANUS**

The above matter in which we act on behalf of the PLCL Family Trust refers.

In your letter to interested and affected parties dated 15 March 2013 and the annexure thereto it is stated that application for exemption is made from certain provisions required or regulated by NEMA Regulations.

Our enquiry to the DEA&DP revealed that it had not received an application for exemption.

In light of the aforesaid your clarification is requested.

Yours faithfully

Per: M VAN ROOYEN

Copy to: Directorate: Integrated Environmental Management (Region B)  
Department of Environmental Affairs and Development Planning  
BY FAX: 021- 483 4372

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# EnviroAfrica

Environmental Planning and Impact Assessment Consultants  
Omgewingsbeplanning en Impakbeoordeling Konsultante

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25 April 2013

Ms M van Rooyen  
Marieke van Rooyen Attorneys  
P O Box 859  
STELLENBOSCH  
7599

Dear Ms Van Rooyen

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

Your fax dated 22 April 2013 and our correspondence dated 2 April 2013 regarding the abovementioned project refers.

We wish to inform you that while our letter dated 15 March 2013 and the annexure thereto states that application is made from certain provisions required or regulated by NEMA regulations, no application for exemption from such regulations has yet been made, nor have any been lodged with DEA&DP. The regulations regarding such exemptions, if any, will be followed as required under NEMA.

Yours sincerely



Charel Bruwer

1018

marieke van rooyen

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116 Receipt 30/4

2013-04-26

Your ref: 16/3/1/1/E2/14/2026/13

Our ref: MVR/S0844

EnviroAfrica  
 P O Box 4  
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 7201

BY REGISTERED MAIL

Dear Sir

**DEA&DP REF NO 16/3/1/1/E2/14/2026/13****PROPOSED UPGRADE OF THE PIET SE BOS AND GROTTO BEACH****AREA, HERMANUS**

We attach for your consideration the preliminary comments of Prof Pierre du Toit and Mrs Laura du Toit, who are Trustees of the PLCL Family Trust.

In addition to the Trustees' attached comments, which are made from the point of view of their personal experience of the area and environment of the proposed upgrade, we were instructed to raise the following preliminary issues on behalf of the PLCL Family Trust for your consideration and response:

1. In our letter of 19 April 2013, to which we have not yet received a reply, we pointed out that the Department has not received an application for exemption or deviation, despite your letter of 15 March 2013 advising I&APs that an application for exemption has been made.
2. The time frames as stipulated in the EIA Regulations were not adhered to, resulting in I&APs having been deprived of the initial commenting period of at least 21 days.

Your letter to I&APs is dated 15 March 2013 and was delivered to our client on an unknown date later in March 2013. At that time the Draft Basic Assessment Report was already available at the Hermanus Library, as is confirmed in the last paragraph of the letter to I&APs.

In terms of the EIA Regulations, after the application has been accepted, the EAP is required to notify the I&APs of the application and allow for a period of at least 21 days during which the I&APs can register and respond to the initial notification.

3. There are patent mistakes in at least sections D, E and F of the Draft Basic Assessment Report where it is stated amongst other inaccuracies that “the land portions are zoned Agricultural”, “there is an existing farming operation” and “these fields are the only areas where the Oewerzicht Farm can expand its economic viability”. These mistakes cause the accuracy of the whole of the Draft Basic Assessment Report to be called into question.
4. At point 11 in section D of the Draft Basic Assessment Report it is stated the development will have no impact on people’s wellbeing e.g. in terms of noise, visual character and sense of place, etc. – which is a conclusion, if made in relation to the Piet se Bos and Grotto Beach upgrade (refer to the preceding paragraph hereof), with which the Trustees of PLCL Family Trust strongly disagrees. The construction of the proposed upgrades will not only be unsightly, but will cause noise pollution.
5. The Declaration included in the Draft Basic Assessment Report is given by Oewerzicht Boerderye BK, a wholly unrelated entity.
6. The Draft Basic Assessment Report does not include a register of I&AP as is required by the EIA Regulations.
7. Towards the end of March 2013 Prof Du Toit requested the letter to I&AP in electronic format from your Mr Bruwer and was told by him in a rude manner that it would not be made available as Prof Du Toit would then be sending it

“to everyone from Helen Zille to Jacob Zuma” resulting in Mr Bruwer’s office being inundated with unwanted responses. This comment is unfortunate and calls into question the independence and objectivity of the EAP.

