

EnviroAfrica

ordinances and the powers that the municipality has in managing these situations and that these cannot be blanket restrictions but are dependent on the individual event concerned, then that is the information that must be taken into consideration by I&APs.

Very important further municipal processes that will be executed *after* environmental authorization for a proposed municipal development has been obtained is the consent use, rezoning and IDP processes where the public directly can make inputs, as well as through the relevant ward committees. As far as our assessment went, the municipality did provide more than adequate information on which to take a decision, taking the other municipal controls into consideration.

Please note that the restaurant proposal was included from the very beginning of the impact assessment process. We do not know why FAB missed it. However, you have now commented on the final BAR and are thus aware of it. Note that you will have another opportunity to provide written comments on the revised final BAR when this is made available to your organization. With regard to the photos that you supplied to indicate that the proposed restaurant area washed away during 2005, we have already pointed out that the wash away did not impact on the restaurant site which is located to the left of the white bollards on the left of the top photo. That 2005 flood was incidentally larger than a 1:100 year flood and possibly up to a 1:200 year according to hydrologists.

The wetland specialist report was only done after the draft BAR and included in the final BAR that FAB had an opportunity to comment on. To date we have not received any FAB comment on the wetland specialist report. Note that the report has now been available to FAB since October 2013. FAB thus had ample time to consider the report and we thus expect FAB to be able to comment within the revised final BAR timeframe or even before then.

Yours sincerely



Charel Bruwer-Snr

(5) R'cord 22/10

To: Enviro Africa Overberg
EP & I Consultant
Charel Bruwer
P.O. Box 4
Onrus River 7201

Fax No. 086 513 2141

No return address supplied
No contact details

Kai H Albrecht
Trustee of Nacuca Trust
Owner of Erf 3727
Voelklip

Date: 22 Oct 2013

→ (M) please follow up:
PO Box 4750
Cape Town, 8000

Dear Mr Bruwer

Re: Comments to the Final BAR – from I&AP KH Albrecht Erf 3272 Voelklip

The issues covered by the very voluminous Final BAR can be summarised as follows:

1. Public participation
 - a. Not enough time given to give a complete response by all I&AP, especially considering that there are many holiday homes included in the affected area, the owners of whom live in the main outside Hermanus
 - b. 95% or more than 50 contacted neighbours have commented and objected to a development at Grotto beach to build an amphitheatre
 - c. The main reasons for their objection were: Sound, light, traffic and risk of getting a bigger development in time
2. Sound
 - a. Sound is very difficult to reliably measure and is frightfully disturbing to a weekend holiday environment
 - b. Sound travels far further and would affect far more people than those that were originally targeted by your office
 - c. On event days sound will be extremely difficult to control
 - d. Kirstenbosch Concerts is an example where these functions, have gotten out of control. I append a summary of what has happened there.
 - e. I do not agree to the conclusion reached in the EIA that the sound impact will be "none" with all other questions being answered "n/a". I find it disturbing that this conclusion was reached after your office was made by me and by many neighbours aware of our concern in regard to sound. How could your office have come to this conclusion with good conscience?
3. Light
 - a. Whilst not quite as intrusive to as many people, spotlights can completely spoil evening-views onto the bay for all who have paid much to have their properties in the first row at Grotto Beach
 - b. I do not agree to the conclusion reached in the EIA that the visual impact by the establishment of an amphitheatre will be "small".
4. Traffic
 - a. The Bar states that the facilities for parking and roads leading to the proposed amphitheatre are "deemed" to be sufficient. We consider the use of the word "deemed" to be inappropriate as to believe it to be sufficient indicates that no proper study has been undertaken. Depending on who is targeted to attend they will arrive by bus or by car or a combination of the two. We contend that for 350 people there will not be sufficient parking for a combination nor indeed if all arrive by car
5. Risk of venue getting bigger

- a. All renters of any venue want to attract ever increasing numbers of paying guests. That was the case also with Kirstenbosch Open air concerts. Today the venue caters for ever increasing numbers, over more days, for longer duration, at much higher amplification than was originally proposed. Indeed Kirstenbosch depends on the income from such large functions to sustain its business model. I would like to know how we can be given by the Municipality an irrevocable guarantee that such will not happen at Grotto Beach in future.

There are many other aspects included in the BAR that can be commented upon. The time available did not afford me sufficient time to provide a full analysis. After all it took the Municipality some 4 months or longer to provide me with some answers to my questions: I append some additional comments below in appendix 2.

Yours faithfully

Kai Albrecht
I&AP for Erf 3272, Voetklip

Appendix 1
Kirstenbosch Experience Oct 2013

Appendix 2
22 Oct 2013

Additional Comment in regard to the Final Bar for Voelklip Amphitheatre

- A. Not representative public participation – more affected property owners should have been informed in principle. They should have been informed by letter drop, by mail, by email, by letter with their rates invoices and in public meetings.
- B. It seems that no alternative sites have been investigated and if they were then the results of such investigations have not been made public.
- C. The Municipality suggests that matters of loudspeakers, lighting, amplification will be dependent on the individual event. That would mean that before each event the Municipality would have to check that organisers have conformed to their requirements as laid down in the event lease document. If that is so intended than why can we not have sight of these requirements now. That would seem a nigh impossible task.
- D. When the Municipality suggests that “classical performances and “suitable music” is intended for the venue, we can only point to what has happened at Kirstenbosch. That was their intention at the beginning as well. If not sufficient money can be collected for such “classical” events , then in order to save the venue there is substantial argument that the Municipality will relent and allow any music –loud, rap, hip-hop, percussion be it African, American, European or Asian
- E. The answers given in regard to the economic viability of this development is quite inappropriate:
 - a. We will all agree: An initial feasibility study will cost money, the IEA will cost money and finally the building of it will cost money – the budgeted figures of R70,000 is ridiculously low, devoid of all reality
 - b. It appears that no initial feasibility study was undertaken, as otherwise the Municipality could have given information in regard to the amphitheatre on its own (without consideration of the costs to rehabilitate the wetland and establish a new restaurant):
 - i. Budgeted Income per event
 - ii. Budgeted no of events per year
 - iii. Budgeted running cost of the amphitheatre per annum (excl amortisation of capital cost)
 - iv. Amortisation of capital costs
These should have shown the net income over a minimum of 3 but better still 5 year period. This was never submitted.
The answers given are said to be “determined by the event organiser”. That may be so, but nonetheless a budget should have been made available for scrutiny.
 - c. The replies by the Municipality in regard to Sound and Light and Traffic saying that these will be kept within the “regulations of the Municipality” is quite unacceptable. No details of the applicable regulations are mentioned in detail! What recourse do affected neighbours have if their rights are transgressed?
 - d. The Municipality suggests that they are unable to give an estimate of the proposed entrance fee. I beg to differ. If the Municipality wishes to attract event organisers it must first do a viability study for the event organisers point of view, to see what “event charge” the Municipality can charge them to make it viable for the organiser. That will then determine the target market and so can it be defined. All this appears not to have been done!
 - e. To suggest that Budgeted capital cost of the Amphitheatre can only be determined once tenders have been finalised is ridiculous. The

