

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

12.

**ERF 243, ROTARY WAY, HERMANUS, OVERSTRAND MUNICIPAL AREA:
PROPOSED CONSENT USE: MESSRS TOWN & COUNTRY CREATIVE LAND
SOLUTIONS ON BEHALF OF OVERSTRAND MUNICIPALITY**

243 HNC (3135)

R Kuchar

22 October 2019

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1. Executive Summary

An application has been received on 18 November 2015 from Town and Country Creative Land Solutions on behalf of the Overstrand Municipality on Erf 243, Hermanus for a consent use in order to build an Astronomy Education Centre and Amphitheatre on the property concerned.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, and the proposed Site Plan is attached as Annexure C.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Section 2.2 of the Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

6. Background/ Discussion/Motivation/Evaluation

Background

The Overstrand Municipality has in principle approval for the Hermanus Astronomy Centre NPC subject on condition that the necessary process be followed to obtain the land use rights (attached as Annexure F). An application has been lodged on behalf of the Overstrand Municipality (owner of the

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

property) by The Hermanus Astronomy Centre for a consent use to erect an Astronomy Education Centre and Amphitheatre (AECA).

The application was advertised and registered notices were sent to all potentially affected property owners, and fifty eight (58) objections were received under the auspices of Whale Coast Conservation (WCC) (attached as Annexure D).

The application was also circulated to all relevant municipal departments and external departments, and objections were received from the Overstrand Environmental Management Department (see Annexure H) and Cape Nature (see Annexure I).

Motivation

Messrs Town and Country Creative and Land Solutions were appointed by the Hermanus Astronomy Centre (HAC) to lodge an application for a consent use. The HAC is an active organisation and has obtained the necessary funding from the National Lotteries Commission. The AECA will be used as an educational centre for the purposes of Daytime Education Astronomy that would include information on sundials, sun telescopes, etc. It will also allow night time astronomy, with platforms where visitors could mount their telescopes. It will further be used as a formalised meeting point where small tour groups could stop and enjoy and investigate the natural environment with prior arrangement. The amphitheatre facility could be used as a gathering point for information sessions on especially the botanical significance of the park.

The proposed development will consists of the following:

- An amphitheatre for educational purposes
- A Soluna Park
- Eco Loo Ablution facilities and
- Kitchenette

Site Selection

The site was selected for the following reasons:

A facility with a footprint of 288m² is proposed on an already disturbed area. The previously disturbed area is approximately 315m². The site is located adjacent an existing tar road and no additional road infrastructure is required. There is an existing parking area. The site is not on a ridgeline, therefor minimising the visual impact. The impacted area is below the skyline, which will limit light pollution impact for observation purposes. Alternative sites were investigated and found unsuitable.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

Services

- Water will be supplied when required.
- Electricity will be derived from batteries and an inverter and the use of solar panels.
- Sewer, the eco loos are proposed.

Compliance with legislation

National Environmental Management Act (NEMA)

The application is beneath the threshold that will trigger a Basic Assessment Study.

Protection Areas Act, 2003

The Fernkloof Nature Reserve is a formal protected area. The purpose of the act entails various principles of which the AECA complies with seeing that the development will provide a nature based tourism facility without causing significant environmental degradation.

Biodiversity Act, 2004

A Botanical Assessment was done by Fynbos Ecoscapes, Mr S Privitt in 2012. The report indicated that the area is a high value area, however given the small size of the development; there will not be a significant impact on the ecological processes (attached as Annexure K).

The author did make recommendation with regard to mitigating measures during construction and maintenance of the proposed development. This is dealt with extensively on Page 8 of the report where a Construction Environmental Management Plan is proposed as a condition.

Spatial Development Framework (SDF)

The Local spatial development principles are the conservation of sensitive natural resource and promoting the Greater Hermanus as a tourist destination. The proposed education facility will provide an opportunity to allow for both education and research.

Conclusion

The application is in line with the various legislative requirements and is desirable in terms of LUPO. The area complies with the requirements for daytime astronomy and is highly accessible with parking and located on a disturbed area. The facility can contribute to the research subjects pertaining to Fernkloof Nature Reserve.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

Discussion

The objections received and responses can be summarized as follows:

Objectors to a large extent made use of the same letter of objection, which they signed, others a letter confirming their support of the Whale Coast Conservation objection and a small number of other individuals wrote their own letters (attached as Annexure D).

The applicant's response to the objections received is attached as Annexure E.

1. Whale Coast Conservation (WCC) and others:

Objection / Comment	Applicant's response
The WCC supports the proposal of the Astronomy Education Centre (AEC) within the Overstrand area.	Noted.
<p>The WCC however strongly opposes the placement of the AEC within the Fernkloof Nature Reserve. The legitimacy of the process used by the Overstrand Municipality is questioned. The Management and Use of the Nature Reserve is governed by the Western Cape Nature Conservation Ordinance and its management use is subject to the National Environmental Management: Protected Areas Act No. 57 2003. It is believed that the proposal is in conflict with this Act.</p> <p>It is noted that the construction footprint would exceed 300m² and therefore trigger a NEMA listed activity. It is also mentioned that the proposed footprint excludes a parking area.</p> <p>WCC request evidence that the provisions of the NEMA: Protected areas Act and also the NEMA 107 1998 as amended have been complied with.</p> <p>The proposal is inconsistent with the purpose for which the Nature Reserve was proclaimed.</p> <p>Request for evidence that the proposal is compliant with Section 40 (1):</p> <p>In terms of section 40(1) of National Environmental Management: Protected Areas Act No. 57 2003:</p>	<p>With reference to Section 40(1) of the Protected Areas Act quoted by the WCC, please see below our response in 1.1 below.</p> <p>Please note astronomy is part of nature and the intent is to do environmental education. Act 57 of 2003 does not prohibit the development of small scale low impact environmental education nodes.</p> <p>One of the reasons why the sight was selected is because of the existing parking area. No additional vegetation needs to be removed for parking.</p> <p>Please see attached the letter from NEMA, confirming that no listed activities are triggered.</p> <p>Please see 1.1 below.</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

<p><i>“The management authority must manage the area-</i></p> <ul style="list-style-type: none"> <i>(a) Exclusively for the purpose for which it was declared, and</i> <i>(b) In accordance with</i> <ul style="list-style-type: none"> <i>(i) The management plan for the area;</i> <i>(ii) This act, the Biodiversity Act, the National Environmental Management Act</i> <i>(iii) Any applicable provincial legislation, ...”</i> 	
<p>The Fernkloof Management Plan does not permit use of the Reserve for an astronomy centre.</p> <p>Request from WCC would like to see how the FMP makes provision for the building and operation of the proposed astronomy centre.</p> <p>Section 50(1) of the Act makes provision for the management authority to permit certain activities within the Reserve but 50(2) clearly states that:</p> <p><i>“An activity allowed in terms of subsection (1)(a) or (b) may not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve”</i></p> <p>WCC requests that the Overstrand Municipality shows evidence that a study has been carried out by a suitably qualified specialist that recommends that the proposed astronomy centre will not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve.</p>	<p>The Fernkloof Management Plan, 2016 states the following: <i>‘G.2 Eco-Cultural Tourism and Marketing. The Overstrand Municipality has the mandate to sustainably develop the FNR within the framework of its approved Integrated Environmental Management and Conceptual Development Plan (CDP). Such development will be undertaken to help ensure the long-term environmental and economic sustainability of the FNR, whilst respecting and giving access to the Nature Reserve's natural and cultural heritage features.’</i></p> <p>Management Plan specifically mentions the astronomy centre that was already approved in principle in 2009.</p> <p>A botanical study has been carried out that confirmed that the proposed area is suitable for what is proposed, especially due to the area being previously disturbed.</p>
<p>WCC contends that the Overstrand Municipality needs to propose amendments to the Fernkloof Nature Reserve Management Plan that allow for the construction and operation of facilities such as the proposed AEC, and to subject these to public participation and approval by the MEC at provincial level.</p>	<p>The Fernkloof Integrated Management Plan, June 2016 has as far as we could establish not been finalised / approved yet and mentions that there is an in-principle decision that remains in-force.</p> <p>In the 2016 version, the following is mentioned in the</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	<p>FNRMP:</p> <p><i>'E.1.1 Astronomy Centre The development proposal by the Hermanus Astronomy Club includes an observatory equipped with telescopes and a small amphitheatre for the presentation of educational classes and talks on astronomy. An in-principle decision, subject to regulatory processes, was taken by the Overstrand Council on 1 September 2009 to lease a portion of Erf 243 Rotary Drive to the Hermanus Astronomy Club for the construction of the Astronomy Centre. The Council Decision remains in force until reviewed or annulled within a formal process. The In-Principle decision issued by Council for the leasing of a portion of the nature reserve to the Hermanus astronomy centre, however, is subject to the following applications:</i></p> <p><i>i) A consent use application in terms of the Overstrand Wide Zoning Scheme of 2014;</i></p> <p><i>ii) Basic Assessment and Environmental Authorisation in terms of the NEMA EIA Regulations 2010; Both processes must take cognizance of the relevant provisions of the 2012 NEM:PAA Regulations for the Proper Administration of Nature Reserves and require full public participation prior to the matter being referred to Council for a Decision.'</i></p> <p>The current application is then exactly for that. It was however already confirmed that an application in terms of the NEMA EIA Regulations 2010 is not</p>
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**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	required.
The WCC believes that the proposal will require authorisation in terms of NEMA regulations.	Comment from the Department of Environmental Affairs has been obtained and none of the listed activities are triggered. Please see attached.

1.1 Compliance with Section 40(1) the Protected areas Act No 57 2003:

<i>In terms of the Act 'the management authority must manage the area-</i>	In terms of the Fernkloof Management Plan	Compliance of the Proposal
a) Exclusively for the purpose for which it was declared	In terms of the Fernkloof Management Plan, the purpose of the Management Plan: <i>The FNR delivers important ecosystem services and is a source of spiritual and cultural wellbeing, and outdoor recreation for the inhabitants of and visitors to Hermanus.</i>	We believe the proposal for an outdoor amphitheatre for purposes of Daytime Education Astronomy that would include information on sundials, sun telescopes and / or anything to do with daytime astronomy is completely in line with the purpose of the Reserve. It will allow for night time astronomy, with platforms where visitors could mount there telescopes. It will further be used as a formalised meeting point, inside the proclaimed Fernkloof Nature Reserve, where small tour groups could stop to enjoy and investigate the natural environment with prior arrangement. The amphitheatre facility could be

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

		used as gathering point for information sessions on especially the botanical significance of the park.
<p>b) In accordance with</p> <p>i) The management plan of the area</p> <p>ii) This Act, the Biodiversity Act, the National Environmental Act</p> <p>iii) Any applicable provincial legislation,...</p>	<p>i) The management plan mentions the proposal for the amphitheatre inside the reserve and in the document it is mentioned that it was approved in principle and remains in force. The proposed location is however not indicated on the zonation plan.</p>	<p>i) The proposed area is not located in a development node, but one could say that it is located at a developed node. A tar road exist to the site, a parking area is in place, electricity pylons cross past the site Since the Management Plan has not been approved, it can still be amended and included in the zonation plan.</p> <p>ii) Comment from NEMA has been received that confirms that the activity is not a listed activity.</p> <p>iii) We do not believe that the proposal impact on any other provincial legislation.</p>

Town Planner's response

The Fernkloof Management Plan 2016 has not been finalised and is still a draft document that has subsequently changed significantly. The present plan only indicates outdoor recreation and an astronomy education centre cannot be read into an outdoor recreational facility. The comments of the NEMA regulator are noted.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

2. Dr. P. Miller

Objection	Applicant's response
<p>The proposal is unacceptable, due to Erf 243 being within a proclaimed Nature Reserve. According to Dr Miller the legislation requires that 'due diligence planning is undertaken before a consent use that will result in a permanent impact is considered'.</p>	<p>The June 2016 Fernkloof Management plan states that the 2009 approval for the Astronomy clubs amphitheatre remains in force until reviewed or annulled. This document even lists what is required for this decision to be taken:</p> <ul style="list-style-type: none"> a) A consent use b) NEMA approval <p>These comments are a result of the consent use and DEA&DP confirmed that no listed activities are triggered.</p>
<p>Comment that the development footprint has been reduced to circumvent the need for an EIA. It is mentioned that by including even minimal parking, the coverage will require an EIA.</p>	<p>The site was chosen partially because it is already disturbed and also because there is an existing parking area.</p>
<p>Comment that by definition conservation areas are set aside for the preservation of the natural environment. Dr Miller says that the Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.</p>	<p>The Fernkloof Management Plan states:</p> <p><i>"G.2 Eco-Cultural Tourism and Marketing The Overstrand Municipality has the mandate to sustainably develop the FNR within the framework of its approved Integrated Environmental Management and Conceptual Development Plan (CDP). Such development will be undertaken to help ensure the long-term environmental and economic sustainability of the FNR, whilst respecting and giving access to the Nature Reserve's natural and cultural heritage features."</i></p>
<p>The site under consideration is a pristine area where no development has been provided for in the SDF. There is no justifiable reason for proposing a deviation from this framework for this proposal.</p>	<p>The site is not a pristine area. The area on which the educational site is proposed, is a 315m² disturbed area, with the parking area close by, along with a large ESKOM line traversing the site nearby. A tar road provides access with a parking area. The SDF does not propose development on this specific area,</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	but it does mention the application that was previously approved and still in force.
Comment that the proposal is a deviation from the Fernkloof Management Plan. It contradicts the development nodes envisaged in the plan. The plan notes the need to protect Rotary Way area from further negative impact.	The lease area has been approved in 2009 and this is also acknowledged in the FMP text. The proposal will add value and will not have a negative impact on Rotary Way.
The concentration of people and vehicles due to the new construction will cause 'n knock-on trampling effect on the surrounding vegetation. This effect can be seen in the trampling of the vegetation adjoining the viewing area that is opposite the proposed site.	The viewing area is not a structured, formally developed area that provides visitors with boundaries. The proposed educational facility however, makes provision for a screened walled in area with boardwalks, to ensure visitors do not trample any surrounding area.
No site in the reserve should be considered, unless it forms part of the development nodes noted. Construction within the reserve should be restricted to developments that enhance the reason for which the reserve was proclaimed.	The site has been carefully selected, after considering different alternatives. Reasons for selecting this site, includes: <ul style="list-style-type: none"> - The facility, with a footprint of 288m² is proposed on an already disturbed area. The previously disturbed area is approximately 315m² and marked out on the attached SDP. - The site is located immediately next to an existing tarred road. No additional road infrastructure and therefore disturbance of natural vegetation are required. - There is an existing public parking area, used by busses and individuals currently visiting the lookout point. - The site is not on a ridgeline, therefore minimizing visual impact. - The impacted area is below the skyline, which will limit light pollution impact for observation purposes. - The disturbed area is surrounded by fynbos, making it also suitable for botanical education.
An exposed coastal site is inappropriate for astronomical observations, due to reasons listed by Dr Miller. It is mentioned that the site was only selected for reasons of	The facility will have a strong focus on daytime astronomy and there will be at least two solar telescopes. The site is however already used on

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

<p>convenience. There are sites that are better situated that would not entail the disturbance of a protected area of natural vegetation.</p>	<p>occasion at night and proofs to be satisfying to the amateur astronomers making use of it. The site was specifically chosen because it is already disturbed and it serves the purposes for night time observation.</p>
<p>The concept of a fixed facility should also be reconsidered. It is mentioned that common practice elsewhere is to use an observations trailer, fully equipped with the necessary technology, which can be taken to various sites as needed. Dr Miller is of the opinion that this option would be more flexible and cheaper.</p>	<p>With the focus on daytime astronomy, there will be engineered granite tablets (like the information tablets at the Gearing's Point sundials) on ALL interior vertical surfaces will be engraved with educational themes such as:</p> <ul style="list-style-type: none"> • Milestones in Astronomy (starting with Aristarchus in 297 BCE) • Giants in Astronomy (also starting with Aristarchus in 297 BCE) • The Moon, our nearest neighbour, and its role in solar & lunar eclipses and its dominant influence on tides • The Solar System and how it was formed • Our Galaxy – The Milky Way • Our place in the Universe • Exo-planets • Stellar Evolution (The Birth and Death of a Star) • Finger-printing the Universe via Spectroscopy • A North-facing 1.7m high Projection Wall with engineered granite engraved information tablets <p>A mobile site will only benefit a handful of people and the benefit as an educational centre will be lost.</p>
<p>Comment that the objection is not against the Astronomical Centre, but against the positioning. The benefits of the Centre are further acknowledged.</p>	<p>Noted.</p>

Town Planner's response

The development footprint is reduced to circumvent the need for an EIA. The site under construction will cause a knock on trampling effect on the surrounding area. The proposed development is not located in a development

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

node as per the Draft Management Plan. It is correct that although the proposed development will be less than the trigger for an EIA, disturbance of the surrounding area may happen during the construction period.

The proposed development will be located on a disturbed area and thus not pristine according to the applicant. The parking will be on an existing parking area opposite the proposed site.

3. GJ & H Dearn

Objection	Applicant's response
<p>The Nature Reserve is one of the last of its kind in South Africa and there are many species that are found nowhere else and should be 'zealously guarded to ensure their survival'.</p> <p>The cutting off of one section to allow the Golf Estate to be built in Fernkloof and the proposed By-Pass are mentioned as previously developments that impacted negatively on the reserve. Concern that the Reserve will be cut up, 'instead of being guarded diligently'.</p>	<p>The Municipality already approved the lease area approximately 7 years ago. It remains part of the reserve and will contribute towards the educational facilities in the reserve.</p>

Town Planner's response

The concern is notes. The proposed facility is not supported by the Draft Fernkloof Management Plan.

4. David Beattie

Objection / Comment	Applicant's response
<p>No mention was made of Erf 243 being within the boundaries of the Fernkloof Nature Reserve in the notice that was distributed. It could be misleading and readers could think it is an unprotected area.</p>	<p>Even though the notices didn't mention it, the application did however make it very clear that the site is within the Reserve.</p>
<p>No objection to the facility, but objects against the siting of structures. It is inappropriate and unconnected to the purpose of a proclaimed reserve such as Fernkloof.</p>	<p>Looking at the purpose of the reserve, it is believed that the reserve is the ideal position for what is proposed.</p>
<p>Previous applications, such as art gallery and zip-line have been rejected, because they were unrelated to the</p>	<p>The proposed amphitheatre has already been approved by Council and would under the</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

<p>reserve, would cause damage to the protected fynbos and would set a precedent.</p>	<p>previous Scheme Regulations, not have required a town planning application. The proposal will not cause damage to protected fynbos and should there be any fynbos on the development area, it will be replanted in a suitable area. The proposal can't be compared to previous proposals because in this case it relate to environmental education that is compatible with e protected area.</p>
<p>The area that will be disturbed will be larger than the footprint of the proposed structures and would almost certainly trigger an EIA.</p>	<p>The proposed development site is slightly smaller than the already disturbed area. With a strict Construction Management Plan in place, care will be taken to ensure no footprint is kept to a minimum. No EIA required, DEA&DP clarification in hand.</p>
<p>The proposed structures would be an eyesore to regular users of the reserve.</p>	<p>The visual impact of the structures will be mitigated with a vegetated berm. The site is however located in an area that's already traversed by an Eskom line and immediately next to a tarred road.</p>

Town Planner's response

During the construction period it is possible that the area surrounding the proposed development may be disturbed. The concern with regard to the visual impact can be mitigated and is already compromised with Telkom and other transmission equipment.

5. Antony D van Hoogstraten

Objection / Comment	Applicant's response
<p>Unacceptable because the applicant has purposely scaled the proposed building down to 295m² to avoid an EIA. The vehicle parking implications of the proposals have been ignored and would increase the disturbance to over 300m².</p>	<p>The development will make use of the existing parking area. Since visits will be by prior arrangement, the number of visitors and vehicles will be controlled.</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

It is completely unacceptable in terms of the draft management plan which does not make provision for this proposal in its zonation.	Even though the draft management plan doesn't indicate the location of the proposal, it does mention it in the text. In the future revision of the document, the facility can be included in the zonation.
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Town Planner's response

The objector has a valid concern with regard to the parking arrangement. Should buses make use of the parking area it can restrict parking availability for the general public. This aspect has not been sufficiently addressed by the applicant.

6. Various objectors

Objection / Comment	Applicant's response
The proposal is unacceptable due to the site being located inside the Fernkloof Nature Reserve, which is a proclaimed conservation area. Being subject to the National Protected Areas Act (NEMPAA), it requires that due diligence planning is undertaken before a consent use is considered.	The June 2016 Fernkloof Management plan states that the 2009 approval for the Astronomy club's amphitheatre remains in force until reviewed or annulled. This document even lists what is required for this decision to be taken: a) A consent use b) NEMA approval These comments are a result of the consent use and DEA&DP confirmed that no listed activities are triggered.
Proclaimed conservation areas are set aside for the preservation of the natural environment. The Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.	The Management Plan and also protected areas act, does make provision for the use of Nature Reserves in a sustainable way. Inclusion of the amphitheatre will broaden the use of the Reserve and should open it up to even a larger tourist group.
The site under consideration is a pristine area where no development has been provided for in the SDF. There is no justifiable reason for proposing a deviation from this framework for this proposal.	The site is not pristine and has been previously disturbed. A botanical report prepared for purposes of the proposed development, indicated that the site was suitable for what is

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	proposed.
The Fernkloof Advisory board has not been consulted on this proposal. It contradicts the development nodes envisaged in the draft Fernkloof Management plan. The plan notes the need to protect Rotary Way area from further negative impact.	The FMP mentions that the lease area was previously approved and that the approval remained in force. The Advisory Board therefore knew about the development.
Any concentrated visits from people and vehicles will have a knock-on-trampling effect on the surrounding vegetation.	The development will be well demarcated and supplied with boardwalks. Visits to the site will further be by appointment and numbers therefore controlled.
An exposed coastal site is inappropriate for astronomical observations, due to reasons listed in the objection. There are sites that are better situated that would not entail the disturbance of a protected area of natural vegetation.	The focus of the development is for daytime astronomy. Current night time users do however find the site to be satisfactory.
Comment that the objection is not against the Astronomical Centre, but against the positioning.	Noted

Town Planner's response

The various concerns have been addressed under points 1 to 5.

7. Hermanus Botanical Society

Objection / Comment	Applicant's response
The proposal is unacceptable due to the site being located inside the Fernkloof Nature Reserve, which is a proclaimed conservation area. Being subject to the National Protected Areas Act (NEMPAA), it requires that due diligence planning is undertaken before a consent use is considered.	The lease area was already approved in 2009 and various pre-planning studies conducted, that included amongst other a botanical assessment. The Management Plan does however acknowledge the possibility of the future amphitheatre, due to the in principle approval still be in force.
Proclaimed conservation areas are set aside for the preservation of the natural environment. The Municipality should uphold the protection offered by law to our natural heritage through respecting	The Open Space 1 Zoning (Nature Reserve) specifically makes provision for a consent use for an environmental facility that includes educational

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

<p>the boundaries of protected areas.</p>	<p>facilities in a nature reserve. The proposed educational facility will add value to the nature reserve and attract an even wider audience.</p>
<p>The HAC has no particular interest in the conservation and preservation of the natural environment and is therefore an inappropriate body to be allowed to lease any land within the FNR.</p>	<p>The HAC is just as much related to nature and education with regards to daytime astronomy is very appropriate outside in the natural environment.</p>
<p>The site under consideration is a pristine area where no development has been provided for in the SDF. There is no justifiable reason for proposing a deviation from this framework for this proposal.</p>	<p>The site is not pristine and has been previously disturbed.</p>
<p>It contradicts the development nodes and approach to such nodes envisaged in the Fernkloof Management plan. The plan notes the need to protect Rotary Way area from further negative impact. The plan does not include the envisaged Astronomy Centre as part of the development nodes in the plan. The Fernkloof Advisory Board has not been consulted on this proposal.</p>	<p>The FMP mentions that the lease area was previously approved and that the approval remained in force. The Advisory Board therefore knew about the development.</p>
<p>Any concentrated visits from people and vehicles will have a knock-on-trampling effect on the surrounding vegetation. No clear plans are envisaged for toilet facilities, safety of the participants, insurance of buildings and use of the facility by other members of the public. Question whether Overstrand Municipality will supply the necessary toilet facilities and water and increase the size of the parking area.</p>	<p>The proposed educational facility makes provision for a screened walled-in area with boardwalks, to ensure visitors do not trample any surrounding area.</p>
<p>No site within the general vicinity of the boundaries of the reserve in this area should be considered for any construction, unless it forms part of the development nodes noted in point 4 of the objection.</p>	<p>The site has been carefully selected, after considering different alternatives. Reasons for selecting this site, includes:</p> <ul style="list-style-type: none"> - The facility, with a footprint of 288m² is proposed on an already disturbed area. The previously disturbed area is approximately 315m² and

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	<p>marked out on the attached SDP.</p> <ul style="list-style-type: none"> - The site is located immediately next to an existing tarred road. No additional road infrastructure and therefore disturbance of natural vegetation are required. - There is an existing public parking area, used by busses and individuals currently visiting the lookout point. - The site is not on a ridgeline, therefore minimizing visual impact. - The impacted area is below the skyline, which will limit light pollution impact for observation purposes. - The disturbed area is surrounded by fynbos, making it also suitable for botanical education.
<p>An exposed coastal site is inappropriate for astronomical observations, due to reasons listed in the objection. There are sites that are better situated that would not entail the disturbance of a protected area of natural vegetation.</p>	<p>The facility will have a strong focus on daytime astronomy and there will be at least two solar telescopes. The site is however already used on occasion at night and proofs to be satisfying to the amateur astronomers making use of it. The site was specifically chosen because it is already disturbed.</p>
<p>The concept of a fixed facility should also be reconsidered. It is mentioned that common practice elsewhere is to use an observations trailer, fully equipped with the necessary technology, which can be taken to various sites as needed. Dr Miller is of the opinion that this option would be more flexible and cheaper.</p>	<p>A mobile facility will only benefit a small audience and will not be suitable for what is proposed with regards to the daytime astronomy at this site. Please see attached a pamphlet that was distributed during an on-site meeting.</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

Comment that the objection is not against the Astronomical Centre, but against the positioning.	Noted.
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Town Planner's response

The comments are similar to WCC and D Miller. The one aspect that needs to be addressed is the fact that the objector, BOTSOC, has the biggest impact in Fernkloof since the lease area of BOTSOC and their activities and buildings. Therefore their comment in this regard is inappropriate. The other concerns have been addressed under points 1 to 5.

8. Vogelgat Nature Reserve (Pty) Ltd (5 June 2016)

Objection/Comment	Applicant's response
The local astronomy club presents wonderful programmes and astronomy centre would be an asset. It is however not believed that Erf 243 is the most suitable site for the following reasons.	Noted. The proposed use is compatible with a reserve, CBA and the NEMPAA. It is similar to all other environmental education centres in Nature Reserves in SA. Many reserves cater for a wide spectrum of interpretation and the solar system is part of the natural heritage.
The site is located inside the Fernkloof Nature Reserve, which is a proclaimed conservation area. It is subject to the National Protected Areas Act (NEMPAA). The site falls in the Overberg Critical Biodiversity Area Inland Corridor.	Noted.
Fernkloof is situated in the Overberg sandstone fynbos and is nationally regarded as a critically endangered habitat. Some plants are considered threatened (as per the Botanical report prepared by Sean Privett).	Noted. A specialist architect is used to design the facility in order to blend into the surrounds.
The site is not including in the current, but yet not complete FMP. This site doesn't even feature on any proposed development nodes. The new Environmental Zonation overlays will not permit any construction in visibly sensitive areas, like Erf 243.	The centre is mentioned in the text of the FMP and it is acknowledged that the in principle approval remains in force until otherwise decided. The site is not located on a ridgeline and view over this area is negatively impacted on by an Eskom-line. The proposal

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	does make provision for visual screening and the visual and also environmental impact will be minimal.
The proposal started in 2011. The Astronomy Club has had ample time to peruse other alternatives rather than erect an amphitheatre in a proclaimed nature reserve. Mention of other alternatives is made.	The Astronomy Club did consider a wide range of different alternative and none proofed to be this suitable.
Reference to Dr Deon Kuhn, the past CEO of the Hermanus Magnetic Observatory is made who stated that Hermanus as a coastal town is not nearly suitable for astronomical work, with reasons provided for this comment.	The site is already used by a small number of astronomers at night that find it satisfactory. The focus of the site will however be on daytime astronomy.
Reference to Frieda Lloyd from Hermanus Tourism that records that Fernkloof is the top destination for people visiting Hermanus. The question is made whether the natural asset should be carved up.	The educational facility will provide even more reason to visit Fernkloof, since a larger audience will be targeted. The idea would be to allow school groups throughout the year to provide them with an exceptional education facility. The proposal is a small node in a disturbed area, next to developed infrastructure, it will not carve the reserve up it will rather provide value to an area that are frequented by many visitors, primarily for view over Walker Bay. It will facilitate nature and educate Reserve users.
Comment that large numbers of vehicles would require a larger parking area.	The use of the facility will be by appointment. A larger parking area will not be required, since there is already sufficient parking available.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

Suggestion that a more suitable site be sought.	Various alternatives have been considered over the years and none proved to be suitable for what is proposed.
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Town Planner's response

The points mentioned are valid and the HAC did not indicate that it has the financial means to ensure security. Although the existing parking area will be utilised, it may be insufficient, since it is also for the public's use. The parking ratio has not been determined.

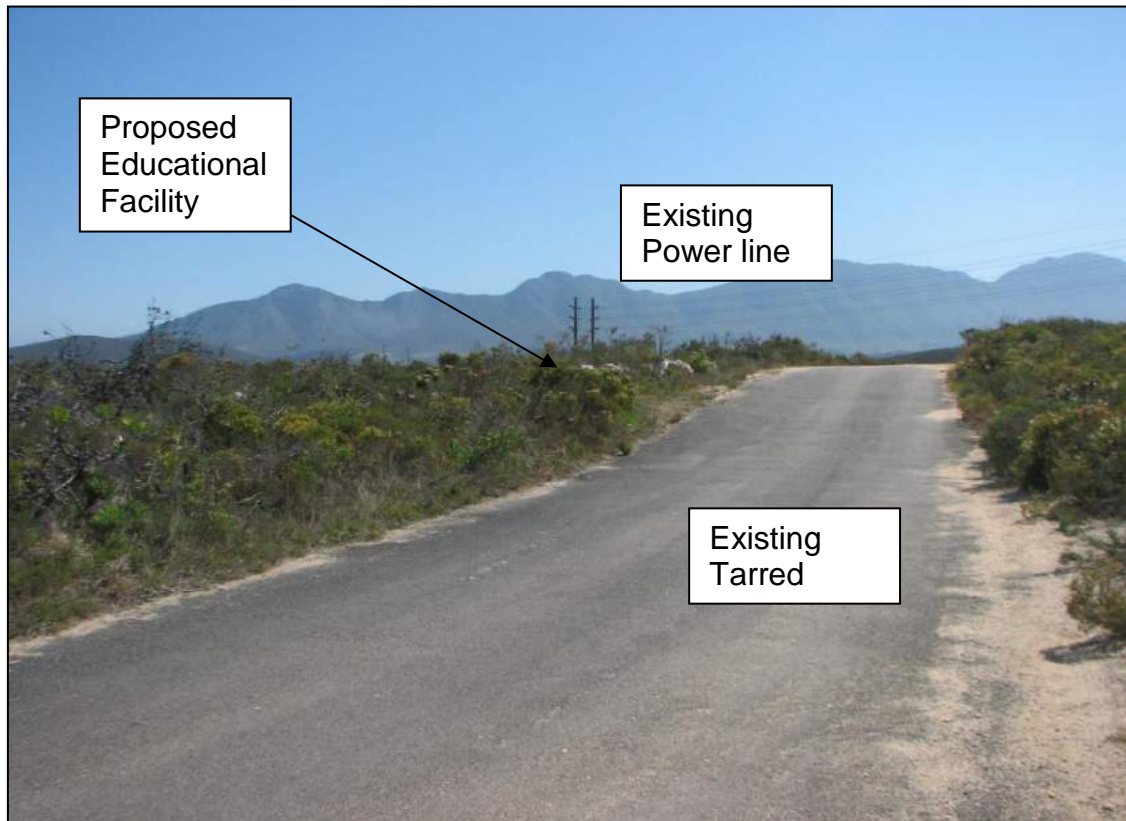
Overstrand Environmental Management Section

Objection / Comment	Applicant's response
The Fernkloof Advisory Board, as the appointed statutory body to advise Council in terms of the management and use of the Fernkloof Nature Reserve, has unanimously and consistently opposed the use of the nature reserve for astronomy and the construction of the facility on top of the ridge within the nature reserve.	The Facility was already approved by Council in 2009 and this is acknowledged in the Fernkloof Integrated Management Plan. The Management Plan lists certain criteria that will have to be complied with, including the application for a consent use and complying with the NEMA regulations. It was confirmed that no activities are triggered in terms of NEMA and the consent use application is in process. Since the initial application was made, it was decided to share the use of the facility with the Botanical Society. Mention is made of the facility being on top of the ridge. The site was specifically identified as being behind the light pollution glow of Hermanus, which implies that it will not be visible from Hermanus – much more importantly that Hermanus' significant light pollution glow will not be visible from the site.
Note that the NEM: PAA regulations state that the Nature Reserve must be utilised exclusively for the purpose for which it was declared. In the original declaration it states: '...as a nature reserve (particularly wild flowers) which includes the preservation and cultivation of Indigenous Flora,....'	The proposed educational facility is not in contravention of the original purpose for which the reserve was declared. The Fernkloof Integrated Management Plan, 2016 states the following: <i>'G.2 Eco-Cultural Tourism and Marketing The Overstrand</i>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	<p><i>Municipality has the mandate to sustainably develop the FNR within the framework of its approved Integrated Environmental Management and Conceptual Development Plan (CDP). Such development will be undertaken to help ensure the long-term environmental and economic sustainability of the FNR, whilst respecting and giving access to the Nature Reserve's natural and cultural heritage features.'</i></p> <p>Management Plan specifically mentions the astronomy centre that was already approved in principle in 2009.</p> <p>A botanical study has been carried out that confirmed that the proposed area is suitable for what is proposed, especially due to the area being previously disturbed.</p>
<p>Comment is made that since the Botanical Study was completed, the percentage natural vegetation cover on the site has increased to more than 80%. The site is not as disturbed as indicated in the application.</p>	<p>On a site visit earlier this year, the site was still to a large extent disturbed and could easily be identified from the road. We can however not comment on the current percentage disturbance.</p> <p>The disturbance of the development site is however not confined to the disturbance of vegetation on the proposed development site.</p> <p>The area is in no way pristine and is disturbed by:</p> <ul style="list-style-type: none"> • The existing Parking area • The existing road, Rotary Drive • The electrical power lines • The existing disturbed area, still clearly visible – 6 years after being approved in principle. <p>Also see photo below.</p> <p>The HAC confirmed at the Open Meeting that it would include in its NLC budget the recovery from alien infestation of at least 300m² to ensure that no area of fynbos is lost.</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**



It is said that the Fernkloof Management Plan requires the development of an integrated Tourism plan which addresses all visitor activities and services in the Nature Reserve, in Comparison with a market survey. This plan will then inform the Infrastructure development plan. In this context the development of the astronomy centre is premature.

The IMP reads as follow:

'In addition, some degree of tourism infrastructure development is required in order to help ensure the long-term environmental, eco-cultural tourism and economic sustainability of the FNR.

In terms of the above, a Marketing and Tourism Infrastructure Development Plan / Strategy must be developed, which must include future development options (e.g. a coffee-shop / small restaurant at the entrance to the FNR), events and activities, branding strategies and target markets.