8. Your Mr Bruwer states in his declaration dated 13 March 2013 (two days prior to writing a letter to adjacent land owners) that he is aware of the responsibilities in terms of NEMA, that he has ensured that the information containing all relevant facts in respect of the application was distributed or made available to interested and affected parties and the public and that participation by interested and affected parties was facilitated in such a manner that all interested and affected parties were provided with a reasonable opportunity to participate and to provide comments, that he has ensured all the comments of all interested and affected parties were considered, recorded and submitted to the competent authority in respect of the application, that he has kept a register of all interested and affected parties that participated in the public participation process. Given the facts set out herein above the Trustees strongly disagree with the accuracy of the content of this declaration.
  
9. As the Overberg coastal set-back line has not yet been determined and this proposed upgrade is not urgent in any manner, it is submitted it would be prudent to wait for the set-back line to be determined before considering applications for upgrade in this area.

For the aforesaid reasons we submit that the process is fatally flawed and, should the Municipality wish to proceed with the application, the only manner in which to remedy the extensive errors made thus far will be to start the process afresh.

We look forward to receiving your response.

Yours faithfully



Per: M VAN ROOYEN

Copy to: Directorate: Integrated Environmental Management (Region B)  
Department of Environmental Affairs and Development Planning  
Private Bag X9086  
Cape Town  
8000  
BY FAX: 021-483 4372  
AND BY REGISTERED MAIL

11c

# EnviroAfrica

Environmental Planning and Impact Assessment Consultants  
Omgewingsbeplanning en Impakbeoordeling Konsultante

6 May 2013

Ms M van Rooyen  
Marieke van Rooyen Attorneys  
P O Box 859  
STELLENBOSCH  
7599

Dear Ms Van Rooyen

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

Your letter dated 26 April 2013 regarding the abovementioned project refers.

We wish to respond to the points raised in your letter using a system of even numbering as follows.

1. We have responded in writing on 2 April 2013, confirming yourself as the registered I&AP for the PLCL Family Trust. We have requested that you raise issues, concerns and impacts that you would like to see addressed, which you have done in your letter dated 26 April 2013. We have also responded in writing on 25 April 2013 to your letter dated 19 April 2013 regarding the issue of exemption from certain provisions required or regulated by NEMA in terms of Regulation 50 of the EIA Regulations, 2010r.
2. The letter to the PLCL Family Trust was posted on 15 March 2013 to Simonsbergstraat 18, Stellenbosch, which was the only address that we could find for the entity. We respectfully wish to point out that the draft Basic Assessment Report was only delivered to the Hermanus Library on the 18<sup>th</sup> of April 2013. We do not understand your reference to the 21-day issue as this is not reflected in the timeframes set by the Department of Environmental Affairs and Development Planning to which we adhere.
3. With regards to your Points 3 and 5 there was one other person that also referred to a copy that had these mistakes in them. It would appear that an interim copy of the draft BAR got into circulation that should not have happened. It should have been quite clear when viewing such a copy, that there was obviously some mistake somewhere. An immediate phone call would have rectified the matter without having had to go to all the trouble to comment on an obvious wrong document. We have included for you a CD with the correct document that went out as well as some information on the profile that have been requested. This information will also be made available to all registered I&APs once all the issues, concerns and impacts have been discussed with the Overstrand Municipality, in the form of a revised final Basic Assessment Report, again for their written comments.
4. The purpose of the draft BAR is exactly that: to solicit written comment from I&APs which will be taken into consideration in informing the proposed development as to which alterations should be made to the proposed development to be included in the final BAR. Note that the purpose of the draft BAR is to solicit comment from parties at the earliest stage of the proposal. As such it is obvious that it will contain information that is based on the earliest