Municipality must surely have must first obtained a concept design – which appears to have been done, then they need a costing to be done by a reputable firm of architects – that may have been done but we have not been informed of that amount. We certainly need that information. All cost in that regard have been omitted.

The mentioned R70,000 might be sufficient for a part of the wetland redevelopment. But this will never suffice for an elevated wooden walkway all around with a viewing platform, redesign of the water spillout etc.

F. Power availability

- a. Several owners of properties have requested additional power to be made available to their properties, only to be told that the Municipality does not have enough. Now that seems not to be a problem. I question that unless the Municipality can explain what specifically they will do the attend to such power shortages.

oooOOOooo

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Oct 2013Kirstenbosch Concerts:

A resident of Bishopscourt of over 20 years lives some 440 meters from the summer Sunday night concert at Kirstenbosch.

Visitors to his property during concert airings with average weather conditions are unable to converse normally when seated at a garden table on his stoep in front of his house – classical music evenings excepted! Anyone who has witnessed this is quite dumbfounded at the din!

This is quite surprising as the sound coming from the stage should be less loud for the following reasons: their loudspeakers are pointing away from the property; the main house sits between the concert stage and the stoep; in addition there are many substantial trees in between and there is no line of sight between Kirstenbosch and the house.

When Kirstenbosch Botanical Gardens Directorate first approached him over 15 years ago for consent to their planned Sunday evening open air concerts, they said:

- 17:30 – 19:00 duration - but in fact they often start at 15:00 and sometimes earlier as artists and their support tune in and get accustomed to the stage set etc
- Small traffic impact – but in fact now they have to cater for a huge number of visitors and available parking is quite inadequate resulting in on-street parking problems
- 1 concert per week in main summer months – but in fact they last for 4.5 months during summer every weekend, plus four nights with Christmas Carols, interspersed with big artist performances during the week, who like to extend their performances to late at night
- Low sound amplification – but in fact they now have 2 very large huge loudspeaker towers
- Mainly for Classical music – but in fact these constitute only 1 now of the 24 concert evenings this year
- Starting from 24 Nov 2013, the line-up of artists is as follows: Prime Circle, Jack Parrow, Tailor/Mole/Toure, Mango Groove, Goldfish, Mtukudzi, The Parlotones, MacStandly, Johnny-Clegg, Jummy Nevis, Fokofpōlisiekar, Civil Twilight, Freshlyground, Cape Philharmonic, Mi Casa, Hugh Masekela, CPT Music Festival, Desmond and the Tutus, Lira, Loops - ending 6 April. That makes 20 weekends of music which his family has to endure!

Add to that during winter, because the weather is not inviting for open air enjoyment, the associated restaurant offering WINTER Concerts – which are not as loud but still noise intrusive!

EnviroAfrica

Environmental Planning and Impact Assessment Consultants
Omgewingsbeplanning en Impakbeoordeling Konsultante

31 July 2014

Nacuca Trust
c/o K Albrecht
P O Box 4750
CAPE TOWN
8000

Dear Mr Albrecht

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

Your letter dated 22 October 2013 with regard to the abovementioned project refers.

As you may be aware a workshop on the Piet se Bos upgrade was held on 18 January 2014 in the municipal auditorium to which you were invited and which you attended. After the workshop the Overstrand Municipality withdrew the construction of the proposed amphitheatre as the preferred option and also decided to reduce the scale of the proposed restaurant to be limited to a single storey wooden building.

A revised final BAR with a new preferred option was compiled of which you will receive a copy in due course for your written comment. It will also contain a verbatim transcription of the workshop discussion as well as the revised plans for the proposed restaurant.

With reference to your letter we wish to point out the following:

- o The public participation process conforms to the NEMA 2010 requirements. The percentage against the development is usually skewed as the number in favour of a development usually does not respond in that matter. This is especially true if considered that the proposal was advertised in the newspapers in the whole area, Cape Times and Burger included for two consecutive weeks, advertising the workshop, all the efforts by local residents to muster support against the development and the limited number that attended the workshop taken into consideration the large number of readers who took notice of the adverts.
- o All the issues, concerns and impacts were identified and extensively elaborated upon in the final BAR
- o Please note that there are three areas of the proposed development that were assessed for noise namely construction phase (low noise), operational phase (medium noise with noise controls in place) and the decommissioning phase (no noise as it is stated there will be no decommissioning phase). It can only be offered that the reader did not interpret the reference to noise correctly. We stand by our assessment on noise.

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Charel Bruwer Snr
Charel Bruwer Jnr
Bernard de Witt

EnviroAfrica

- o According to the assessment regulations and procedures for visual impact assessment the visual impact of the amphitheatre will be regarded as small.
- o Taking into consideration when the amphitheatre would have attracted visitors, the controls put in place by the municipality, the roads and parking would be sufficient from their point of view, having experience of traffic requirements and control within their area of jurisdiction.
- o What the future for development in the Grotto area concerns there is no certainties that can be given when taking into consideration the rights and democratic election of a new municipal dispensation in future.