If understood correctly the Integrated Tourism Plan is required to a large extent ensure economic sustainability of the Reserve.

The proposed Educational Facility was approved before there was an Integrated Management Plan for the reserve. The Funds for the Educational Facility have already

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	<p>been made available. The Astronomy centre has indicated that they want to share the facility with the Botanical Society. They are more than prepared to make funds available to also assist in other areas of the park, should funds be available. The Educational Facility will therefore contribute in making the facility more sustainable on various levels.</p> <p>As mentioned by the Environmental Management Department in their letter, the Tourism Office supports the development.</p> <p>We truly believe that after six years, the implementation of the project is not premature.</p>
<p>Comment that one of the objectives of the Fernkloof Nature Reserve Management Plan is to rehabilitate formerly disturbed and eroded sites. According to the comment the proposal involves the development of a rehabilitated site.</p>	<p>Seeing that the previous disturbance is still visible, it would be hard to conclude that the site has been rehabilitated. Vegetation did however grow back and as a trade-off the society could offer:</p> <ul style="list-style-type: none"> - Erosion control and vegetation restoration along footpaths in the area especially the heavily eroded path between the cemetery and rotary drive, plus the eroded and ad-hoc path disturbance by recreational users. - This restoration can make footpath access to site more attractive that can eliminate people driving to site, it can encourage schools top walk to site, that will eliminate traffic and parking pressure and encourage a positive carbon footprint.
<p>Safety and security of visitors at the Rotary Way Viewpoint is an increasing concern and risk, especially after hours and the Fernkloof Operational Budget does not provide sufficient funds for the appointment of a Security Company.</p> <p>There is a concern that the amphitheatre will provide cover for criminals that could utilise the facility as cover to launch attacks on visitors at the viewpoint.</p>	<p>Safety and Security is a concern to the extent that the HAC accepts and already implements the practise of only utilising the site at night in group context.</p> <p>The site will however mostly be used during day time. When the facility is used a security company can be hired to provide the required protection, if it is ever found to be</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	<p>required. The site is adjacent to the Lookout Point, which is the third most important tourism site in Hermanus (after the Cliff Path – substantially enhanced by the HAC’s True Scale Solar System Model – and Fernkloof kiosk), from which visitors put Hermanus and Walker Bay into 3D perspective. Tourists are in any case going to be there. Adding significant tourism and educational value to their visit is an opportunity not to be lost. It is unlikely that the facility will provide a cover area from where to launch attacks on visitors to the viewpoint. The viewpoint / parking area is approximately 40m from the proposed education facility and by looking at the photo above, the ‘attackers’ would be too exposed to reach their victims unnoticed.</p>
<p>The proposed development does not take cognizance of trampling of new pathways beyond the designated footprint. The ecological footprint will be larger than 300m² due to trampling, desiccation, wind shielding and runoff factors.</p>	<p>Boardwalks and decks make out 91m² of the development footprint and there should be no reason why visitors will trample the surrounding area. The walkway takes access directly from the adjacent tarred road.</p>

Technical Aspects:

Municipal Environmental Department	Applicant’s response
<p>In the report it is mentioned that water will be carted up when required. Unsure if the water will be stored in storage tank on site. If so position of the tanks is required on the SDP. The applicant did not indicate who will be responsible for providing the water for the facility. The Fernkloof Nature Reserve management team does not have the capacity to provide this service.</p>	<p>As groups visit the site, visitors will either take up their own refreshments, or depending on the nature of the event, the facilitator will provide the group with water, cooldrink, tea, etc. If more water is required for example cleaning, water will be carted up in larger quantities. The Hermanus Astronomy Centre will be leasing the property from the Overstrand Municipality. They will therefore be responsible for the provision of all services on the lease area.</p>
<p>Sewer: Comment that information on visitor capacity is not mentioned and it is unclear if the ablution facilities will be sufficient.</p>	<p>In the introduction of the letter of comment, Ms Penelope Aplon mentions that the facility has a</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

<p>Request for the 'service and maintenance plan for the eco-loos'.</p> <p>Comment that the average height of the eco-loos is 2,3m (length of vent pipe). Comment that this will have a significant visual impact. How will the applicant mitigate the visual impact?</p> <p>Will the composting unit be above or below ground?</p> <p>The type of material to enclose the eco loos is not addressed. The placement of eco-loos on the SDP is also not satisfactory.</p>	<p>capacity of 50 people. We did however not comment on the capacity in our report. The facility could however accommodate a maximum of 50 people.</p> <p>According to the SABS Standards for ablution facilities at an event open for six (6) hours, one toilet for every 100 female attendees and one toilet plus a urinal for every 500 male attendees. Two toilets between 50 attendees are therefore more than sufficient.</p> <p>The comments regarding the aesthetically visual impact of the eco-loo's are valid and welcomed as a constructively positive contribution. Consequently, the eco-loo's will be moved to the East and West NORTHERN sides of the Projection Wall, ensuring that their Northern vertical sides are exposed to maximum solar exposure to maximise volumetric and odour extraction efficiency.</p> <p>Access will therefore be around the Eastern/Western sides of the Projection Wall, with their Western/Eastern sides therefore be bermed as part of the Projection Wall berming.</p> <p>This translocation of the eco-loo's will have no impact on the total footprint of the proposed development.</p> <p>Appropriately revised Site Development plans will be submitted as soon as possible.</p>
<p>Electricity: The use of solar panels to recharge batteries and an inverter are mentioned. Request to indicate the position of the solar panels.</p>	<p>Mobile solar panels will be used and only carted up to the site to recharge batteries when required, or otherwise the batteries will be recharged in town.</p>
<p>Access and Parking: Unclear if the current parking is sufficient. Reference is made to events where there wasn't enough parking.</p>	<p>Visitors and school groups will be driven up to the parking area with mini buses. The parking area, staying within the parameters of the existing tarred area, has enough space for a minimum of 7 vehicles. This is sufficient for visitors to the</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	lookout point and also one or two mini buses transporting the visitors to the educational facility.
Security: Indication of what measures will be taken to ensure the safety of visitors during the day / night. Concern about the structure that will provide shelter for criminal elements and promote attacks on visitors to the Rotary Way viewpoint.	Security will be acquired as necessary for events at the educational facility. It is not believed that the structure will promote attacks, due to the distance and visibility between the parking area and the facility.
Function of the kitchenette is unclear.	The kitchenette's exclusive purpose is for night-time observers to make gas-heated tea or coffee.
Proposed mitigation measure in the Botanical assessment refer to 'boardwalks and clearly defined thoroughfares' – however the location of these are not indicated on the SDP.	The only boardwalk is from the amphitheatre to the Viewing Rock, which IS indicated on the Site Development Plan and also include in the total footprint of the proposed development.

Recommendations by the Environmental Department:

Recommendations by the Environmental Department	Applicant's response
The Applicants must provide written motivations and support from a spectrum of local schools, tourism organisations to demonstrate the need for the facility in the broader community.	The HAC is already utilising the site for night-time observing for school groups (Lukhanyo Primary, Mount Pleasant Primêr and Hawston Sekondêr). HAC has initiated a series of quarterly workshops for science teachers in the Overberg. Once the facility is established the Sunrise Viewing Wall and Cardinal Point Viewing slots will be promoted as and will undoubtedly become a prime day-time educational outing for Overberg and Cape Metropole schools as a unique facility of its kind in South Africa.
The development of the Rotary Way Site should be an integrated upgrading of the site which takes cognizance of the outputs of a Tourism Development Plan for the Nature Reserve. The Tourism Infrastructure needs should flow from the outputs of the Tourism Development Plan.	The Proposal was approved by Council in 2009 subject to certain conditions. The HAC then over time complied with the conditions and managed to raise the money through funding from the National Lottery Board – who saw the value of the development for the local community and general public. Unfortunately as soon as the funding was available, the

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	<p>Municipal Zoning Scheme changed and a new application was required to allow the same proposal that was in the meantime downscaled. The Tourism Development Plan is pre-dated by the Council resolution of 2009, in addition to the fact that Hermanus Tourism supports the proposal.</p> <p>The proposal will not impact negatively on the Tourism Development Plan, but will make a large contribution into making the Overstrand an even more attractive tourist destination, that cannot once again be held back by years of preparing a policy document.</p>
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Town Planner's response

The latter Department is the administrative custodian of the nature reserve and does not support the proposed facility, and has various concerns that has not been addressed.

Cape Nature

Cape Nature's Comment	Applicant's response
<p>It is noted that: 'In general, Cape Nature does not support development within NEM: PAA Section 23 nature reserves, unless the development is specifically to serve the objectives of the nature reserve and is of minimal impact.</p>	<p>The proposal does serve the objectives of the nature reserve and is of minimal impact, being an environmental educational facility and located on an already disturbed area. The development area is small and is next to an existing road and parking area.</p> <p>The Hermanus Astronomy Association has already offered 50% of the vertical wall surface to BOTSOC for permanently engraved fynbos educational material as a joint astronomy / fynbos day-time educational facility.</p>
<p>An alternative analysis is provided as an annexure to the planning report. It does not appear that environmental impact was one of the criteria used in evaluating the</p>	<p>With the amphitheatre being partially for a specialized activity, the alternative sites were primarily evaluated with</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

preferred alternative. Cape Nature is of the opinion that the Preekstoel Water Treatment Site should be considered the preferred alternative, as it is evident that this alternative is in a less sensitive site containing habitat of lower conservation value which is not within a protected area. It is however apparent that the preferred location has been selected as more suitable for the objectives of the project due to higher visibility of the night sky and better tourism potential. We have stated that we are of the opinion that the alternatives analysis is flawed as it did not assess the environmental impact (including all the various components e.g. biodiversity, visual). Fynbos education support is listed as a major reason for choosing the lookout site, however it could be debated whether an education centre needs to be located on a pristine site, as long as there is close access to intact habitats, therefore this rating is also queried. It is also noted that the Fynbos education aspect is not provided much further attention in the application.

reference to night time observation. In the case of environmental education, the surrounding site is also key to the success of the application and project.

The Hermanus Observatory and Amphitheatre Development Plan and "Site Comparison" that was attached to the application, which were drafted for the proposal with an Observatory (now not included) clearly objectively and quantitatively indicate that the Preekstoel site is second only to Gearing's Point as the least preferred site. Reasons for this being among other, its proximity to high night light exposure and its shortcomings into location in relation to bulk and intrusive infrastructure. Due to the environmental education component and daytime astronomy, the best quality site is required in order to optimize the experience of visitors. This can't be achieved at the Preekstoel site.

The application site is linked to the footpath network in Fernkloof that will contribute to the users experience compared to the Preekstoel site that is "hidden" away and not integrated as part of a greater eco-tourism framework of Hermanus. The site can be accessed by foot directly from the centre of town, namely Hoy's Koppe and the Schools precinct, which is not the case with Preekstoel it's also much safer for users considering its location.

The preferred site is not "pristine" as it was previously disturbed and the development footprint is

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	<p>located on this disturbed area. A road and powerlines cross the surrounding area. The existing parking makes it further feasible. Additional to the quantifiable considerations, the following considerations are crucial:</p> <ol style="list-style-type: none"> 1. The LOP site implies the smallest possible footprint in the fynbos area in the vicinity of Hermanus because of the proximity to the already existing LOP parking area 2. The LOP site is the only one in the vicinity of Hermanus that: <ol style="list-style-type: none"> a. Enables the combination of a Sunrise Viewing Wall coincident with the Walker Bay sea horizon; b. Has the lowest average horizon altitude of 2.7°, which enables Cardinal Point (Summer & Winter Solstice and Equinox) sunrise and sunset viewing slots in the amphitheatre – huge i.t.o. Educational value; c. Will have an amphitheatre located within a fynbos area, from a site that is not pristine, that is the best possible location from which to conduct fynbos awareness and conservation education [Note that the HAC has offered 50% of the vertical wall surfaces to BOTSOC for fynbos educational information plaques as a JOINT astronomy/fynbos educational facility]; d. Even though the prime focus of the AECA will be daytime astronomy education - of which all
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**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	<p>components except the crucially important Sunrise Viewing Wall and Cardinal Point sunrise and sunset slits can be duplicated elsewhere – it is also the best possible observation site in the vicinity of Hermanus for night-time observing.</p> <p>3. The LOP site is adjacent to the LOP parking terrain, which is the third most important tourism spot in Hermanus (after the Cliff Path & Fernkloof Visitor Centre), which attracts a lot of visitors in any case because it is the site from which Walker Bay & Hermanus can be put into 3D perspective. This implies that the visitors will be there in any case – The AECA will therefore “only” add significant interest, educational and tourism value to a visit to Hermanus.</p>
<p>Should the Preekstoel WTW alternative be proven to not be possible, then the lookout alternative needs to be evaluated in terms of its location within a nature reserve. In terms of NEM: PAA, all NEM: PAA protected areas must be managed in terms of a management plan (Sections 39 and 41). Cape Nature is aware that the management plan is currently in process however, the Overstrand Municipality would need to provide feedback regarding the current status. In terms of an interim zoning map we have been provided (Figure 1), the astronomy centre has not been indicated as a development node, only the existing parking area.</p>	<p>For reasons noted above, the Preekstoel alternative is not viable at all for what is proposed.</p> <p>The Fernkloof Integrated Management Plan, June 2016 has not been finalised / approved yet. In this document it is mentioned that there is an in-principle decision with regards to the Astronomy Centre that remains in-force.</p> <p>In the 2016 FNRMP: <i>‘E.1.1 Astronomy Centre The development proposal by the Hermanus Astronomy Club includes an observatory equipped with telescopes and a small amphitheatre for the presentation of educational classes and talks on astronomy.</i></p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

	<p><i>An in-principle decision, subject to regulatory processes, was taken by the Overstrand Council on 1 September 2009 to lease a portion of Erf 243 Rotary Drive to the Hermanus Astronomy Club for the construction of the Astronomy Centre. The Council Decision remains in force until reviewed or annulled within a formal process. The In-Principle decision issued by Council for the leasing of a portion of the nature reserve to the Hermanus astronomy centre, however, is subject to the following applications:</i></p> <ul style="list-style-type: none"> <i>i) A consent use application in terms of the Overstrand Wide Zoning Scheme of 2014;</i> <i>ii) Basic Assessment and Environmental Authorisation in terms of the NEMA EIA Regulations 2010; Both processes must take cognizance of the relevant provisions of the 2012 NEM:PAA Regulations for the Proper Administration of Nature Reserves and require full public participation prior to the matter being referred to Council for a Decision.'</i> <p>The current application is then exactly for that. It was however already confirmed that an application in terms of the NEMA EIA Regulations 2010 is not required.</p>
<p>Section 40 of NEM: PAA is of relevance regarding management criteria for protected areas: <i>"40. (1) The management authority must manage the area -</i> <i>(a) exclusively for the purpose for which it was declared; and</i> <i>(b) in accordance with</i></p>	<p>We fully agree with Cape Nature, since the proposed facility is in accordance with the Management Plan of the Fernkloof Nature Reserve, with the facility being a joint astronomy and biodiversity education centre. The initially applied for Astronomy</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

<p>(i) <i>the management plan for the area;</i> (ii) <i>this Act, the Biodiversity Act, the National Environmental Management Act and any other applicable legislation</i> (iii) <i>any applicable provincial legislation, in the case of a provincial protected area</i> (iv) <i>any applicable municipal by-laws, in the case of a local protected area.”</i></p> <p>In terms of the above, the facility could be deemed to be in accordance with managing for the purpose for which Fernkloof Nature Reserve was declared, if the facility were to be a joint astronomy and biodiversity education centre and termed as such. It would need to be an integral component of the environmental education and any other activities related to the operation of the nature reserve. It would be essential that the facility is compliant with all the above provisions of Section 40 of NEM: PAA.</p>	<p>Centre will specifically also allow for an educational centre that will be used by the Botanical Society. HAC has already offered 50% of the vertical surfaces to BOTSOC for permanently engraved fynbos educational material as a joint astronomy / fynbos day-time educational facility.</p>
<p>Further to the above, an environmental management plan (EMP) would be considered essential for the facility due to the highly sensitive environment in which it is located. The development footprint of 288 m² must be clearly demarcated prior to any construction and it must be ensured that there is no accidental exceedance of 300 m² of vegetation clearance, as this will then indeed trigger a NEMA listed activity. The proposed mitigation measures listed by the botanical specialist would all have to be implemented. The EMP would also have to address the operational phase, in order to limit the amount of disturbance as a result of visitors to the facility.</p>	<p>This is definitely necessary and will be implemented.</p>
<p>Another aspect that requires attention is the potential visual impact of the facility. While this aspect lies outside of Cape Nature’s mandate, this is an aspect that</p>	<p>A specialised architect was appointed to address the visual aspect of the proposal, to mitigate the visual impact of the</p>

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

<p>requires attention in terms of the nature reserve status and the impact on tourism and the wilderness experience available within the nature reserve, in particular due to the highly visible location on the summit of the mountains.</p>	<p>building inside the natural environment. The visual impact of the development will be minimal with a maximum solid height of 1.7m. Visible surfaces will be either bermed and replanted (amphitheatre) or of natural stone (sunrise and projection walls). The south side of the projection wall will have engineered granite tablets with educational information engraved on it. With the area being small and anticipated to be visually pleasing, the visual impact should be negligible.</p>
<p>In conclusion, Cape Nature recommends that alternative locations outside of declared nature reserves should be investigated further for the location of the proposed facility, and the application is not supported in its current form.</p>	<p>Various alternative sites have been evaluated over many years. The approval of the site in 2009 by the Municipality was the result of a thorough process of site evaluation.</p>

Town Planner's response

In terms of the legislative requirements, development should be indicated in the Draft Fernkloof Management Plan, which this application is not. The procedure to either amend or deviate from the plan will be required.

Evaluation

The proposed application is not a new concept with regard to developments in Nature Reserves, such as seen in the SANBI parks and Cape Nature Parks. The perception of Nature Reserves has changed substantially with the acceptance of The Agenda 21 Principles and Man and the Biosphere. The land use is thus not in contradiction with the intention of a community nature reserve, because Fernkloof is a community nature reserve. It is not a reserve for a few or limited to natural plants. This is an extremely narrow interpretation of the natural environment and not in line with present day environmental and conservation principles.

The main issue is twofold, and is discussed as follows:

1. The Fernkloof Management has not been finalised and thus the compliance of NEM: PAA is in dispute. Thus the custodian of the Fernkloof Nature

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

Reserve at Municipal level is the Environmental Management Section. The aforementioned does not support the application due to various technical factors and legislation requirements. It is thus not possible to recommend the application although the land use in terms of the Zoning Scheme is allowable.

2. The second aspect is the locality in terms of visibility, impact and disturbance. The application should have been addressed in a wider sense in terms of water, sewerage and electricity. The storm water generated by the hardened surface is not adequately addressed, especially that Rotary Way does not have sufficient storm water management systems in place. The construction site may well impede on the surrounding area outside the NEMA trigger, since in order to construct there is machinery, vehicles and humans involved. The impact of traffic, especially buses on Rotary Way has not been addressed as well as the parking area. Whether the latter will be sufficient to accommodate the general public and the users of the Astronomy Education Centre has not been indicated.

The important aspect is that the Environmental Section does not support the application due to various legislative and technical information lacking. Although there was numerous communications between the various parties, it seems during the process, these issues have not been resolved. The land use application in the Nature Reserve is depended on the positive impact from the Environmental Section with regard to the compatibility with the land use impact on the reserve. This has not been forthcoming and thus can the proposed land use not be viewed positively due to the environmental aspect in this case.

Conclusion

The concept in principle is not in contradiction with a Nature Reserve, however the due diligence needs to be done in the context of the Fernkloof Nature Reserve and not site specific, only. The application in its present form is not recommended for approval.

It should be noted that the HAC has an in principle approval and not a lease agreement.

7. Financial Implications

None

8. Staff Implications

None

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

9. Comments from other Departments, Divisions and Administrations

Engineering Services Department

See Annexure G.

Fire Department

Subject to compliance with National Fire Protection Regulations and the Overstrand Community Fire Safety By-Law P.N. 6454 of 2007.

Environmental Management

See Annexure H.

Building Control Department

Supported subject to submission of building plans in compliance with SANS 10400.

District Health

Approval recommended.

Tourism

The development of the proposed Astronomy Centre and amphitheatre can only benefit Hermanus and add value to the Cape Whale Coast's tourism and the Overstrand's economy. Hermanus is known as a destination that offers a wide variety of tourism experiences and can only profit from developing the astronomy context.

Known as a marine science destination Hermanus will benefit from developing an astro tourism element and in doing so will extend the science and research component.

Astro tourism will significantly contribute to education by involving school pupils, students and research organisations. This development might also attract astronomical conferences and other related events. Experience has shown that astronomers like most other special interest travellers, will also combine science and tourism and thus spend more time in the area exploring other tourist activities.

Waste Management

No objection against the proposal.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Proposed Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Objections received
- Annexure E: Applicant's response to objections received
- Annexure F: In-principle approval by Council dated 1 September 2009
- Annexure G: Services Report
- Annexure H: Comment : Municipal Environmental Management Department
- Annexure I: Comment : Cape Nature
- Annexure J: Comment : Western Cape Government: Environmental Affairs and Development Planning
- Annexure K: Botanical Study (Fynbos Ecoscapes)
- Annexure L: Comment : PHS Consulting

RECOMMENDATION:

1. that, in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a consent use on Erf 243, Hermanus in order to build new astronomy and educational centre facilities on the property concerned, **not be approved**, due to the following reasons:
 - (a) the non-compliance with the NEM: PAA Act;
 - (b) the necessary due diligence in the context of Fernkloof Nature Reserve has not been done;
 - (c) impact on the road and parking facilities have not been adequately addressed;
 - (d) the operational and maintenance and the financial means to enable the execution of the aforementioned have not been addressed;
 - (e) safety and security of the facility on an ongoing basis has not been addressed; and
 - (f) impact on the surrounding area adjacent to the facility has not been factored in, in the motivation of the application.
2. that the applicant be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	11 DECEMBER 2019
TARGET DATE TO INFORM APPLICANT :	11 DECEMBER 2019
TARGET DATE TO INFORM OBJECTOR :	N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting : 27 November 2019)**

12.

**ERF 243, ROTARY WAY, HERMANUS, OVERSTRAND MUNICIPAL AREA:
PROPOSED CONSENT USE: MESSRS TOWN & COUNTRY CREATIVE LAND
SOLUTIONS ON BEHALF OF OVERSTRAND MUNICIPALITY**

243 HNC (3135)

R Kuchar

22 October 2019

Senior Manager : Town & Spatial Planning

(028) 3138900

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
19 NOVEMBER 2019, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

TARGET DATE FOR IMPLEMENTATION :

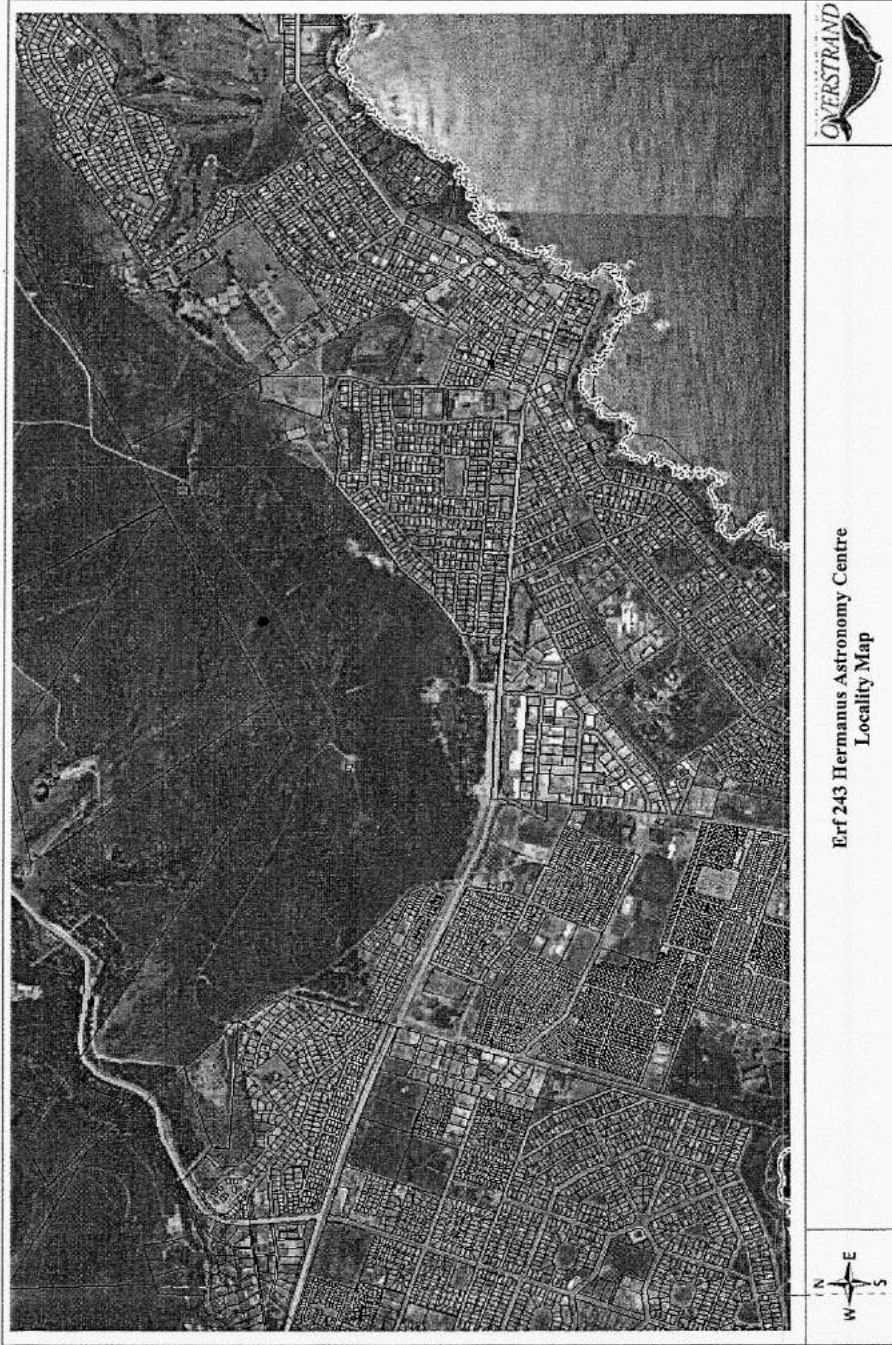
11 DECEMBER 2019

TARGET DATE TO INFORM APPLICANT :

11 DECEMBER 2019

TARGET DATE TO INFORM OBJECTOR :


N/A



Erf 243 Hermanus Astronomy Centre
Locality Map





Town & Country Creative Land Solutions P.O. Box 1085 Bredasdorp 7280 Tel. 028 424 1545 Fax. 028 425 2085 E-mail: towncountry@vodamail.co.za © Copyright 2015 Town & Country	PROJECT LOCALITY PLAN: ERF 243, HERMANUS OVERSTRAND MUNICIPALITY	DRAWN LT	CHECKED LT
		SCALE 1: 50 000	DATE Nov 2015
	DWG NO. Locality1406	REVISION	
	NOTE: All areas and distances are subject to final survey		

HER/1406

MOTIVATION REPORT

OUR REF: HER/1406

CONSENT USE: ERF 243 HERMANUS

1. INTRODUCTION & BACKGROUND

This office was appointed by the The Hermanus Astronomy Centre NPC, registration #2010/000371/08, ("HAC") to do the town planning application for the proposed "Astronomy Education Centre and Amphitheatre" (AECA). The proposed development site is located inside the Fernkloof Nature Reserve, on Erf 243. Erf 243 is owned by the Overstrand Municipality. A Consent Use on Open Space 1 is required to allow for the proposed AECA.

The HAC is a very active organisation and applied to the Overstrand Municipality for a long-term lease of a 0,56ha portion of Council land next to Rotary drive and received conditional approval in September 2009. Since then an application was submitted to the National Lotteries Board (now Commission) to obtain the necessary funding for the project and it has been established that an application in terms of the National Environmental Management Act is not required. Since the approval by Council, National Lotteries Commission awarded money to the Astronomy Club for the erection of this educational facility. As soon as all the required statutory approvals have been obtained, construction can start immediately.

The AECA will be used as an educational centre for purposes of Daytime Education Astronomy that would include information on sundials, sun telescopes and / or anything to do with daytime astronomy. It will allow for night time astronomy, with platforms where visitors could mount there telescopes. It will further be used as a formalised meeting point, inside the proclaimed Fernkloof Nature Reserve, where small tour groups could stop to enjoy and investigate the natural environment with prior arrangement. The amphitheater facility could be used as gathering point for information sessions on especially the botanical significance of the park.

2. PURPOSE

The purpose of this application is to apply for the:

- A) A consent use on Open Space I, to allow for Environmental Facilities and tourism amenities.

The Overstrand Integrated Zoning Scheme is applicable. According to the Integrated Zoning Scheme:

Environmental Facilities: means facilities for the management, study, interpretation, education and public appreciation of a predominantly natural area or heritage site; and includes accommodation of staff, support services and associated infrastructure;

In this case there is no requirement for staff accommodation.

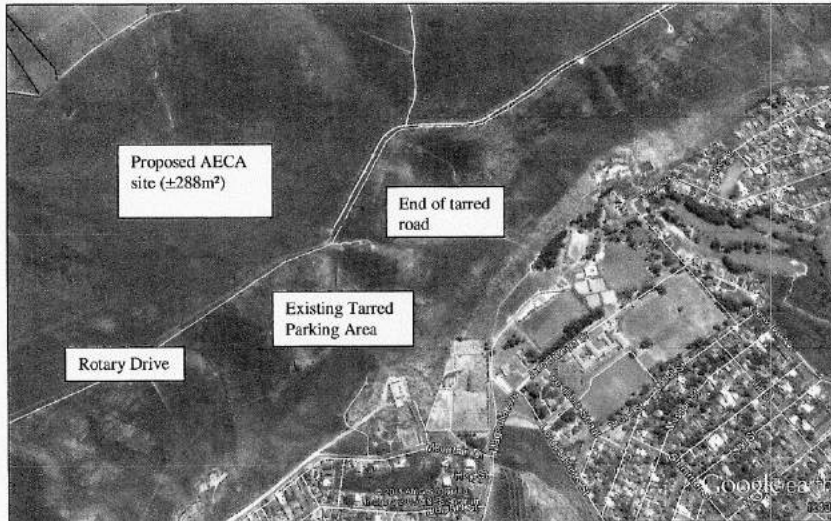
3. PROPERTY DESCRIPTION

The portion of land that has been identified for the AECA is located on the mountain on Erf 243, north of Hermanus, inside the Fernkloof Nature Reserve. Fernkloof is a proclaimed nature reserve. The site falls within Overberg sandstone fynbos, a vegetation type that has been classified as critically endangered.

PROPERTY	Erf 243
OWNER	Overstrand Municipality
TITLE DEED	CAF3-8/1922

Please see attached locality plan.

Erf 243 is surrounded by farms towards the north, an extension of Fernkloof Nature Reserve towards the east and Hermanus town area towards the south and west.



Aerial Photo indicating the location of the proposed AECA.

4. ZONING & CONSENT USE

The current zoning of Erf 243 Hermanus is Open Space Zone 1.

According to the Integrated Zoning Scheme (IZS) an Open Space 1's primary use is for purposes of Nature Reserve.

According to the IZS a Nature Reserve: *'means a national park or environmental conservation area that has been declared or registered as a nature reserve in terms of legislation whether in public or private ownership, for the purpose of conserving and managing wild life, flora and fauna, in a predominantly natural habitat; it includes conservation use but does not include tourist facilities or tourist accommodation;*

The erf on which the AECA will be located, will still be zoned as Open Space Zone I, with a consent use for Environmental Facilities.

According to the Integrated Zoning Scheme:

***Environmental Facilities:** means facilities for the management, study, interpretation, education and public appreciation of a predominantly natural area or heritage site; and includes accommodation of staff, support services and associated infrastructure;*

The AECA Facility will make provision for:

- An amphitheatre for environmental educational purposes
- A Soluna Park (Day and night astronomy centre)
- Eco Loo Ablution facilities
- A small lock-up kitchenette

5. PROPOSED DEVELOPMENT

The proposed "Astronomy Education Centre and Amphitheatre" (AECA) is a project of the HAC that has been in progress since 2009. It is anticipated that the centre will serve as a centrally located gathering point for school and tourist groups, as well as individuals / private groups wanting to make use of the facilities for lectures, or informal information sessions. The multipurpose centre will be used as an amphitheatre / solunapark and there will be a lock-up kitchenette and ablution facilities available to facility users and small educational tours by prior arrangement.

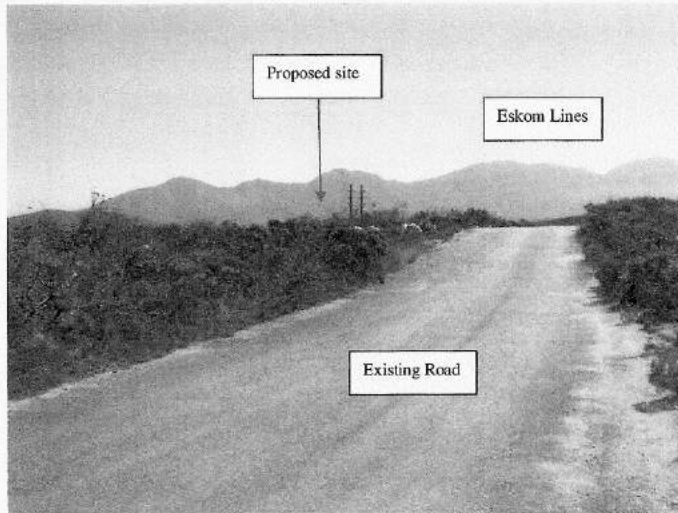


Photo indicating position of the site in relation to existing road

The site was carefully selected for the following reasons:

- The facility, with a footprint of 288m² is proposed on an already disturbed area. The previously disturbed area is approximately 315m² and marked out on the attached SDP.
- The site is located immediately next to an existing tarred road. No additional road infrastructure and therefore disturbance of natural vegetation are required.
- There is an existing public parking area, used by busses and individuals currently visiting the lookout point.
- The site is not on a ridgeline, therefore minimising visual impact.
- The impacted area is below the skyline, which will limit light pollution impact for observation purposes.
- The disturbed area is surrounded by fynbos, making it also suitable for botanical education.

6/22

HER/1406

The area surrounding the proposed development site is not a totally unspoiled environmental site, due to large ESKOM lines crossing the site.

Alternative sites were considered, but measured against the preferred location, were found to be unsuitable. See documentation attached with regards to the alternative sites and criteria used to evaluate them, marked Annexure A.



The impacted area proposed for the AECA.

Site Development Plan

The site development plan (SDP) was prepared by Wolf & Wolf Architecture and Design. On the proposal provision is made for amphitheater / soluna centre, a kitchenette and ablution facilities. The facility will be wheelchair accessible. Please see the proposed site development plan attached for details. The footprint of the proposal is 288m². This area is inclusive of the berms that will be replanted with fynbos.