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- concept of the proposed development, available at the time and this concept may differ substantially from what is ultimately contained in the final BAR, taken the responses on the draft BAR into consideration. This is the essence of the environmental impact assessment process.
5. See Point 3 above.
  6. As stated before the draft BAR was compiled from information available at the very onset of the impact assessment process at the time to provide more detail than the Background Information Document contained. At the time of compilation there were no interested and affected parties and therefore no register existed. The list of registered I&APs can only be compiled once the comment period has closed. For your information a list of initially identified I&APs are included in this letter.
  7. This is not a true reflection of the events that took place during that telephone discussion. Prof du Toit started the conversation and soon became very aggressive when he was questioned on the reasons why he could not just copy the document in pdf format and he would have an electronic copy. He then furthermore became very prescriptive and adamant on how the process should be run and made all sorts of nasty comments about our integrity. He would not listen at all when we tried to explain to him the opportunities for further comment and in the end he ended the conversation before we could reach the point where we could get his contact details to supply him with further information. We regard this matter as water under the bridge and closed and will continue to engage with PLCL Family Trust through yourself as the representative I&AP.
  8. In the case of this draft of the BAR based on the information available at the time, we are adamant that Prof du Toit and all other initially identified I&APs that we have strictly adhered to the contents of the declaration.
  9. The 2010 NEMA regulations and listed activities make provision for an impact assessment process to be followed in instances where reference is made to a development setback line that does not exist, or that an application for the approval of an *ad hoc* development setback line can be made on a form specifically designed for such an application. We have opted for the impact assessment process route for other obvious reasons as well.

Please use the CD included in a constructive manner and provide further comments if you have any. We are in the process of compiling the initial Comments and Responses Report that will list the issues, concerns and impacts raised during the public participation process to date. This initial report will be used to have discussions with the Overstrand Municipality and to obtain answers to the questions that pertain to them. Once these answers are available and decisions have been taken on how the proposed development need to be adjusted, if applicable, we will compile the Basic Assessment Report that will again be made available to registered I&APs for comment as per 2010 NEMA requirements.

The supplements attached to your letter will be dealt with in a separate letter to you once the answers to the questions have been made available by the municipality.