The amphitheatre is no longer the preferred alternative. However with regard to the information that you mention that the municipality should supply we wish to point out the following. The municipality has number of provincial and municipal ordinances governing developments in the Overstrand area. Of specific importance are the municipal ordinances regarding the control on noise, permits required for public gatherings, events held in the municipal area, traffic etc. It is the responsibility of every resident that resides in a municipal area to avail himself of these rules, regulations, permit conditions, ordinances, etc. Thus when the municipality supplies an answer that an amphitheatre will be operated within the municipal ordinances and the powers that the municipality has in managing these situations and that these cannot be blanket restrictions but are dependent on the individual event concerned, then that is the information that must be taken into consideration by I&APs.

Very important further municipal processes that can only be executed *after* environmental authorization for a proposed municipal development has been obtained is the consent use applications, rezoning applications and IDP processes where the public can make direct inputs, as well as through the relevant ward committees. As far as our assessment went, the municipality did provide more than adequate information on which to take a decision, taking the other municipal controls into consideration that would follow after environmental authorization has been obtained.

The other issues that you raise have been addressed previously in the impact assessment process and will not be repeated here. The issue of the Kirstenbosch concerts have been raised in this assessment on a number of occasions. The decision taking process that a responsible municipality will follow in such an instance is one that is based on the "greater good" to a community under its jurisdiction and it may just be that the "greater good" of the concerts are in favour of the larger number of attendees in a unique venue, as opposed to a small number of residents. The moral of the story is that the *status quo* is never maintained where developments are favourably received by the "wider greater majority" who perceive it as a benefit to their well being.

Yours sincerely



Charel Bruwer Snr

**SCIENTIFIC SERVICES**

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website www.capenature.co.za
enquiries Rhett Smart
telephone +27 21 866 8017 fax +27 21 866 1523
email rsmart@capenature.co.za
reference SSD14/2/6/1/7/2/4771_upgrade_Grotto Beach
date 18 October 2013

EnviroAfrica
P.O. Box 4
Onrus River
7201

Attention: Charel Bruwer
By email: charel@enviroafrica.co.za

Dear Charel

Final Basic Assessment Report for the Proposed Upgrade of the Piet se Bos and Grotto Beach Area, Erf 4771, Hermanus
(DEA&DP ref. no. 16/3/1/1/E2/14/2026/13)

CapeNature would like to thank you for the opportunity to comment on the proposed activity and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed activity.

CapeNature takes note that a freshwater specialist study has been undertaken for the proposed development subsequent to the Draft Basic Assessment Report (BAR). CapeNature supports the findings of freshwater specialist study and our comments on the Draft BAR still remain relevant.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rhett Smart", written over a dotted grid background.

Rhett Smart
For: Manager (Scientific Services)

EnviroAfrica

Environmental Planning and Impact Assessment Consultants
Omgewingsbeplanning en Impakbeoordeling Konsultante

31 July 2014

Mr R Smart
Cape Nature
Private Bag X5014
STELLENBOSCH
7599

Dear Mr Smart

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

Your letter dated 18 October 2013 with regard to the abovementioned project refers.

As you may be aware a workshop on the Piet se Bos upgrade was held on 18 January 2014 in the municipal auditorium to which you were invited and which you attended. After the workshop the Overstrand Municipality withdrew the construction of the proposed amphitheatre as the preferred option and also decided to reduce the scale of the proposed restaurant to be limited to a single storey wooden building.

A revised final BAR with a new preferred option was compiled of which you will receive a copy in due course for your written comment. It will also contain a verbatim transcription of the workshop discussion as well as the revised plans for the proposed restaurant.

Yours sincerely



Charel Bruwer-Snr

8. Oct. 2013 14:05

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Rivier

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ANNEXURE D 338/551

No. 7349 P. 1

JEAN-MANDI TRUST

IT 3810/95

8 ACACIA AVENUE
DURBANVILLE
7550

8 October 2013

EnviroAfrica Overberg
P O Box 4
ONRUS RIVER
7201

For Attention: C A Bruwer (Fax 086 513 2141)

Dear Mr Bruwer

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

Your letter dated 17 September 2013 and our previous correspondence refer.

Although we commend the proposal to reinstate a section of the wetland area and rehabilitate the fynbos areas, we are of the opinion that the current proposal is an opportunity lost. One of the reasons why people from Cape Town, other areas of the Western Cape, the rest of the country and many international tourists visit Hermanus and Grotto Beach in particular is the unique coastal environment and experience that is on offer. Where else can you visit a beach located within the perimeters of a coastal settlement, which offers such a beautiful natural setting adjacent to a milkwood forest Nature Reserve, a unique coastal walk, an experience of remoteness and privacy close to a great beach, aquatic features, animal encounters and environmental diversity?

The coastal zone has a limited extent and every opportunity should be sought to protect, improve and expand this environment. It is our understanding from a reading of the Freshwater Impact Assessment that the Overberg Dune Strandveld vegetation is a Critical Biodiversity Area, but that the disturbed areas can only be used to restore some of the lost functionality of the original damaged grottos and wetland by functioning as ecological support areas. As stated in the report a diversity of habitats can be created that can give effect to an improved wetland and ecosystem functionality.

Your statement under Section 8.5(d) about the conservation status of Overberg Dune Strandveld being least threatened appears to be contradictory to the statement under Section 8.2 (p23) of the Freshwater Assessment that the vegetation around Piet se Bos is considered to be a Critical Biodiversity Area which should be maintained where largely natural and rehabilitated where degraded. Please clarify these two statements.

2/...

I ODENDAAL

A ODENDAAL

TRUSTEES

J ODENDAAL

J M SMITH

CK BESTER

Environmental education, cultural-historical education and environmental tourism are growing opportunities and this site offers an ideal location to combine the rehabilitation of the wetland and creation of a diversity of habitats with a low impact education/tourism use that provides a range of information for example the fauna and flora of the Dune Strandveld, the grottos, the wetlands, and the lifestyle of the Khoisan people who historically inhabited these areas. Such facility is likely to have a much wider appeal, broader use period and possibly better longer-term financial viability than the proposed amphitheatre. You have indicated in the correspondence that Piet se Bos will be incorporated into the management plan of the Fernkloof Nature Reserve, which means that with limited effort the management structures and systems can be put in place to utilise this area as an environmental education/tourism venue.