The following criteria were followed to conclude the attached Site Development Plan (SDP):

- **Sense of limits** – allowing for principles of energy efficiency, reduced waste, sustainable construction methods and materials, sustainable use of water and other resources;
- **Sense of place** – the development is to be in context with the surrounding landscape, sensitivity to the qualities of the area;
- **Sense of nature** – maintenance of functional ecosystem services, enhancing biodiversity and the preservation of natural habitats, allowance for and connection of ecological corridors and maintenance of ecological buffers;
- Ensure that the development is as **unobtrusive** as possible and responds to the sense of place of the area;
- No buildings or structures should be constructed on ridgelines;
- Development inside the immediate impacted areas avoiding undisturbed and conserved areas;
- **Biodiversity compatible** and low impact land uses with the focus on environmental education;
- Building design, scale, colour, building materials and form to be informed by the aesthetic quality of the area and local vernacular and
- Avoidance of bulk infrastructure that will facilitate urbanisation of rural areas, promotion of self-sufficiency and sustainable technologies.

The visual impact of the development will be minimal with a maximum solid height of 1.7 m. Visible surfaces will be either bermed and replanted (amphitheatre) or of natural stone (sunrise and projection walls). The south side of the projection wall will have engineered granite tablets with educational information engraved on it. With the area being small and anticipated to be visually pleasing, the visual impact should be negligible.

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The lease area will be a contractual arrangement area, not to be fenced and not intended for any expansion or phased activities. The footprint of the lease area is final and below 300m². The Overstrand Municipality can decide if the current lease area that was agreed upon need to be reduced to the footprint to avoid misuse of a larger area.

Materials that will be used for the structures include hardwood seating and engraved engineered granite in the amphitheatre, natural stone for the walls and stainless steel for the amphitheatre railings and sundial components.

SERVICES

No Municipal services are available on site. With the proposal being for an Environmental Facility, the aim will be to install services that will also be a demonstration as to how sustainable and effective a self-sufficient approach could be.

- **Water:** Water used on site will be carted up when required.
- **Electricity:** Electricity will be derived from batteries and an inverter. It will possibly be recharged by solar panels.
- **Sewer:** Eco-loos are proposed. This is a dry system that does not require any water. It is often used in nature reserves in South Africa.

ACCESS & PARKING

Access to the site is obtained from Rotary Drive, of the R43. The road is tarred only up to the proposed AECA site.

Parking: There is an existing parking area 40m away from the proposed AECA. This is the parking area used by tourist visiting the lookout point.

9/22

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Existing Parking Area

6. DESIRABILITY

LAND USE PLANNING ORDINANCE, 15 OF 1985

The application is submitted in terms of the Land Use Planning Ordinance (Ordinance 15 of 1985), and the assessment criteria as set out in Sections 36(1) and 36(2) of the Ordinance are therefore applicable.

These sections determine the following:

"Section 36(1) Any application under Chapters II and III shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of the land concerned (including the guideline

Town & Country

9

10/22

HER/1406

proposals in a relevant structure plan, insofar it relates to desirability), or on the basis of its effect on existing rights (except any alleged right to protection against trade competition)."

"Section 36(2) then goes further to determine that where an application is not refused in terms of 36(1), only the following aspects are seen as relevant particulars when assessing the application: Safety and welfare of the community, preservation of the natural and developed environment, or the effect on existing rights (except protection against trade competition)".

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (Act 107 of 1998)

PHS Environmental Consultants were appointed to attend to the NEMA regulations that could be applicable to this application. One of the conditions of approval by Council in 2009, to allow the long term lease was that the NEMA Regulations need to be addressed.

After perusal of the new EIA Regulations (Listing notices 1-3, of 2014), as amended and promulgated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) it does not appear as if any of the listed activities are triggered by the proposal.

The Department of Environmental Affairs previously confirmed that the proposed activity is not a listed activity. See letter attached, Annexure B. PHS Consultants is however in the process to obtain revised comment from NEMA, to confirm that the current proposal is not listed under the new regulations either and that a Basic Assessment is not required. Please see attached the document that was prepared for NEMA to acquire their comment as Annexure C. This document also includes further information with regards to background, the interpretation of NEMA listed activities and NEMA implications.

PROTECTED AREAS ACT, 2003 (Act No. 57 of 2003)

The Fernkloof Nature Reserve is a formal Protected Area. The Protected Areas Act is therefore of significance. In Chapter 3, Section 17(3) of this Act, the purposes of Protected Areas are listed and read as follow:

- (a) to protect ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes in a system of Protected Areas;*
- (b) to preserve the ecological integrity of those areas;*
- (c) to conserve biodiversity in those areas;*
- (d) to protect areas representative of all ecosystems, habitats and species naturally occurring in South Africa;*
- (e) to protect South Africa's threatened or rare species;*
- (f) to protect an area which is vulnerable or ecologically sensitive;*
- (g) to assist in ensuring the sustained supply of environmental goods and services;*
- (h) to provide for the sustainable use of natural and biological resources;*
- (i) to create or augment destinations for nature-based tourism;*
- (j) to manage the interrelationship between natural environmental biodiversity, human settlement and economic development;*
- (k) generally, to contribute to human, social, cultural, spiritual and economic development; or*
- (l) to rehabilitate and restore degraded ecosystems and promote the recovery of endangered and vulnerable species."*

We believe that the proposed AECA is in line with the purposes listed in the act, seeing that the development will provide a nature-based tourism facility, without causing significant environmental degradation.

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF 2004).

To provide for the management and conservation of South Africa's biodiversity within the framework of the National Environmental Management Act, 1998; the protection of species and ecosystems that warrant national protection; the sustainable use of indigenous biological resources; the fair and equitable sharing of benefits arising from bioprospecting involving indigenous biological resources; the establishment and functions of a South African National Biodiversity Institute; and for matters connected therewith.

BOTANICAL ASSESSMENT: FYNBOS ECOSCAPES (OCTOBER 2012)

A botanical assessment was conducted by Fynbos Ecoscapes during August and September 2012. Please see the document attached as Annexure D. See below a number of extracts from the document. It should be noted that at the time of the assessment the proposed development footprint was more than 500m², but that it has been reduced to 288m² since then.

'The conservation status, high species diversity, occurrence of rare and threatened plant species and good condition of the veld, make this an area of High local (Hermanus/Stanford) and regional conservation value. Given the presence of at least two species of conservation concern it is significant with regards meeting local and regional conservation targets for biodiversity pattern (species). Given the relatively small size of the development, it is unlikely that there will be significant impacts on ecological or evolutionary processes.'

(extract from p 5)

It should be noted that the site is located in an area that is currently experiencing relatively high levels of uncontrolled impacts (vehicle damage, trampling, littering etc) as a result of the view point and nearby parking area. Some form of tourism upgrade and better visitor control for this popular node within Fernkloof Reserve could be beneficial.

The document recommends the following mitigation measures, that will be strictly adhered to during implementation:

- *'Should the development be approved it will be important that the development footprint be well defined and carefully managed throughout the construction phase. This should be carefully planned to reduce the overall impact of visitors to this beautiful view site within Fernkloof.*
- *Given the fire prone nature of fynbos vegetation and the flammability of surrounding vegetation, there is concern that firebreaks/low fire proof planting will be required that will further increase the size of the development footprint beyond that shown in figure 4. Consequently, construction materials and planting of berms will need to take cognisance of the high fire threat posed by natural fynbos vegetation and the site should in no way interfere with natural fire cycles within Fernkloof Nature reserve.*
- *Care must be taken to minimise secondary impacts of trampling resulting from increased visitor numbers to the site. Visitor control, board walks and clearly defined thoroughfares will be required.*
- *A Search and Rescue program should be implemented to remove and re-plant all geophytes and other species that can be transplanted from within the development footprint into surrounding natural vegetation. This work should be undertaken by a suitably qualified and experienced horticulturalist.*
- *Only local indigenous plant species (preferably cultivated from local genetic material) should be permitted for landscaping/rehabilitation around new infrastructure.'*

(Extract from p 8)

To be able to ensure that these mitigation measures are enforced, it is recommended that a Construction Environmental Management Plan should become a condition of approval in order to manage construction impacts.

OVERSTRAND MUNICIPAL WIDE SPATIAL DEVELOPMENT FRAMEWORK, 2006 (SDF)

The Spatial Development Framework proposes that the following need to be promoted in terms of the Local Spatial Development Principles:

Promote:

- conservation of sensitive natural resources, including the mountain backdrop and associated Fynbos reserves, a varied coastal strip and associated marine reserves and a series of river and estuarine systems;
- conservation of cultural heritage resources, including the character of the historical fishing/holiday settlement areas of Hermanus and Onrust, the number of buildings of historical, architectural and social value, as well as the scenic beauty of the rural landscape of Hemel-en-Aarde Valley;
- the equitable distribution of community facilities throughout the Greater Hermanus area;
- the provision of a range of residential housing types and appropriate densification strategies in order to retain the character of Greater Hermanus, while ensuring appropriate growth to address the growing population's housing needs;
- Greater Hermanus as a tourism destination.

Extract from the Greater Hermanus SDF

To a large extent this is exactly what the proposed AECA will aim to achieve.

The SDP indicates Erf 423 as a Conservation 1 area on the Spatial Development Framework, Map 8. According to the SDP this would include areas of the highest conservation status. These areas would include statutory conservation areas and state-owned parts of Mountain Catchment Areas, which provide valuable ecosystem services. According to the SDP, uses that could be allowed are: Low intensity, non-consumptive, nature based recreation; Harvest of natural resources on a sustainable basis, provided that such use is compatible with this area; Education and Research.

The proposed education facility will provide an opportunity to allow for both education and research.

CHARACTER OF THE SURROUNDING AREA

The development site is located inside the proclaimed Fernkloof nature reserve. It is located next to a scenic drive, often frequented by tourist. Other uses on this drive include telecommunication towers, an ESKOM power line, lookout points, mountain biking, hand gliding and numerous hiking trails. The surrounding area is covered with fynbos in a very good condition.

It is believed that the proposed educational facility will be in line with the existing character of the reserve and add value to the existing uses. Currently the reserve has a character of being accessible to the public and this facility will contribute to the reserve as a controlled tourist attraction.

The visual appearance will be unobtrusive and blend in with the natural area in which it is located.

POTENTIAL OF THE PROPERTY

The property is well located in terms of accessibility being next to a tarred road and close to a parking area. From the alternatives evaluated for the proposed AECA, the site lends it especially for the proposed use, being below the skyline, which will limit light pollution impact for observation purposes.

The property is a proclaimed Nature Reserve, with various public amenities including hand gliding, hiking trails, mountain biking and lookout points. The proposed facility will provide an additional reason for small school and tourist groups to visit the Park. Currently tour groups who visit the site do not have access to ablution and often makes use of the 'surrounds'. The proposed AECA facility will allow visitors access to the proposed ablution with prior arrangement and in this way reducing environmental degradation.

7. RESTRICTIONS AND OPPORTUNITIES

According to the respective title deed there are no restrictions registered against the property that could have an influence on the proposed application.

- Council previously already supported the proposal for a long term lease. At that stage a consent use was not required under the previous Zoning scheme and the HOC would have been able to implement at that stage if everything was then in place and funds available for the construction to start.
- An application for funding has been lodged at the National Lotteries Commission and has since then been granted. If the consent use is granted, construction could start almost immediately.
- The purpose of the application is for a consent use to allow for an environmental educational facility. The footprint of the facility is 288m². This area includes the berms that will be re-planted with fynbos. The facility is therefore small and should have very little impact on the environmentally sensitive area in which it is located.
- An additional tourist attraction in Hermanus will be developed that will be of interest to Astronomy enthusiasts, but it will also allow for a special facility where any nature based talk could be facilitated, due to its location inside a proclaimed nature reserve.
- The area on which the AECA is proposed has been previously disturbed.
- The erf is well located on a tourist route and is ideal for an environmental centre in terms of accessibility.
- The Department of Environmental Affairs and Development Planning previously confirmed that a Basis Assessment was not required. Their revised comment is currently being requested.
- A Botanical Assessment confirms that *'Given the relatively small size of the development, it is unlikely that there will be significant impacts on ecological or*

evolutionary processes. All mitigation measures prescribed in this botanical assessment will be adhered to.

- A Construction Environmental Management Plan will ensure that the surrounding area will not be damaged during the construction of the facility.
- In terms of desirability, there is no reason not to approve the application.

8. CONCLUSION

The proposed consent use is required to address the statutory requirements for the proposed AECA development. Before the implementation of the Integrated Zoning Scheme in 2013, the Environmental Facility would have been regarded as a Primary Use, but with the new regulations a Consent Use application is required. Council previously approved the proposal for a long-term lease, subject to the NEMA regulations being addressed. The NEMA regulations are not triggered with what is proposed. The proposed use as an environmental gathering point for both botanical and astronomical purposes will benefit the local community, as an additional environmental tourist / educational facility are created. The proposed amphitheater will support the existing Science Centre and provide small school groups with an additional educational experience. The proposal is in line with overhead planning documents, in that educational facilities are allowed within nature reserves.

With the area being accessible, already disturbed and conditions suitable for the Astronomy Society's requirements for especially night time astronomy, it is believed that the application is desirable and therefore it is recommended for approval.

Annexure A

Alternate Sites

Two alternate sites were considered: The original site adjacent to the main Lookout Point on Rotary Drive identified as the preferred site in the first investigation in 2009 (called the "LOP" site) and a site immediately to the West of the Preekstoel Water Purification Works (called the "PWP" site).

The alternate sites were objectively and quantitatively evaluated i.t.o. the following criteria, with weight factors attributed to each criterion shown.

<i>Criterion</i>	<i>Weight Factor</i>	<i>LOP site</i>	<i>PWP site</i>	<i>Note #</i>
Legislative compatibility	10	5	5	i
Sky Quality/Light Pollution	10	5	3	ii
Footprint size	10	5	1	iii
Horizon Altitude	6	5	4	iv
Accessibility	9	3	1	v
Security	10	3	2	vi
Fynbos education support	7	5	1	vii
Cost	6	5	1	viii
Services provision	4	4	4	ix
Tourism attraction	9	5	1	x
Totals		363	181	

Notes:

- i. A site must be compatible with current National, Provincial & Local Government legislation to be considered at all.
- ii. As far as Sky Quality (degree of light pollution) is concerned, it is crucial that ANY potential site must be beyond the light pollution horizon of the built-up areas. Differently stated, any potential site must be shielded from the light pollution attributable to Hermanus, Zwelihle, Mount Pleasant, Sandbaai, Onrus, Vermont, Kleinmond & even Arabella.

Sky Quality or Light Pollution measurements were conducted at the two sites using a Unihedron Sky Quality meter (www.unihedron.com), which measures the extremely meaningful "visual magnitude / arcsec²" in an 80° wide cone, which gives an idea of how bright the overall sky is. (For more detail about the concept Google "visual magnitude".)

The worksheet "SkyQuality" of the attached "SiteComparison.xls" gives details of the measurements, of which the most important conclusions can be summarised as follows:

- o The number of (naked eye & other) stars visible in/decrease by a factor of 3 for a de/increase of a single magnitude.
- o This quantitatively translates to the statement that the "average" number of stars visible in a vertically directed 80° cone from the LOP site is 121% or 2.42x MORE than from the PWP site (see Cell J20 of the SkyQuality worksheet of "SiteComparison.xls").
 - ⇒ *Note that since the vertically directed 80° cone eliminates all near-horizon light pollution this huge difference is predominantly attributable to the 120m extra meters of air above the PWP site (compared to the LOP site).*
- o For the more representative "45th" angle the ratio is 139% or 2.78x MORE stars are visible from the LOP site than from the PWP site.
 - ⇒ *In this instance near-horizon light pollution decreases the number of stars visible by an additional 18% (139% - 121%).*
- ⇒ **The obvious conclusion is quantitatively vindicated: As high and as protected from light pollution as possible.**
- iii. The footprint size of the LOP site is <300 m², vs the PWP site's ≈2,200 m², comprising an **additional** access road of 500x3 = 1,500 m² and parking area of 13x30 = 390 m². This relative importance of this criterium is reduced for the PWP site because the disturbed area is not a prime fynbos area.
- iv. The average horizon altitude for the LOP site is 1.92°, which translates into a sky visibility of 97.9% (cell E33 on the "HorAlt" worksheet of the attached "SiteComparison.xls"), vs 95.9% for the PWP site (Cell J33 in the same worksheet).
- v. Accessibility is of prime importance for the effective utilization of the facility, even though the concepts of "accessibility" and "sky quality" tend to be mutually exclusive.
Both sites require travelling past Mount Pleasant on Rotary Drive, but the over-riding requirement of Sky Quality effectively eliminates any alternative locations.
- vi. The location of both viable sites (dictated primarily by Sky Quality) unfortunately do impose a risk element which requires:
 - a. Group Travelling (in convoy) at night, and
 - b. *Ad hoc* Security arrangements for night time activities.
- vii. An amphitheatre on the mountain-top in the midst of Cape Mountain(?) Fynbos is an unrivalled facility for fynbos awareness and education activities. The fact that the PWP site is in an alien-cleared area with little or no indigenous fynbos is an extremely negative factor for this site.
- viii. Cost is obviously an important but not decisive consideration, given the long term objective of such a facility. Assuming identical main facilities of amphitheatre and observatory at both sites, the fact that the PWP site requires an access road and parking to be built in addition to the main facility (at a cost of at least R1,5 million), counts heavily against this site.
- ix. The provision of services will be essentially identical at both sites.

- x. The LOP site will augment an already popular tourist attraction with a significant educational component, whereas the PWP site will require additional or separate marketing and promotion.

Conclusion

Based on the objective criteria considered, the LOP site is clearly the responsibly preferred site.

LIGHT POLLUTION MEASUREMENTS

- The instrument is an Imbrosion Sky Quality Meter borrowed from Cliff Turk
- It measures the visual magnitude / arcsec² in an 80° wide cone, which gives you an idea of how bright the overall sky is.
- It is relatively easy to "undim" the instrument by blocking its upper. The highest reading recorded in a controlled darkened room was 24.32 m/arcsec².
- The number of stars of different magnitudes visible to the observer was:

 - 1 star brighter than magnitude 1.0
 - 2 stars brighter than magnitude 1.5
 - 3 stars brighter than magnitude 2.0
 - 4 stars brighter than magnitude 2.5
 - 5 stars brighter than magnitude 3.0
 - 6 stars brighter than magnitude 3.5
 - 7 stars brighter than magnitude 4.0
 - 8 stars brighter than magnitude 4.5
 - 9 stars brighter than magnitude 5.0
 - 10 stars brighter than magnitude 5.5
 - 11 stars brighter than magnitude 6.0
 - 12 stars brighter than magnitude 6.5
 - 13 stars brighter than magnitude 7.0
 - 14 stars brighter than magnitude 7.5
 - 15 stars brighter than magnitude 8.0
 - 16 stars brighter than magnitude 8.5
 - 17 stars brighter than magnitude 9.0
 - 18 stars brighter than magnitude 9.5
 - 19 stars brighter than magnitude 10.0
 - 20 stars brighter than magnitude 10.5

Location 1: Lookout Point Altitude: 221m

Magnitude/arcsec ²	Average	Std Dev	Ref # of Stars as Predicted	Ref # of Stars as Counted & Point
17% Meas	20.57	0.85	22.5%	22%
45° up/down	20.18	10.85	10.85	10.85
77% Meas	15.85	0.58	15.85	15.85
45° up/down	15.37	10.37	10.37	10.37
89% Meas	11.11	1.11	11.11	11.11
45° up/down	10.10	1.00	10.00	10.00

Parking Area

Magnitude/arcsec ²	Average	Std Dev	Ref # of Stars as Predicted	Ref # of Stars as Counted & Point
17% Meas	20.64	0.64	20.64	20.64
45° up/down	19.9	19.9	19.9	19.9

Location 2: Freekford St Altitude: 101m

Magnitude/arcsec ²	Average	Std Dev	Ref # of Stars as Predicted	Ref # of Stars as Counted & Point
17% Meas	20.16	0.16	20.16	20.16
45° up/down	20.13	19.8	19.8	19.8

Gearing's Point Parking

Magnitude/arcsec ²	Average	Std Dev	Ref # of Stars as Predicted	Ref # of Stars as Counted & Point
17% Meas	19.59	19.59	19.59	19.59
45° up/down	19.86	19.86	19.86	19.86

Dynamic Range of Sky Quality Meter
 Minimum measurable: 24.35
 Maximum measurable: 26.57
 Dynamic Range: 2.652448

Table 1

Magnitude of Stars	Count	Log of Count	Log of Count as Predicted
1	1	0.00	0.00
2	2	0.30	0.30
3	3	0.48	0.48
4	4	0.60	0.60
5	5	0.70	0.70
6	6	0.78	0.78
7	7	0.84	0.84
8	8	0.90	0.90
9	9	0.95	0.95
10	10	1.00	1.00
11	11	1.04	1.04
12	12	1.08	1.08
13	13	1.11	1.11
14	14	1.14	1.14
15	15	1.18	1.18
16	16	1.20	1.20
17	17	1.23	1.23
18	18	1.25	1.25
19	19	1.28	1.28
20	20	1.30	1.30
X Factor		3.0078	2.977
Average Sky			2.004

The apparent magnitude (m) of a celestial body is a measure of its brightness as seen by an observer on Earth. The apparent magnitude of the stars is related to the absolute magnitude (M) by the distance (d) in parsecs (pc) as follows: $m - M = 5 \log(d/10)$. The apparent magnitude of the stars is related to the absolute magnitude (M) by the distance (d) in parsecs (pc) as follows: $m - M = 5 \log(d/10)$. Each grade of magnitude was counted from the brightness of the following table (logarithmic scale).

HORIZON ALTITUDE MEASUREMENTS

Option 1: Lookout Point Site

Altitude: 221m

Azimuth (degrees)	Horizon Altitude		
	deg	min	sec
0	2°	37'	1"
15	3°	31'	28"
30	5°	8'	45"
45	3°	24'	48"
60	5°	17'	3"
75	4°	3'	5"
90	3°	22'	33"
105	3°	22'	30"
120	0°	7'	2"
135	0°	14'	28"
150	0°	16'	23"
165	-0°	25'	27"
180	-0°	25'	30"
195	-0°	0'	28"
210	1°	51'	22"
225	1°	21'	32"
240	1°	30'	52"
255	0°	54'	55"
270	0°	8'	26"
285	-0°	38'	16"
300	2°	27'	43"
315	2°	17'	50"
330	4°	40'	56"
345	1°	0'	9"
360	2°	37'	1"

Average Altitude
Sky Visibility %

1.97 deg
97.9%

Option 1: Preksteel Site

Altitude: 101m


Azimuth (degrees)	Horizon Altitude		
	deg	min	sec
0	10°	11'	20"
15	10°	19'	47"
30	8°	32'	12"
45	5°	4'	20"
60	4°	56'	53"
75	3°	9'	0"
90	4°	23'	51"
105	4°	52'	33"
120	5°	0'	50"
135	4°	53'	41"
150	0°	47'	24"
165	-0°	21'	32"
180	-0°	11'	51"
195	-0°	24'	48"
210	-0°	29'	30"
225	0°	43'	51"
240	0°	43'	55"
255	0°	49'	4"
270	-0°	29'	33"
285	-0°	10'	36"
300	1°	15'	3"
315	7°	14'	1"
330	8°	21'	45"
345	8°	59'	55"
360	10°	11'	20"

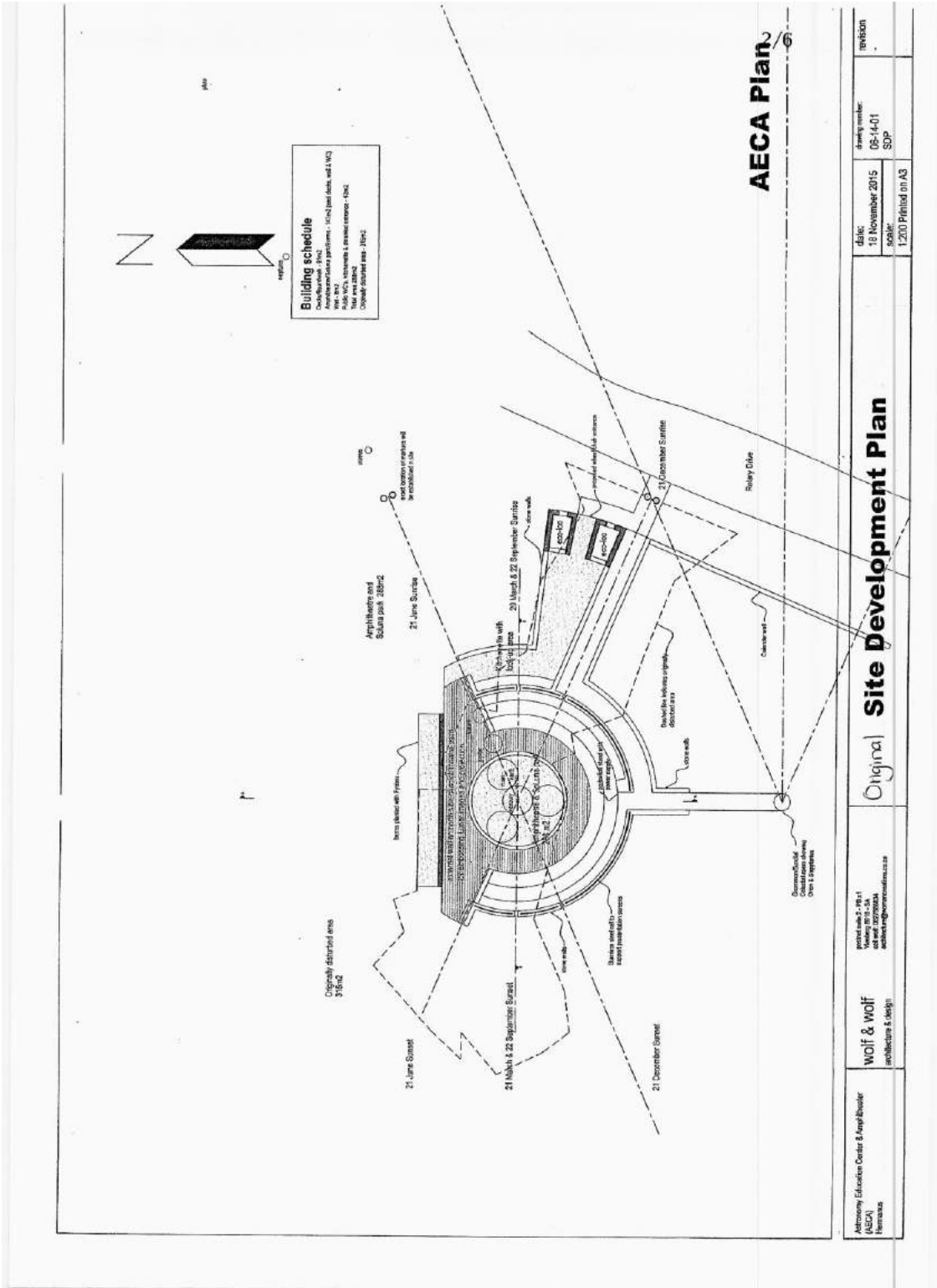
3.67 deg
95.9%

Lookout Point	Preksteel	HOME	0	1	2
2.61694	-10.18889		34	24	30.4
3.50444	10.32972	GEARINGS POINT	19	16	56.2
5.14583	8.53667		34	25	5.2
3.41333	5.07222	COASTAL TRUSSES	19	16	37.6
5.28417	4.94806		34	25	4.1
4.06139	3.15000		19	13	8.8
3.37583	4.39750				
3.37500	4.87563				
0.11722	5.01389				
0.24111	4.89472				
0.27306	0.79000				
-0.42417	-0.35889				
-0.42500	-0.19750				
-0.00778	-0.41333				
1.85611	-0.49167				
1.35889	0.73083				
1.51444	0.73194				
0.91528	0.81778				
0.14056	-0.49250				
-0.63778	-0.17667				
2.46194	1.25083				
2.29722	7.23361				
4.68222	8.36250				
1.00250	8.99861				
2.61694	10.18889				

ANNEXURE C 1/6



Town & Country <i>Creative Land Solutions</i> P.O. Box 1085 Bredasdorp 7280 Tel. 028 424 1545 Fax. 028 425 2085 E-mail: towncountry@vodamail.co.za © Copyright 2015 Town & Country	PROJECT SITE PLAN OVER GOOGLE EARTH IMAGE: ERF 243, HERMANUS OVERSTRAND MUNICIPALITY	DRAWN LT	CHECKED LT
		SCALE 1: 500	DATE Nov 2015
	DWG No. Site/1406	REVISION	Notes: All distances & sizes are subject to first survey
	© Copyright 2015 Town & Country		



AECA Plan^{2/6}

Admissions Education Center & Amphibrotus (AECA) Ferrisburg	Wolf & Wolf architects & design	Original	Date: 18 November 2015 Scale: 1:200 Printed on A3	Drawing number: 05-14-01 SDP Revision: -
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LIGHT POLLUTION MEASUREMENTS

- The instrument is UrbanDark Sky Quality Meter borrowed from CIE Truck
- It measures the total magnitude / second² in a 30° wide cone, which gives you an idea of how bright the overall sky is
- It returns in two bright bins. The lowest measurement under a clear sky is 1.5 m/magsec²
- It is relative to the "darkzone" has increased by black factors
- Table 1 shows the number of stars of different magnitudes visible to the naked eye in the next table magnitude
- The N-ratio is the number of visible stars compared to the number visible in the fourth column of Table 1.
- Since magnitude is a logarithmic scale, the log base 10 of the N-ratio is shown in the fourth column of Table 1.
- The log₁₀(N-ratio) values fluctuate near the top, where there are fewer stars, but converge to a value of 0.464.
- The log₁₀(N-ratio) values fluctuate near the top, where there are fewer stars, but converge to a value of 0.464.
- The average log values translate into N-ratios of 2.977 & 3.034, which substitutes the conclusion that:
 - The number of stars visible in decrease by a factor of 3 for a 1st increase of a single magnitude.
- The best way of interpreting the small magnitude difference is to use the LUMEN number of stars visible relative to a lowest benchmark.
- The instrument is UrbanDark Sky Quality Meter borrowed from CIE Truck
- It measures the total magnitude / second² in a 30° wide cone, which gives you an idea of how bright the overall sky is
- It returns in two bright bins. The lowest measurement under a clear sky is 1.5 m/magsec²
- It is relative to the "darkzone" has increased by black factors
- Table 1 shows the number of stars of different magnitudes visible to the naked eye in the next table magnitude
- The N-ratio is the number of visible stars compared to the number visible in the fourth column of Table 1.
- Since magnitude is a logarithmic scale, the log base 10 of the N-ratio is shown in the fourth column of Table 1.
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- The average log values translate into N-ratios of 2.977 & 3.034, which substitutes the conclusion that:
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- The best way of interpreting the small magnitude difference is to use the LUMEN number of stars visible relative to a lowest benchmark.
- The instrument is UrbanDark Sky Quality Meter borrowed from CIE Truck
- It measures the total magnitude / second² in a 30° wide cone, which gives you an idea of how bright the overall sky is
- It returns in two bright bins. The lowest measurement under a clear sky is 1.5 m/magsec²
- It is relative to the "darkzone" has increased by black factors
- Table 1 shows the number of stars of different magnitudes visible to the naked eye in the next table magnitude
- The N-ratio is the number of visible stars compared to the number visible in the fourth column of Table 1.
- Since magnitude is a logarithmic scale, the log base 10 of the N-ratio is shown in the fourth column of Table 1.
- The log₁₀(N-ratio) values fluctuate near the top, where there are fewer stars, but converge to a value of 0.464.
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- The average log values translate into N-ratios of 2.977 & 3.034, which substitutes the conclusion that:
 - The number of stars visible in decrease by a factor of 3 for a 1st increase of a single magnitude.
- The best way of interpreting the small magnitude difference is to use the LUMEN number of stars visible relative to a lowest benchmark.

Location 1: Lookout Point Altitude: 221m

Magnitude	Count	Average	Std Dev	Ref # of Stars vs Prediction	Ref # of Stars vs Geometric Point
17th Mag	20.93	20.40	0.54	222%	222%
18th Mag	20.59	20.08	0.51	225%	225%
19th Mag	15.86	15.33	0.53	140%	140%
20th Mag	13.87	13.36	0.51	137%	137%
Average	18.31	17.78	0.52	147%	147%
Std Dev	1.01	0.97	0.02	1.00	1.00

Parking Area

Magnitude	Count	Average	Std Dev	Ref # of Stars vs Prediction	Ref # of Stars vs Geometric Point
17th Mag	20.61	20.17	0.44	222%	222%
18th Mag	19.74	19.28	0.46	153%	153%
Average	20.18	19.72	0.45	147%	147%
Std Dev	0.93	0.91	0.02	1.00	1.00

Location 2: Prekrestool of Altitude: 101m

Magnitude	Count	Average	Std Dev	Ref # of Stars vs Prediction	Ref # of Stars vs Geometric Point
17th Mag	20.15	20.15	0.18	100%	100%
18th Mag	20.13	20.13	0.18	100%	100%
Average	20.14	20.14	0.18	100%	100%
Std Dev	0.18	0.18	0.00	1.00	1.00

Geometric Point Parking

Magnitude	Count	Average	Std Dev	Ref # of Stars vs Prediction	Ref # of Stars vs Geometric Point
17th Mag	19.53	19.53	0.65	112%	112%
18th Mag	18.86	18.86	0.65	100%	100%
Average	19.20	19.20	0.65	106%	106%
Std Dev	0.65	0.65	0.00	1.00	1.00

Dynamic Range of Sky Quality Meter
 Minimum measured: 24.35
 Maximum measured: 2.80641E
 Dynamic Range: 11.42

The apparent magnitude (m) of a celestial body is a measure of its brightness as seen by an observer on Earth. It is related to the total energy rate (R) magnitude. The brightest stars visible to the naked eye have magnitudes (m = 1), whereas the faintest stars of sixth magnitude (m = 6) each grade of magnitude was considered twice the brightness of the following grade (a logarithmic scale).