Yours sincerely



Charel Bruwer

## Initially Identified Interested and Affected Parties: Piet se Bos and Grotto Beach Upgrade

Simon Pickstone Trust		c/o WM Pickstone	Lekkerwijn	P O Box 83	GROOT DRAKENSTEIN	7680
TG & GW	Joubert	24 St John's Estate			HIGGOVALE	8001
Jean-Mandi Trust		c/o l Ddendaal		P O Box 3293	TYGER VALLEY	7536
AE	Boynnton			P O Box 1458	HERMANUS	7200
F	Ferucci			P O Box 341	PAARL	7620
Carey Investments Ltd			Fairways Ave	P O Box 3	VLOTTENBURG	7604
D Dacey Family Trust		4 Innesbrook Village		P O Box 216	HERMANUS	7200
Beekay 182 Inv (Pty) Ltd		c/o Dr MC Dempsey		P O Box 2170	HERMANUS	7200
Antro Trust		c/o Me B du Toit			STELLENBOSCH	7600
PLCL Familietrust		Simonsbergstraat 18		Posbus 1504	HERMANUS	7200
Eureka Trust		c/o DP Janse van Rensburg	5 van Rensburg Street		NELSPRUIT	1200
Cardinox (Prop) Ltd		Proforum Building	9 Sunrise Close		CONSTANTIA	7806
Tania Investments		c/d ID Smith	Victoria Rd		BANTRY BAY	8005
Mr NH	Walton	4A Elshore		P O Box 941	RIVER CLUB	2149
Matterson Cynthia-Trustees		c/o Mrs Diana Elliot		P O Box 48263	KOMMETJIE	7976
Mr DN	Fipa & 3 Others	c/o Mr DN Fine		Posbus 51	GRABOUW	7160
AC	Beukes	Dennegeur		Posbus 15189	PANORAMA	7506
Corwin Trust		p/a JJ Slazus		P O Box 4750	CAPE TOWN	8000
Nacuka Trust		c/o KHKV Albrecht		KY 40502	USA	
CH	de Villiers	2184 Taboriake Circle	LEXINGTON		ASHTON	6715
FM	de Wet			P O Box 17	GREENPOINT	8051
Bishoplea Trust		c/o CRH Knight		P O Box 25	NORTHCLIFF	2115
Kardre Inv CC		p/a Mev IA Claassens		Posbus 2157	GARDENS	8001
ML	Cloete	Berghof Retirement Complex	44A Hof Street		STELLENBOSCH	7600
Seetuin Trust		p/a DM Hoogenhout	Jonkershoekweg 21		HERMANUS	7200
Tiendestraat 215 Trust		c/o E Neethling		Posbus 1142	WATERKLOOFRIJF	0181
The Johannes W Louw Trust		Upper Waterkloof No 20	Regulusstraat 173		CAPE TOWN	8000
PA	King			P O Box 4392	STELLENBOSCH	7599
Roorstock Capital(PTY) Ltd		p/a Mr M du Toit		Posbus 723	VOELKLIP	7200
AM&GD	Blom&Grieve	223 Eleventh Street			RONDEBOSCH	7700
AGB	Grieve	34 Fairway Heights		P O Box 20	HERMANUS	7200
Municipal Manager		Overstrand Municipality		P/Bag X5014	STELLENBOSCH	7599
A	Canham-Duffel	Cape Nat're		P/Bag X1	ELSENBURG	7607
A	Roux	Dept of Agriculture		P/Bag X16	SANLAMHOF	7532
The	Director	Dept of Water Affairs				

The	Director	Heritage Western Cape	P/Bag X9067	CAPE TOWN	8000
Clr P	Scholtz	Overstrand Municipality	P O Box 20	HERMANUS	7200
Clr M	Lerrn	Overstrand Municipality	P O Box 20	HERMANUS	7200
The	Chairman	Hermanus Ratepayers Ass	P O Box 134	HERMANUS	7200
Aesthetics	Committee	c/o Mr J Simpson	P O Box 20	HERMANUS	7200
Chief Executive Officer		BOCMA	P/Bag X3055	WORCESTER	6849

PRELIMINARY COMMENTS ON, QUESTIONS ABOUT AND OBJECTIONS TO THE PROPOSED ERECTION OF AN OPEN-AIR STAGE AND AMPHITHEATRE INSIDE Piet-se-Bos AND GROTTA BEACH IN VOËLKLIP, HERMANUS, REF NO. 16/3/1/1/e2/14/2026/13.

LEGAL

The envisaged upgrading of Piet-se-Bos and the erection of permanent buildings (an Amphitheatre and a restaurant) in the Grotto Beach area requires permission from particular authorities in terms of particular legislative requirements.

- The legal jurisdiction of each authority is determined in this case, by the **Overberg Coastal Set-back line**. The jurisdiction for developments above the line is set by the ICM Act, and for below the line by the NEMA EIA Regulations. These two are said to be (at the time of writing) not compatible with one another.
- This line is currently under review, and will eventually be determined through a long process that includes three rounds of public participation.
- Only after the set-back line has been set for the Grotto Beach/ Piet-se-Bos area can it be established if the proposed development falls above or below the line; and
- to which authority the applicants should address this proposal; and what criteria should be met.
- Therefore, there is no current legal framework within which this proposal can proceed. Any attempt by the Overstrand Municipality to do so exposes them to litigation.

GENERAL COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT

This document is only relevant to the end of section D. Sections E and F describe an agricultural development plan on a site named Oewerzicht farm, on the R406 road. These sections need to be re-written in order to be considered at all.