It is clear from the final Basic Assessment Report and that the amphitheatre proposal is speculative at this stage as the report states that the Municipality is looking for an opportunity to upgrade and use Piet se Bos as a recreational area and not for a location where an amphitheatre can be constructed. This would indicate limited viability planning around the use and opportunities offered by the facility and a clear understanding whether the costs of building, managing and maintaining the facility as well as the cost of upgrading the environmental components are to be covered by a clear income stream from the facility and the lease of the restaurant site.

We are long-standing residents in Hermanus as owners of houses on Grotto Beach and Voëlklip and understand that the use patterns are very seasonal and that the season has distinctive peaks. Coupled with the impact of the weather patterns, and in particular the rainfall periods and summer winds, the period of use of an outdoor venue and the days of the week that it will be in demand will be limited. These factors will clearly impact on the viability of such investment.

Furthermore, your responses to the previous letters of interested and affected parties are conflicting, in so far as it is stated that it is a younger population who requires amenities and activities according to their needs, but at the same time the Municipality will ensure that only plays, classical performances and suitable musical events will be permitted. Without being prejudiced about the classical music and performance art appreciation of the younger generation, it appears that the proposed uses to be sought by the Municipality are not necessarily aligned with the demands of the growing youth market. In addition, once such a facility is constructed, as is the case with Kirstenbosch and other venues, it becomes more difficult to determine what suitable musical and theatrical performances are, especially when the financial viability of such facility is at stake.

From reading the letters of other interested and affected parties, it appears that there is limited resistance to the proposed construction of a restaurant building south of the road. The income generated from the use and possible expansion of this restaurant node could be utilised to finance the securing and establishment of an environmental education/tourism facility. The management and maintenance of such facility could then be financed through visitor fees, daily parking fees and other income generating activities related to the environmental facility.

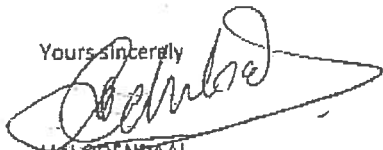
As indicated in our letter of 3 May 2013, one of our big concerns is the potential impact of the proposed amphitheatre on the habitats and habits of the fauna and flora in the coastal zone. You indicated that these animals all have avoidance strategies built into the survival instincts and that there is a very large refuge area to the east of the area where the amphitheatre is proposed. One of the joys of living close to Piet se Bos and the coastal reserve has been the continued encounters with the mammals, birds of prey and other animal species of the area, and our concern would be that certain species would as part of their avoidance strategies move elsewhere with less disturbance should more intensive noise and activities be added to the area. Disturbance management should include the absolute restriction of the use of fireworks next to a milkwood forest and Nature Reserve. The balance of the very frail and vulnerable coastal ecosystems could easily be disturbed should such faunal movements take place due to continued and increased disturbance.

Finally, in the light thereof that there is considerable resistance by the interested and affected parties to the amphitheatre and also that the Municipality is looking for use options for Piet se Bos and not alternatives for an amphitheatre, we consider it a shortcoming of this Basic Assessment Process that only design alternatives were considered and not use alternatives.

In our opinion an environmental/cultural-historical education and tourism facility in this location will serve the needs of a much wider community and can function over a much broader period, for instance school and tourist groups during the week and outside peak periods and holiday/week-end visitors during peak periods. The Piet se Bos/Grotto Beach coastal zone is a unique environment and using Piet se Bos as an education/tourism facility to provide access to and share knowledge about the environmental and cultural-historical features of this area would be much more beneficial than an amphitheatre.

Please acknowledge receipt of this letter in writing to the author.

Yours sincerely



IAN PIETERSE

For JEAN-MANDI TRUST

- Cc - Department of Environmental Affairs and Development Planning
Attention: Directorate: Integrated Environmental Management (Region B)
Private Bag X9086, CAPE TOWN, 8000 (Fax No: 021 483 4372)
- Kai Albrecht (email: kha@kfa.co.za)

EnviroAfrica

Environmental Planning and Impact Assessment Consultants
Omgewingsbeplanning en Impakbeoordeling Konsultante

7a

31 July 2014

Jean-Mandi Trust
c/o I Odendaal
8 Acacia Avenue
DURBANVILLE
7550

Dear Mr Odendaal

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

Your letter dated 8 October 2013 with regard to the abovementioned project refers.

We have considered the suggestions in your letter, but as you may be aware a workshop on the Piet se Bos upgrade was held on 18 January 2014 in the municipal auditorium to which you were invited. After the workshop the Overstrand Municipality withdrew the construction of the proposed amphitheatre as the preferred option and also decided to reduce the scale of the proposed restaurant to be limited to a single storey wooden building.

A revised final BAR with a new-preferred option was compiled of which you will receive a copy in due course for your written comment. It will also contain a verbatim transcription of the-workshop discussion as well as the revised plans for the proposed restaurant.

Yours sincerely



Charel Bruwer Snr

18 Simonsberg Road

STELLENBOSCH

7600

18 September 2013

EnviroAfrica

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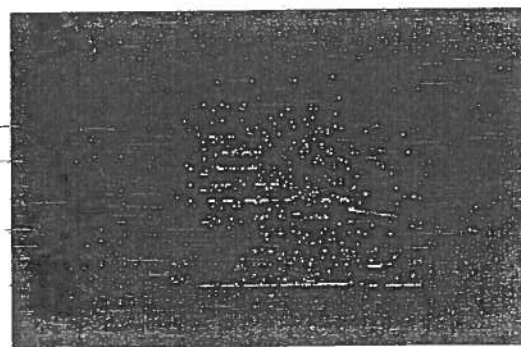
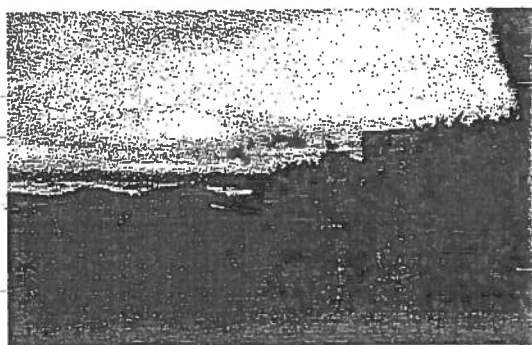
Dear Sir

Reference 16/3/1/1/E2/14/2026/13

I refer to your letter dated 30 August 2013 which I received 9 September 2013.