Table 1

Magnitude of Stars	N-ratio	Log N-ratio	Log Cumulative N-ratio
1	2	0.30	0.477
2	6	0.78	0.477
3	14	1.14	0.368
4	27	1.43	0.517
5	51	1.71	0.464
6	100	2.00	0.497
7	200	2.30	0.497
8	400	2.60	0.497
9	800	2.90	0.497
10	1600	3.20	0.497
11	3200	3.50	0.497
12	6400	3.80	0.497
13	12800	4.10	0.497
14	25600	4.40	0.497
15	51200	4.70	0.497
16	102400	5.00	0.497
17	204800	5.30	0.497
18	409600	5.60	0.497
19	819200	5.90	0.497
20	1638400	6.20	0.497
X Factor			2.977
Average Stars			3.034

HORIZON ALTITUDE MEASUREMENTS

Option 1: Lookout Point Site

Altitude: 221m

Azimuth (degrees)	Horizon Altitude	
	deg	min sec
0	2'	37' 1"
15	3'	31' 28"
30	5'	8' 45"
45	3'	24' 48"
60	5'	17' 3"
75	4'	3' 5"
90	3'	22' 33"
105	3'	22' 30"
120	0'	7' 2"
135	0'	14' 28"
150	0'	18' 23"
165	-0'	25' 27"
180	-0'	25' 30"
195	-0'	0' 28"
210	1'	51' 22"
225	1'	21' 32"
240	1'	30' 52"
255	0'	54' 55"
270	0'	8' 26"
285	-0'	38' 16"
300	2'	27' 43"
315	2'	17' 50"
330	4'	40' 56"
345	1'	0' 5"
360	2'	37' 1"

Average Altitude
Sky Visibility %

1.92 deg
97.9%

Option 1: Preekstoei Site

Altitude: 102m

Azimuth (degrees)	Horizon Altitude	
	deg	min sec
0	10'	11' 20"
15	10'	19' 47"
30	8'	32' 12"
45	5'	4' 20"
60	4'	56' 53"
75	3'	9' 0"
90	4'	23' 51"
105	4'	52' 33"
120	5'	0' 50"
135	4'	53' 41"
150	0'	47' 24"
165	-0'	21' 32"
180	-0'	11' 51"
195	-0'	24' 48"
210	-0'	29' 30"
225	0'	43' 51"
240	0'	43' 55"
255	0'	49' 4"
270	-0'	29' 33"
285	-0'	10' 36"
300	1'	15' 3"
315	7'	14' 1"
330	8'	21' 45"
345	8'	59' 55"
360	10'	11' 20"

Average Altitude
Sky Visibility %

3.57 deg
95.9%

HOME

GEARINGS POINT

COASTAL TRUFFLES

Lookout Point: Preekstoei

	0	1	2	3
34	24	30.4		
19	18	56.2		
34	25	5.2		
19	24	37.5		
34	25	4.1		
19	18	8.8		

0

15

30

45

60

75

90

105

120

135

150

165

180

195

210

225

240

255

270

285

300

315

330

345

360

2.61694

10.18889

10.32972

3.52444

5.14583

8.53667

3.41333

5.07222

5.28417

4.94805

4.05139

3.15000

3.37583

4.39750

90

3.37500

4.87583

0.11722

5.01889

0.24111

4.89472

0.27306

0.79000

-0.42417

-0.35889

-0.19750

-0.42500

-0.00778

-0.41333

1.85611

-0.49167

1.35889

0.73083

1.51444

0.73194

0.91528

0.81778

0.14056

-0.49250

-0.17667

2.46194

1.25083

2.29722

7.23361

4.68222

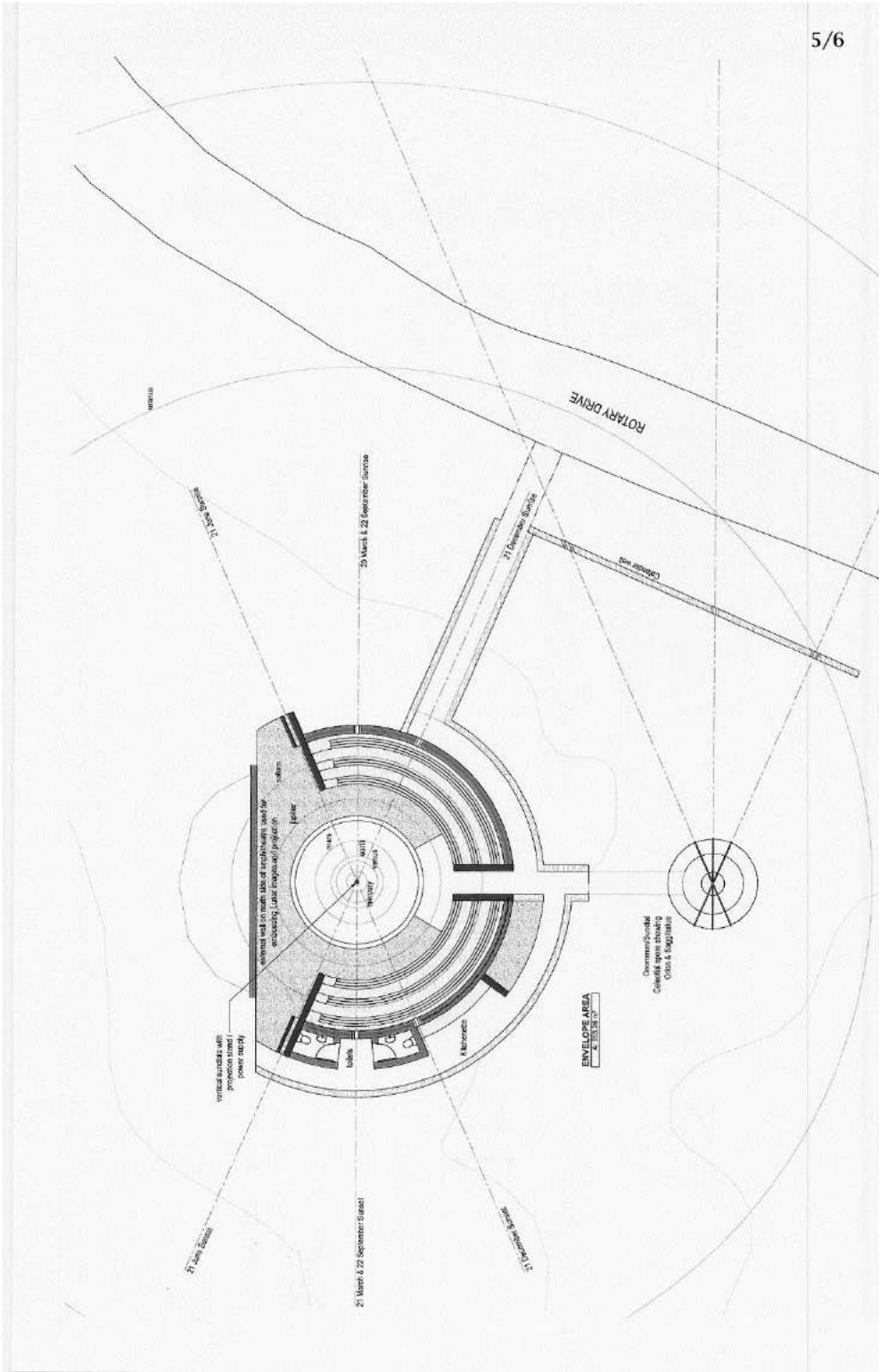
8.96250

1.00250

8.99861

2.61694

10.18889



WOLF AND WOLF ARCHITECTS
 1000 17th Ave, Suite 1000, Boulder, CO 80502
 303.440.1100
 www.wolfandwolf.com

Amended
 | PLAN - VERSION 2A | 1:150
 Astronomy Education Center & Amphitheater (AECA) Hermanus | 2017/06/29 | SITE DEVELOPMENT PLAN



6/7

TP- A Theart
CH Olivier)

Loretta Gillion - FW: Hermanus Astronomy Centre Proposal

From: "Jan " <vandervelden@hermanus.co.za>
To: <cgroenewald@overstrand.gov.za>
Date: 16/06/2016 10:32 AM
Subject: FW: Hermanus Astronomy Centre Proposal
Cc: <smuller@overstrand.gov.za>



2016-06-09

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za

Dear Sir,

**ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE
L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

Municipal notice No. 65/2016 relating to the development of an astronomy education centre and amphitheatre refers.

We have seen, read, understand and fully support the contents the comment made by Whale Coast Conservation (WCC) on the proposed consent use for erf 243 Rotary Way Hermanus. Please see the attached WCC letter. I agree wholeheartedly with the contents thereof and hereby give instructions that WCC's letter be registered as our own submission on the consent use application.

Kindly confirm receipt and acceptance of the instruction of the contents of this email.
Yours faithfully
Dr. Jan van der Velden.
B.Sc. Mb.Ch.B. DOH
Zoete Inval Traveller's Lodge.
Hermanus.

From: Marilyn [marilyn@hermanus.co.za]
Sent: 15 June 2016 11:17 PM
To: vandervelden@hermanus.co.za
Subject: Fw: Hermanus Astronomy Centre Proposal

FILE NO:	EL 243-HM
SCAN NO:	62
COLLABORATOR NO:	912207

TP

----- Forwarded Message -----
21 JUN 2016

From: "Whale Coast Conservation" <anina.lee@ocf.org.za>
To: marilyn@hermanus.co.za
Sent: 2016/06/09 12:01:35 PM
Subject: Hermanus Astronomy Centre Proposal

WCC - Notification

[View this email in your browser](#)



overstrand conservation foundation, trading as

**whale coast
CONSERVATION**
Caring for your environment

Dear WCC member

[Membership Information](#)

The Overstrand Municipality is inviting public comment on the proposal by the Hermanus Astronomy Centre (HAC) to develop an astronomy education centre and amphitheatre on Fernkloof Nature Reserve land along Rotary Way.

[Membership Application](#)

Whale Coast Conservation supports the HAC's plans to develop such a centre, but not in the Fernkloof Nature Reserve. [WCC has written a letter to the municipal manager](#) pointing out reasons why Fernkloof Nature Reserve land may not legally be used for purposes other than those for which the reserve was proclaimed. We are asking you to support the WCC's position.



Signup for a My Planet card and support the Whale Coast Conservation

To make it easier for you to indicate your support, [a template has been provided](#). When using the template, please attach it as a Word or pdf file to an email and also attach a copy of the WCC's letter. You may of course add your own comment to the template, or write your own letter if you prefer to do so.



If you wish to support the WCC's position, please do so before the end of business tomorrow Friday 10th June.

Warm regards



Donate Now



[Facebook](#) [Twitter](#) [Google Plus](#) [YouTube](#) [Pinterest](#) [SoundCloud](#) [Email](#) [Website](#)

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Our physical address is:

Whale Coast Conservation
Above Lynx Road on the R43
Vermont
Hermanus, WC 7201
South Africa

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5/122



32 Fernkloof Village
Fir Avenue
Eastcliff
Hermanus 7200

2016-06-09

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za

*TP-A Theat
C H Olivier*

Dear Sir

**ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE
L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

Municipal notice No. 65/2016 relating to the development of an astronomy education centre and amphitheatre refers.

We have seen, read, understand and fully support the contents the comment made by Whale Coast Conservation (WCC) on the proposed consent use for erf 243 Rotary Way Hermanus.

Please see the attached WCC letter. I agree wholeheartedly with the contents thereof and hereby give instructions that WCC's letter be registered as our own submission on the consent use application.

Kindly confirm receipt and acceptance of the instruction of the contents of this email.

Yours faithfully

Anina Lee

FILE NO:	EL 243
SCAN NO:	24
COLLABORATOR NO:	910792

TP 13 JUN 2016

14 JUN 2016



overstrand conservation foundation, trading as

**whale COAST
CONSERVATION**

Caring for your environment

6/122

2016-06-08

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za

Dear Sir

**ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE
L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

Municipal notice No. 65/2016 relating to the development of an astronomy centre refers.

Whale Coast Conservation (WCC) supports the proposal by the Hermanus Astronomy Centre (HAC) to develop and operate an Astronomy Education Centre (AEC) within the Overstrand area. The educational and tourism benefits are unquestionable and the efforts of the HAC to bring the centre into being are laudable.

However, for reasons as set out in what follows, WCC strongly opposes the placement of the proposed AEC within the Fernkloof Nature Reserve. In addition, WCC questions the legitimacy of the process used by the Overstrand Municipality to decide the merits of the proposed placement site. Erf 243 is an integral part of the Fernkloof Nature Reserve, proclaimed in terms of the Western Cape Nature Conservation Ordinance, and its management and use are subject to the National Environmental Management: Protected Areas Act No. 57 2003.

Sections 5 to 7 of this Act deal with the applicability of the Act and indicate in section 7 (1) (a) that:

"this Act prevails if the conflict specifically concerns the management or development of protected areas"

WCC contends that the proposed location for the AEC conflicts with the purpose for which the Fernkloof Nature Reserve was proclaimed and that the process being employed by the Overstrand Municipality to decide on the merits of use of the Nature Reserve for the



purposes of building and operating the Centre materially conflict with the Protected Areas Act.

Furthermore, WCC contends that the argument that the 295 m² footprint of the proposed building is below the area that triggers an Environmental Impact Assessment (EIA) is disingenuous and contrived. It ignores the fact that the area that will be disturbed during construction is much larger than the 300 m² that triggers the requirement for an EIA in terms of regulations associated with National Environmental Management Act No. 107, 1998, and excludes parking and other facilities essential to the activities associated with the proposed AEC.

WCC hereby requests that the Overstrand Municipality show evidence that the provisions of the National Environmental Management: Protected Areas Act No. 57 2003 have been complied with in spirit and practice and that the process of decision making is compliant with both this Act and the overarching National Environmental Management Act No. 107, 1998 (NEMA) as amended.

1 The proposed astronomy education centre is inconsistent with the purpose for which the Fernkloof Nature Reserve was proclaimed

In terms of section 40 (1) of National Environmental Management: Protected Areas Act No. 57 2003:

"The management authority must manage the area-

(a) exclusively for the purpose for which it was declared; and

(b) in accordance with

(i) the management plan for the area;

(ii) this Act, the Biodiversity Act, the National Environmental Management Act

(iii) any applicable provincial legislation, ..."

Section 41. (1) of the Act goes on to give the object of a management plan, which is:

"to ensure the protection, conservation and management of the protected area concerned in a manner which is consistent with the objectives of this Act and for the purpose it was declared."

WCC requests that the Overstrand Municipality show evidence that the construction and operation of the proposed astronomy education centre is consistent and compliant with Section 40 (1).



2 The Fernkloof Management Plan does not permit use of the Reserve for an astronomy centre.

Section 41 (2) of National Environmental Management: Protected Areas Act No. 57 2003 states that a management plan for a protected area must contain at least a list of elements, (g) of which is:

"a zoning of the area indicating what activities may take place in different sections of the area, and the conservation objectives of those sections."

WCC requests that the Overstrand Municipality shows how the zoning plan within the Fernkloof Management Plan makes provision for the building and operation of the proposed astronomy centre.

Section 50 (1) of the Act makes provision for the management authority to permit certain activities within the Reserve but 50 (2) clearly states that:

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Section 39 (3) of National Environmental Management: Protected Areas Act No. 57 2003 requires consultation with interested and affected parties on the contents of the Management Plan for a Protected Area such as the Fernkloof Nature Reserve.

WCC contends that the Overstrand Municipality needs to propose amendments to the Fernkloof Nature Reserve Management Plan that allow for the construction and operation of facilities such as the proposed AEC, and to subject these to public participation and approval by the MEC at provincial level.

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The area of the final construction, excluding parking and other associated paths etc. is given as being 5 m² less than the 300 m² that triggers an EIA. It is contended by the WCC that the area disturbed during construction will be much more than the 300 m² trigger point, that



parking for audiences of 50 people who will be seated in the amphitheatre and for tourist and school busses, and all other pathways and areas that will be disturbed around the footprint during construction and later during operation of the AEC need to be added to the 295 m2 area given as the footprint of the area impacted.

The WCC advises that the Overstrand Municipality should seek environmental authorisation in terms of NEMA regulations and reserves its rights to initiate a review process in terms of the Promotion of Administrative Justice Act No. 3 of 2000 should this advice not be followed.

5 Summary

WCC is supportive of the proposed development of an Astronomy Education Centre and Amphitheatre, but not within the Fernkloof Nature Reserve.

The WCC requests that the Overstrand Municipality identifies a site outside of the Fernkloof Nature Reserve on which the proposed astronomy centre can be developed, for the following reasons:

- 5.1 The proposed AEC is inconsistent with the purpose for which the Fernkloof Nature Reserve was proclaimed. The construction and operation of such a centre is inconsistent and non-compliant with Section 40 (1) of the National Environmental Management: Protected Areas Act No. 57 2003.
- 5.2 The Fernkloof Management Plan does not permit use of the Reserve for an astronomy centre. The Overstrand Municipality needs to show how the zoning plan within the Fernkloof Management Plan makes provision for the building and operation of the proposed astronomy centre, and if it doesn't, propose an amendment to the zoning plan prior to proceeding. The Overstrand Municipality needs to produce evidence that the proposed Astronomy centre does not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve
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10/122



Please acknowledge receipt of this letter and confirm your commitment to take all aspects of its contents into careful consideration in deciding a suitable location for the proposed AEC. WCC would welcome the opportunity to discuss any aspect further and would be available to advise on suitable alternative locations for the proposed AEC.

Yours faithfully

A handwritten signature in black ink, appearing to read "Rob Fryer".

Rob Fryer
General Manager

VERSVELD

11/122



Posbus 1282
GORDONSBAAI
7151
Tel 021 - 856 3737 (h)
021 - 850 4107 (w)
084 350 4107
Faks 021 - 850 4108
elrina.versfeld@capetown.gov.za
elrinaversfeld@gmail.com

9 June 2016

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za

Dear Sir

**ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE
L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

Municipal notice No. 65/2016 relating to the development of an astronomy education centre and amphitheatre refers.

I have seen, read, understand and fully support the contents the comment made by Whale Coast Conservation (WCC) on the proposed consent use for erf 243 Rotary Way Hermanus dated 8 June 2016.

I agree wholeheartedly with the contents thereof and hereby give instructions that WCC's letter be registered as my own submission on the consent use application.

Kindly confirm receipt and acceptance of the instruction of the contents of this email.

Yours faithfully

Signed E Versfeld

ELRINA VERSFELD

FILE NO:	EL 243
SCAN NO:	21
COLLABORATOR NO:	910773

TP

9 JUN 2016

1

2016-06-09

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za



TR A Theart
(CH Olivier)

Dear Sir

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L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

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Kindly confirm receipt and acceptance of the instruction of the contents of this email.

Yours faithfully

Philip J. Myburgh

15 Saffron Crescent

Vermont. 7201

082 562 4140

FILE NO:	EL 243
SCAN NO:	20
COLLABORATOR NO:	910771

TP

13 JUN 2016



overstrand conservation foundation, trading as
whale coast
CONSERVATION

Caring for your environment

13/122

2016-06-08

The Municipal Manager
 Overstrand Municipality
 PO Box 20
 Hermanus 7200
 Email: cgroenewald@overstrand.gov.za
 Cc: smuller@overstrand.gov.za

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Municipal notice No. 65/2016 relating to the development of an astronomy centre refers.

Whale Coast Conservation (WCC) supports the proposal by the Hermanus Astronomy Centre (HAC) to develop and operate an Astronomy Education Centre (AEC) within the Overstrand area. The educational and tourism benefits are unquestionable and the efforts of the HAC to bring the centre into being are laudable.

However, for reasons as set out in what follows, WCC strongly opposes the placement of the proposed AEC within the Fernkloof Nature Reserve. In addition, WCC questions the legitimacy of the process used by the Overstrand Municipality to decide the merits of the proposed placement site. Erf 243 is an integral part of the Fernkloof Nature Reserve, proclaimed in terms of the Western Cape Nature Conservation Ordinance, and its management and use are subject to the National Environmental Management: Protected Areas Act No. 57 2003.

Sections 5 to 7 of this Act deal with the applicability of the Act and indicate in section 7 (1) (a) that:

"this Act prevails if the conflict specifically concerns the management or development of protected areas"

WCC contends that the proposed location for the AEC conflicts with the purpose for which the Fernkloof Nature Reserve was proclaimed and that the process being employed by the Overstrand Municipality to decide on the merits of use of the Nature Reserve for the

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 Green House, R43 (opposite Lynx Rd turn off to Vermont), Hermanus PO Box 1949 Hermanus South Africa 7200
 PBO 18/11/13/4541 NPO 020-717



purposes of building and operating the Centre materially conflict with the Protected Areas Act.

Furthermore, WCC contends that the argument that the 295 m² footprint of the proposed building is below the area that triggers an Environmental Impact Assessment (EIA) is disingenuous and contrived. It ignores the fact that the area that will be disturbed during construction is much larger than the 300 m² that triggers the requirement for an EIA in terms of regulations associated with National Environmental Management Act No. 107, 1998, and excludes parking and other facilities essential to the activities associated with the proposed AEC.

WCC hereby requests that the Overstrand Municipality show evidence that the provisions of the National Environmental Management: Protected Areas Act No. 57 2003 have been complied with in spirit and practice and that the process of decision making is compliant with both this Act and the overarching National Environmental Management Act No. 107, 1998 (NEMA) as amended.

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In terms of section 40 (1) of National Environmental Management: Protected Areas Act No. 57 2003:

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(a) exclusively for the purpose for which it was declared; and

(b) in accordance with

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Section 41. (1) of the Act goes on to give the object of a management plan, which is:

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WCC requests that the Overstrand Municipality show evidence that the construction and operation of the proposed astronomy education centre is consistent and compliant with Section 40 (1).



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Section 41 (2) of National Environmental Management: Protected Areas Act No. 57 2003 states that a management plan for a protected area must contain at least a list of elements, (g) of which is:

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Yours faithfully

A handwritten signature in black ink, appearing to read "Rob Fryer".

Rob Fryer
General Manager

18/122

32 Fernkloof Village
Fir Avenue
Eastcliff
Hermanus 7200



TP A Theart
(C H Olivier)

2016-06-09

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za

Dear Sir

**ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE
L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

Municipal notice No. 65/2016 relating to the development of an astronomy education centre and amphitheatre refers.

We have seen, read, understand and fully support the contents the comment made by Whale Coast Conservation (WCC) on the proposed consent use for erf 243 Rotary Way Hermanus.

Please see the attached WCC letter. I agree wholeheartedly with the contents thereof and hereby give instructions that WCC's letter be registered as our own submission on the consent use application.

Kindly confirm receipt and acceptance of the instruction of the contents of this email.

Yours faithfully

Dr Robin Lee

FILE NO:	EL 243
SCAN NO:	19
COLLABORATOR NO:	910768

TP - 10 JUN 2016



overstrand conservation foundation, trading as
whale coast
CONSERVATION
Caring for your environment

19/122

2016-06-08

The Municipal Manager
 Overstrand Municipality
 PO Box 20
 Hermanus 7200
 Email: cgroenewald@overstrand.gov.za
 Cc: smuller@overstrand.gov.za

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However, for reasons as set out in what follows, WCC strongly opposes the placement of the proposed AEC within the Fernkloof Nature Reserve. In addition, WCC questions the legitimacy of the process used by the Overstrand Municipality to decide the merits of the proposed placement site. Erf 243 is an integral part of the Fernkloof Nature Reserve, proclaimed in terms of the Western Cape Nature Conservation Ordinance, and its management and use are subject to the National Environmental Management: Protected Areas Act No. 57 2003.

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Yours faithfully

A handwritten signature in black ink, appearing to be "Rob Fryer".

Rob Fryer
General Manager

Loretta Gillion - Ref 243

TR A Theart
(CH O'isay)

From: Coenie Groenewald
To: Stephen Muller
Date: 10/06/2016 03:31 PM
Subject: Ref 243
Cc: Riaan Kuchar



Beste Stephen,

Vir jul aandag, asseblief. (Geen brief was aangeheg.)

Groete,

Coenie Groenewald
Municipal Manager/ Munisipale Bestuurder
Overstrand Municipality/Munisipaliteit

M: +27 (0) 82 552 9555 | **T:** +27 (0) 28 313 8003 | **F:** +27 (0) 86 568 9726
E: cgroenewald@overstrand.gov.za



Overstrand Municipality
A: 1 Magnolia Street, Hermanus, 7200 | P: P.O Box 20, Hermanus, 7200
T: +27 (0) 313 8000 | F: +27 (0) 312 1894
E: enquiries@overstrand.gov.za | W: www.overstrand.gov.za

Vision Statement: "To be a centre of excellence for the community"

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Please read the disclaimer before opening any attachment or taking any other action in terms of this e-mail.
By replying to this e-mail or opening any attachment you agree to be bound by the provisions of the disclaimer.

Please consider the environment before printing this correspondence.

>>> Niamh <niamhmacn@gmail.com> 10/06/2016 03:28 PM >>>
2016-06-09

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200

FILE NO:	EL 243
SCAN NO:	18
COLLABORATOR NO:	910761

Dear Sir

**ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE
L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

Municipal notice No. 65/2016 relating to the development of an astronomy education centre and amphitheatre refers.

We have seen, read, understand and fully support the contents the comment made by Whale Coast Conservation (WCC) on the proposed consent use for erf 243 Rotary Way Hermanus.

TP
10 JUN 2016

Please see the attached WCC letter. I agree wholeheartedly with the contents thereof and hereby give instructions that WCC's letter be registered as our own submission on the consent use application.

Kindly confirm receipt and acceptance of the instruction of the contents of this email.
Yours faithfully
Niamh Casey

2016-06-09

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za



TR A Theart
C H Olivier)

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Yours faithfully

JMK Meyer

FILE NO:	ER 243
SCAN NO:	17
COLLABORATOR NO:	910756

TP 10 JUN 2016



overstrand conservation foundation, trading as

whale coast CONSERVATION

Caring for your environment

2016-06-08

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za

Dear Sir

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The area of the final construction, excluding parking and other associated paths etc. is given as being 5 m² less than the 300 m² that triggers an EIA. It is contended by the WCC that the area disturbed during construction will be much more than the 300 m² trigger point, that



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WCC is supportive of the proposed development of an Astronomy Education Centre and Amphitheatre, but not within the Fernkloof Nature Reserve.

The WCC requests that the Overstrand Municipality identifies a site outside of the Fernkloof Nature Reserve on which the proposed astronomy centre can be developed, for the following reasons:

- 5.1 The proposed AEC is inconsistent with the purpose for which the Fernkloof Nature Reserve was proclaimed. The construction and operation of such a centre is inconsistent and non-compliant with Section 40 (1) of the National Environmental Management: Protected Areas Act No. 57 2003.
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Please acknowledge receipt of this letter and confirm your commitment to take all aspects of its contents into careful consideration in deciding a suitable location for the proposed AEC. WCC would welcome the opportunity to discuss any aspect further and would be available to advise on suitable alternative locations for the proposed AEC.

Yours faithfully

A handwritten signature in black ink, appearing to read "Rob Fryer".

Rob Fryer
General Manager

32/122



The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus
7200

8 June 2016

Dear Sir



HERMANUS BOTANICAL SOCIETY NPC

Registration No 2008/018 104/08

TP- A Theart
C Holivier)

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Private Bag X16
Hermanus
7200

e-mail: botsochermanus@telkomsa.net
Tel : 028 313-0819 Fax : 086 544-6305

FILE NO:	62 243 - Herm
SCAN NO:	63
COLLABORATOR NO:	908629

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE: L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY

Referring to the advertisement appearing in the Hermanus Times on 5 May 2016 (Municipal Notice No. 65/2016) inviting comment on the above. This advertisement indicates a proposal to "conduct an Astronomy Centre on the property concerned". This is a revised edition of a previous proposal by the Hermanus Astronomy Society to construct such an astronomy centre on the property. The footprint has been reduced to below the area triggering a EIA. The Hermanus Botanical Society consider the current proposal is as unacceptable as the previous one, for reasons that include the following:

1. Erf 243 is within the boundaries of the Fernkloof Nature Reserve (FNR), which is a proclaimed conservation area. The proposal disregards the status of the FNR as a nationally registered nature reserve established in terms of the Western Cape Nature Conservation Ordinance and subject to the National Protected Areas Act (NEMPAA). This legislation requires that due diligence planning is undertaken before a consent use that will result in a permanent impact is considered.
2. By definition, proclaimed conservation areas are set aside for the preservation of the natural environment. The FNR must be managed in accordance with the purpose for which it was proclaimed ie the conservation and preservation of the natural environment. The Hermanus area has already lost many fynbos species that previously occurred here through developments outside of protected areas and this sad process continues. It is thus vital that the Municipality upholds the protection offered by law to our natural heritage through respecting the boundaries of protected areas.
3. The HAC has no particular interest in the conservation and preservation of the natural environment and is therefore an inappropriate body to be allowed to lease any land within the FNR.
4. The site under consideration is in a pristine area where no development has been provided for in the Spatial Development Framework (SDF). There is no justifiable reason for proposing a deviation from this framework for this proposal.
5. The proposal represents a deviation from the draft Fernkloof Management Plan; it contradicts the development nodes and the approach to such nodes envisaged in the plan. The plan notes in particular the need to protect the Rotary Way area from further negative impacts that have caused damage to this sensitive ridge over past years. The management plan does not include the envisaged Astronomy Centre as part of the development nodes in the plan. In this regard it should be noted that the Fernkloof Advisory

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16 JUN 2016
TP

13 JUN 2016



HERMANUS BOTANICAL SOCIETY NPC

Registration No 2008/018174/00

Postnet Suite 167
Private Bag X16
Hermanus
7200

e-mail: botsochermanus@telkomsa.net
Tel : 028 313-0819 Fax : 086 544-6305

Board (FAB), mandated to advise the Overstrand Municipality on issues related to the reserve, has not been consulted on this proposal.

6. Any construction that invites concentrated visits from people and vehicles, such as the proposed Astronomy Centre, will have a knock-on trampling effect on the surrounding vegetation. These knock-on effects can be seen clearly in the trampling of the vegetation adjoining the viewing area that is opposite the proposed site. The parking area is inadequate. No clear plans are envisaged for toilet facilities (essential for busloads of children), safety of participants, insurance of buildings and use of the facility by other members of the public. Will the Overstrand Municipality supply the necessary toilet facilities and water and increase the size of the parking area?
7. No site that is within the general vicinity of the boundaries of the reserve in this area should therefore be considered for any construction, unless it forms part of the development nodes noted in 4 above.
8. In addition, an exposed coastal site is in itself inappropriate for astronomical observations, due to particulate interference from water vapour and wind-borne dust, which in turn causes light reflection off the particles, even when the site is not in direct line of light. For this reason the Cape Town Observatory has been moved inland. It would appear that the site has been selected and continues to be pursued primarily for reasons of convenience. However, there are many other possible sites in the area that are far better suited to such a facility and that will not entail the disturbance of a protected area of natural vegetation.
9. Not only should other more suitable sites be considered, but the concept of a fixed facility should also be reconsidered and brought in line with contemporary approaches. Common practice elsewhere is to use an observations vehicle with trailer, fully equipped with the necessary technology, which can be taken to various sites as needed. This option would not only be more flexible but also considerably cheaper.

The Hermanus Botanical Society has no objection to an Astronomical Centre. Such a facility may well prove to be an asset to Hermanus and would no doubt have general benefits in the fields of community education and awareness. However, the positioning of such a centre must not in itself destroy or jeopardise other facilities such as FNR that in itself has such benefits. No Astronomy Centre should be built on the site under consideration but a more appropriate site sought which does not destroy the protected natural environment.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Dr DJ Marais
Hermanus Botanical Society Chairperson
Tel: 028 312 1162
Email: maraisdianne@gmail.com



P O Box 1351
Hermanus
7200

TP A Theart
(C H Olivier)

2016-06-09

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za

Dear Sir

**ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE
L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

Municipal notice No. 65/2016 relating to the development of an astronomy education centre and amphitheatre refers.

We have seen, read, understand and fully support the contents and the comment made by Whale Coast Conservation (WCC) on the proposed consent use for erf 243 Rotary Way Hermanus.

Please see the attached WCC letter. We agree wholeheartedly with the contents thereof and hereby give instructions that WCC's letter be registered as our own submission on the consent use application.

Kindly confirm receipt and acceptance of the instruction of the contents of this email.

Yours faithfully



LH (Hennie) Roux and M (MARION) Y Roux

FILE NO:	EL 243
SCAN NO:	23
COLLABORATOR NO:	910787

TP

10 JUN 2016

14 JUN 2016



overstrand conservation foundation, trading as

**whale coast
CONSERVATION**

Caring for your environment

35/122

2016-06-08

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za

Dear Sir

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L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

Municipal notice No. 65/2016 relating to the development of an astronomy centre refers.

Whale Coast Conservation (WCC) supports the proposal by the Hermanus Astronomy Centre (HAC) to develop and operate an Astronomy Education Centre (AEC) within the Overstrand area. The educational and tourism benefits are unquestionable and the efforts of the HAC to bring the centre into being are laudable.

However, for reasons as set out in what follows, WCC strongly opposes the placement of the proposed AEC within the Fernkloof Nature Reserve. In addition, WCC questions the legitimacy of the process used by the Overstrand Municipality to decide the merits of the proposed placement site. Erf 243 is an integral part of the Fernkloof Nature Reserve, proclaimed in terms of the Western Cape Nature Conservation Ordinance, and its management and use are subject to the National Environmental Management: Protected Areas Act No. 57 2003.

Sections 5 to 7 of this Act deal with the applicability of the Act and indicate in section 7 (1) (a) that:

"this Act prevails if the conflict specifically concerns the management or development of protected areas"

WCC contends that the proposed location for the AEC conflicts with the purpose for which the Fernkloof Nature Reserve was proclaimed and that the process being employed by the Overstrand Municipality to decide on the merits of use of the Nature Reserve for the

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E-MAIL wcc@ocf.org.za WEBSITE www.whalecoastconservation.org.za
Green House, R43 (opposite Lynx Rd turn off to Vermont), Hermanus PO Box 1949 Hermanus South Africa 7200
PBO 18/11/13/4541 NPO 020-717



purposes of building and operating the Centre materially conflict with the Protected Areas Act.

Furthermore, WCC contends that the argument that the 295 m² footprint of the proposed building is below the area that triggers an Environmental Impact Assessment (EIA) is disingenuous and contrived. It ignores the fact that the area that will be disturbed during construction is much larger than the 300 m² that triggers the requirement for an EIA in terms of regulations associated with National Environmental Management Act No. 107, 1998, and excludes parking and other facilities essential to the activities associated with the proposed AEC.

WCC hereby requests that the Overstrand Municipality show evidence that the provisions of the National Environmental Management: Protected Areas Act No. 57 2003 have been complied with in spirit and practice and that the process of decision making is compliant with both this Act and the overarching National Environmental Management Act No. 107, 1998 (NEMA) as amended.

1 The proposed astronomy education centre is inconsistent with the purpose for which the Fernkloof Nature Reserve was proclaimed

In terms of section 40 (1) of National Environmental Management: Protected Areas Act No. 57 2003:

"The management authority must manage the area-

(a) exclusively for the purpose for which it was declared; and

(b) in accordance with

(i) the management plan for the area;

(ii) this Act, the Biodiversity Act, the National Environmental Management Act

(iii) any applicable provincial legislation, ..."

Section 41. (1) of the Act goes on to give the object of a management plan, which is:

"to ensure the protection, conservation and management of the protected area concerned in a manner which is consistent with the objectives of this Act and for the purpose it was declared."

WCC requests that the Overstrand Municipality show evidence that the construction and operation of the proposed astronomy education centre is consistent and compliant with Section 40 (1).



2 The Fernkloof Management Plan does not permit use of the Reserve for an astronomy centre.

Section 41 (2) of National Environmental Management: Protected Areas Act No. 57 2003 states that a management plan for a protected area must contain at least a list of elements, (g) of which is:

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WCC requests that the Overstrand Municipality shows how the zoning plan within the Fernkloof Management Plan makes provision for the building and operation of the proposed astronomy centre.

Section 50 (1) of the Act makes provision for the management authority to permit certain activities within the Reserve but 50 (2) clearly states that:

"An activity allowed in terms of subsection (1) (a) or (b) may not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve"

WCC requests that the Overstrand Municipality shows evidence that a study has been carried out by a suitably qualified independent specialist that recommends that the proposed astronomy centre will not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve.

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The area of the final construction, excluding parking and other associated paths etc. is given as being 5 m² less than the 300 m² that triggers an EIA. It is contended by the WCC that the area disturbed during construction will be much more than the 300 m² trigger point, that



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Please acknowledge receipt of this letter and confirm your commitment to take all aspects of its contents into careful consideration in deciding a suitable location for the proposed AEC. WCC would welcome the opportunity to discuss any aspect further and would be available to advise on suitable alternative locations for the proposed AEC.

Yours faithfully

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Rob Fryer
General Manager



TP A Theart
(Choliver)

2016-06-09

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za

Dear Sir

**ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE
L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

Municipal notice No. 65/2016 relating to the development of an astronomy education centre and amphitheatre refers.

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Please see the attached WCC letter. I agree wholeheartedly with the contents thereof and hereby give instructions that WCC's letter be registered as our own submission on the consent use application.

Kindly confirm receipt and acceptance of the instruction of the contents of this email.