GENERAL ON SUBSTANTIVE ISSUES: SERVING THE INTERESTS OF THE WHOLE COMMUNITY

There are certain aspects of the proposed changes that in our view do meet the general requirement of being in the interests of the whole community; and are certainly worth endorsing. These include the re-instatement of parts of the wetland that existed prior to it being destroyed by landfill, and also the raised boardwalk with the re-established fringe of fynbos alongside it. We are particularly appreciative of the plan to remove the palm trees from the forest, as they are extremely unsightly invasive aliens. All of these proposed changes will most likely meet aesthetic standards, will undo some of the destruction caused by the original landfill, and is likely to contribute to the restoration of the Piet-se-Bos area at Grotto Beach.

It needs to be re-stated that the Grotto/Piet-se-Bos area is very, very special in the sense that it is one of the very few remaining areas along the Southern Cape coastline where an open beach is framed by a pristine Milkwood forest that descends to the high-water without permanent buildings restricting this almost unique sight. This invaluable natural spectacle is now at risk of being lost.

We argue that if an open-air stage and amphitheatre is erected, such a construction will not be in the *interests of the whole community*, for the following reasons.

n. m. a.

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Legal  
MVR

1. For a start, the proposal does not include a **motivation** for why the nature reserve of Piet-se-Bos, and by extension, why the Voëlklip single residential area needs an open air amphitheatre at all. What is the **rationale** for another entertainment venue to be built within the perimeters of a nature reserve, instead of in the commercial area of the town, which would contribute to its economic viability. What is the rationale for erecting an open air amphitheatre with the tax payers' money, if more job-creation, and other humanitarian needs can be met by using the tax payer's money for a different project? Is the construction of an amphitheatre in Piet-se-Bos the optimal use of scarce funds for such ends?

*6m determined this*

The **Draft Basic Assessment Report** of March 2013 offers one motivation, described in **paragraph 8** of the report. This comprises of a statement describing the presumed socio-economic and demographic characteristics of the Voelklip residential area, as well as the architectural characteristics of the dwellings. These descriptions are irrelevant to the questions raised above, and do not constitute any rationale or describe any need for the proposed amphitheatre.

2. Such a motivation needs to build on **another prior motivation** about why the greater Hermanus area needs another such venue. Hermanus already has at its disposal the auditorium at the Library in Harmony Street, with adequate roof cover, easily accessible to everyone and suitably located within the established commercial part of the town. And there is another open air amphitheatre in the Hemel-and-Aarde Valley. Why the Overstrand municipal area needs yet another such venue, and why it needs to be located in the Piet-se-Bos at Grotto is not in any way self-evident. If reasons are apparent, then the proposal has to state them.

**Paragraph 8** referred to above does not address these issues either.

3. The building of an amphitheatre with seven tiers of seats (according to the map), as well as an elevated picnic platform within the area that was originally despoiled by a landfill, does not constitute rehabilitation of Piet-se-Bos by any definition. It entails a huge permanent building which is erected right within Piet-se-Bos, as it is almost entirely surrounded by the forest (probably 340 degrees of the 360 degree view). It amounts to the further degradation of the area. Part of the original landfill will now have added to it a huge open air venue, with a ramp leading up to the top picnic area, and access and exit roads for an "events stage truck". On the embankment of this building, above the floor level of the current land-fill site, and therefore at its most visible to all, the plan makes provision for the placement of a row of 4 mobile toilets, arguably one of the most unsightly products of human construction there is. This amounts to yet further despoilation of the original area, and in no way can be considered as rehabilitation of the Piet-se-Bos and its original wetland.
4. The proposed re-activation of the **Nautilus site** for a restaurant builds on preceding attempts to construct a viable economic enterprise on this site; every one of which has failed. If this is to be done under the flag of an "upgrade" (as is indicated in the proposal), then the building has to blend with the natural vegetation on or adjacent to the site. A single story building will most likely be below the crest of the surrounding Milkwood trees, and can thus blend with the natural skyline of the site. A double story building is likely to rise above the trees, and will adversely affect the natural profile of the Piet-se-Bos area at this site.