You state that you have consulted with a number of authorities and also the Overstrand Municipality. Please clarify who these mentioned authorities are?

I quote from your letter: "highly utilized area...weather is good and with this the associated noise, vehicular and pedestrian traffic is to be expected during such periods". This is a misrepresentation of my objection concerning noise. Please take note of the fact that I have never complained about these sounds that you call noise during weekends or holiday periods. I can hear people enjoying themselves on the beach quite clearly from our house and I have always found this to be pleasant sounds. The only period that I complained was the time when vehicles parked on the Grotto picnic area late at night and played loud music from the vehicles a number of years ago. As stated in my letter dated 23 April 2013, the Municipal authorities succeeded in rectifying this problem. Please refer to my letter and photographs.



You state that the younger population require amenities and activities according to their own needs. You place in disregard the fact that tax paying residents have their own needs. The fact that this area in the vicinity of Piet se Bos, part of Fernkloof Nature Reserve, has always been regarded as a natural quiet space is the reason that I want to spend time in my home.

Concerning the information of the home owners in the vicinity of the proposed development, I will take note of your justification for Section D questions 5, 15 and 16 and D 11 in the BAR when this document is published.

With reference to your replies and additional comments and questions:

1. I stand by the fact that the view of the forest from the Grotto beach area will change for ever. Not everyone will be on the planned boardwalk to see the forest.
2. Agreed.
3. I do not agree that the building of an amphitheatre and an events truck is in any way an upgrading of this area.
4. I do not accept your explanation. The use of this area as braai facilities was successful as an area for multi-use for years. If any upgrading is necessary it can be to improve the braai units.
5. I do not agree. This is already a multi-use area.
6. Noted.
7. Noted.
8. You mention "people who want to attend a specific event" will be attracted by the amphitheatre. I stand by the fact that the Municipality has managed this area successfully for many years. Refer to the above photos.
9. This question was not in my letter. I repeat my question no 9 for your information: Voëlklip has the forest and the footpaths in Piet se Bos as a unique, rare and sensitive core. The town of Hermanus offers activities of entertainment to visitors and residents. What is the rationale behind considering changing this area into a public entertainment area which will destroy the essence of this place? Please answer this question.

Your next paragraph "What alternative...this location". I did not ask this question in in paragraph 10 of my letter dated 23 April 2013.

The next paragraph highlighting my "question": To what specific....provided for such events" I did not ask this question in my letter.

10. No reply to my question given in your letter.
11. Please explain whether you agree to my comment by noting it. My comment was "The sound being created at the planned amphitheatre will have to be amplified considerably to compete with the sound of the ocean. I fail to see how the sounds created at this site can contribute to the upgrading of Piet se Bos or the Grotto Beach area". Previously in point number 3 you state that the "proposed alterations to the area is regarded as upgrading and the events truck is part of the required elements to host events at the amphitheatre".

25.SEP.2013 09:38 0218866644

RUANDRI

#1993 P.003 /003

12. I asked about the number of kiosks as per site plan. In your reply you mention only one?
What is the correct number?
13. I stand by the fact that busses in this area will be in strong contradiction with how this area was managed by the Municipality seeing that no busses are allowed. Access to the area is limited by controlling entrance with a boom where people have to buy a permit to enter the Grotto area. Busses are not allowed in this area.
14. Noted. I will study the condition stated by the Municipality in the BAR.

I have never heard that animals can select to move when they are in fact chased out of an area. It is totally unacceptable to chase away any animals from this area of forest. This specific part of the forest is indeed ecologically quite unique seeing that this is where the cliffs and the wetlands are. The eastern part of the forest that you have selected for the animals is different to this area.

Yours faithfully,



L du Toit

CC Department of Environmental Affairs and Development Planning

Attention: Directorate: Integrated Environmental Management (Region B)

Private Bag X9086

CAPE TOWN

8000

Fax 021-483 4372



EnviroAfrica

Environmental Planning and Impact Assessment Consultants
Omgewingsbeplanning en Impakbeoordeling Konsultante

4 October 2013

Ms L du Toit
18 Simonsberg Road
STELLENBOSCH
7600

Dear Ms Du Toit

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

Your letter dated 18 September faxed on 25 September 2013 refers.

The authorities that we have consulted with as a regular activity during the impact assessment process are Heritage Western Cape, Cape Nature, Dept of Water Affairs and Dept of Agriculture, Forestry and Fisheries.

We have taken note of your submission and photographs and have merely stated the situation around the Grotto area as it was related to us by the Overstrand Municipality and that there is a changing use requirement of these public areas over time. This does not mean that the needs of the immediate residents are not taken into consideration. As you have mentioned the local municipality has been successful in enforcing their bylaws in the area. Let us give them the benefit of the doubt and gather that they will continue to manage the immediate area to the mutual benefit of all the residents and visitors to the Grotto area in an adaptive management manner.

With reference to your further comments as per number.

1. Noted
3. Noted as a value judgment, but this is what the municipality feels.
4. Noted as a value judgement.
5. Noted as a value judgment
8. Noted
9. The closest answer to your question that we could obtain from the municipality was contained in the three answers included in the letter to yourself.

Please ignore the answers given if you did not ask the questions. We have given a resume of questions raised by I&APs to the municipality for responses and have to select which answers are appropriate to which questions.

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10. As stated in the answer by the municipality there will obviously be some noise associated with an event hosted at the amphitheatre, but this will be regulated by the conditions set by the municipality for a specific event

11. We note your comment, but agreement is a judgment value. This means that for the same set of circumstances there may be different opinions by different personalities. This forms the basis of differing opinions and tastes among different people. The municipality see this as an upgrade and improved use of the Grotto area.

12. The number that we have been supplied with at the moment is one. If you have an issue with the number, please state specifically state this, so that we can address it.

13. This is the situation with buses not related to events and may be specifically decided on by the municipality in relation to an event application.

Lastly we wish to point out that the Piet se Bos area is not part of the Fernkloof Nature Reserve. There are investigations and actions to consider its incorporation in to the Fernkloof Nature Reserve.