Yours faithfully

Di Parker - Long term member of Hermanus Botanical Society and supporter of WCC

30 Ponte Haupt St Stanford

0826679548

FILE NO:	EL 243
SCAN NO:	22
COLLABORATOR NO:	910782

TP

13 JUN 2016

14 JUN 2016



overstrand conservation foundation, trading as

whale coast
CONSERVATION

Caring for your environment

2016-06-08

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
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PBO 18/11/13/4541 NPO 020-717



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Yours faithfully

A handwritten signature in black ink, appearing to read "Rob Fryer".

Rob Fryer
General Manager

TP A Theart
C Holwier

Loretta Gillion - Astronomy Education Centre

From: Glenda Furst <gafurst@hotmail.com>
To: "cgroenewald@overstrand.gov.za" <cgroenewald@overstrand.gov.za>
Date: 10/06/2016 10:27 AM
Subject: Astronomy Education Centre
Cc: "smuller@overstrand.gov.za" <smuller@overstrand.gov.za>

2016-06-09

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za



Dear Sir

ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY
Municipal notice No. 65/2016 relating to the development of an astronomy education centre and amphitheatre refers.

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I agree wholeheartedly with the contents thereof and hereby give instructions that WCC's letter be registered as my own submission on the consent use application.

Kindly confirm receipt and acceptance of the instruction of the contents of this email.

Yours faithfully

Glenda Furst
4 Kwaaiwater Road
Hermanus

Dear WCC member

FILE NO:	EL 243
SCAN NO:	15
COLLABORATOR NO:	910744

The Overstrand Municipality is inviting public comment on the proposal by the Hermanus Astronomy Centre (HAC) to develop an astronomy education centre and amphitheatre on Fernkloof Nature Reserve land along Rotary Way.

Whale Coast Conservation supports the HAC's plans to develop such a centre, but not in the Fernkloof Nature Reserve. WCC has written a letter to the municipal manager pointing out reasons why Fernkloof Nature Reserve land may not legally be used for purposes other than those for which the reserve was proclaimed. We are asking you to support the WCC's position.

TP 10 JUN 2016

To make it easier for you to indicate your support, a template has been provided. When using the template, please attach it as a Word or pdf file to an email and also attach a copy of the WCC's letter. You may of course add your own comment to the template, or write your own letter if you prefer to do so.

If you wish to support the WCC's position, please do so before the end of business tomorrow Friday 10th June.

Loretta Gillion - ERF 243 ROTARY WAY HERMANUS: Support of WCC letter to Overstrand Municipality

From: "Layna @ JD" <layna@jackalsdans.com>
To: <cgroenewald@overstrand.gov.za>, <smuller@overstrand.gov.za>
Date: 09/06/2016 05:07 PM
Subject: ERF 243 ROTARY WAY HERMANUS: Support of WCC letter to Overstrand Municipality
Cc: <aninalee.wcc@gmail.com>, <robfryer.wcc@gmail.com>
Attachments: 20160608-WCC-comment-Erf-243-Rotary-Way_1.pdf

*TP A Theart
C H Olivier*

2016-06-09

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za



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Yours faithfully

Layna Fischer
layna@jackalsdans.com

FILE NO:	62 243
SCAN NO:	14
COLLABORATOR NO:	910 742

TP

10 JUN 2016

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/575AD404HermanusMunpo... 2016/06/13

PO Box 1704, Hermanus



overstrand conservation foundation, trading as
whale coast
CONSERVATION
Caring for your environment

2016-06-08

The Municipal Manager
 Overstrand Municipality
 PO Box 20
 Hermanus 7200
 Email: cgroenewald@overstrand.gov.za
 Cc: smuller@overstrand.gov.za

Dear Sir

**ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE
 L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

Municipal notice No. 65/2016 relating to the development of an astronomy centre refers.

Whale Coast Conservation (WCC) supports the proposal by the Hermanus Astronomy Centre (HAC) to develop and operate an Astronomy Education Centre (AEC) within the Overstrand area. The educational and tourism benefits are unquestionable and the efforts of the HAC to bring the centre into being are laudable.

However, for reasons as set out in what follows, WCC strongly opposes the placement of the proposed AEC within the Fernkloof Nature Reserve. In addition, WCC questions the legitimacy of the process used by the Overstrand Municipality to decide the merits of the proposed placement site. Erf 243 is an integral part of the Fernkloof Nature Reserve, proclaimed in terms of the Western Cape Nature Conservation Ordinance, and its management and use are subject to the National Environmental Management: Protected Areas Act No. 57 2003.

Sections 5 to 7 of this Act deal with the applicability of the Act and indicate in section 7 (1) (a) that:

"this Act prevails if the conflict specifically concerns the management or development of protected areas"

WCC contends that the proposed location for the AEC conflicts with the purpose for which the Fernkloof Nature Reserve was proclaimed and that the process being employed by the Overstrand Municipality to decide on the merits of use of the Nature Reserve for the



purposes of building and operating the Centre materially conflict with the Protected Areas Act.

Furthermore, WCC contends that the argument that the 295 m² footprint of the proposed building is below the area that triggers an Environmental Impact Assessment (EIA) is disingenuous and contrived. It ignores the fact that the area that will be disturbed during construction is much larger than the 300 m² that triggers the requirement for an EIA in terms of regulations associated with National Environmental Management Act No. 107, 1998, and excludes parking and other facilities essential to the activities associated with the proposed AEC.

WCC hereby requests that the Overstrand Municipality show evidence that the provisions of the National Environmental Management: Protected Areas Act No. 57 2003 have been complied with in spirit and practice and that the process of decision making is compliant with both this Act and the overarching National Environmental Management Act No. 107, 1998 (NEMA) as amended.

1 The proposed astronomy education centre is inconsistent with the purpose for which the Fernkloof Nature Reserve was proclaimed

In terms of section 40 (1) of National Environmental Management: Protected Areas Act No. 57 2003:

"The management authority must manage the area-

(a) exclusively for the purpose for which it was declared; and

(b) in accordance with

(i) the management plan for the area;

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"to ensure the protection, conservation and management of the protected area concerned in a manner which is consistent with the objectives of this Act and for the purpose it was declared."

WCC requests that the Overstrand Municipality show evidence that the construction and operation of the proposed astronomy education centre is consistent and compliant with Section 40 (1).



2 The Fernkloof Management Plan does not permit use of the Reserve for an astronomy centre.

Section 41 (2) of National Environmental Management: Protected Areas Act No. 57 2003 states that a management plan for a protected area must contain at least a list of elements, (g) of which is:

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WCC requests that the Overstrand Municipality shows how the zoning plan within the Fernkloof Management Plan makes provision for the building and operation of the proposed astronomy centre.

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WCC requests that the Overstrand Municipality shows evidence that a study has been carried out by a suitably qualified independent specialist that recommends that the proposed astronomy centre will not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve.

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Section 39 (3) of National Environmental Management: Protected Areas Act No. 57 2003 requires consultation with interested and affected parties on the contents of the Management Plan for a Protected Area such as the Fernkloof Nature Reserve.

WCC contends that the Overstrand Municipality needs to propose amendments to the Fernkloof Nature Reserve Management Plan that allow for the construction and operation of facilities such as the proposed AEC, and to subject these to public participation and approval by the MEC at provincial level.

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The area of the final construction, excluding parking and other associated paths etc. is given as being 5 m² less than the 300 m² that triggers an EIA. It is contended by the WCC that the area disturbed during construction will be much more than the 300 m² trigger point, that



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The WCC advises that the Overstrand Municipality should seek environmental authorisation in terms of NEMA regulations and reserves its rights to initiate a review process in terms of the Promotion of Administrative Justice Act No. 3 of 2000 should this advice not be followed.

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WCC is supportive of the proposed development of an Astronomy Education Centre and Amphitheatre, but not within the Fernkloof Nature Reserve.

The WCC requests that the Overstrand Municipality identifies a site outside of the Fernkloof Nature Reserve on which the proposed astronomy centre can be developed, for the following reasons:

- 5.1 The proposed AEC is inconsistent with the purpose for which the Fernkloof Nature Reserve was proclaimed. The construction and operation of such a centre is inconsistent and non-compliant with Section 40 (1) of the National Environmental Management: Protected Areas Act No. 57 2003.
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Please acknowledge receipt of this letter and confirm your commitment to take all aspects of its contents into careful consideration in deciding a suitable location for the proposed AEC. WCC would welcome the opportunity to discuss any aspect further and would be available to advise on suitable alternative locations for the proposed AEC.

Yours faithfully

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Rob Fryer
General Manager

Loretta Gillion - ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY

From: Michael Raimondo <michael@greenrenaissance.co.za>
To: <cgroenewald@overstrand.gov.za>
Date: 09/06/2016 04:25 PM
Subject: ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY
Cc: <smuller@overstrand.gov.za>
Attachments: 20160608-WCC-comment-Erf-243-Rotary-Way_1.pdf

*TP A Theet
C H Olivier*

2016-06-09

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za



Dear Sir

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L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY
Municipal notice No. 65/2016 relating to the development of an astronomy education centre and amphitheatre refers.

We have seen, read, understand and fully support the contents the comment made by Whale Coast Conservation (WCC) on the proposed consent use for erf 243 Rotary Way Hermanus. Please see the attached WCC letter. I agree wholeheartedly with the contents thereof and hereby give instructions that WCC's letter be registered as our own submission on the consent use application.

Kindly confirm receipt and acceptance of the instruction of the contents of this email.
Yours faithfully

Michael Raimondo
Director
Green Renaissance

FILE NO:	EL 243
SCAN NO:	13
COLLABORATOR NO:	910736

TP 10 JUN 2016



overstrand conservation foundation, trading as
whale coast
CONSERVATION
Caring for your environment

2016-06-08

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5 Summary

WCC is supportive of the proposed development of an Astronomy Education Centre and Amphitheatre, but not within the Fernkloof Nature Reserve.

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Yours faithfully

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Rob Fryer
General Manager



overstrand conservation foundation, ~~Her~~

whale coast CONSERVATION
Caring for your environment

Reference:	EL 243-Her m
SCAN NO:	79
COLLABORATOR NO:	908718

2016-06-08

The Municipal Manager
 Overstrand Municipality
 PO Box 20
 Hermanus 7200
 Email: cgroenewald@overstrand.gov.za
 Cc: smuller@overstrand.gov.za

TR A Theart
CH Olivier



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 E-MAIL wcc@ocf.org.za WEBSITE www.whalecoastconservation.org.za
 Green House, R43 (opposite Lynx Rd turn off to Vermont), Hermanus PO Box 1949 Hermanus South Africa 7200
 PBO 18/11/13/4541 NPO 020-717

TP 10 JUN 2016

13 JUN 2016



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Rob Fryer
General Manager



2016-06-09

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Overstrand Municipality
PO Box 20
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Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za

TP A Theat
C H Oliver

Dear Sir

**ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE
L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

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We have seen, read, understand and fully support the contents the comment made by Whale Coast Conservatory (WCC) on the proposed consent use for erf 243 Rotary Way Hermanus.

Please see the attached WCC letter. I agree wholeheartedly with the contents thereof and hereby give instructions that WCC's letter be registered as our own submission on the consent use application.

Kindly confirm receipt and acceptance of the instruction of the contents of this email.

Yours faithfully

Justine du Toit

FILE NO:	EL 243
SCAN NO:	11
COLLABORATOR NO:	910714

TP - 10 JUN 2016



overstrand conservation foundation, trading as

**whale COAST
CONSERVATION**

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67/122

2016-06-08

The Municipal Manager
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PO Box 20
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The area of the final construction, excluding parking and other associated paths etc. is given as being 5 m² less than the 300 m² that triggers an EIA. It is contended by the WCC that the area disturbed during construction will be much more than the 300 m² trigger point, that



parking for audiences of 50 people who will be seated in the amphitheatre and for tourist and school busses, and all other pathways and areas that will be disturbed around the footprint during construction and later during operation of the AEC need to be added to the 295 m2 area given as the footprint of the area impacted.

The WCC advises that the Overstrand Municipality should seek environmental authorisation in terms of NEMA regulations and reserves its rights to initiate a review process in terms of the Promotion of Administrative Justice Act No. 3 of 2000 should this advice not be followed.

5 Summary

WCC is supportive of the proposed development of an Astronomy Education Centre and Amphitheatre, but not within the Fernkloof Nature Reserve.

The WCC requests that the Overstrand Municipality identifies a site outside of the Fernkloof Nature Reserve on which the proposed astronomy centre can be developed, for the following reasons:

- 5.1 The proposed AEC is inconsistent with the purpose for which the Fernkloof Nature Reserve was proclaimed. The construction and operation of such a centre is inconsistent and non-compliant with Section 40 (1) of the National Environmental Management: Protected Areas Act No. 57 2003.
- 5.2 The Fernkloof Management Plan does not permit use of the Reserve for an astronomy centre. The Overstrand Municipality needs to show how the zoning plan within the Fernkloof Management Plan makes provision for the building and operation of the proposed astronomy centre, and if it doesn't, propose an amendment to the zoning plan prior to proceeding. The Overstrand Municipality needs to produce evidence that the proposed Astronomy centre does not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve
- 5.3 Should the Overstrand Municipality decide to continue to advocate the development of the proposed AEC in the Fernkloof Nature Reserve then it must embark on the amendment of the management plan for the Reserve, which itself requires a public participation process.
- 5.4 The proposed construction and operation of the astronomy centre triggers the requirement for an EIA. The Overstrand Municipality should add the necessary parking and larger area that will be disturbed during the construction phase to the footprint to determine the true area that will be impacted. Any decision to proceed without an EIA is disingenuous and contrived to circumvent NEMA regulations and is likely to be taken on review.



Please acknowledge receipt of this letter and confirm your commitment to take all aspects of its contents into careful consideration in deciding a suitable location for the proposed AEC. WCC would welcome the opportunity to discuss any aspect further and would be available to advise on suitable alternative locations for the proposed AEC.

Yours faithfully

A handwritten signature in black ink, appearing to read "Rob Fryer".

Rob Fryer
General Manager

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus
7200

9 May 2016

Dear Sir

FILE NO:	EL 243
SCAN NO:	10
COLLABORATOR NO:	910697



TR A Theart
CH Olivier

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY

I refer to the advertisement appearing in the Hermanus Times on 5 May 2016 (Municipal Notice No. 65/2016) inviting comment on the above. This advertisement refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is a revised edition of a previous proposal by the Hermanus Astronomy Society to construct such an astronomy centre on the property. The current proposal is as unacceptable as the previous one, for reasons that include the following:

1. Erf 243 is within the boundaries of the Fernkloof Nature Reserve (FNR), which is a proclaimed conservation area. The proposal disregards the status of the FNR as a nationally registered nature reserve established in terms of the Western Cape Nature Conservation Ordinance and subject to the National Protected Areas Act (NEMPAA). This legislation requires that due diligence planning is undertaken before a consent use that will result in a permanent impact is considered.
2. The area of the revised Astronomy Centre has been reduced, clearly in order to circumvent the need for an Environmental Impact Assessment (EIA). However, this revised design does not include any provision for parking, which will definitely be needed. Including even minimal parking will extend the area to a coverage which will need an EIA.
3. By definition, proclaimed conservation areas are set aside for the preservation of the natural environment. The Hermanus area has already lost many fynbos species that previously occurred here through developments outside of protected areas and this sad process continues. It is thus vital that the Municipality upholds the protection offered by law to our natural heritage through respecting the boundaries of protected areas.
4. The site under consideration is in a pristine area where no development has been provided for in the Spatial Development Framework (SDF). There is no justifiable reason for proposing a deviation from this framework for this proposal.
5. The proposal represents a deviation from the draft Fernkloof Management Plan; it contradicts the development nodes and the approach to such nodes envisaged in the plan. The plan notes in particular the need to protect the Rotary Way area from further negative impacts that have caused damage to this sensitive ridge over past years.
6. Any construction that invites concentrated visits from people and vehicles, such as the proposed Astronomy Centre, will have a knock-on trampling effect on the surrounding vegetation. These knock-on effects can be seen clearly in the trampling of the vegetation adjoining the viewing area that is opposite the proposed site. Considerable damage and destruction will be caused to the natural environment.

TP- 10 JUN 2016

7. No site that is within the general vicinity of the boundaries of the reserve in this area should therefore be considered for any construction, unless it forms part of the development nodes noted in 5 above. Construction within the reserve should be restricted to developments that enhance the reason for which the reserve was proclaimed – that is, the protection and conservation of the natural environment. This is not the purview of either the Astronomy Society or an Astronomy Centre.
8. In addition, an exposed coastal site is in itself inappropriate for astronomical observations, due to particulate interference from water vapour and wind-borne dust, which in turn causes light reflection off the particles, even when the site is not in direct line of light. For this reason the Cape Town Observatory has been moved inland. It would appear that the site has been selected and continues to be pursued primarily for reasons of convenience. However, there are many other possible sites in the area that are far better suited to such a facility and that will not entail the disturbance of a protected area of natural vegetation. The Municipality should apply its mind objectively in the consideration of other options.
9. Not only should other more suitable sites be considered, but the concept of a fixed facility should also be reconsidered and brought in line with contemporary approaches. Common practice elsewhere is to use an observations trailer, fully equipped with the necessary technology, which can be taken to various sites as needed. This option would not only be more flexible but also considerably cheaper.

Please note that my objection is not to an Astronomical Centre per se. Such a facility may well prove to be an asset to Hermanus and would no doubt have general benefits in the fields of community education and awareness. However, the positioning of such a centre must not in itself destroy or jeopardise other facilities such as FNR that in themselves also have such benefits. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

DR P MILLER
Tel: (028) 313-0093
Cell: 082 374-9729
e-mail: patmiller@telkomsa.net

TP A Theert
CH Olivier

Loretta Gillion - Proposed Astronomy Education Centre



From: Coenie Groenewald
To: Stephen Muller
Date: 10/06/2016 01:56 PM
Subject: Proposed Astronomy Education Centre
Cc: Rjaan Kuchar
Attachments: 20160608-WCC-comment-Erf-243-Rotary-Way_1.pdf

Beste Stephen,

Vir jul aandag, asseblief.

Groete,

Coenie Groenewald

Municipal Manager/ Munisipale Bestuurder
Overstrand Municipality/Munisipaliteit

M: +27 (0) 82 552 9555 | **T:** +27 (0) 28 313 8003 | **F:** +27 (0) 86 568 9726
E: cgroenewald@overstrand.gov.za



Overstrand Municipality
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T: +27 (0) 313 8000 | F: +27 (0) 312 1894
E: enquiries@overstrand.gov.za | W: www.overstrand.gov.za

Vision Statement: "To be a centre of excellence for the community"

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Please read the disclaimer before opening any attachment or taking any other action in terms of this e-mail.
By replying to this e-mail or opening any attachment you agree to be bound by the provisions of the disclaimer.

♻️ Please consider the environment before printing this correspondence.

>>> Keith Brooke Sumner <keithbs@rec.co.za> 10/06/2016 09:39 AM >>>

>

2016-06-09

The Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus 7200
Email: cgroenewald@overstrand.gov.za
Cc: smuller@overstrand.gov.za

FILE NO:	E2 243
SCAN NO:	09
COLLABORATOR NO:	910665

Dear Sir

TP - 10 JUN 2016

**ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE
L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

Municipal notice No. 65/2016 relating to the development of an astronomy education centre and amphitheatre refers.

We have seen, read, understand and fully support the contents the comment made by Whale Coast Conservation (WCC) on the proposed consent use for erf 243 Rotary Way Hermanus.

Please see the attached WCC letter. We agree wholeheartedly with the contents thereof and hereby give instructions that WCC's letter be registered as our own submission on the consent use application.

Kindly confirm receipt and acceptance of the instruction of the contents of this email.

Yours faithfully

Keith and Debby Brooke-Sumner



overstrand conservation foundation, trading as
**whale coast
 CONSERVATION**
Caring for your environment

2016-06-08

The Municipal Manager
 Overstrand Municipality
 PO Box 20
 Hermanus 7200
 Email: cgroenewald@overstrand.gov.za
 Cc: smuller@overstrand.gov.za

Dear Sir

**ERF 243 ROTARY WAY HERMANUS: PROPOSED CONSENT USE
 L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY**

Municipal notice No. 65/2016 relating to the development of an astronomy centre refers.

Whale Coast Conservation (WCC) supports the proposal by the Hermanus Astronomy Centre (HAC) to develop and operate an Astronomy Education Centre (AEC) within the Overstrand area. The educational and tourism benefits are unquestionable and the efforts of the HAC to bring the centre into being are laudable.

However, for reasons as set out in what follows, WCC strongly opposes the placement of the proposed AEC within the Fernkloof Nature Reserve. In addition, WCC questions the legitimacy of the process used by the Overstrand Municipality to decide the merits of the proposed placement site. Erf 243 is an integral part of the Fernkloof Nature Reserve, proclaimed in terms of the Western Cape Nature Conservation Ordinance, and its management and use are subject to the National Environmental Management: Protected Areas Act No. 57 2003.

Sections 5 to 7 of this Act deal with the applicability of the Act and indicate in section 7 (1) (a) that:

"this Act prevails if the conflict specifically concerns the management or development of protected areas"

WCC contends that the proposed location for the AEC conflicts with the purpose for which the Fernkloof Nature Reserve was proclaimed and that the process being employed by the Overstrand Municipality to decide on the merits of use of the Nature Reserve for the



purposes of building and operating the Centre materially conflict with the Protected Areas Act.

Furthermore, WCC contends that the argument that the 295 m² footprint of the proposed building is below the area that triggers an Environmental Impact Assessment (EIA) is disingenuous and contrived. It ignores the fact that the area that will be disturbed during construction is much larger than the 300 m² that triggers the requirement for an EIA in terms of regulations associated with National Environmental Management Act No. 107, 1998, and excludes parking and other facilities essential to the activities associated with the proposed AEC.

WCC hereby requests that the Overstrand Municipality show evidence that the provisions of the National Environmental Management: Protected Areas Act No. 57 2003 have been complied with in spirit and practice and that the process of decision making is compliant with both this Act and the overarching National Environmental Management Act No. 107, 1998 (NEMA) as amended.

1 The proposed astronomy education centre is inconsistent with the purpose for which the Fernkloof Nature Reserve was proclaimed

In terms of section 40 (1) of National Environmental Management: Protected Areas Act No. 57 2003:

- "The management authority must manage the area-*
- (a) exclusively for the purpose for which it was declared; and*
 - (b) in accordance with*
 - (i) the management plan for the area;*
 - (ii) this Act, the Biodiversity Act, the National Environmental Management Act*
 - (iii) any applicable provincial legislation, ..."*

Section 41. (1) of the Act goes on to give the object of a management plan, which is:

"to ensure the protection, conservation and management of the protected area concerned in a manner which is consistent with the objectives of this Act and for the purpose it was declared."

WCC requests that the Overstrand Municipality show evidence that the construction and operation of the proposed astronomy education centre is consistent and compliant with Section 40 (1).



2 The Fernkloof Management Plan does not permit use of the Reserve for an astronomy centre.

Section 41 (2) of National Environmental Management: Protected Areas Act No. 57 2003 states that a management plan for a protected area must contain at least a list of elements, (g) of which is:

"a zoning of the area indicating what activities may take place in different sections of the area, and the conservation objectives of those sections."

WCC requests that the Overstrand Municipality shows how the zoning plan within the Fernkloof Management Plan makes provision for the building and operation of the proposed astronomy centre.

Section 50 (1) of the Act makes provision for the management authority to permit certain activities within the Reserve but 50 (2) clearly states that:

"An activity allowed in terms of subsection (1) (a) or (b) may not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve"

WCC requests that the Overstrand Municipality shows evidence that a study has been carried out by a suitably qualified independent specialist that recommends that the proposed astronomy centre will not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve.

3 Amendment of the management plan for a protected area requires a process that includes public participation

Section 39 (3) of National Environmental Management: Protected Areas Act No. 57 2003 requires consultation with interested and affected parties on the contents of the Management Plan for a Protected Area such as the Fernkloof Nature Reserve.

WCC contends that the Overstrand Municipality needs to propose amendments to the Fernkloof Nature Reserve Management Plan that allow for the construction and operation of facilities such as the proposed AEC, and to subject these to public participation and approval by the MEC at provincial level.

4 The proposed construction and operation of the proposed astronomy centre triggers the requirement for an EIA

The area of the final construction, excluding parking and other associated paths etc. is given as being 5 m² less than the 300 m² that triggers an EIA. It is contended by the WCC that the area disturbed during construction will be much more than the 300 m² trigger point, that



parking for audiences of 50 people who will be seated in the amphitheatre and for tourist and school busses, and all other pathways and areas that will be disturbed around the footprint during construction and later during operation of the AEC need to be added to the 295 m2 area given as the footprint of the area impacted.

The WCC advises that the Overstrand Municipality should seek environmental authorisation in terms of NEMA regulations and reserves its rights to initiate a review process in terms of the Promotion of Administrative Justice Act No. 3 of 2000 should this advice not be followed.

5 Summary

WCC is supportive of the proposed development of an Astronomy Education Centre and Amphitheatre, but not within the Fernkloof Nature Reserve.

The WCC requests that the Overstrand Municipality identifies a site outside of the Fernkloof Nature Reserve on which the proposed astronomy centre can be developed, for the following reasons:

- 5.1 The proposed AEC is inconsistent with the purpose for which the Fernkloof Nature Reserve was proclaimed. The construction and operation of such a centre is inconsistent and non-compliant with Section 40 (1) of the National Environmental Management: Protected Areas Act No. 57 2003.
- 5.2 The Fernkloof Management Plan does not permit use of the Reserve for an astronomy centre. The Overstrand Municipality needs to show how the zoning plan within the Fernkloof Management Plan makes provision for the building and operation of the proposed astronomy centre, and if it doesn't, propose an amendment to the zoning plan prior to proceeding. The Overstrand Municipality needs to produce evidence that the proposed Astronomy centre does not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve
- 5.3 Should the Overstrand Municipality decide to continue to advocate the development of the proposed AEC in the Fernkloof Nature Reserve then it must embark on the amendment of the management plan for the Reserve, which itself requires a public participation process.
- 5.4 The proposed construction and operation of the astronomy centre triggers the requirement for an EIA. The Overstrand Municipality should add the necessary parking and larger area that will be disturbed during the construction phase to the footprint to determine the true area that will be impacted. Any decision to proceed without an EIA is disingenuous and contrived to circumvent NEMA regulations and is likely to be taken on review.



Please acknowledge receipt of this letter and confirm your commitment to take all aspects of its contents into careful consideration in deciding a suitable location for the proposed AEC. WCC would welcome the opportunity to discuss any aspect further and would be available to advise on suitable alternative locations for the proposed AEC.

Yours faithfully

A handwritten signature in black ink, appearing to be "Rob Fryer", written in a cursive style.

Rob Fryer,
General Manager

81/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200



TR A Theat
(Holwies)

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is unacceptable for reasons that include the following:

1. Erf 243 is within the boundaries of the Fernkloof Nature Reserve (FNR), which is a proclaimed conservation area. FNR is a nationally registered nature reserve established in terms of the Western Cape Nature Conservation Ordinance and subject to the National Protected Areas Act (NEMPAA), which requires that due diligence planning is undertaken before a consent use that will result in a permanent impact is considered.
2. Proclaimed conservation areas are set aside for the preservation of the natural environment. Hermanus has already lost many fynbos species through developments ignoring the duty to do this. The Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.
3. The site under consideration is in a pristine area where no development has been provided for in the Spatial Development Framework (SDF) and there is no justifiable reason for deviating from the SDF for this proposal.
4. The Fernkloof Advisory Board (FAB) has not been consulted on this proposal. The proposal ignores the draft Fernkloof Management Plan which notes the need to protect the Rotary Way area from further negative impacts that have caused damage to this sensitive ridge over past years. Any construction that invites concentrated visits from people and vehicles will have a knock-on trampling effect on the surrounding vegetation.
5. In addition, an exposed coastal site is inappropriate for astronomical observations, due to particulate interference from water vapour and wind-borne dust. There are many other possible sites in the area that are far better suited to such a facility and that will not entail the disturbance of a protected area of natural vegetation.

My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Name: Mrs Madopskin
Address: 8 Kuyt Street
Contact numbers: 028 313 2259
Date: 10/06/16

FILE NO:	EL 243-Herm
SCAN NO:	81
COLLABORATOR NO:	908734

10 JUN 2016
TP

13 JUN 2016

82/122



P O Box 1566
Hermanus 7200
8th June 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

*TR A Theat
CH Olivier*

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned".

This is unacceptable because the applicant has purposely scaled the proposed building down to 295sq.m. to avoid the proposal having to be subjected to an Environmental Impact Assessment (EIA). In so doing the applicant has ignored the vehicle parking implications of this proposal, which when considered, will increase the sq.m. disturbance to over 300sq.m. even if provision is made for only 2 parking bays. In truth the proposal is more likely to require in excess of 60 parking bays at peak usage times, which equates to 1000sq.m. of parking alone.

This is completely unacceptable in terms of the draft management plan which does not make provision for this proposal in its zonation.

Please treat this letter as a serious objection to the above proposal.

Kind regards

Antony D van Hoogstraten
Resident of Hermanus.

FILE NO:	E2 243-HERM
SCAN NO:	80
COLLABORATOR NO:	908727

10 JUN 2016
TR

13 JUN 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

TR-A Theart
CH Olivier



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is unacceptable for reasons that include the following:

1. Erf 243 is within the boundaries of the Fernkloof Nature Reserve (FNR), which is a proclaimed conservation area. FNR is a nationally registered nature reserve established in terms of the Western Cape Nature Conservation Ordinance and subject to the National Protected Areas Act (NEMPAA), which requires that due diligence planning is undertaken before a consent use that will result in a permanent impact is considered.
2. Proclaimed conservation areas are set aside for the preservation of the natural environment. Hermanus has already lost many fynbos species through developments ignoring the duty to do this. The Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.
3. The site under consideration is in a pristine area where no development has been provided for in the Spatial Development Framework (SDF) and there is no justifiable reason for deviating from the SDF for this proposal.
4. The Fernkloof Advisory Board (FAB) has not been consulted on this proposal. The proposal ignores the draft Fernkloof Management Plan which notes the need to protect the Rotary Way area from further negative impacts that have caused damage to this sensitive ridge over past years. Any construction that invites concentrated visits from people and vehicles will have a knock-on trampling effect on the surrounding vegetation.
5. In addition, an exposed coastal site is inappropriate for astronomical observations, due to particulate interference from water vapour and wind-borne dust. There are many other possible sites in the area that are far better suited to such a facility and that will not entail the disturbance of a protected area of natural vegetation.

My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

[Signature]
Name: DR. I.P. PEARCE
Address: P.O. Box 399, Hermanus 7200
Contact numbers: 027 512 1162 08245 33630
Date: 6/6/2016

FILE NO:	15L 243 - Herm
SCAN NO:	64
COLLABORATOR NO:	908631

16 JUN 2016 JP

13 JUN 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

84/122

TR A Theart
CH Olivier



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is unacceptable for reasons that include the following:

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2. Proclaimed conservation areas are set aside for the preservation of the natural environment. Hermanus has already lost many fynbos species through developments ignoring the duty to do this. The Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.
3. The site under consideration is in a pristine area where no development has been provided for in the Spatial Development Framework (SDF) and there is no justifiable reason for deviating from the SDF for this proposal.
4. The Fernkloof Advisory Board (FAB) has not been consulted on this proposal. The proposal ignores the draft Fernkloof Management Plan which notes the need to protect the Rotary Way area from further negative impacts that have caused damage to this sensitive ridge over past years. Any construction that invites concentrated visits from people and vehicles will have a knock-on trampling effect on the surrounding vegetation.
5. In addition, an exposed coastal site is inappropriate for astronomical observations, due to particulate interference from water vapour and wind-borne dust. There are many other possible sites in the area that are far better suited to such a facility and that will not entail the disturbance of a protected area of natural vegetation.

My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

P.M. Grant
Name: P.M. GRANT
Address: Buissec, Buissec, Eastclippe
Contact numbers:
028-3122504

FILE NO:	EL 243-Her m
SCAN NO:	62
COLLABORATOR NO:	908627

13 JUN 2016

85/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

*TRATHART
(HOLLIVIER)*



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is unacceptable for reasons that include the following:

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2. Proclaimed conservation areas are set aside for the preservation of the natural environment. Hermanus has already lost many fynbos species through developments ignoring the duty to do this. The Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.
3. The site under consideration is in a pristine area where no development has been provided for in the Spatial Development Framework (SDF) and there is no justifiable reason for deviating from the SDF for this proposal.
4. The Fernkloof Advisory Board (FAB) has not been consulted on this proposal. The proposal ignores the draft Fernkloof Management Plan which notes the need to protect the Rotary Way area from further negative impacts that have caused damage to this sensitive ridge over past years. Any construction that invites concentrated visits from people and vehicles will have a knock-on trampling effect on the surrounding vegetation.
5. In addition, an exposed coastal site is inappropriate for astronomical observations, due to particulate interference from water vapour and wind-borne dust. There are many other possible sites in the area that are far better suited to such a facility and that will not entail the disturbance of a protected area of natural vegetation.

My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

[Signature]
Name: **E.L.L. IVEY**
Address: **P.O. Box 235, STANFORD**
Contact numbers: **028 3140263**

FILE NO:	EL 243-HM
SCAN NO:	61
COLLABORATOR NO:	908625

13 JUN 2016
12:00:00

86/122

TP - A Theart
(Holliver)

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is unacceptable for reasons that include the following:

1. Erf 243 is within the boundaries of the Fernkloof Nature Reserve (FNR), which is a proclaimed conservation area. FNR is a nationally registered nature reserve established in terms of the Western Cape Nature Conservation Ordinance and subject to the National Protected Areas Act (NEMPAA), which requires that due diligence planning is undertaken before a consent use that will result in a permanent impact is considered.
2. Proclaimed conservation areas are set aside for the preservation of the natural environment. Hermanus has already lost many fynbos species through developments ignoring the duty to do this. The Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.
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My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Rudolf G. G. G.
 Name: *R. G. G.*
 Address: *Wynberg, Hermanus*
 Contact numbers: *082-7273069*
 or 0233640263

FILE NO:	<i>EL 243-HERM</i>
SCAN NO:	<i>60</i>
COLLABORATOR NO:	<i>908621</i>

13 JUN 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243
SCAN NO:	59
COLLABORATOR NO:	908615



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is unacceptable for reasons that include the following:

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Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Therese
Name: T. MARAIS
Address: FERNKLOOF FARM, HERMANUS EN AARDE VALLEY
Contact numbers: 082 462 3634
Date: 9 June 2016

10 JUN 2016
TP

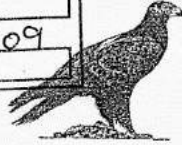
082 462 3634 (vateernd)

13 JUN 2016

88/122

TR A Theart
CH Olivier

FILE NO:	EL 243 - Herm
SCAN NO:	54
COLLABORATOR NO:	907709



VOGELGAT NATURE RESERVE (PTY) LTD
South African Natural Heritage Site No 5

Tel 028 3141411 Fax 0866932708 · P O Box 2115 · Hermanus 7200 South Africa
Email: vogelgatreserve@telkomsa.net

5th June 2016

Comments on ERF 243, Rotary Way, Hermanus, Overstrand Municipal Area: proposed consent Use.
Municipal notice No; 65/2016

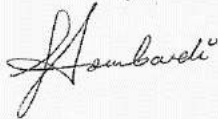
Subsequent to my initial comments on the above proposal, there has been an onsite meeting on Friday 3rd June 2016. My comments below are due to this meeting and would like to add these to your register of comments.