5. It is not stated what kind of productions the amphitheatre will host. This needs to be specified in writing in order for the public to assess the nature of the project. As it stands, the Overstrand municipality has in effect certain rules pertaining to the use of the beach of Grotto. These rules stipulate, amongst others, that **no Music** be produced and that **no Alcohol** be consumed at this site. There are two bill boards that clearly set these requirements (photo's attached). In addition, a boom has been erected to prevent motor vehicles from parking on the site in question. If this amphitheatre is to be a venue for music productions and theatre, then both kinds of productions will require electronic amplification, as this is an open-air venue with the background sounds of the sea, thus necessitating such amplification. The NO MUSIC rule will then have to be scrapped in its entirety. If this is the case, then the proposal will need to explicitly state this, so that the public can consider it.

While people who pay attendance fees and are sitting in the amphitheatre to view and listen to the production may find these productions to their taste, it does not apply to anybody outside the venue. For them/us it constitutes noise, and thus, **noise pollution**. And noise travels.

There are understandable reasons for the restrictive measures imposed by the Overstrand municipality onto the Grotto site in question. We have it from our own experience that noise generated from the Grotto has an extraordinary reach into the surrounding residential areas of Voëlklip.

Before the beach was declared a Blue Flag site, almost every weekend night a motley assembly of truck drivers, vagrants and other alcohol consumers congregated in the Grotto at weekend nights to build fires, braai meat and play music from the sound systems of their cars. This noise, even from appliances with the small amplification capacity of car-based systems cut through every wall in our house (198 Tenth Street), and on many weekends we, as well as our neighbours living right behind us had to call the after-hours phone number of the Overstrand municipality to complain about this noise, which constituted a public disturbance.

To control for such anti-social behaviour the Overstrand Municipality erected the boom, so as to prevent vehicles from accessing the site, a reason not mentioned in the proposal, and added the prohibition on music and the use of alcohol. These sound management rules by the Overstrand Municipality effectively dealt with these problems of public disturbance.

The noise generated by amplifiers from a professional theatre group or music group will exceed the strength of any car-based system many-fold, and the noise pollution will, in our view, based on our own previous experience, be magnified to extend to even more Voëlklip properties. Such noise pollution does not in any way serve the interests of the whole community. In this sense alone, what is proposed is not an upgrading of the site, but a degradation, as it is a site of noise pollution, even worse than it was before Grotto Beach acquired its Blue Flag status.

6. The document outlining the proposed construction of this noise generating facility is lacking in both general and specific detail about the project which is vital to assessing the impact it will have on the surrounding residential areas, as well as on Piet-se-Bos itself.

For a start, the plan does not show the number of **seats** in the amphitheatre, (only seven rows of seats ??) and therefore does not indicate the number of people and their attendant needs that have to be accommodated.

These needs include **parking sites**. We do not find any provision for more parking sites in the plan, than is presently available, and we argue that any construction of new parking sites within walking distance of the amphitheatre would constitute a serious violation of the ecological integrity of Piet-se Bos.

The plan also does not show additional **toilet and ablution** facilities. It can be safely assumed that a full house in the amphitheatre will entail an audience of at hundreds of people, and will thus require the erection of more than the current plan of only **four** on-site mobile toilet facilities, but will have to be proportional to the needs of a full house audience capacity.

Nor does it show the **height** of this permanent construction, and we therefore do not know whether the (four or more) mobile toilets on the embankment will be in direct sight of many of the residents in the area. This has to be specified in the plan so that residents can gain an accurate understanding of the scale of the intervention being planned for Piet-se-Bos. It is not unrealistic to envision a huge embankment adorned with a row of mobile toilets rising out of the centre of Piet-se-Bos, in full view of each and everyone who wishes to visit Grotto beach only to enjoy the ocean. How can it be dared to label such a gross construction as an upgrading of Piet-se-Bos? If this is not the case, then the residents need a plan that gives such an assurance in writing.

We also need a full explanation of the proposed **kiosks** on the site. Will they be permanent or not, and what merchandise will be for sale?