We note that you copy your correspondence to DEA&DP. There is nothing that prevents you to do this, but we wish to point out that we include all correspondence received as well as the response to such in the documentation that is ultimately submitted to DEA&DP for a decision.

Yours sincerely



Charel Bruwer Snr

1240

(86)

EnviroAfrica

Environmental Planning and Impact Assessment Consultants
Omgewingsbeplanning en Impakbeoordeling Konsultante

31 July 2014

L du Toit
18 Simonsberg Road
STELLENBOSCH
7600

Dear L du Toit

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

Your letter dated 18 September 2013 with regard to the abovementioned project refers.

As you may be aware a workshop on the Piet se Bos upgrade was held on 18 January 2014 in the municipal auditorium to which you were invited. After the workshop the Overstrand Municipality withdrew the construction of the proposed amphitheatre as the preferred option and also decided to reduce the scale of the proposed restaurant to be limited to a single storey wooden building.

A revised final BAR with a new preferred option was compiled of which a copy will be made available to you in due course for your written comment. It will also contain a verbatim transcription of the workshop discussion as well as the revised plans for the proposed restaurant.

We therefore regard the questions related to the amphitheatre and associated issues, concerns and impacts as not of relevance anymore. The other questions that you had in your letter were responded to in our reply dated 4 October 2013

Yours sincerely



Charel Bruwer Snr

1241

8c

EnviroAfrica

Environmental Planning and Impact Assessment Consultants
Omgewingsbeplanning en Impakbeoordeling Konsultante

31 July 2014

L du Toit
18 Simonsberg Road
STELLENBOSCH
7600

Dear L du Toit

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

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As you may be aware a workshop on the Piet se Bos upgrade was held on 18 January 2014 in the municipal auditorium to which you were invited. After the workshop the Overstrand Municipality withdrew the construction of the proposed amphitheatre as the preferred option and also decided to reduce the scale of the proposed restaurant to be limited to a single storey wooden building.

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We therefore regard the questions related to the amphitheatre and associated issues, concerns and impacts as not of relevance anymore. The other questions that you had in your letter were responded to in our reply dated 4 October 2013

Yours sincerely



Charel Bruwer Snr

Copy to M van Rooyen, P O Box 859, STELLENBOSCH 7599

P O Box 4
ONRUS RIVER 7201
Tel: (028) 3162888
Fax: 0865132141
Cell: 0828050190

CK 2007043835/23
VAT No 4380237091

Charel Bruwer Snr
Charel Bruwer Jnr
Bernard de Witt

9
R'leid 3/10.

2 October 2013

Mr C A Bruwer
Enviro Africa
Box 4
Onrus River
7201

TELEFAX: 0865132141

Dear Mr Bruwer

**PROPOSED UPGRADE FO THE PIET SE BOS AND GROTTO BEACH AREA,
HERMANUS**

1. We act for a number of property owners in the vicinity of the planned amphitheatre at Grotto Beach Hermanus. Our clients and the properties they own are listed below:
 - 1.1. The trustees of the Seetuin Trust the registered owner of erven 3284, 3262 and 3260, Voëlklip Hermanus, situated on the corner of 10th Street and 12th Avenue;
 - 1.2. The trustees of the 215 10^{de} Straat Trust, the owner of erf 3259, Voëlklip, Hermanus, situated at 215 10th Street;
 - 1.3. The trustees of the PLCL Trust, the owner of Erf. 5443, Voëlklip, Hermanus, situated at 198 10th Street, Voëlklip, Hermanus.
 - 1.4. The trustees of the Nacuca Trust, the owner of Erf 3272, Voëlklip, Hermanus, situated at 209 9th Street Voelklip.
2. We understand that a number of other owners in the area are likely to provide us with instructions to represent them as well in this matter and we will notify you if and when that happens.
3. Our instructions are that you are the Environmental Assessment Practitioner, responsible for the Basic Assessment Process aimed at assessing the environmental impact of the various listed activities comprising the proposed development and that our clients are all registered interested and affected parties.

4. Our instructions are further that the final Basic Assessment Report has been published for public comment and that our clients have been notified that their comments need to reach you by no later than 9 October 2013. Whereas our clients stand to be prejudiced severely by the proposed development, their intention is to utilise every opportunity the law places at their disposal to comment on the proposed development, as you may have gathered from the comments submitted on the Draft Basic Assessment Report.
5. Our instructions are that three of our clients received notifications from you, dated 17th September 2013, on 23 and 25 September 2013 soliciting comments on the final Basic Assessment Report, leaving them a mere fourteen days within which to comment on a report that will inform the competent authority's decision. The trustees of the Seetuin Trust have only received their notification on 1 October 2013, leaving them only 9 days within which to comment.
6. As you know our clients are entitled in terms of section 33 of the **Constitution of the Republic of South Africa, 1996** to lawful, reasonable and procedurally fair administrative action. In terms of section 3(2)(b) of the **Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)** they are entitled amongst other things to a reasonable opportunity to make representations.
7. We submit that a period of 14 or 9 days, as the case may be, cannot constitute a reasonable opportunity for the submission of comments to the Final Basic Assessment Report, which we understand is a voluminous document (our instructions are that the document comprise some 490 pages in total).
8. Representatives of the Seetuin Trust, the 10^{de} Straat Trust and the PLCL Trust met with writer on Friday, 27 September 2013 and instructed him to consider the Basic Assessment Report and to prepare a response on their behalf. Mr Kai Albrecht, the managing trustee for the Nacuca Trust, provided us with the same instructions after he received his notification on 1 October 2013. Given the sheer volume of the Basic Assessment Report and the prejudice our clients stand to suffer if environmental authorisation is granted, we submit that a reasonable period for comment would at the very least be 30 days. As Mr Albrecht will be abroad for a large part of October, we are of the view that a commenting period of 45 days would be appropriate in the circumstances. Our instructions accordingly are to request, as we hereby do that our clients be afforded an opportunity until 15 November 2013, being 45 days after the day on which the Nacuca Trust received its notification to submit their comments on the Final Basic Assessment Report.