- No formal parking for visitors proposed. The present parking at the view point opposite this proposed site is inadequate. Of the 13 people at the meeting, 2 of whom walked in. The motor vehicles present were already chaotic and insufficient spacing for these vehicles. In the manifesto it is envisaged that there will be seating for 50 people. Therefore a probable 25 vehicles. There is also no safe turning or parking for any buses that will visit this site. In the light of these numbers there is inadequate parking. Any extra parking bays would increase the site foot print over the 300 square meters; there removal of indigenous vegetation would institute a full EIA.
- No addressing possible security issues. Vehicles parked at night would be vulnerable to break-ins and theft. The number of criminal incidents reported in the Fernkloof Nature Reserve is of concern and criminal traffic would probably have been as way of Rotary Way. No measures in place to safe guard any children and their teachers visiting this site. This is a huge concern when planning scholar activity. Therefore safety is not guaranteed!
- The people that met at this meeting cleared a bag of candles from the site, indicating a presence of other peoples using this site for possible witch craft initiation.
- The site would be vandalised as there is neither security nor protection. Even though the material of construction are of rock and granite, these too will be permanently defaced and therefore a huge possibility that the site will be abandoned.

TP 7 JUN 2016

8 JUN 2016

- Suggestion that an alternative site where safety to scholars and visitors can be guaranteed and where further degradation of indigenous vegetation is not permanent.



Giorgio Lombardi MSc (Rhodes)
Warden
Vogelgat Private Nature Reserve

FROM : L-GRIFFITHS--GEMINI--COTTAGE

PHONE NO. : 028 3131843

90/122

Jun. 07 2016 09:35AM P01

*TRATHART
CH (owner)*

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-Herm
SCAN NO:	53
COLLABORATOR NO:	907706



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Linda L Griffiths (Mrs)

Name: *Linda L Griffiths (Mrs)*
Address: *34 Mission St, Eastcliff*
Contact numbers: *028 3131843 Hermanus*
Date: *06/06/2016*

TP

7 JUN 2016

9 JUN 2016

91/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-Herm
SCAN NO:	31
COLLABORATOR NO:	907579



*P. Theak
C. Holisier*

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Name:

Address:

Contact numbers:

[Handwritten signature]
028 3121086

3 JUN 2016

TP

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-Herm
SCAN NO:	30
COLLABORATOR NO:	907545



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

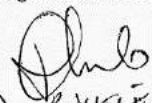
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Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely


Name: S.A. Buxio
Address: 33 Kildunche Place, Hermanus
Contact numbers: 082 470 5616

3 JUN 2016 PP

93/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243 - Herm
SCAN NO:	14
COLLABORATOR NO:	907456



TP - Athert
(C. Olivier)

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)


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Yours sincerely


Name: IAN LIDDLE
Address: 5 COMRAE RD, CAMPS BAY, 8005
Contact numbers: 083 2589714
Date: 6 JUNE 2016
IAN.LIDDLE.ZA @ GMAIL.COM

TP

- 6 JUN 2016

94/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-Herm
SCAN NO:	13
COLLABORATOR NO:	907454



TP A Theart
C H Olivier

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Yours sincerely

Name: J M STANWAY
Address: P O Box 1474, HERMANUS
Contact numbers: 028 212 2575 082 821 1872

TP

3 JUN 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-HERM
SCAN NO:	12
COLLABORATOR NO:	907451

95/122



T. P. A. Theart
C. H. Olivier

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Yours sincerely

Name: *Kayleigh Erwee*
Address: *35 Loveday St, Hermanus*
Contact numbers: *028-3121024*

Kjerveld

3 JUN 2016 TP

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	ER 243-Herm
SCAN NO:	11
COLLABORATOR NO:	907450



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Yours sincerely

Name: Riaan Erwee
Address: 35 Loveday St, Hermanus
Contact numbers: 028-312 1024

TP
6 JUN 2016

97/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-HERM
SCAN NO:	10
COLLABORATOR NO:	907447



TR A Theart
C Holivier

Dear Sir

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Yours sincerely JS-FRANS

Name: Johnny Frans
Address: 37 Leeibekkie Str. Mount Pleasant, Hermanus
Contact numbers: 073 951 3639

TP 6 JUN 2016

98/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO: ER 243-Herm
SCAN NO: 09
COLLABORATOR NO: 907443



*TR At heart
C Holivier*

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Yours sincerely

Name: **Moretta Hunter**
Address: **D17, Dukeweg, Hawston, Hermanus**
Contact numbers: **073 257 8594**

3 JUN 2016
3 JUN 2016 TP

99/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-HERM
SCAN NO:	08
COLLABORATOR NO:	907440



TR Arthur
C Holivier

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Yours sincerely

Name: Andrew Martin
Address: 876, Peach House, Zwelihle, Hermanus.
Contact numbers: 083 925 336662

TR

6 JUN 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

TP-A Theart 100/122
E.Holivier

FILE NO:	EL 243-Herm
SCAN NO:	07
COLLABORATOR NO:	907437



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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5. In addition, an exposed coastal site is inappropriate for astronomical observations, due to particulate interference from water vapour and wind-borne dust. There are many other possible sites in the area that are far better suited to such a facility and that will not entail the disturbance of a protected area of natural vegetation.

My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Samillar

Name: GM - SAMILLAR.
Address: 206 KIDBROOKE PLACE
Contact numbers: 028. 3161237
083. 7269352

3 Jun 2016 TP

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243 - Herm
SCAN NO:	06
COLLABORATOR NO:	907435



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is unacceptable for reasons that include the following:

1. Erf 243 is within the boundaries of the Fernkloof Nature Reserve (FNR), which is a proclaimed conservation area. FNR is a nationally registered nature reserve established in terms of the Western Cape Nature Conservation Ordinance and subject to the National Protected Areas Act (NEMPAA), which requires that due diligence planning is undertaken before a consent use that will result in a permanent impact is considered.
2. Proclaimed conservation areas are set aside for the preservation of the natural environment. Hermanus has already lost many fynbos species through developments ignoring the duty to do this. The Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.
3. The site under consideration is in a pristine area where no development has been provided for in the Spatial Development Framework (SDF) and there is no justifiable reason for deviating from the SDF for this proposal.
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My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Name: **DIANNE RATTLE**
Address: **5 LAKEWOOD VILLAGE, HERMANUS, 7200**
Contact numbers: **072-2750447**

TP 3 JUN 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243 - Herm
SCAN NO:	05
COLLABORATOR NO:	907433



TP - Arthur
C. Olivier

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is unacceptable for reasons that include the following:

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My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Name: JAMES RATTUE
Address: 5 LAKEWOOD VILLAGE, HERMANUS
Contact numbers: 073-1846070

3 JUN 2016
TP

103/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243 - Herm
SCAN NO:	04
COLLABORATOR NO:	907432



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Name: Madelein Kroeg
Address: 73 Fernkloof Village
Contact numbers: 028 312 1478

TP 3 Jun 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243 - Herm
SCAN NO:	03
COLLABORATOR NO:	907430



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Name: Johann Kuog
Address: 73 Fernkloof Village
Contact numbers: 028 312 1478

TP

3 June 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	ER 243-Herm
SCAN NO:	02
COLLABORATOR NO:	907428



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Name: Liezl Skein
Address:
Contact numbers: 083 638 0778

Postbus 1714
Hermanus
7200

Hermanus

3 JUN 2016
TP

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-Herm
SCAN NO:	01
COLLABORATOR NO:	907426



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

K de Bruyn
Name: Karen de Bruyn
Address: 16 Sparrowhawk Street Hermanus
Contact numbers: 0632942011

TP

3 Jun 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-Herm
SCAN NO:	66
COLLABORATOR NO:	907410



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Joe Bruyn

Name: Joe de Bruyn
Address: 16 Sparadaxst Hermanus
Contact numbers:

082 34 33127.

6 JUN 2016 JB

108/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

Dear Sir

TP-Theart
C H Olivier)

FILE NO:	EL 243-HERM
SCAN NO:	65
COLLABORATOR NO:	907406



ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Name: S ADAMS
Address: 18 Hill ST Hermanus
Contact numbers: 072 677 6277

TP
06 JUN 2016

109/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243 - Herm
SCAN NO:	64
COLLABORATOR NO:	907403



TP-Arthe
C. Olivier

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Name:
Address:
Contact numbers:

Charlote KILKEMAN
34 MOFFAT Street
HERMANUS
(028) 3131992

3 JUN 2016 *JP*

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-Herm
SCAN NO:	63
COLLABORATOR NO:	907399



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Name:
Address:
Contact numbers:

JANE WOOD
76 Winkling Ave
Hermanus
(028) 3121740

3 Jun 2016 TP

TP-A Theat
Choliving 11/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-HERM
SCAN NO:	62
COLLABORATOR NO:	907394



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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Yours sincerely

Name: Sandra Lovemore
 Address: 5 Wessons St
 Contact numbers: Eastliff

TP
3 JUN 2016

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243 - Herm
SCAN NO:	61
COLLABORATOR NO:	907388



TRATHAAT
(C. Olivier)

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

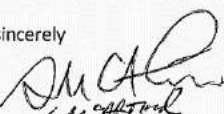
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Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely


Name: S. M. Olivier
Address: 17 TORTOISE LANE, GLEN FERN, HERMANUS, 7200
Contact numbers: 0832255958

6 JUN 2016 TP

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-HERM
SCAN NO:	60
COLLABORATOR NO:	907362



TR. A. Theron
(C. Holivier)

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

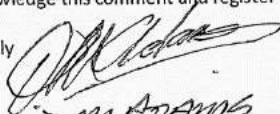
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3. The site under consideration is in a pristine area where no development has been provided for in the Spatial Development Framework (SDF) and there is no justifiable reason for deviating from the SDF for this proposal.
4. The Fernkloof Advisory Board (FAB) has not been consulted on this proposal. The proposal ignores the draft Fernkloof Management Plan which notes the need to protect the Rotary Way area from further negative impacts that have caused damage to this sensitive ridge over past years. Any construction that invites concentrated visits from people and vehicles will have a knock-on trampling effect on the surrounding vegetation.
5. In addition, an exposed coastal site is inappropriate for astronomical observations, due to particulate interference from water vapour and wind-borne dust. There are many other possible sites in the area that are far better suited to such a facility and that will not entail the disturbance of a protected area of natural vegetation.

My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely


Name: D.M. ADAMS
Address: 16 HINK STR.
Contact numbers: 067 690 5000

TR
3 JUN 2016

114/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243-Herm
SCAN NO:	59
COLLABORATOR NO:	907356



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is unacceptable for reasons that include the following:

1. Erf 243 is within the boundaries of the Fernkloof Nature Reserve (FNR), which is a proclaimed conservation area. FNR is a nationally registered nature reserve established in terms of the Western Cape Nature Conservation Ordinance and subject to the National Protected Areas Act (NEMPAA), which requires that due diligence planning is undertaken before a consent use that will result in a permanent impact is considered.
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My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Shirley Erwee
Name: Shirley Erwee
Address: 35 Loveday Street, Hermanus
Contact numbers: 028-3121024

6 Jun 2016
TP

115/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	E2 243-Herm
SCAN NO:	58
COLLABORATOR NO:	907349



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

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1. Erf 243 is within the boundaries of the Fernkloof Nature Reserve (FNR), which is a proclaimed conservation area. FNR is a nationally registered nature reserve established in terms of the Western Cape Nature Conservation Ordinance and subject to the National Protected Areas Act (NEMPAA), which requires that due diligence planning is undertaken before a consent use that will result in a permanent impact is considered.
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4. The Fernkloof Advisory Board (FAB) has not been consulted on this proposal. The proposal ignores the draft Fernkloof Management Plan which notes the need to protect the Rotary Way area from further negative impacts that have caused damage to this sensitive ridge over past years. Any construction that invites concentrated visits from people and vehicles will have a knock-on trampling effect on the surrounding vegetation.
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My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Carol Van Hoogstraten

Name: Carol Van Hoogstraten
Address: P. O. Box 1566, Hermanus 7200
Contact numbers: 028 314 0470 / 082 321 8811

TP

6 Jun 16

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

FILE NO:	EL 243 - Herm
SCAN NO:	57
COLLABORATOR NO:	907328

116/122



TR A Theat
(H Olivier)

Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is unacceptable for reasons that include the following:

1. Erf 243 is within the boundaries of the Fernkloof Nature Reserve (FNR), which is a proclaimed conservation area. FNR is a nationally registered nature reserve established in terms of the Western Cape Nature Conservation Ordinance and subject to the National Protected Areas Act (NEMPAA), which requires that due diligence planning is undertaken before a consent use that will result in a permanent impact is considered.
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4. The Fernkloof Advisory Board (FAB) has not been consulted on this proposal. The proposal ignores the draft Fernkloof Management Plan which notes the need to protect the Rotary Way area from further negative impacts that have caused damage to this sensitive ridge over past years. Any construction that invites concentrated visits from people and vehicles will have a knock-on trampling effect on the surrounding vegetation.
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My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

A. Van Hoogstraten

Name: ANTONY D. VAN HOOGSTRAATEN
Address: P.O. Box 1566, HERMANUS 7200
Contact numbers: 0283140470 / 0832907575

77 - 6 JUN 2016

117/1221

Loretta Gillion - Proposed New Astronomy Centre

TP-A Theart
(Holwier)



From: "John & Heather Dearn" <dearn@telkomsa.net>
To: <loretta@overstrand.gov.za>
Date: 03/06/2016 01:48 PM
Subject: Proposed New Astronomy Centre

Dear Madam,

My husband and I would like to register our objection to the proposed new Astronomy Centre, using part of the Fernkloof Nature Reserve. The Nature Reserve is one of the last of its kind in South Africa, and there are many species that are found nowhere else, which should be zealously guarded to ensure their survival.

Too many times the Nature Reserve is being whittled away, for the sake of supposed 'progress'. I would refer to the cutting off of one section to allow the Golf Estate to be built in Fernkloof, and also the proposed By-Pass (which we deem to be totally unnecessary), to name but two. Please do not make the Astronomy Centre a third instance. Before you know it, the Reserve will have been cut up into tiny pieces instead of being guarded diligently.

Yours faithfully,

Mr. G. J. & Mrs. H. Dearn

This email is free from viruses and malware because avast! Antivirus protection is active.

FILE NO:	Rem 243-HM
SCAN NO:	34
COLLABORATOR NO:	907252

TP 3 JUN 2016

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/57518AB0HermanusMunpos... 2016/06/06

118/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200



Dear Sir

TP A Theat
CH Olivier

FILE NO:	EL 243-HN
SCAN NO:	40
COLLABORATOR NO:	906890

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is unacceptable for reasons that include the following:

1. Erf 243 is within the boundaries of the Fernkloof Nature Reserve (FNR), which is a proclaimed conservation area. FNR is a nationally registered nature reserve established in terms of the Western Cape Nature Conservation Ordinance and subject to the National Protected Areas Act (NEMPAA), which requires that due diligence planning is undertaken before a consent use that will result in a permanent impact is considered.
2. Proclaimed conservation areas are set aside for the preservation of the natural environment. Hermanus has already lost many fynbos species through developments ignoring the duty to do this. The Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.
3. The site under consideration is in a pristine area where no development has been provided for in the Spatial Development Framework (SDF) and there is no justifiable reason for deviating from the SDF for this proposal.
4. The Fernkloof Advisory Board (FAB) has not been consulted on this proposal. The proposal ignores the draft Fernkloof Management Plan which notes the need to protect the Rotary Way area from further negative impacts that have caused damage to this sensitive ridge over past years. Any construction that invites concentrated visits from people and vehicles will have a knock-on trampling effect on the surrounding vegetation.
5. In addition, an exposed coastal site is inappropriate for astronomical observations, due to particulate interference from water vapour and wind-borne dust. There are many other possible sites in the area that are far better suited to such a facility and that will not entail the disturbance of a protected area of natural vegetation.

My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Name: R.A. STANWALS
Address: 6 MOSIE NENDE, NORTCLIFFE, HERMANUS.
Contact numbers: 0825576552

TP - 2 JUN 2016

119/122

The Municipal Manager
Overstrand Municipality
P O Box 20
Hermanus 7200

*TP-Authent
(Holivier)*

FILE NO:	EL 243-HM
SCAN NO:	13
COLLAGRATOR NO:	906056



Dear Sir

ERF 243 ROTARY WAY HERMANUS; PROPOSED CONSENT USE L TRUTER ON BEHALF OF OVERSTRAND MUNICIPALITY: (Municipal Notice No. 65/2016)

The above notice refers to a proposal to "conduct an Astronomy Centre on the property concerned". This is unacceptable for reasons that include the following:

1. Erf 243 is within the boundaries of the Fernkloof Nature Reserve (FNR), which is a proclaimed conservation area. FNR is a nationally registered nature reserve established in terms of the Western Cape Nature Conservation Ordinance and subject to the National Protected Areas Act (NEMPAA), which requires that due diligence planning is undertaken before a consent use that will result in a permanent impact is considered.
2. Proclaimed conservation areas are set aside for the preservation of the natural environment. Hermanus has already lost many fynbos species through developments ignoring the duty to do this. The Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.
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My objection is not to an Astronomical Centre per se. However, the positioning of such a centre must not in itself destroy or jeopardise other community facilities such as FNR that are themselves irreplaceable. No Astronomy Centre should be built on the site under consideration.

Please acknowledge this comment and register it as an objection to the proposed consent use.

Yours sincerely

Name: *C.E. Burman*
Address: *110 Kidbrooke Place, Box 801, Hermanus 7200*
Contact numbers: *0828295876*

1 JUN 2016

120/122



TR A Theart
C Holivier
2 Mossel River Drive
Kwaaiwater
Hermanus
7200

21st May, 2016

Municipal Manager
Overstrand Municipality
P.O. Box 20
Hermanus
7200

Dear Sir,

ERF 243, ROTARY WAY HERMANUS, OVERSTRAND MUNICIPAL AREA :
PROPOSED CONSENT USE : L TRUTER ON
BEHALF OF OVERSTRAND MUNICIPALITY

With reference to the above notice No. 65/2016 in the Hermanus Times issue of 5th May 2016, requesting the establishment of an astronomy centre on erf 243 on RotaryWay I wish to comment as follows.

- Although erf 243 falls well within the boundaries of the Fernkloof Nature Reserve, no mention is made of this in the notice. This could be misleading as readers might think that the request is in an unprotected area.
- While I have no objection to an astronomy centre per se, the siting of structures such as those proposed by the Astronomy Society are inappropriate and unconnected to the purpose of a proclaimed reserve such as Fernkloof
- In the past applications for other structures and activities, such as an art gallery and Zip-line activities, that would impact the natural environment of the reserve have been rejected because they were unrelated to the reserve, would cause damage to the protected fynbos and would set a precedent. This application is no exception.
- The amount of fynbos that would be destroyed would not be confined to just the footprint of the proposed structures but trampling by builders and construction vehicles would damage an area significantly greater and would almost certainly trigger the need for an EIA.
- The proposed structures would be an eyesore to regular users of the reserve.

For the above reasons I object to the construction of this or any other structures outside of designated development nodes and hope that the Overstrand Municipality will direct the applicant to find an alternative site.

Yours faithfully,

David Beattie
David Beattie

FILE NO:	Rom erf 243
SCAN NO:	30
COLLABORATOR NO:	904534

TP & Theart
(H Olivier)



**Comments on ERF 243, Rotary Way, Hermanus, Overstrand Municipal Area:
proposed consent Use.**

On the onset I would like to make it very clear that the local astronomy club presents wonderful programmes and an astronomy centre would be an asset. However I do not believe that ERF 243 is the most suitable site for the following reasons.

ERF 243 is situated inside the boundaries of Fernkloof Nature Reserve, a proclaimed local nature reserve. It is therefore subject to the National Protected Areas Act (NEMPAA). This site also falls in the Overberg Critical Biodiversity Area Inland Corridor.

Fernkloof is situated in the Overberg sandstone fynbos and is nationally regarded as a critically endangered habitat (Mucina and Rutherford 2006). Some plants observed by renowned botanist Sean Privett are considered threatened (Report presented to PHS Consulting 12 October 2012.)

This site is not included in the current, but yet not completed Fernkloof Management Plan. This site doesn't even feature on any proposed development nodes.

The new Environmental Zonation overlays will not permit any construction in visibly sensitive areas, like ERF 243.

This proposal started in 2011, 5 years have passed. So the Astronomy Club has had ample time to peruse other alternatives rather than erect an amphitheatre in a proclaimed nature reserve. Other alternatives have been suggested Kawarderskraal, Hemel n Aarde Valley and a mobile unit.

Dr Deon Kuhn past CEO of the Hermanus Magnetic Observatory remarks that; Hermanus as a coastal town is not nearly suitable for astronomical work, even at an amateur level. Firstly the moisture in the air seriously distorts telescope images, and may even prevent any worthwhile observations at times when the relative humidity is high enough to form fog or clouds.

Freida Lloyd, Hermanus tourism records that Fernkloof is the top destination for people visiting Hermanus. Should we really be carving up our natural asset? Thus the precautionary rule must apply to this site.

The foot print for vehicles visiting the centre, say 60 (dimensions 3.2m x 1.7) = 326m² way above the proposed 288m². If the centre would attract more visitors, where would one accommodate the vehicles and visitors? Therefore more land would be sought.

I would suggest exploring other suitable sites.

Giorgio Lombardi MSc (Rhodes)
Warden

FILE NO:	ERF
	Rem of 243
SCAN NO:	47
COLLABORATOR NO:	902229

TP

17 MAY 2016

17 MAY 2016

Vogelgat Nature Reserve
P O Box 2115
HERMANUS
7200



TP - A Theart
(Huld Stoop)

Land Surveyors • Town Planners

REF: #1406

For Attention: Ms H. van der Sloep
Overstrand Municipality
P.O Box 20
Hermanus
7200

FILE NO: EL 243-HM
SCAN NO:
COLLABORATOR NO: 921505

21 July 2016

Sir

PROPOSED CONSENT USE: PORTION OF ERF 243 HERMANUS

With reference to the above and comments received from the attached list of people and institutions.

Objectors to a large extent made use of the same letter of objection, which they signed, others a letter confirming their support of the Whale Coast Conservation objection and a small number of other individuals wrote their own letters. Our comment and response below.

1. Whale Coast Conservation (WCC) (supported by

Objection / Comment	Our Comment
The WCC supports the proposal of the Astronomy Education Centre (AEC) within the Overstrand area.	Noted.
The WCC however strongly opposes the placement of the AEC within the Fernkloof Nature Reserve. The legitimacy of the process used by the Overstrand Municipality is questioned. The Management and Use of the Nature Reserve is governed by the Western Cape Nature Conservation Ordinance and its management use are subject to the National Environmental Management: Protected Areas Act No. 57 2003. It is believed that the proposal is in conflict with this Act.	With reference to Section 40(1) of the Protected Areas Act quoted by the WCC, please see below our response in 1.1 below. Please note astronomy is part of nature and the intent is to do environmental education. Act 57 of 2003 does not prohibit the development of small scale low impact environmental education nodes.
It is noted that the construction footprint would exceed 300m ² and therefore trigger a NEMA listed activity. It is also mentioned that the proposed footprint excludes a parking area.	One of the reasons why the sight was selected is because of the existing parking area. No additional vegetation needs to be removed for parking.
WCC request evidence that the provisions of the NEMA: Protected areas Act and also the NEMA 107 1998 as amended have been complied with.	Please see attached the letter from NEMA, confirming that no listed activities are triggered.
The proposal is inconsistent with the purpose for	

TP 22 JUL 2016

217 JUL 2016

<p>which the Nature Reserve was proclaimed.</p> <p>Request for evidence that the proposal is compliant with Section 40 (1):</p> <p>In terms of section 40 (1) of National Environmental Management Protected Areas Act No. 57 2003:</p> <p><i>"The management authority must manage the area-</i></p> <p><i>(a) exclusively for the purpose for which it was declared; and</i></p> <p><i>(b) in accordance with</i></p> <p><i>(i) the management plan for the area;</i></p> <p><i>(ii) this Act, the Biodiversity Act, the National Environmental Management Act</i></p> <p><i>(iii) any applicable provincial legislation ..."</i></p>	<p>Please see 1.1 below.</p>
<p>The Fernkloof Management Plan does not permit use of the Reserve for an astronomy centre.</p> <p>Request from WCC would like to see how the FMP makes provision for the building and operation of the proposed astronomy centre.</p> <p>Section 50 (1) of the Act makes provision for the management authority to permit certain activities within the Reserve but 50 (2) clearly states that:</p> <p><i>"An activity allowed in terms of subsection (1) (a) or (b) may not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve"</i></p> <p>WCC requests that the Overstrand Municipality shows evidence that a study has been carried out by a suitably qualified independent specialist that recommends that the proposed astronomy centre will not negatively affect the survival of any species in or significantly disrupt the integrity of the ecological systems of the nature reserve.</p>	<p>The Fernkloof Management Plan, 2016 states the following:</p> <p><i>'G.2 Eco-Cultural Tourism and Marketing The Overstrand Municipality has the mandate to sustainably develop the FNR within the framework of its approved Integrated Environmental Management and Conceptual Development Plan (CDP). Such development will be undertaken to help ensure the long-term environmental and economic sustainability of the FNR, whilst respecting and giving access to the Nature Reserve's natural and cultural heritage features.'</i></p> <p>Management Plan specifically mentions the astronomy centre that was already approved in principle in 2009.</p> <p>A botanical study has been carried out that confirmed that the proposed area is suitable for what is proposed, especially due to the area being previously disturbed.</p>
<p>WCC contends that the Overstrand Municipality needs to propose amendments to the Fernkloof Nature Reserve Management Plan that allow for the construction and operation of facilities such as the proposed AEC, and to subject these to public participation and approval by the MEC at provincial level.</p>	<p>The Fernkloof Integrated Management Plan, June 2016 has as far as we could establish not been finalised / approved yet and mentions that there is an in-principle decision that remains in-force.</p> <p>In the 2016 version, the following is mentioned in the FNRMP:</p> <p><i>'E.1.1 Astronomy Centre The development proposal by the Hermanus Astronomy Club includes an observatory equipped with telescopes and a small amphitheatre for the presentation of educational classes and talks on</i></p>

	<p>astronomy. An in-principle decision, subject to regulatory processes, was taken by the Overstrand Council on 1 September 2009 to lease a portion of Erf 243 Rotary Drive to the Hermanus Astronomy Club for the construction of the Astronomy Centre. The Council Decision remains in force until reviewed or annulled within a formal process. The In-Principle decision issued by Council for the leasing of a portion of the nature reserve to the Hermanus astronomy centre, however, is subject to the following applications:</p> <p>i) A consent use application in terms of the Overstrand Wide Zoning Scheme of 2014;</p> <p>ii) Basic Assessment and Environmental Authorisation in terms of the NEMA EIA Regulations 2010; Both processes must take cognizance of the relevant provisions of the 2012 NEM:PAA Regulations for the Proper Administration of Nature Reserves and require full public participation prior to the matter being referred to Council for a Decision.'</p> <p>The current application is then exactly for that. It was however already confirmed that an application in terms of the NEMA EIA Regulations 2010 is not required.</p>
The WCC believes that the proposal will require authorisation in terms of NEMA regulations.	Comment from the Department of Environmental Affairs has been obtained and none of the listed activities are triggered. Please see attached.

1.1 Compliance with Section 40(1) the Protected areas Act No 57 2003:

In terms of the Act 'the management authority must manage the area-	In terms of the Fernkloof Management Plan	Compliance of the Proposal
a) Exclusively for the purpose for which it was declared	In terms of the Fernkloof Management Plan, the purpose of the Management Plan: <i>The FNR delivers important ecosystem services and is a source of spiritual and cultural wellbeing, and outdoor recreation for the inhabitants of and visitors to Hermanus.</i>	We believe the proposal for an outdoor amphitheatre for purposes of Daytime Education Astronomy that would include information on sundials, sun telescopes and / or anything to do with daytime astronomy, is completely in line with the purpose of the Reserve. It will allow for night time astronomy, with platforms where visitors could mount their telescopes. It will further be used as a formalised meeting point, inside the proclaimed Fernkloof Nature Reserve, where small tour

		groups could stop to enjoy and investigate the natural environment with prior arrangement. The amphitheater facility could be used as gathering point for information sessions on especially the botanical significance of the park.
<p>b) In accordance with</p> <p>i) The management plan of the area</p> <p>ii) This Act, the Biodiversity Act, the National Environmental Act</p> <p>iii) Any applicable provincial legislation,...</p>	<p>i) The management plan mentions the proposal for the amphitheater inside the reserve and in the document it is mentioned that it was approved in principle and remains in force. The proposed location is however not indicated on the zonation plan.</p>	<p>i) The proposed area is not located in a development node, but one could say that it is located at a developed node. A tar road exist to the site, a parking area is in place, electricity pylons cross past the site Since the Management Plan has not been approved, it can still be amended and included in the zonation plan.</p> <p>ii) Comment from NEMA has been received that confirms that the activity is not a listed activity.</p> <p>iii) We do not believe that the proposal impact on any other provincial legislation.</p>

2. Dr P. Miller

Objection	Our Comment
The proposal is unacceptable, due to Erf 243 being within a proclaimed Nature Reserve. According to Dr Miller the legislation requires that 'due diligence planning is undertaken before a consent use that will result in a permanent impact is considered'.	<p>The June 2016 Fernkloof Management plan states that the 2009 approval for the Astronomy clubs amphitheater remains in force until reviewed or annulled. This document even lists what is required for this decision to be taken:</p> <p>a) A consent use b) NEMA approval</p> <p>These comments are a result of the consent use and DEA&DP confirmed that no listed activities are triggered.</p>
Comment that the development footprint has been reduced to circumvent the need for an EIA. It is mentioned that by including even minimal parking,	The site was chosen partially because it is already disturbed and also because there is an existing parking area.

the coverage will require an EIA.	
Comment that by definition conservation areas are set aside for the preservation of the natural environment. Dr Miller says that the Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.	The Fernkloof Management Plan states: <i>'G.2 Eco-Cultural Tourism and Marketing The Overstrand Municipality has the mandate to sustainably develop the FNR within the framework of its approved Integrated Environmental Management and Conceptual Development Plan (CDP). Such development will be undertaken to help ensure the long-term environmental and economic sustainability of the FNR, whilst respecting and giving access to the Nature Reserve's natural and cultural heritage features.'</i>
The site under consideration is a pristine area where no development has been provided for in the SDF. There is no justifiable reason for proposing a deviation from this framework for this proposal.	The site is not a pristine area. The area on which the educational site is proposed, is a 315m ² disturbed area, with the parking area close by, along with a large ESKOM line traversing the site nearby. A tar road provides access with an parking area. The SDF does not propose development on this specific area, but it does mention the application that was previously approved and still in force.
Comment that the proposal is a deviation from the Fernkloof Management Plan. It contradicts the development nodes envisaged in the plan. The plan notes the need to protect Rotary Way area from further negative impact.	The lease area has been approved in 2009 and this is also acknowledged in the FMP text. The proposal will add value and will not have a negative impact on Rotary Way.
The concentration of people and vehicles due to the new construction will cause 'n knock-on trampling effect on the surrounding vegetation. This effect can be seen in the trampling of the vegetation adjoining the viewing area that is opposite the proposed site.	The viewing area is not a structured, formally developed area that provides visitors with boundaries. The proposed educational facility however, makes provision for a screened walled in area with boardwalks, to ensure visitors do not trample any surrounding area.
No site in the reserve should be considered, unless it forms part of the development nodes noted. Construction within the reserve should be restricted to developments that enhance the reason for which the reserve was proclaimed.	The site has been carefully selected, after considering different alternatives. Reasons for selecting this site, includes: - The facility, with a footprint of 288m ² is proposed on an already disturbed area. The previously disturbed area is approximately 315m ² and marked out on the attached SDP. - The site is located immediately next to an existing tarred road. No additional road infrastructure and therefore disturbance of natural vegetation are required. - There is an existing public parking area, used by busses and individuals currently visiting the lookout point. - The site is not on a ridgeline, therefore minimising visual impact. - The impacted area is below the skyline,

	<p>which will limit light pollution impact for observation purposes.</p> <p>- The disturbed area is surrounded by fynbos, making it also suitable for botanical education.</p>
<p>An exposed coastal site is inappropriate for astronomical observations, due to reasons listed by Dr Miller. It is mentioned that the site was only selected for reasons of convenience. There are sites that are better situated that would not entail the disturbance of a protected area of natural vegetation.</p>	<p>The facility will have a strong focus on daytime astronomy and there will be at least two solar telescopes. The site is however already used on occasion at night and proofs to be satisfying to the amateur astronomers making use of it.</p> <p>The site was specifically chosen because it is already disturbed and it serve the purposes for night time observation.</p>
<p>The concept of a fixed facility should also be reconsidered. It is mentioned that common practice elsewhere is to use an observations trailer, fully equipped with the necessary technology, which can be taken to various sites as needed. Dr Miller is of the opinion that this option would be more flexible and cheaper.</p>	<p>With the focus on daytime astronomy, there will be engineered granite tablets (like the information tablets at the Gearing's Point sundials) on ALL interior vertical surfaces will be engraved with educational themes such as:</p> <ul style="list-style-type: none"> • Milestones in Astronomy (starting with Aristarchus in 297 BCE) • Giants in Astronomy (also starting with Aristarchus in 297 BCE) • The Moon, our nearest neighbour, and its role in solar & lunar eclipses and its dominant influence on tides • The Solar System and how it was formed • Our Galaxy – The Milky Way • Our place in the Universe • Exo-planets • Stellar Evolution (The Birth and Death of a Star) • Finger-printing the Universe via Spectroscopy • <p>- A North-facing 1.7m high Projection Wall with engineered granite engraved information tablets</p> <p>A mobile site will only benefit a handful of people and the benefit as an educational center will be lost.</p>
<p>Comment that the objection is not against the Astronomical Centre, but against the positioning. The benefits of the Centre are further acknowledged.</p>	<p>Noted.</p>

3. Mr G.J. & Mrs H. Dearn

Objection	Our Comment
<p>The Nature Reserve is one of the last of its kind in South Africa and there are many</p>	<p>The Municipality already approved the lease area approximately 7 years ago. It remains</p>

<p>species that are found nowhere else and should be 'zealously guarded to ensure their survival'.</p> <p>The cutting off of one section to allow the Golf Estate to be built in Fernkloof and the proposed By-Pass are mentioned as previously developments that impacted negatively on the reserve. Concern that the Reserve will be cut up, 'instead of being guarded diligently'.</p>	<p>part of the reserve and will contribute towards the educational facilities in the reserve.</p>
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4. David Beattie

Objection / Comment	Our Comment
<p>No mention was made of Erf 243 being within the boundaries of the Fernkloof Nature Reserve in the notice that was distributed. It could be misleading and readers could think it is an unprotected area.</p>	<p>Even though the notices didn't mention it, the application did however make it very clear that the site is within the Reserve.</p>
<p>No objection to the facility, but objects against the siting of structures. It is inappropriate and unconnected to the purpose of a proclaimed reserve such as Fernkloof.</p>	<p>Looking at the purpose of the reserve, it is believed that the reserve is the ideal position for what is proposed.</p>
<p>Previous applications, such as art gallery and zip-line have been rejected, because they were unrelated to the reserve, would cause damage to the protected fynbos and would set a precedent.</p>	<p>The proposed amphitheater has already been approved by Council and would under the previous Scheme Regulations, not have required a town planning application. The proposal will not cause damage to protected fynbos and should there be any fynbos on the development area, it will be replanted in a suitable area.</p> <p>The proposal can't be compared to previous proposals because in this case it relate to environmental education that is compatible with e protected area.</p>
<p>The area that will be disturbed will be larger than the footprint of the proposed structures and would almost certainly trigger an EIA.</p>	<p>The proposed development site is slightly smaller than the already disturbed area. With a strict Construction Management Plan in place, care will be taken to ensure no footprint is kept to a minimum. No EIA required, DEA&DP clarification in hand.</p>

The proposed structures would be an eyesore to regular users of the reserve.	The visual impact of the structures will be mitigated with a vegetated berm. The site is however located in an area that's already traversed by an ESKOM line and immediately next to a tarred road.
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5. Antony D van Hoogstraten

Objection / Comment	Our Comment
Unacceptable because the applicant has purposely scaled the proposed building down to 295m ² to avoid an EIA. The vehicle parking implications of the proposals have been ignored and would increase the disturbance to over 300m ² .	The development will make use of the existing parking area. Since visits will be by prior arrangement, the number of visitors and vehicles will be controlled.
It is completely unacceptable in terms of the draft management plan which does not make provision for this proposal in its zonation.	Even though the draft management plan doesn't indicate the location of the proposal, it does mention it in the text. In the future revision of the document, the facility can be included in the zonation.