The Darft Basic Assessment Report also presents contradictory information about widening of **access roads**. On one page it admits to the need for "...construction/maintenance to road infrastructure required for improvement to the recreational area", while in another section the query about the building of infrastructure "(e.g. roads, power and water supply/storage)" is met with a response of "no". If the current access road is going to be widened to accommodate busses, as well as event stage trucks, then this has to be stated clearly in the application. If this is not going to be done, we need this reassurance in writing.

7. This leads into the next concern, which is that of **economic viability**. Given that there are already two competing venues, why would a third one, with distinct disadvantages compared to the other two, be more or even equally viable? The venue in Harmony street, Hermanus is at least under roof cover, which means that events are not subject to cancellation through adverse weather. The Hemel-and-Aarde venue is at least some distance removed from the seafront, and also shielded from some weather conditions. By contrast, the Grotto beach venue is about 50-meters from the ocean, at about ½ metres above sea-level, making it exposed to every kind of adverse weather generated from the ocean. Most evenings in Voëlkip are cool at best. During winter and spring the weather is cold, damp, misty and windy more often than not, with rain possible on any day. The area is also subject to "Voëlkip weather". This entails cool afternoon overcast weather, with early evening rain-showers, and these can occur during any time of the year. All of these factors affect the economic viability of the site, and the number of days that it is suitable for open air events.
8. The historically proven lack of economic viability of the **Nautilus** site speaks for itself.
9. This leads to the further issue of **responsibility towards the tax payers and the wider community** of the entire Overstrand municipal area. Should the proposed project be

approved, as is, then, irrespective of sub-contracting, the Municipality of Hermanus will be the ultimate responsible party for erecting, managing and gaining income from these buildings, with the backing of the tax payers' money. Given the very long list of urgent humanitarian needs of the municipal area, this entertainment venue (amphitheatre) project can only be described as frivolous and one of lesser importance, but at the same time, one of a high risk nature, verging on the irresponsible towards the needy within the municipal area. If the site proves to be economically non-viable in the longer term, then any public expenditure on such a venue will be wasted at the cost of the tax payer.

10. The fact that **all tax payers' interests** are at stake in the expenditure on this project makes all tax payers, by definition, **affected parties** with respect to this project.
11. Agreement on the **Overberg Coastal Set-back line** also requires three rounds of public participation in which all landowners are to be informed and consulted. This process has yet to be undertaken.



P.vdP. du Toit.

22 April 2013.

(112)

# EnviroAfrica

Environmental Planning and Impact Assessment Consultants  
Omgewingsbeplanning en Impakbeoordeling Konsultante

30 August 2013

Prof P vdP du Toit  
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Dear Prof du Toit

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

Your letter dated 22 April 2013 and received on 30 April regarding the abovementioned project refers.

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

On the legal issue that you have raised we wish to point out that NEMA 2010 makes provision for dealing with listed activities that occur within 100 metres of the high water mark of the sea in one of two ways namely, where no development setback line has been determined, to go through the environmental impact assessment process as described in the regulations under NEMA 2010, or to apply to the relevant authority on an application form supplied by them for the acceptance of an ad-hoc development setback line. For obvious reasons the Overstrand Municipality have opted for the former process.

With regard to the relevance of the document that you have based your comments on we wish to point out there was one other person that also referred to a copy that had these mistakes in them. It would appear that an interim copy of the draft BAR got into circulation that should not have happened. It should have been quite clear when viewing such a copy, that there was obviously some mistake somewhere. An immediate phone call would have rectified the matter without having had to go to all the trouble to comment on an obvious wrong document. We received this complaint from your lawyer, Ms M van Rooyen as well (who acts on your behalf in this application) and supplied her with a CD of the correct document on 6 May 2013 for your use as well as some information on the profile of initially identified I&APs that have been requested. This information will also be made available to all registered I&APs once all the issues, concerns and impacts have been discussed with the Overstrand Municipality, in the form of a final Basic Assessment Report, again for their written comments.

It must be noted that the Piet se Bos and Grotto Beach under jurisdiction of the Overstrand Municipality has been used as a recreational area for a very long time and is also indicated as such

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