1244

9. We understand that you have not been prepared until now to communicate with our clients by email and that this approach has delayed communication significantly. Whereas some of our clients travel extensively for work, as we assume other property owners in the area do as well and as the owners of holiday residences often are in Hermanus in the summer months only, correspondence by ordinary mail plainly does not constitute a feasible method of communication and our instructions accordingly are to request again, as we hereby do, that provision be made for communication by email. We request in any event that communication to us be directed to writer's email address, being carel@dhmlaw.co.za.
10. As the indulgence sought will not in our view cause any inconvenience or unreasonable delays, we trust that you will consider our clients' request for an extension of the commenting period until 15 November 2013 favourably and we look forward to your response as a matter of urgency.

Yours faithfully

DU PLESSIS HOFMEYR MALAN INC

Per.

C J HOFMEYR





EnviroAfrica

Environmental Planning and Impact Assessment Consultants
Omgewingsbeplanning en Impakbeoordeling Konsultante

4 October 2013

Mr C J Hofmeyer
Du Plessis Hofmeyer Malan Inc.
P O Box 1488
SOMERSET WEST
7129

Dear Mr Hofmeyer

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

Your fax received on 2 October 2013 refers.

While we are not legally qualified to debate on the Constitution of the Republic of South Africa or the Promotion of Administrative Justice Act, we do firmly believe that these legal requirements of under these Acts as well as "a reasonable opportunity to make representations" were taken into consideration when the timeframes for comment under the National Environmental Management Act (Act 107 Of 1998) as amended, were promulgated during 2010.

We wish to point out that as such a comment period of 40 days on the draft Basic Assessment Report (BAR) was already provided, during which your clients have responded, some early during the commenting period and others somewhat later. The purpose of this period is for Interested and Affected Parties to raise all issues, concerns and impacts, based on the information available at the time, that they would like to see addressed in the final BAR, which carries a commenting period of 21 days. Please note that the legislation makes no provision for participants in the process for extension when they are overseas or on holiday. In such instances our experience is that such participants appoint a representative to act on their behalf and inform us accordingly. Furthermore the use of written response by post and fax and has always been found satisfactory. This service is virtually free of charge to anybody with a computer.

Hopefully your clients would have already perused the final BAR when they received their notifications and would have noticed that the relevant body of the document that indicates how issues, concerns and impacts raised, were addressed, only constitutes some 100 pages. The majority of the document (~250 pages) consists of written responses and answers as required under NEMA.

1246

EnviroAfrica

With regard to your client, Mr Kai Albrecht, he has claimed on occasion that he did not receive the documentation that we sent him to his postal address. We thus informed him that we would in future correspond with him by registered mail. As such he should check when the registered post arrived in his mailbox and regard that as the date of receipt of the letter and not the day that he elected to fetch his registered mail from the Post Office.

Be it as it may we have considered your request seriously and have decided to abide by the regulations under NEMA 2010 and grant you an extension which corresponds to 21 days from the day that Mr Albrecht claimed to have received his documentation, that is up to the close of work (17h00) on 22 October 2013.

Yours sincerely



Charel Bruwer Snr

EnviroAfrica

Environmental Planning and Impact Assessment Consultants
Omgewingsbeplanning en Impakbeoordeling Konsultante

31 July 2014

DHM Incorporated
c/o Mr C J Hofmeyer
P O Box 1488
SOMERSET WEST
7129

Dear Mr Hofmeyr

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

Your letter dated 2 October 2013 with regard to the abovementioned project refers.

As you may be aware a workshop on the Piet se Bos upgrade was held on 18 January 2014 in the municipal auditorium to which you were invited. After the workshop the Overstrand Municipality withdrew the construction of the proposed amphitheatre as the preferred option and also decided to reduce the scale of the proposed restaurant to be limited to a single storey wooden building.

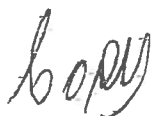
A revised final BAR with a new preferred option was compiled of which you will receive notification of the availability in due course for your written comment. It will also contain a verbatim transcription of the workshop discussion as well as the revised plans for the proposed restaurant.

With regard to the other points raised in your letter this was responded to on 4 October 2014. Two further issues that we would like to respond to, using the same numbering system are as follows.

- o Point 2: We were informed that a large number (59?) of owners in the area have provided you with instructions to represent them. We await your notification of who they are as promised in your letter dated 2 October 2013.
- o Point 3: The four clients mentioned are registered I&APs.

Please provide us with the requested information as soon as possible for inclusion in the revised final BAR.

Yours sincerely



Charel Bruwer Snr

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ONRUS RIVER 7201
Tel: (028) 3162888
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Charel Bruwer Snr
Charel Bruwer Jnr
Bernard de Witt

10

D M Hoogenhout
Seetuin Trust
21 Jonkershoek Rd
Stellenbosch
7600

19 December 2013

Mr. Charel Bruwer
EnviroAfrica
Onrus River
By Fax to 0865132141

Dear Mr. Bruwer,

16/3/1/1/E2/14/2026/13 Proposed upgrade of Piet se bos and Grotto Beach Area, Hermanus.

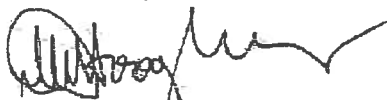
Your letter dated 9 December and received on 17 December 2013 refers. Please also refer to previous correspondence between our lawyer, Mr. Carel Hofmeyr and yourself and note that you are receiving this letter directly from me by fax as the lawyer's offices are closed for the holiday period.

I have taken note of the invitation to a "discussion session" on 18 January 2014. Please supply me with a detailed agenda confirming exactly what will be discussed at this "session". I would like to confirm that whereas I assume that the "discussion session" is part of the process towards taking a decision that is likely to have a direct impact on me and many other property owners, we all require reasonable notice and opportunity to prepare for the meeting and for that purpose we require a detailed agenda.

Please also confirm who has all been invited to attend and how such invitees were identified. I would like to place on record that we indicated before and would like to stress again, that the development proposals made until now are likely to affect vastly more people than you engaged as part of the public participation process and we trust that you will now liaise with and solicit inputs from every person that might possibly be affected by the current development proposals. Your invitation creates the impression that only registered I&AP's will be invited? Please confirm that this is not the case.