6. Various Objectors:

Objection / Comment	Our Comment
The proposal is unacceptable due to the site being located inside the Fernkloof Nature Reserve, which is a proclaimed conservation area. Being subject to the National Protected Areas Act (NEMPAA), it requires that due diligence planning is undertaken before a consent use is considered.	The June 2016 Fernkloof Management plan states that the 2009 approval for the Astronomy club's amphitheater remains in force until reviewed or annulled. This document even lists what is required for this decision to be taken: a) A consent use b) NEMA approval These comments are a result of the consent use and DEA&DP confirmed that no listed activities are triggered.
Proclaimed conservation areas are set aside for the preservation of the natural environment. The Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.	The Management Plan and also protected areas act, does make provision for the use of Nature Reserves in a sustainable way. Inclusion of the amphitheater will broaden the use of the Reserve and should open it up to even a larger tourist group.
The site under consideration is a pristine area where no development has been provided for in the SDF. There is no justifiable reason for proposing a deviation from this framework for this proposal.	The site is not pristine and has been previously disturbed. A botanical report prepared for purposes of the proposed development, indicated that the site was suitable for what is proposed.

The Fernkloof Advisory board has not been consulted on this proposal. It contradicts the development nodes envisaged in the draft Fernkloof Management plan. The plan notes the need to protect Rotary Way area from further negative impact.	The FMP mentions that the lease area was previously approved and that the approval remained in force. The Advisory Board therefore knew about the development.
Any concentrated visits from people and vehicles will have a knock-on-trampling effect on the surrounding vegetation.	The development will be well demarcated and supplied with boardwalks. Visits to the site will further be by appointment and numbers therefore controlled.
An exposed coastal site is inappropriate for astronomical observations, due to reasons listed in the objection. There are sites that are better situated that would not entail the disturbance of a protected area of natural vegetation.	The focus of the development is for daytime astronomy. Current night time users do however find the site to be satisfactory.
Comment that the objection is not against the Astronomical Centre, but against the positioning.	Noted

7. Hermanus Botanical Society

Objection / Comment	Our Comment
The proposal is unacceptable due to the site being located inside the Fernkloof Nature Reserve, which is a proclaimed conservation area. Being subject to the National Protected Areas Act (NEMPAA), it requires that due diligence planning is undertaken before a consent use is considered.	The lease area was already approved in 2009 and various pre-planning studies conducted, that included amongst other a botanical assessment. The Management Plan does however acknowledge the possibility of the future amphitheater, due to the in principle approval still be in force.
Proclaimed conservation areas are set aside for the preservation of the natural environment. The Municipality should uphold the protection offered by law to our natural heritage through respecting the boundaries of protected areas.	The Open Space 1 Zoning (Nature Reserve) specifically makes provision for a consent use for an environmental facility, that includes educational facilities in a nature reserve. The proposed educational facility will add value to the nature reserve and attract an even wider audience.
The HAC has no particular interest in the conservation and preservation of the natural environment and is therefore an inappropriate body to be allowed to lease any land within the FNR.	The HAC is just as much related to nature and education with regards to daytime astronomy is very appropriate outside in the natural environment.
The site under consideration is a pristine area where no development has been provided for in the SDF. There is no justifiable reason for proposing a deviation from this framework for this proposal.	The site is not pristine and has been previously disturbed.

<p>It contradicts the development nodes and approach to such nodes envisaged in the Fernkloof Management plan. The plan notes the need to protect Rotary Way area from further negative impact. The plan does not include the envisaged Astronomy Centre as part of the development nodes in the plan. The Fernkloof Advisory Board has not been consulted on this proposal.</p>	<p>The FMP mentions that the lease area was previously approved and that the approval remained in force. The Advisory Board therefore knew about the development.</p>
<p>Any concentrated visits from people and vehicles will have a knock-on-trampling effect on the surrounding vegetation. No clear plans are envisaged for toilet facilities, safety of the participants, insurance of buildings and use of the facility by other members of the public. Question whether Overstrand Municipality will supply the necessary toilet facilities and water and increase the size of the parking area.</p>	<p>The proposed educational facility makes provision for a screened walled-in area with boardwalks, to ensure visitors do not trample any surrounding area.</p>
<p>No site within the general vicinity of the boundaries of the reserve in this area should be considered for any construction, unless it forms part of the development nodes noted in point 4 of the objection.</p>	<p>The site has been carefully selected, after considering different alternatives. Reasons for selecting this site, includes:</p> <ul style="list-style-type: none"> - The facility, with a footprint of 288m² is proposed on an already disturbed area. The previously disturbed area is approximately 315m² and marked out on the attached SDP. - The site is located immediately next to an existing tarred road. No additional road infrastructure and therefore disturbance of natural vegetation are required. - There is an existing public parking area, used by busses and individuals currently visiting the lookout point. - The site is not on a ridgeline, therefore minimising visual impact. - The impacted area is below the skyline, which will limit light pollution impact for observation purposes. - The disturbed area is surrounded by fynbos, making it also suitable for botanical education.
<p>An exposed coastal site is inappropriate for astronomical observations, due to reasons listed in the objection. There are sites that are better situated that would not entail the disturbance of a protected area of natural vegetation.</p>	<p>The facility will have a strong focus on daytime astronomy and there will be at least two solar telescopes. The site is however already used on occasion at night and proves to be satisfying to the amateur astronomers making use of it.</p> <p>The site was specifically chosen because it is already disturbed.</p>

11/25

The concept of a fixed facility should also be reconsidered. It is mentioned that common practice elsewhere is to use an observations trailer, fully equipped with the necessary technology, which can be taken to various sites as needed. Dr Miller is of the opinion that this option would be more flexible and cheaper.	A mobile facility will only benefit a small audience and will not be suitable for what is proposed with regards to the daytime astronomy at this site. Please see attached a pamphlet that was distributed during an on-site meeting.
Comment that the objection is not against the Astronomical Centre, but against the positioning.	Noted

8. Vogelgat Nature Reserve (PTY) Ltd (5 June 2016)

Objection/Comment	Our Comment
The local astronomy club presents wonderful programmes and astronomy center would be an asset. It is however not believed that Erf 243 is the most suitable site for the following reasons.	Noted. The proposed use is compatible with a reserve, CBA and the NEMPAA. It is similar to all other environmental education centres in Nature Reserves in SA. Many reserves cater for a wide spectrum of interpretation and the solar system is part of the natural heritage.
The site is located inside the Fernkloof Nature Reserve, which is a proclaimed conservation area. It is subject to the National Protected Areas Act (NEMPAA). The site falls in the Overberg Critical Biodiversity Area Inland Corridor.	Noted.
Fernkloof is situated in the Overberg sandstone fynbos and is nationally regarded as a critically endangered habitat. Some plants are considered threatened (as per the Botanical report prepared by Sean Privett).	Noted. A specialist architect is used to design the facility in order to blend into the surrounds.
The site is not include in the current, but yet not complete FMP. This site doesn't even feature on any proposed development nodes. The new Environmental Zonation overlays will not permit any construction in visibly sensitive areas, like Erf 243.	The center is mentioned in the text of the FMP and it is acknowledged that the in principle approval remains in force until otherwise decided. The site is not located on a ridgeline and view over this area is negatively impacted on by an ESKOM-line. The proposal does make provision for visual screening and the visual and also environmental impact will be minimal.
The proposal started in 2011. The Astronomy Club has had ample time to peruse other alternatives rather than erect an amphitheatre in a proclaimed nature reserve. Mention of other alternatives are made.	The Astronomy Club did consider a wide range of different alternative and none proved to be this suitable.
Reference to Dr Deon Kuhn, the past CEO of the Hermanus Magnetic Observatory is made	The site is already used by a small number of astronomers at night that find it satisfactory.

who stated that Hermanus as a coastal town is not nearly suitable for astronomical work, with reasons provided for this comment.	The focus of the site will however be on daytime astronomy.
Reference to Freida Lloyd from Hermanus tourism that records that Fernkloof is the top destination for people visiting Hermanys. The question is made whether the natural asset should be carved up.	The educational facility will provide even more reason to visit Fernkloof, since a larger audience will be targeted. The idea would be to allow school groups throughout the year to provide them with an exceptional education facility. The proposal is a small node in a disturbed area, next to developed infrastructure, it will not carve the reserve up it will rather provide value to an area that are frequented by many visitirs, primarily for view over Walker Bay. It will facilitate nature and educate Reserve users.
Comment that large numbers of vehicles, would require a larger parking area.	The use of the facility will be by appointment. A larger parking area will not be required, since there is already sufficient parking available.
Suggestion that a more suitable site be sought.	Various alternatives have been considered over the years and none proofed to be suitable for what is proposed.

Vogelgat Nature Reserve (PTY) Ltd (17June 2016): Comments after the on-site meeting

Objection/Comment	Our Comment
No formal parking is proposed. The motor vehicles present were already chaotic and insufficient spacing for the vehicles. With seating for 50 people, there is the probability of 25 vehicles. Not safe or parking for any buses. Enlarging the parking area will require an EIA.	It is proposed to use the existing parking area. Use of the site will be by appointment and it is expected that a school, or tour group will use mini buses to cart the children to the facility. A larger parking area will therefore not be required. The facility is small, therefore the users number are limited. The site visit was not representative or an example of the numbers when in operation.
No addressing security issues. Vehicles parked at night would be vulnerable to break-ins and theft.	Security could be organised with a security firm as required.
During the site meeting, a bag of candles were collected from the site, indicating the use of site by other users, possibly for witch craft initiation.	That is only speculation. Candles could be used for a wide variety of activities and it is not believed that there is any motivation for it to be used for witch craft in this case. What it really only indicates, is that the cleared, disturbed area is also noticed by other people and regarded as disturbed.
The site will be vandalised and later abandoned.	The risk for this site being vandalised is the same as for any other development in the Reserve.

Suggestion that an alternative site should be identified where the safety of scholars and visitors can be guaranteed and where vegetation will not be further degraded.	The safety of visitors cannot be guaranteed anywhere. This site is probably one of the safer options due to tourist frequenting the adjacent tarred road throughout the day.
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We hope you find the above in order.

Yours Faithfully



Louna Truter
For Town & Country

14/25



TP A Theart
(H vd Stoep)



Land Surveyors • Town Planners

REF: #1406

For Attention: Ms H. van der Stoep
Overstrand Municipality
P.O Box 20
Hermanus
7200

FILE NO:	ER 243-Hern
SCAN NO:	1 September 2016
COLLABORATOR NO:	936419

Sir

PROPOSED CONSENT USE: PORTION OF ERF 243 HERMANUS

With reference to the above and comment received from Cape Nature.

Cape Nature's Comment	Our Comment
<p>It is noted that: 'In general, CapeNature does not support development within NEM:PAA Section 23 nature reserves, unless the development is specifically to serve the objectives of the nature reserve and is of minimal impact.</p>	<p>The proposal does serve the objectives of the nature reserve and is of minimal impact, being an environmental educational facility and located on an already disturbed area. The development area is small and is next to an existing road and parking area.</p> <p>The Hermanus Astronomy Association has already offered 50% of the vertical wall surface to BOTSOC for permanently engraved fynbos educational material as a joint astronomy / fynbos day-time educational facility.</p>
<p>An alternative analysis is provided as an annexure to the planning report. It does not appear that environmental impact was one of the criteria used in evaluating the preferred alternative. Cape Nature is of the opinion that the Preekstoel Water Treatment Site should be considered the preferred alternative, as it is evident that this alternative is in a less sensitive site containing habitat of lower conservation value which is not within a protected area.</p> <p>It is however apparent that the preferred location has been selected as more suitable for the objectives of the project due to higher visibility of the night sky and better tourism potential. We have stated that we are of the opinion that the alternatives analysis is flawed as it did not assess the environmental impact (including all the various components e.g. biodiversity, visual). Fynbos education</p>	<p>With the amphitheater being partially for a specialized activity, the alternative sites were primarily evaluated with reference to nighttime observation. In the case of environmental education, the surrounding site is also key to the success of the application and project.</p> <p>The Hermanus Observatory & Amphitheatre Development Plan and "Site Comparison." That was attached to the application, which were drafted for the proposal with an Observatory (now not included) clearly objectively and quantitatively indicate that the Preekstoel site is second only to Gearing's Point as the least preferred site.</p> <p>Reasons for this being among other its proximity to high night light exposure and its shortcomings into location in relation to bulk and intrusive infrastructure.</p>

TP
12 SEP 2016

<p>support is listed as a major reason for choosing the lookout site, however it could be debated whether an education centre needs to be located on a pristine site, as long as there is close access to intact habitats, therefore this rating is also queried. It is also noted that the Fynbos education aspect is not provided much further attention in the application.</p>	<p>Due to the environmental education component and daytime astronomy, the best quality site is required in order to optimize the experience of visitors. This can't be achieved at the Preekstoel site.</p> <p>The application site is linked to the footpath network in Fernkloof that will contribute to the users experience compared to the Preekstoel site that is "hidden" away and not integrated as part of a greater eco-tourism framework of Hermanus. The site can be accessed by foot directly from the centre of town, namely Hoy's Koppie and the Schools precinct, which is not the case with Preekstoel, it's also much safer for users considering its location.</p> <p>The preferred site is not "pristine" as it was previously disturbed and the development footprint is located on this disturbed area. A road and powerlines cross the surrounding area. The existing parking makes it further feasible.</p> <p>Additional to the quantifiable considerations, the following considerations are crucial:</p> <ol style="list-style-type: none"> 1. The LOP site implies the smallest possible footprint in the fynbos area in the vicinity of Hermanus because of the proximity to the already existing LOP parking area 2. The LOP site is the only one in the vicinity of Hermanus that: <ol style="list-style-type: none"> a. Enables the combination of a Sunrise Viewing Wall coincident with the Walker Bay sea horizon; b. Has the lowest average horizon altitude of 2.7°, which enables Cardinal Point (Summer & Winter Solstice and Equinox) sunrise and sunset viewing slots in the amphitheater – huge i.t.o. Educational value; c. Will have an amphitheater located within a fynbos area, from a site that is not pristine, that is the best possible location from which to conduct fynbos awareness and conservation education [Note that the HAC has offered 50% of the vertical wall surfaces to BOTSOC for fynbos educational information plaques as a JOINT astronomy/fynbos educational facility]; d. Even though the prime focus of the AECA will be daytime astronomy education - of which all components except the crucially important Sunrise Viewing Wall and Cardinal Point sunrise and sunset slits can
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	<p>be duplicated elsewhere – it is also the best possible observation site in the vicinity of Hermanus for night-time observing.</p> <p>3. The LOP site is adjacent to the LOP parking terrain, which is the third most important tourism spot in Hermanus (after the Cliff Path & Fernkloof Visitor Centre), which attracts a lot of visitors in any case because it is the site from which Walker Bay & Hermanus can be put into 3D perspective. This implies that the visitors will be there in any case – The AECA will therefore “only” add significant interest, educational and tourism value to a visit to Hermanus.</p>
<p>Should the Preekstoel WTW alternative be proven to not be possible, then the lookout alternative needs to be evaluated in terms of its location within a nature reserve. In terms of NEM:PAA, all NEM:PAA protected areas must be managed in terms of a management plan (Sections 39 and 41). CapeNature is aware that the management plan is currently in process, however the Overstrand Municipality would need to provide feedback regarding the current status. In terms of an interim zoning map we have been provided (Figure 1), the astronomy centre has not been indicated as a development node, only the existing parking area</p>	<p>For reasons noted above, the Preekstoel alternative is not viable at all for what is proposed.</p> <p>The Fernkloof Integrated Management Plan, June 2016 has not been finalised / approved yet. In this document it is mentioned that there is an in-principle decision with regards to the Astronomy Centre that remains in-force.</p> <p>In the 2016 FNRMP:</p> <p>‘E.1.1 Astronomy Centre The development proposal by the Hermanus Astronomy Club includes an observatory equipped with telescopes and a small amphitheatre for the presentation of educational classes and talks on astronomy. An in-principle decision, subject to regulatory processes, was taken by the Overstrand Council on 1 September 2009 to lease a portion of Erf 243 Rotary Drive to the Hermanus Astronomy Club for the construction of the Astronomy Centre. The Council Decision remains in force until reviewed or annulled within a formal process. The In-Principle decision issued by Council for the leasing of a portion of the nature reserve to the Hermanus astronomy centre, however, is subject to the following applications:</p> <ul style="list-style-type: none"> i) A consent use application in terms of the Overstrand Wide Zoning Scheme of 2014; ii) Basic Assessment and Environmental Authorisation in terms of the NEMA EIA Regulations 2010; Both processes must take cognizance of the relevant provisions of the 2012 NEM:PAA Regulations for the Proper Administration of Nature Reserves and require full public participation prior to the matter being referred to Council for a Decision.’ <p>The current application is then exactly for that. It was however already confirmed that an application in</p>

	terms of the NEMA EIA Regulations 2010 is not required.
<p>Section 40 of NEM:PAA is of relevance regarding management criteria for protected areas: "40. (1) The management authority must manage the area -</p> <p>(a) exclusively for the purpose for which it was declared; and (b) in accordance with (i) the management plan for the area; (ii) this Act, the Biodiversity Act, the National Environmental Management Act and any other applicable legislation (iii) any applicable provincial legislation, in the case of a provincial protected area (iv) any applicable municipal by-laws, in the case of a local protected area."</p> <p>In terms of the above, the facility could be deemed to be in accordance with managing for the purpose for which Fernkloof Nature Reserve was declared, if the facility were to be a joint astronomy and biodiversity education centre and termed as such. It would need to be an integral component of the environmental education and any other activities related to the operation of the nature reserve. It would be essential that the facility is compliant with all the above provisions of Section 40 of NEM:PAA.</p>	<p>We fully agree with Cape Nature, since the proposed facility is in accordance with the Management Plan of the Fernkloof Nature Reserve, with the facility being a joint astronomy and biodiversity education centre.</p> <p>The initially applied for Astronomy Centre will specifically also allow for an educational centre that will be used by the Botanical Society. HAC has already offered 50% of the vertical surfaces to BOTSOC for permanently engraved fynbos educational material as a joint astronomy / fynbos day-time educational facility.</p>
<p>Further to the above, an environmental management plan (EMP) would be considered essential for the facility due to the highly sensitive environment in which it is located. The development footprint of 288 m² must be clearly demarcated prior to any construction and it must be ensured that there is no accidental exceedance of 300 m² of vegetation clearance, as this will then indeed trigger a NEMA listed activity. The proposed mitigation measures listed by the botanical specialist would all have to be implemented. The EMP would also have to address the operational phase, in order to limit the amount of disturbance as a result of visitors to the facility.</p>	<p>This is definitely necessary and will be implemented.</p>
<p>Another aspect that requires attention is the potential visual impact of the facility. While this aspect lies outside of CapeNature's mandate, this is an aspect that requires attention in terms of the nature reserve status and the impact on tourism and the wilderness experience available within the nature reserve, in particular due to the highly visible location on the summit of the mountains.</p>	<p>A specialised architect was appointed to address the visual aspect of the proposal, to mitigate the visual impact of the building inside the natural environment.</p> <p>The visual impact of the development will be minimal with a maximum solid height of 1.7 m. Visible surfaces will be either bermed and replanted (amphitheatre) or of natural stone (sunrise and projection walls). The south side of the projection wall will have engineered granite tablets with educational information engraved on it. With the area being small and anticipated to be visually pleasing, the visual impact should be negligible.</p>

18/25

In conclusion, CapeNature recommends that alternative locations outside of declared nature reserves should be investigated further for the location of the proposed facility, and the application is not supported in its current form.	Various alternative sites have been evaluated over many years. The approval of the site in 2009 by the Municipality, was the result of a thorough process of site evaluation.
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One of the most important facts to consider here is that the Municipality has already approved the application in principle. This is acknowledged by the Fernkloof Management Plan. The use that is applied for is in line with what is allowed for in the Management Plan. The proposed site is on a disturbed area, next to a road, with sufficient parking available. AECA has offered the use of the facility to BOTSOC, further strengthening the motivation for this facility inside the Fernkloof Nature Reserve. The use is for an Education Facility and money has already been made available for the project by the National Lotteries Commission.

We hope you find the above in order.

Yours Faithfully



Louna Truter
For Town & Country

19/25

FILE NO:	EL 243-Herm
SCAN NO:	02
COLLABORATOR NO:	964566



TP - A Theart
(H vld Stoep)

REF: #1406

26 October 2016

For Attention: Ms H. van der Stoep
Overstrand Municipality
P.O Box 20
Hermanus
7200

Ms Van der Stoep

PROPOSED CONSENT USE: PORTION OF ERF 243 HERMANUS

With reference to the above and comments received from the Overstrand Municipality's Environmental Management. Our comment and response after discussing it with our client as below.

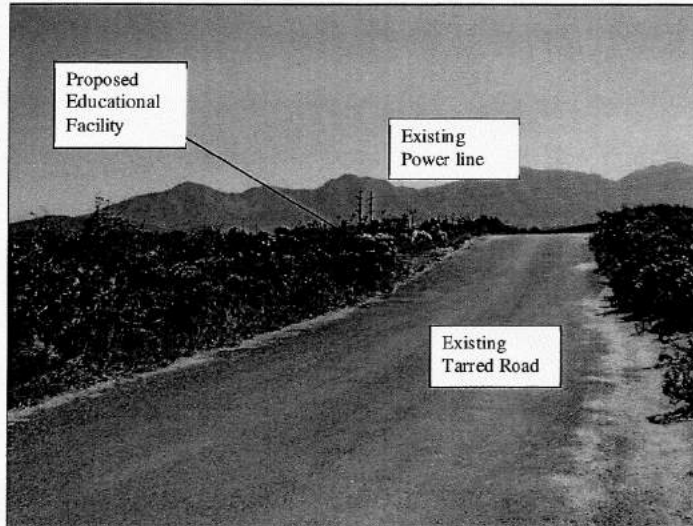
The document starts of by describing the proposal and giving a summary of the factors in favour of the Astronomy Centre. Our response to the comments: 'Factors not in favour of the proposed Astronomy Centre:

Objection / Comment	Our Comment
<p>The Fernkloof Advisory Board, as the appointed statutory body to advise Council in terms of the management and use of the Fernkloof Nature Reserve, has unanimously and consistently opposed the use of the nature reserve for astronomy and the construction of the facility on top of the ridge within the nature reserve.</p> <p>Note that the the NEM:PAA regulations state that the Nature Reserve must be utilised exclusively for the purpose for which it was declared. In the original declaration it states: '...As a nature reserve (particularly wild flowers) which includes the</p>	<p>The Facility was already approved by Council in 2009 and this is acknowledged in the Fernkloof Integrated Management Plan. The Management Plan lists certain criteria that will have to be complied with, including the application for a consent use and complying with the NEMA regulations. It was confirmed that no activities are triggered in terms of NEMA and the consent use application is in process.</p> <p>Since the initial application was made, it was decided to share the use of the facility with the Botanical Society.</p> <p>Mention is made of the facility being on top of the ridge. The site was specifically identified as being behind the light pollution glow of Hermanus, which implies that it will not be visible from Hermanus – much more importantly that Hermanus's significant light pollution glow will not be visible from the site.</p> <p>The proposed educational facility is not in contravention of the original purpose for which the reserve was declared.</p> <p>The Fernkloof Integrated Management Plan, 2016</p>

26 OCT 2016

27 OCT 2016

<p>preservation and cultivation of Indigenous Flora,....'</p>	<p>states the following:</p> <p><i>'G.2 Eco-Cultural Tourism and Marketing The Overstrand Municipality has the mandate to sustainably develop the FNR within the framework of its approved Integrated Environmental Management and Conceptual Development Plan (CDP). Such development will be undertaken to help ensure the long-term environmental and economic sustainability of the FNR, whilst respecting and giving access to the Nature Reserve's natural and cultural heritage features.'</i></p> <p>Management Plan specifically mentions the astronomy centre that was already approved in principle in 2009.</p> <p>A botanical study has been carried out that confirmed that the proposed area is suitable for what is proposed, especially due to the area being previously disturbed.</p>
<p>Comment is made that since the Botanical Study was completed, the percentage natural vegetation cover on the site has increased to more than 80%. The site is not as disturbed as indicated in the application.</p>	<p>On a site visit earlier this year, the site was still to a large extent disturbed and could easily be identified from the road. We can however not comment on the current percentage disturbance.</p> <p>The disturbance of the development site is however not confined to the disturbance of vegetation on the proposed development site.</p> <p>The area is in no way pristine and is disturbed by:</p> <ul style="list-style-type: none"> • The existing Parking area • The existing road, Rotary Drive • The electrical power lines • The existing disturbed area, still clearly visible – 6 years after being approved in principle. <p>Also see photo below.</p> <p>The HAC confirmed at the Open Meeting that it would include in its NLC budget the recovery from alien infestation of at least 300m² to ensure that no area of fynbos is lost.</p>



It is said that the Femkiof Management Plan requires the development of an integrated Tourism plan which addresses all visitor activities and services in the Nature Reserve, in Comparison with a market survey. This plan will then inform the Infrastructure development plan. In this context the development of the astronomy centre is premature.

The IMP reads as follow:

'In addition, some degree of tourism infrastructure development is required in order to help ensure the long-term environmental, eco-cultural tourism and economic sustainability of the FNR.

In terms of the above, a Marketing and Tourism Infrastructure Development Plan / Strategy must be developed, which must include future development options (e.g. a coffee-shop / small restaurant at the entrance to the FNR), events and activities, branding strategies and target markets.

If understood correctly the Integrated Tourism Plan is required to to a large extent ensure economic sustainability of the Reserve.

The proposed Educational Facility was approved before there was an Integrated Management Plan for the reserve. The Funds for the Educational Facility have already been made available. The Astronomy centre has indicated that they want to share the facility with the Botanical Society. They are more than prepared to make funds available to also assist in other areas of the park, should funds be available. The Educational Facility will therefore

	<p>contribute in making the facility more sustainable on various levels.</p> <p>As mentioned by the Environmental Management Department in their letter, the Tourism Office supports the development.</p> <p>We truly believe that after six years, the implementation of the project is not premature.</p>
<p>Comment that one of the objectives of the Fernkloof Nature Reserve Management Plan is to rehabilitate formerly disturbed and eroded sites. According to the comment the proposal involves the development of a rehabilitated site.</p>	<p>Seeing that the previous disturbance is still visible, it would be hard to conclude that the site has been rehabilitated. Vegetation did however grow back and as a trade-off the society could offer:</p> <ul style="list-style-type: none"> - Erosion control and vegetation restoration along footpaths in the area especially the heavily eroded path between the cemetery and rotary drive, plus the eroded and ad-hoc path disturbance by recreational users. - This restoration can make footpath access to site more attractive that can eliminate people driving to site, it can encourage schools to walk to site, that will eliminate traffic and parking pressure and encourage a positive carbon footprint.
<p>Safety and security of visitors at the Rotary Way Viewpoint is an increasing concern and risk, especially after hours and the Fernkloof Operational Budget does not provide sufficient funds for the appointment of a Security Company. There is a concern that the amphitheatre will provide cover for criminals that could utilise the facility as cover to launch attacks on visitors at the viewpoint.</p>	<p>Safety and Security is a concern to the extent that the HAC accepts and already implements the practise of only utilising the site at night in group context.</p> <p>The site will however mostly be used during day time. When the facility is used a security company can be hired to provide the required protection, if it is ever found to be required.</p> <p>The site is adjacent to the Lookout Point, which is the third most important tourism site in Hermanus (after the Cliff Path – substantially enhanced by the HAC's True Scale Solar System Model – and Fernkloof kiosk), from which visitors put Hermanus and Walker Bay into 3D perspective.</p> <p>Tourists are in any case going to be there. Adding significant tourism and educational value to their visit is an opportunity not to be lost.</p> <p>It is unlikely that the facility will provide a cover area from where to launch attacks on visitors to the viewpoint. The viewpoint / parking area is</p>

	approximately 40m from the proposed education facility and by looking at the photo above, the 'attackers' would be too exposed to reach their victims unnoticed.
The proposed development does not take cognizance of trampling of new pathways beyond the designated footprint. The ecological footprint will be larger than 300m ² due to trampling, dessication, wind shielding and runoff factors.	Boardwalks and decks make out 91m ² of the development footprint and there should be no reason why visitors will trample the surrounding area. The walkway takes access directly from the adjacent tarred road.

Technical Aspects:

Municipal Environmental Department	Our comment
<p>In the report it is mentioned that water will be carted up when required. Unsure if the water will be stored in storage tank on site. If so position of the tanks is required on the SDP.</p> <p>The applicant did not indicate who will be responsible for providing the water for the facility. The Fernkloof Nature Reserve management team does not have the capacity to provide this service.</p>	<p>As groups visit the site, visitors will either take up their own refreshments, or depending on the nature of the event, the facilitator will provide the group with water, cooldrink, tea, etc. If more water is required for example cleaning, water will be carted up in larger quantities.</p> <p>The Hermanus Astronomy Centre will be leasing the property from the Overstrand Municipality. They will therefore be responsible for the provision of all services on the lease area.</p>
<p>Sewer: Comment that information on visitor capacity is not mentioned and it is unclear if the ablution facilities will be sufficient. Request for the 'service and maintenance plan for the eco-loos'.</p> <p>Comment that the average height of the eco-loos is 2,3m (length of vent pipe). Comment that this will have a significant visual impact. How will the applicant mitigate the visual impact? Will the composting unit be above or below ground? The type of material to enclose the eco loos is not addressed. The placement of eco-loos on the SDP is also not satisfactory.</p>	<p>In the introduction of the letter of comment, Ms Penelope Aplon mentions that the facility has a capacity of 50 people. We did however not comment on the capacity in our report. The facility could however accommodate a maximum of 50 people.</p> <p>According to the SABS Standards for ablution facilities at an event open for six (6) hours, one toilet for every 100 female attendees and one toilet plus a urinal for every 500 male attendees. Two toilets between 50 attendees are therefore more than sufficient.</p> <p>The comments regarding the aesthetically visual impact of the eco-loo's are valid and welcomed as a constructively positive contribution.</p> <p>Consequently, the eco-loo's will be moved to the East and West NORTHERN sides of the Projection Wall, ensuring that their Northern vertical sides are exposed to maximum solar exposure to maximise volumetric and odour extraction efficiency.</p> <p>Access will therefore be around the Eastern/Western sides of the Projection Wall, with</p>

	<p>their Western/Eastern sides therefore be bermed as part of the Projection Wall berming.</p> <p>This translocation of the eco-boo's will have no impact on the total footprint of the proposed development.</p> <p>Appropriately revised Site Development plans will be submitted as soon as possible.</p>
Electricity: The use of solar panels to recharge batteries and an inverter are mentioned. Request to indicate the position of the solar panels.	Mobile solar panels will be used and only carted up to the site to recharge batteries when required, or otherwise the batteries will be recharged in town.
Access and Parking: Unclear if the current parking is sufficient. Reference is made to events where there wasn't enough parking.	Visitors and school groups will be driven up to the parking area with mini buses. The parking area, staying within the parameters of the existing tarred area, has enough space for a minimum of 7 vehicles. This is sufficient for visitors to the lookout point and also one or two mini buses transporting the visitors to the educational facility.
Security: Indication of what measures will be taken to ensure the safety of visitors during the day / night. Concern about the structure that will provide shelter for criminal elements and promote attacks on visitors to the Rotary Way viewpoint.	<p>Security will be acquired as necessary for events at the educational facility.</p> <p>It is not believed that the structure will promote attacks, due to the distance and visibility between the parking area and the facility.</p>
Function of the kitchenette is unclear.	The kitchenette's exclusive purpose is for night-time observers to make gas-heated tea of coffee.
Proposed mitigation measure in the Botanical assessment refer to 'boardwalks and clearly defined thoroughfares' – however the location of these are not indicated on the SDP.	The only boardwalk is from the amphitheatre to the Viewing Rock, which IS indicated on the Site Development Plan and also include in the total footprint of the proposed development.

Recommendations by the Environmental Department:

Recommendations by the Environmental Department	Our comment
The Applicants must provide written motivations and support from a spectrum of local schools, tourism organisations to demonstrate the need for the facility in the broader community.	<p>The HAC is already utilising the site for night-time observing for school groups (Lukhanyo Primary, Mount Pleasant Primèr and Hawston Sekondèr).</p> <p>HAC has initiated a series of quarterly workshops for science teachers in the Overberg. Once the facility is established the Sunrise Viewing Wall and Cardinal Point Viewing slots will be promoted as and will undoubtedly become a prime day-time educational outing for Overberg and Cape Metropole schools as a unique facility of its kind in South Africa.</p>
The development of the Rotary Way Site should be an integrated upgrading of the site which takes cognizance of the outputs of a Tourism	The Proposal was approved by Council in 2009 subject to certain conditions. The HAC then over time complied with the conditions and managed to

AGENDA OF AN ORDINARY MEETING OF THE COUNCIL 1 SEPTEMBER 2009

5.6

HERMANUS : LEASE OF MUNICIPAL PROPERTY, PORTION OF ERF 243, ROTARY DRIVE, TO THE HERMANUS ASTRONOMY ASSOCIATION

(ITEM 25, PAGE 545 : INFRASTRUCTURE, PLANNING & ECONOMIC DEVELOPMENT PORTFOLIO – MAYORAL COMMITTEE MEETING : 1 SEPTEMBER 2009)

RECOMMENDATION TO THE COUNCIL

1. that the out of hand lease of the subject portion of Erf 243, Rotary Drive, Hermanus, ±5700m² in extent, for 9 years and 11 months to the Hermanus Astronomy Club at R100 per month (VAT included) in terms of the Asset Management Policy, **be approved in principle**, subject to successful application in terms of the National Environmental Management Act, 1998,
2. that the rental amount mentioned in 1. above **escalate** annually in accordance with paragraph 32 of the Asset Management Policy;
3. that, since the provision of services to the property provides significant financial and technical constraints, the club install a solar system to generate electricity, a rain water storage tank for toilets and washing up, a conservancy tank for waste water and purchase bottled water for consumption in accordance with their proposal;
4. that a **restrictive condition be inserted** in the lease agreement to the effect that should the club for any reason not need the property any longer or not use it for the intended purpose or not erect a building with a minimum value of at least R400 000 (FOUR HUNDRED THOUSAND RAND) on the subject property within a period of two years, the agreement will be cancelled with immediate effect, and
5. that the lease agreement with specific reference to the lease amount be reviewed every three years to ensure compliance with the imposed terms and conditions.