Please note that I will not have frequent access to mail and fax facilities for the next approximately 3 weeks from today, as we will be enjoying the peace and quiet of our holiday home in Hermanus. I will have email and mobile phone (082 646 9044) access on a daily basis.

Yours truly,



D M Hoogenhout

EnviroAfrica

Environmental Planning and Impact Assessment Consultants
Omgewingsbeplanning en Impakbeoordeling Konsultante

10a

20 December 2013

Mr D M Hoogenhout
Seetuin Trust
21 Jonkershoek Road
STELLENBOSCH
7600

Dear Mr Hoogenhout

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

The impact assessment process under NEMA 2010 clearly stipulates the steps to be followed when application for environmental authorization for a listed activity is made to the competent authority. This process also lay down the rules to be followed to register as an Interested and Affected Party *who will be further involved in the impact assessment process*. The final Basic Assessment Report (BAR) that was made available to you clearly describes the public participation process that was followed as well as contains lists of the initial identified potential I&APs as well as the registered I&APs. Please also note that the background information document request from initially identified I&APs to bring the impact assessment process *to the notice of anyone whom they feel would have an interest in the process*. This thus happens right at the onset of the process and in this method of webbing and chaining, everyone who then registers gets the opportunity to participate in the process by raising issues, concerns and impacts that they would like to see addressed.

These issues raised during the impact assessment process and the responses thereto are also contained in the BAR that you received for written comment. These are the issues that will be discussed further at the discussion workshop. If you have thus actively participated in the assessment process there is very little, if any preparation required.

However, after discussion with the Overstrand Municipality, a decision was taken to advertise the discussion workshop in the newspapers and an agenda would be made available during the beginning of January 2014. We believe that you have also been informed by the Overstrand Municipality of this arrangement. We will also deliver this letter by hand to yourself at your holiday house at Erf 3284 in Hermanus.

Yours sincerely



Charel Bruwer

P O Box 4
ONRUS RIVER 7201
Tel: (028) 3162888
Fax: 0865132141
Cell: 0828050190

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VAT No 4380237091

Charel Bruwer Snr
Jerry Avis
Charel Bruwer Jnr
Bernard de Witt



Duncan Heard

CHAREL BRUWER - COPY FOR YOUR INFO.

From: Duncan Heard [duncanheard@telkomsa.net]
 Sent: 03 October 2013 09:55 AM
 To: 'zaahir.toefy@westerncape.gov.za'; 'Gerhard Gerber'
 Cc: 'David and Jane Beattie'; Lee Burman; Linda Griffiths; Pieter Scholtz; Estelle Spaarwater; Glynis van Rooyen; Muthama Muasya; Antony van Hoogstraten; Andrae Marais; Grant Forbes; Tierck Hoekstra; 'Liez Bezuidenhout'; Neville Green; Hanneen van der Stoep
 Subject: (Ref.: 16/3111/E2/14/2026/13) :Piet se Bos Final BAR: Request for extension of deadline for Comments
 Attachments: Final_BAR_PietseBos.pdf; 20130930_CommentExtRequest.pdf; 2013_09-16-Reply_to_EAP Draft BAR_PietseBos.docx; 2013_04-03-Comments_Draft Basic Assessment Report_PietseBos.docx; 2013_08_27_EnviroAfrica_Reply.pdf
 Importance: High

Dr Gerhard Gerber and Mr Zaahir Toefy (DEA&DP)

I refer to the attached correspondence between EnviroAfrica (Charel Bruwer) and myself (as Chairperson) on behalf of the Fernkloof Nature Reserve Advisory Board (FAB). A copy of this e-mail will be faxed to EcoServe at 086 513 2141 as they have not provided me with their e-mail address.

In a nutshell, I am concerned about our motivated request for an extension of the deadline for comments from 9 October 2013 to 22 October 2013 which was sent to EnviroAfrica on Monday 30 September 2013 at 08:47. In response to our fax, Charel Bruwer contacted me telephonically on Tuesday 1st October at 16:00. He was adamant that he did not want to extend the deadline as "the FAB should not drag their feet – they are all retired people" which I took to mean that they have sufficient time to deal with this matter. On my insistence, he then said that he would "consider" an extension. I then requested him to confirm his response in writing to me by e-mail or fax. To this point in time, I have not received that confirmation. Could our extension please be confirmed.

As you are probably aware, the FAB is a statutory local nature reserve advisory board constituted in terms of the Nature and Environmental Conservation Ordinance. The members are appointed by the relevant municipal Council while the Western Cape Minister of Environmental Affairs (delegated to CapeNature) also appoints CapeNature representatives/officials to such an advisory board. The purpose of such an advisory board is to make recommendations on the management of the local nature reserve to the relevant municipalities. FAB therefore has a critical role to play in any matter that effects the management of the Fernkloof Nature Reserve. It consists not only of experts in their field but also of local community representatives from environmental NGOs with long associations with the reserve (See list below). FAB is a dedicated body that take their task seriously and apply due diligence to any recommendation that they make. Although only some members are officially retired – all local members are very involved in the community matters and represent local community organisations including those that deal with environmental conservation in the area and Fernkloof Nature Reserve. They voluntarily offer up much of their time to these causes. Presently, FAB is deliberating on the draft Integrated Management Plan that has been tabled for the nature reserve.

It was with the support of FAB that the upgrade of the Piet-se-Bos site and its eventual inclusion in the Fernkloof Nature Reserve was originally recommended (this recommendation did, however not include the restaurant proposal). FAB supported the Basic Assessment Report process and assumed, that as a statutory board that they would be making recommendations directly to the Applicant (Overstrand Municipality) as the process unfolded. However, at FAB meetings progress on the BAR process was not tabled by the municipality and therefore it was not possible to give inputs. Shortly before the deadline of the comment period for the draft BAR, I was approached by registered I&APs with concerns on this project and I therefore registered the FAB as an I&AP, the report was studied and comments submitted (attached).

Given the fact that FAB was only officially informed of the final BAR ten days into the 21 day comment period, the busy schedules of FAB members and its critical role, I request an extension for comment until at least the 22nd of October.

The FAB Members are:

- Alderman Pieter Scholtz (Deputy Mayor-Overstrand Municipality)
- David Beattie – Vice Chairperson (Chairperson: Hermanus Cliff Path)