RESPONSIBLE OFFICIAL : A MARAIS

TARGET DATE FOR IMPLEMENTATION : 14 SEPTEMBER 2009

TARGET DATE TO INFORM APPLICANT : 14 SEPTEMBER 2009


**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 243, ASTRONOMY CENTRE
(3125)**

Electricity : No services available
Stormwater : No services available
Water : No services available
Sewer : No services available
Roads and traffic : No services available

Conditions:

1. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, etc.) for the use of any water and the extraction thereof;
2. that the quality of potable water comply with SANS0241 standards and that relevant proof be submitted to the Senior Manager : Engineering Services, Overstrand Municipality;
3. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval;
4. that the developer complies to all the conditions set by Department Of Water Affairs;
5. that as no municipal refuse services are rendered in the area, the owner is responsible for removal of all refuse generated on the property, and the disposal thereof at a registered municipal waste transfer station or waste disposal facility.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

Office of the Director:
Infrastructure & Planning
Environmental Management

MEMORANDUM

Kantoor van die Direkteur:
Infrastruktuur & Beplanning
Omgewingsbestuur

Date : 20 October 2017
To: Loretta Gillion (Town Planning)
From: Penelope Aplon (Environmental Management)
RE: Consent-use application: Development of an Astronomy Educational Centre and Amphitheatre (AECA)

Based on the memorandum from the Environmental Management Section (EMS) dated 27 July 2017, and the subsequent response from the Hermanus Astronomy Club (HAC) received via e-mail on 21 September, this section has the following comments.

Based on numbers received from SANSA, the HAC indicated that they will reach approximately 1300 learners in the first year of operation. This figure is derived from schools in the Overberg area. According to the report, schools outside the Overberg region will be targeted when Overberg schools are exhausted. Numbers from Overstrand tourism indicates that there is a steady increase in the visitor numbers to the Rotary Look-out Point. These users are classified in the self-education group, and will use the facilities by themselves.

The HAC proposes the construction of an "ecologically friendly fence" as a form of visitor control. This office does not support the placement of a fence around the proposed astronomy centre, however there is potential to create a formalized control adjacent to the parking area.

Conditions:

- 1) All schools in the Overstrand area must draw benefit from this facility and provision must be made to facilitate the following language groups; Afrikaans, English and Xhosa.
- 2) If, within the first 6 months of operation, there is an increase in misconduct on site, the HAC has to appoint a full-time security guard at their own cost.
- 3) If within 8 months of operation, any of the following features show signs of deterioration; buildings, signage, sundials, granite slabs, eco-loos, hardwood seating and floors or any other structure associated with the AECA, the HAC has to put remedial measures in place within 2 weeks after being requested to do so.
- 4) If the site is evaluated within 1 year and it is found that it cannot be satisfactory maintained and falls target to vandalism or attracts a criminal element to the area, the HAC will be

instructed to demolish all associated infrastructure within 3 months of receiving notice to do so. The site must also be rehabilitated to its original condition. All this must be done at the cost of the HAC.

5) An Operational Management Plan, with a 5 year budget must be submitted, prior to approval of this application. The Plan must include the funding for the erection of the site and a 5 year costing and funding availability for the maintenance of the site.

The Environmental Section cannot approve the application in the absence of a viable management and maintenance plan, with a budget cycle of 5 years.

This office reserves the right to revise these comments based on additional information.



Penelope Aplin
Environmental Officer

Office of the Director:
Infrastructure & Planning
Environmental Management

MEMORANDUM

Kantoor van die Direkteur:
Infrastruktuur & Beplanning
Omgewingsbestuur

Date : 27 July 2017
To: L. Gillion (Town Planning)
From : Penelope Aplon (Environmental Management)
RE : Consent-use application: Development Of An Astronomy Educational Centre With Amphitheatre

Subsequent to a meeting held with representatives from the Hermanus Astronomy Club and the submission of the utilization strategy for Astronomy Education Centre & Amphitheatre (AECA) provided on the 6th of June 2017 by Dr Pierre de Villiers, this section has the following comments regarding this application:

- The applicant did not give an indication of when the Astronomy club will be utilizing the facility as requested in previous communication.
- The applicant is still unable to provide a programme/schedule of schools that will be visiting or utilizing the facility, as previously requested.
- The applicant did not submit any letters of support from any schools or partner organizations as previously requested.

The above comments relate to questions the Environmental Section asked the applicant in order to facilitate the need and desirability of this Centre and we have come to the conclusion that the answers given by the applicant does not support a need or desire for this Centre.

This section is concerned that the establishment of this facility will attract visitors to this specific site which will utilize the facility for activities unrelated to astronomy or environmental education. Since the AECA will function as a "stand alone" facility, with no 24 hour staff or security on site, pressure will be placed on reserve staff to manage these associated activities and impacts.

The Environmental Section therefore cannot support this application.

This office reserves the right to revise these comments based on additional information.



Penelope Aplon
Environmental Officer

Office of the Director:
Infrastructure & Planning
Environmental Management

MEMORANDUM

Kantoor van die Direkteur
Infrastruktuur & Beplanning
Omgewingsbestuur

Date : 31 May 2016
Revised 15 July 2016 by N. Green

To: Loretta Gillion (Town Planning)

From : Penelope Aplon (Environmental Management)
Neville Green (Biodiversity Conservation)

RE : **Erf 243 Astronomy Centre: Proposed Consent Use**

Based on the information provided and additional research which was conducted, this office wishes to submit the following comments regarding the Consent use application to construct an astronomy centre on Erf 243, Hermanus.

1. Application

The Hermanus Astronomy Club (HAC) has submitted a land – use application for the use of a portion of land on Erf 243 Hermanus, also a portion of the Fernkloof Nature Reserve, for the construction of an astronomy centre in order to present diurnal and nocturnal viewing opportunities for Club members as well as members of the general public. The application is for the leasing of an area from the Municipality for the construction of an amphitheatre, to accommodate +/- 50 persons, waterless toilets, kitchenette, a projection wall, walkways and a separate platform (gnomon). The request is to utilise the existing Rotary Way parking area for parking purposes.

2. Discussion on Need, Desirability and Technical Aspects

2.1 Factors in Favour of the Astronomy Centre

- One of the purposes of modern Protected Areas is to create or augment destinations for nature based tourism. This Application has been supported by the Hermanus Tourism Bureau;
 - The Environmental Management Section acknowledges the educational value of the Astronomy Centre as well as the contribution that this centre could make to Hermanus as a destination for scientific based tourism;
-

- The HAC could potentially provide recreational and educational opportunities for a sector of the Hermanus community and other communities abroad that are not presently catered for in existing facilities on the Nature Reserve;
- The architectural design has accommodated environmental concerns by addressing energy efficiency, the size of the overall development footprint, water efficiency, the containment of sewage effluent and fire risk;
- The Department of Environmental Affairs and Development Planning has confirmed that the footprint associated with this facility will not trigger the need for a Basic Assessment and Environmental Authorisation in terms of the National Environmental Management Act Environmental Impact Assessment Regulations, 2014.
- The Regulations for the Proper Administration of Nature Reserves (the NEM:PAA Protected Area Regulations 2012) allow Overstrand Municipality to designate recreation areas on Fernkloof Nature Reserve for sport, cultural or recreational activities and to develop internal rules for such sites;
- The NEM:PAA Regulations also permit Overstrand Municipality to enter into co-management agreements for the management of portions or functions of the Nature Reserve, although this provision is also addressed under aspects that are not in favour of the establishment of this facility;

2.2 Factors Not in Favour of the proposed Astronomy Centre

- The Fernkloof Advisory Board, as the appointed statutory body to advise Council in terms of the management and use of the Fernkloof Nature Reserve, has unanimously and consistently opposed the use of the nature reserve for astronomy and the construction of the facility on top of the ridge within the nature reserve;
 - The NEM:PAA Regulations specifically state that the Nature Reserve must be utilised exclusively for the purpose for which it was declared. In the original proclamation notice, the Administrator noted the purpose for which the Fernkloof Nature Reserve was proclaimed:

"...As a nature reserve (particularly wild flowers) which includes the preservation and cultivation of Indigenous Flora, especially the Flora which grows and which is known to have grown in the Caledon division."
 - The site on which the astronomy centre is proposed, has been identified by the HAC as being disturbed. The % natural vegetation cover on the site has increased to more than 80 % since the botanical assessment was commissioned. The site can thus not be proposed as a disturbed site to the degree indicated in the application.
 - The Fernkloof Nature Reserve Management Plan requires the development of an integrated Tourism plan which addresses all visitor activities and services on the Nature
-

Reserve, in comparison with a market survey. The Tourism plan is supposed to inform the infrastructure development plan. In this context, the development of the astronomy centre is premature.

- One of the objectives of the Fernkloof Nature Reserve Management Plan is to rehabilitate formerly disturbed and eroded sites. The current proposal requires the development of a site which has been rehabilitated, which is against the principles contained in the Fernkloof Management Plan as well as the requirements for Critical Biodiversity Areas and Ecological Support Areas.
- The safety and security of visitors at the Rotary Way Viewpoint is an increasing concern and risk, especially after normal working hours, as the Municipality cannot provide an adequate Law Enforcement presence and the Fernkloof Operational Budget does not provide sufficient funds for the appointment of a Security Company to provide enforcement services. It is a concern that the amphitheatre will provide cover for criminals that could utilise the facility as cover to launch attacks on visitors at the viewpoint. The Astronomy Club has not addressed the issues of safety and security at the facility at all in the proposal.
- The proposed development footprint does not take cognizance of trampling of new pathways beyond the designated footprint - that will inevitably take place - as with all other development nodes on the Nature Reserve. The ecological footprint will be larger than 300m² as the ecological edge effect (trampling, dessication, wind shielding and runoff factors) will have an effect on adjacent vegetation.

2.3 Technical Aspects

- 2.3.1 **Water:** The Applicant indicates that water used on site will be carted up when required. It is not clear if the water will be stored in storage tanks on site. If so, the position of these tanks must be indicated on Site Development Plan (SDP). The Applicant has also not indicated who will be responsible for providing the water for the facility. The Fernkloof Nature Reserve management team does not have the capacity to provide this service.
- 2.3.2 **Sewer:** Due to the fact that the visitor capacity of the astronomy centre is not given, it is unclear if the proposed ablution facilities will be sufficient. The service & maintenance plan for the eco-loos must also be submitted. The average height of the eco-loos is 2.3 metres (total length of outlet vent pipe). This will have a significant visual impact. How does the applicant intend to mitigate this visual impact? The applicant must indicate if the composting unit will be placed above or below ground. The type of material which will be used to enclose the eco loos is not addressed. The placement of eco-loos on the SDP is also not satisfactory.
-

- 2.3.3 Electricity:** The applicant indicated that batteries and an inverter will be used which will possibly be recharged by solar panels. The possible location of these solar panels must be indicated on the SDP. Detailed descriptions of these solar panels must be provided.
- 2.3.4 Access and Parking:** Due to the fact that the capacity of the astronomy centre is not given, it is unclear if the current parking area will be sufficient. The Astronomy Club has hosted events on the reserve in the area proposed in the application. Photographs taken of these events clearly show that the available parking area is too small for the number of vehicles that are present at the site and that there is a considerable overflow of vehicles into the road reserve.
- 2.3.5 Security:** The Applicant must indicate which measures will be taken to ensure the safety of visitors to the centre during the day / night. There is a concern that an unguarded structure will provide shelter for criminal elements and promote attacks on visitors to the Rotary Way viewpoint.
- 2.3.6 Other:** The function of the kitchenette is unclear.
- 2.3.7 Boardwalks and Thoroughfares:** Proposed mitigation measures in the Botanical assessment refer to "boardwalks and clearly defined thoroughfares" - however the location of these are not indicated on the SDP.
- 3. Conclusion**
- 3.1** The Environmental Management Section is concerned that there is not enough motivation for the need and desirability of this application in terms of the service that it will render to the local community, the broader community in the Overberg, the Province and the international community that utilise the Nature Reserve;
- 3.2** The Environmental Management Section is concerned that the Amphitheatre will be a security risk to visitors at the Viewpoint.
- 3.3** The operation and maintenance of the site has not been adequately addressed, especially with respect to the repair of vandalised infrastructure, the responsibility for the provision of basic sanitation services and the capacity of such services to deal with the level of use by the public;
- 3.4** The Environmental Section is not convinced that there will be enough parking bays for the general public as well as astronomy centre users. This is of great concern as the public will park in the road reserve and the natural vegetation surrounding the site.
- 3.5** There is a concern that the ecological footprint will exceed the development footprint in future, as there is no guarantee that visitors to the Amphitheatre will remain in the
-

demarcated area. Once constructed, there will be no possibility of removing the structure.

4. Recommendation

- 4.1 The Applicants must provide written motivations and support from a spectrum of local schools, tourism organisations to demonstrate the need for the facility in the broader community;
- 4.2 The development of the Rotary Way Site should be an integrated upgrading of the site which takes cognizance of the outputs of a Tourism Development Plan for the Nature Reserve. The Tourism infrastructure needs should flow from the outputs of the Tourism Development Plan.
- 4.3 Council should take cognizance of the comments of the Fernkloof Nature Reserve Advisory Board in the evaluation of this application.



Penelope Aplon
Environmental Officer



Town & Country
P.O. Box 1085
Bredasdorp
7280

Attention: Louna Truter
By email: towncountry@vodamail.co.za

Dear Louna

Additional Motivation for the Proposed Consent Use for an Astronomy Centre on Erf 243, Fernkloof Nature Reserve, Hermanus (Overstrand Municipality ref: 243, HEC (3135))

CapeNature would like to thank you for the opportunity to comment on the application 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 application.

CapeNature did not support the application for consent use for the proposed astronomy centre. A response letter has been provided to our initial comment.

One of our major concerns was that the proposed location was not the most favourable in terms of impacts on biodiversity and we recommended that the other locations with lower biodiversity impacts should be investigated further.

More detail has been provided in the correspondence provided, motivating the selection of the proposed location. Based on the information provided, the proposed location is the only alternative which would provide the optimal environmental characteristics which would be required for the proposed facility. We are therefore assuming that the other locations are not feasible in order to meet the project objectives and that the project would not proceed if the project could not take place at the current location.

Based on the information provided it would appear that all attempts have been made to minimize the impact on the proposed development within the context of the location in terms of footprint and design.

The most significant factor however is the presence within a declared nature reserve in terms of the National Environmental Management: Protected Areas Act (NEM:PAA – Act 57 of 2003). Any developments within a NEM:PAA protected area have to be aligned with a protected area management plan (PAMP) in terms of Sections 39 and 41 of NEM:PAA. The competent authority in this regard is the provincial MEC for Local Government, Environmental Affairs and Development Planning, for which the undertaking thereof is delegated to CapeNature with final approval by the MEC. For local authority nature reserves and nature reserves on private property, a stewardship agreement is signed with CapeNature in terms of the above legislation.

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Ms Merle McOmbring-Hodges (Chairperson), Dr Colin Johnson (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Bruce McKenzie, Adv Mandla Mdludlu, Mr Danie Nel, Prof Aubrey Redlinghuis, Mr Paul Slack, Prof Kamilla Swart-Arries

TP- A. ANNEXURE I I/19
(H. Olivier)

SCIENTIFIC SERVICES

postal Private Dag X5014 Stellenbosch 7599
physical Assegaaibosch Nature Reserve Jonkershoek
website www.capenature.co.za
enquiries Rhett Smart
telephone +27 21 866 8017 fax +27 21 866 1523
email rsmart@capenature.co.za
reference SSD14/2/6/1/17/2/243_consent_Hermanus
date 15 February 2017

FILE NO:	ERF 243 ✓
	H. Fernkloof
SCAN NO:	7231 ✓
COLLABORATOR NO:	998038

TP

27 FEB 2017

Based on the above requirements, the astronomy centre would have to be catered for within the approved PAMP in order for it to be able to proceed. Feedback has been provided regarding the Draft PAMP and according to the Fernkloof Advisory Board, the PAMP has not made provision for the astronomy centre, and based on the comments provided are not in favour of the facility.

CapeNature indicated previously that any development contemplated within a nature reserve must be consistent with the objectives of the nature reserve and be of an appropriate scale. Development that does not meet these criteria and concurrently does not comply with the PAMP cannot proceed within a nature reserve.

Should a development be contemplated that does not comply with the above but is considered of proven overriding socio-economic importance by the competent authorities, consideration could be given to deproclamation of that section of the nature reserve. Deproclamation would have to be undertaken by the MEC under the advice from CapeNature. CapeNature would not support deproclamation of a nature reserve or a section of a nature reserve which is considered of very high conservation importance such as Fernkloof Nature Reserve. Should no other option be available than deproclamation, a biodiversity offset would be required to compensate for the loss of protected area estate.

A motivation has been provided that the development proposal can be considered as aligned to the objectives of the nature reserve and of an appropriate scale. According to the motivation, half of the wall space at the centre will be provided to the Botanical Society for displays. This is supported by CapeNature. As such there is motivation that the facility is in accordance with reserve's objectives, which would include conservation education. The facility should be made available for conservation education events. In order to make the joint function more explicit, it is recommended that the facility indicates the joint function in its title e.g. Fernkloof Astronomy and Conservation Centre.

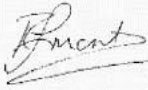
There is currently no legislation or guidelines governing thresholds of acceptable development within protected areas. However, the Norms and Standards for Inclusion of Private Nature Reserves into the Register of Protected Areas (GN 731 of 2016) does indicate minimum thresholds of ecological integrity in order for private nature reserves to be included within the protected areas register. Section 11.2c indicates that housing and tourism based development must be restricted to less than 0.5% of the area of the reserve. CapeNature is of the opinion that the same development restrictions should be applied to all Section 23 NEM:PAA nature reserves. Therefore we recommend that a cumulative development restriction of 0.5% for all housing and tourism facilities on Fernkloof Nature Reserve should be applied.

In conclusion, CapeNature recommends that the application can only be considered for approval if it is included within the approved PAMP. The development footprint should be added to the existing tourism and housing development footprint within the Fernkloof Nature Reserve and calculate the percentage that this application contributes to the total and whether this is compliant with the Norms and Standards referred to above.

Provided that the facility strictly adheres to an approved Environmental Management Plan (EMP) and project design, and ensures that it functions jointly as an astronomy centre and conservation education centre, the development could be considered acceptable. The EMP must be submitted to CapeNature and must be approved by the Overstrand Biodiversity Conservation section and the Fernkloof Advisory Board. However, it must first be ensured that the proposal complies with the PAMP and the Norms and Standards referred to.

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

Yours sincerely



Rhett Smart
For: Manager (Scientific Services)

cc. Hanneen van der Stoep, Overstrand Municipality
Andrae Marais, CapeNature
Neville Green, Overstrand Municipality

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Merle McOmbring-Hodges (Chairperson), Dr Colin Johnson (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks,
Dr Bruce McKenzie, Adv Mandla Mludlu, Mr Danie Nel, Prof Aubrey Rodlinghuis, Mr Paul Slack, Prof Kamilla Swart-Arries

DEPARTMENT OF ENVIRONMENTAL AFFAIRS
NOTICE 731 OF 2016

NATIONAL ENVIRONMENTAL MANAGEMENT: PROTECTED AREAS ACT, 2003
(ACT NO. 57 OF 2003)

**NORMS AND STANDARDS FOR THE INCLUSION OF PRIVATE NATURE RESERVE IN
THE REGISTER OF PROTECTED AREAS OF SOUTH AFRICA**

I, Bomo Edith Edna Molewa, Minister of Environmental Affairs, hereby give notice of my intention to prescribe norms and standards for the inclusion of private nature reserves in the register of protected areas of South Africa, under section 11 of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), set out in the Schedule hereto.

Members of the public are invited to submit to the Minister, within 30(thirty) days after the publication of this notice in the *Gazette*, written representations or objections to the following addresses:


By post to: The Director-General
Department of Environmental Affairs
Attention: Dr G.I Cowan
Private Bag X447
Pretoria
0001

By hand at: Environmental House, 473 Steve Biko Street Arcadia, Pretoria.

By e-mail to: GCowan@environment.gov.za.

Any enquiries in connection with the draft norms and standards can be directed to Dr G.I Cowan at 012 399 9550.

Comments received after the closing date may not be considered.


BOMO EDITH EDNA MOLEWA
MINISTER OF ENVIRONMENTAL AFFAIRS

SCHEDULE**TABLE OF CONTENTS****CHAPTER 1****INTERPRETATION, PURPOSE, AND APPLICATION**

1. Definitions
2. Legislative framework
3. Guiding principles
4. Purpose of the norms and standards
5. Application of these norms and standards

CHAPTER 2**THE PROCESS TO VERIFY THE EXISTANCE OF A PRIVATE NATURE RESERVE**

6. The verification process
7. Proof of declaration
8. Compliance with the requirements of the Act

CHAPTER 3**DESIGNATION OF PRIVATE NATURE RESERVES**

9. Minister to Designate
10. Norms for the designation of private nature reserve

CHAPTER 4**MANAGEMENT OF PRIVATE NATURE RESERVES**

11. Ecological integrity maintained
12. Subdivision of land
13. Adequate control

CHAPTER 5**REPORTING**

14. Management authorities
15. Provincial nature conservation authorities
16. Inclusion of private nature reserves into the South African Protected Areas Register
17. Non-compliance with the norms and standards

CHAPTER 1

INTERPRETATION, PURPOSE AND APPLICATION

1. Definitions

Any word or expression to which a meaning has been assigned in the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), has the meaning so assigned and, unless the context otherwise indicates:

“**Biodiversity Act**” means the National Environmental Management: Biodiversity Act, 2004 (Act No.10 of 2004);

“**Biodiversity Stewardship programme**” means a programme that focuses on an approach to enter into agreements with private and communal landowners to protect and manage land in biodiversity priority areas, and led by conservation authorities.

“**extensive wildlife system**” means a system practiced on any piece of land which involves, and is large enough and suitable for, the management of self-sustaining wildlife populations in a natural environment with minimal human intervention;

“**Income Tax Act**” means the Income Tax Act, 1962 (Act No. 58 of 1962);

“**Municipal Property Rates Act**” means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

“**private nature reserve**” means an area—

- a) which is in communal ownership or privately owned by a single land owner or multiple land owners,
- b) that has been declared, or regarded as having been declared, in terms of section 12 and 23(5) of the Act as a nature reserve; and
- c) that is designated as a private nature reserve in terms of section 25 of the Act.

“**the Act**” means the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003);

“**the Register**” means the Register of Protected Areas established in terms of section 10 of the Act.

2. Legislative framework

- (1) The Minister may, in terms of section 11 of the Act, prescribe norms and standards for the achievement of any of the objectives of the Act, including the management and

development of protected areas as well as indicators to measure compliance with those norms and standards.

- (2) The Minister is required, in terms of section 10 of the Act, to maintain the Register that—
 - (a) contains a list of all protected areas,
 - (b) indicate the kind of protected area in each case, and
 - (c) contains any other information determined by the Minister.
- (3) The MEC must, in terms of section 27 of the Act, promptly forward to the Minister, a copy of each notice of declaration published under section 23, 24 or 25 of the Act.
- (4) The Register is subject to the requirements of the South African Statistical Quality Assessment Framework.
- (5) The Department is registered as the custodian of the South African Protected Areas Database by the Committee for Spatial Information, mandated in terms of the Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003).
- (6) The Register is the only legally recognised database on protected areas for South Africa.
- (7) The inclusion of private nature reserve into this database is integral to the maintenance of the Register.
- (8) The inclusion of private nature reserve in the Register is in line with the objective of the Act, contemplated in section 2(d) of the Act, to provide for a diverse and representative network of protected areas on state land, private land, communal land and marine waters.

3. Guiding principles

- (1) The purposes of areas declared as protected areas are set out in section 17 of the Act. This provides the guiding principles for these norms and standards, namely –
 - (a) to protect ecologically viable areas representative of South Africa's biological diversity and its natural landscapes and seascapes in a system of protected areas;
 - (b) to preserve the ecological integrity of those areas;
 - (c) to conserve biodiversity in those areas;
 - (d) to protect areas representative of all ecosystems, habitats and species naturally occurring in South Africa;

- (e) to protect South Africa's threatened or rare species;
 - (f) to protect an area which is vulnerable or ecologically sensitive;
 - (g) to assist in ensuring the sustained supply of environmental goods and services;
 - (h) to provide for the sustainable use of natural and biological resources;
 - (i) to create or augment destinations for nature-based tourism;
 - (j) to manage the interrelationship between natural environmental biodiversity, human settlement and economic development;
 - (k) generally, to contribute to human, social, cultural, spiritual and economic development; or
 - (l) to rehabilitate and restore degraded ecosystems and promote the recovery of endangered and vulnerable species
- (2) The rights and obligations of landowner of private nature reserve includes—
- (a) the rights of private landowners to their property which is protected under section 25 of the Constitution of the Republic of South Africa;
 - (b) the right of landowners to the lawful use of existing private property; the right to a safe, undisturbed and quiet enjoyment of landowners property, which may not be restricted, deprived, unless such rights threaten the values under which the site was declared as a private nature reserve;
 - (c) the obligation to prevent any actions which would compromise the integrity of the private nature reserve;
 - (d) the obligation to ensure that reasonable measures are taken to prevent environmental degradation from occurring, continuing or recurring on their property;
 - (e) the obligation to ensure that any developmental activity be subject to the relevant legislative policies and regulations in accordance with the management plan;
 - (f) the responsibility landowners have for the maintenance of developmental activities on their property in the long term;
 - (g) the obligation landowners have to cooperate with the relevant organ of state in an open and transparent manner; and

- (h) all affected parties have an obligation to cooperate with each other in good faith and mutual understanding and seek consensus to ensure the private nature reserve is declared and is maintained accordingly;
- (3) The degradation or significant negative changes to the value or integrity of the area declared as a private nature reserve will lead to the withdrawal of a notice of declaration of the particular private nature reserve.
- (4) Where there is degradation, significant negative changes to the attributes of a protected area, or non-compliance with the purposes of the declaration of the protected area contemplated in section 17 of the Act, the Minister or the MEC may withdraw the status of the private nature reserve in terms of section 24(1) or (2) of the Act.

4. Purpose of the norms and standards

The purpose of these norms and standards is to –

- (a) verify the existence of private nature reserves in practices, not only in name;
- (b) provide for the recognition of the private nature reserves as bona fide protected areas in terms of the Act;
- (c) secure the continued integrity of private nature reserves as natural areas supporting South Africa's biological diversity and its landscapes through their management;
- (d) provide for norms for the recognition of private nature reserves into the National Protected Areas Register and into the Protected Areas Database; and
- (e) make the private nature reserves eligible for tax relief in terms of section 17 of the Municipal Property Rates Act and or section 18A of the Income Tax Act as determined in the Biodiversity Stewardship programme.

5. Application of these norms and standards

These norms and standards apply to–

- (a) land regarded as a nature reserve in terms of section 12 of the Act, or having been declared as such in terms of section 23(5); or
- (b) all private land declared as a nature reserve in terms of section 23(3) of the Act.

CHAPTER 2**THE PROCESS TO VERIFY THE EXISTENCE OF A PRIVATE NATURE RESERVE****6. The verification process**

- (1) A nature reserve declared in terms of section 23 of the Act may be designated as a private nature reserve.
- (2) A nature reserve may be designated as a private nature reserve by the Minister or the MEC if-
 - (a) proof of declaration in terms of the Act is provided, and
 - (b) there is compliance with the provisions of the Act.

7. Proof of declaration

- (1) A copy of a notice of declaration of a nature reserve in respect of private land published in the *Gazette* by the MEC must be submitted to the Minister as contemplated in section 27 of the Act. This shall include
 - (a) gazette number, and the date of publication;
 - (b) empowering provision of the Act, in terms of which the notice of declaration is published;
 - (c) name of the area;
 - (d) description of the area;
 - (e) survey diagramme; and
 - (f) endorsed title deed.

8. Compliance with the requirements of the Act

- (1) A copy of a written agreement between the private landowner and the Minister or the MEC, which is required in terms of section 23(3) of the Act, must be submitted to the Minister.
- (2) The Minister or the MEC has assigned the management authority for the management of private nature reserve, as contemplated in section 38(3) of the Act.

- (3) The management authority has submitted a management plan to the Minister or the MEC for approval, in terms of section 39 of the Act.

CHAPTER 3

DESIGNATION OF PRIVATE NATURE RESERVE

9. Minister to designate

The Minister may designate all nature reserve in private ownership as private nature reserve in terms of section 25 of the Act, for the purpose of inclusion into the Register, and the Protected Areas Database.

10. Norms for the designation of private nature reserve

- (1) A private nature reserve must comply with the requirements of section 23(2) of the Act.
- (2) The MEC must have declared the nature reserve and the process to verify its existence must be undertaken as set out in Chapter 2 of these norms and standards.
- (3) Ownership
- (a) A private nature reserve must be privately owned, either by a single owner, a juristic person or jointly by a group of owners (such as a company or a community);
 - (b) A private nature reserve may consist of a single property or several properties managed according to a single management plan;
 - (c) In a case where a private nature reserve is an entity constituted from different properties with associated landowners a Constitution will be a requirement;
 - (d) In the case of community owned land, a trust is to be established.
- (4) Criteria for designation
- A nature reserve may only be considered for designation as a private nature reserve if-
- (a) the area promotes and preserves specific ecological processes, natural systems, natural beauty, or indigenous wildlife species;
 - (b) the area protects biological diversity in general;

- (c) the area is developed and managed in the interest of conservation, education and sustained resource utilization; or
 - (d) the area is considered an extensive wildlife system.
- (5) Size of a private nature reserve
- (a) there is no prescribed minimum size for a private nature reserve, however, the size of the area should be in accordance with the purpose and objectives of the area.
 - (b) the area should be a contiguous and not fragmented into separate isolated areas.
- (6) Land claims
- (a) No designation of a private nature reserve on land where a land claims has been *gazetted* will be considered until the land claim has been resolved.
 - (b) All nature reserve considered for designation as a private nature reserve must be forwarded to the Land Claims Commissioner for comment on any possible registered land claims.

CHAPTER 4

THE MANAGEMENT OF A PRIVATE NATURE RESERVE

11. Ecological Integrity maintained

- (1) A private nature reserve must be managed for the purpose for which it was declared as required in terms of section 40(1) (a) of the Act.
- (2) Review to be done by remote sensing using the latest Land Cover Database or platforms such as Google earth to ensure that
 - (a) no wide scale removal or destruction of habitat has taken place;
 - (b) no crops have been planted replacing natural habitat; or
 - (c) housing and tourism based development is restricted to less than 0,5% of the area of the reserve.

(3) The provincial organ of state responsible for nature conservation shall conduct site visit to

- (a) verify the remote sensing assessment;
- (b) verify the implementation of the management plan as submitted, particularly the programme to remove alien and invasive species, in terms of section 41 of the Act and section 76 of the Biodiversity Act;
- (c) ensure that no extra species are introduced;
- (d) ensure that the nature reserve is not used for stud breeding especially in feedlots or controlled camps of indigenous species and of colour variants of indigenous species; and
- (e) ensure that there is minimal management interference, especially with regard to supplementary feeding that should be seen as the exception, not the norm.

12. Subdivision of land

The management authority must ensure that

- (a) no subdivision of land is permitted in a private nature reserve;
- (b) any area subdivided will be excised from the nature reserve; and
- (c) share-blocks are shown in the management plan and their development footprint is restricted.

13. Adequate control

(1) Access

Access to a private nature reserve will be controlled by the assigned management authority.

(2) Fencing

Suitable fences or other appropriate structures are erected to demarcate the boundaries of the area. The type of fencing used on the perimeter of the area or within the area must

- (a) be adequate to prevent a wild animal from escaping under normal circumstances; and

- (b) where required be adequate for the purpose and objectives of the area.
- (3) **Indigenous species**
- (a) only species indigenous to the area may be introduced to a private nature reserve.
- (b) strategies to eradicate alien and invasive species must be addressed in the management plan.
- (4) **Utilization of wildlife**
- All consumptive and non-consumptive uses of biodiversity on a private nature reserve should be in line with scientifically based conservation management objectives and practices, as outlined in the management plan of the area.
- (5) **Management responsibility**
- (a) the management authority of a private nature reserve is responsible for the management, control, and maintenance of the area.
- (b) all the above responsibilities of the management in subparagraph (a), forms part of the management plan for a private nature reserve and is the responsibility of land owner working in cooperation with state and within the limits of the law.

CHAPTER 4

REPORTING

14. **Management authorities**

The management authority of a private nature reserve is responsible for the submission of all plans and reports required in terms of the Act and the Biodiversity Act.

15. **Provincial nature conservation authorities**

The provincial nature conservation authorities must submit a list of verified private nature reserve to the Minister one month after the end of each financial year.

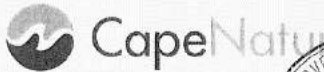
16. **Inclusion of private nature reserve into the Register**

The Minister must include a list of all verified private nature reserve in the database of protected areas and the Register.

17. Non-compliance with the norms and standards

Any known private nature reserve that fails to comply with these norms and standards may be withdrawn by the MEC in terms of section 24(2), and will be removed from the Register but kept on the list of conservation areas maintained by the Department until otherwise determined.

16/19



SCIENTIFIC SERVICES

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 reference SSD14/2/6/1/7/12/243_consent_Hermanus
 date 11 August 2016

Overstrand Municipality: Hermanus Administration
 P.O. Box 20
 Hermanus
 7200

Attention: Hanneen van der Stoep
 By email: loretta@overstrand.gov.za

Dear Hanneen

FILE NO:	EL 243-HM
	76131
SCAN NO:	39
COLLABORATOR NO:	926891

Application for Consent Use for an Astronomy Centre on Erf 243, Fernkloof Nature Reserve, Hermanus
 (Overstrand Municipality ref: 243, HEC (3135))

CapeNature would like to thank you for the opportunity to comment on the application 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 application.

The application is for consent use for the construction of an astronomy centre consisting of an amphitheatre and associated facilities. The proposed location is on the summit of the mountain within the Fernkloof Nature Reserve, a nature reserve declared in in terms of Section 23 of the National Environmental Management: Protected Areas Act (Act 57 of 2003). According to the planning report, two locations were evaluated, with other non-preferred alternative located directly to the west of the Preekstoel Water Treatment Works (WTW).

A query was submitted to the Department of Environmental Affairs and Development Planning regarding the applicability of the EIA Regulations to this application. The footprint of the facility has been reduced from the previous application to 288 m², which falls just below 300 m², and therefore the application will not trigger Listing Notice 3 Activity 12, in terms of clearing of Critically Endangered natural vegetation.

A botanical specialist report has been undertaken for the preferred site. The report indicates that the site contains intact good condition Critically Endangered Overberg Sandstone Fynbos, with at least two Species of Conservation Concern occurring within the building footprint. The existing data available for the Fernkloof Nature Reserve confirm the very high conservation value and importance of this nature reserve, containing 1474 species which is an exceptionally high number for such a small area (few sites would be comparable in South Africa) and adding to the potential for other SCCs occurring within the disturbance footprint.

The botanical specialist has indicated the existing disturbance footprint on the summit which has been chosen as the location for the centre. It is further noted that the disturbance footprint referred to in the botanical specialist report was for the previous layout which exceeded 300 m². The report also refers to disturbance impacts as a result of the existing parking area for the viewpoint which is also proposed to serve the astronomy centre. The overall impact is still listed as medium to high.

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Prof Gavin Maneveldt (Chairperson), Mr Carl Lotter (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks,
 Dr Colin Johnson, Dr Bruce McKenzie, Ms Merle McOmbring-Hodges, Adv Mandla Mdludlu, Mr Danie Nel, Prof Aubrey Redlinghuis,
 Mr Paul Steek, Prof Kamilla Swart-Arries

TP

11 AUG 2016

15 AUG 2016

In general, CapeNature does not support development within NEM:PAA Section 23 nature reserves, unless the development is specifically to serve the objectives of the nature reserve and is of minimal impact.

An alternative analysis is provided as an annexure to the planning report. It does not appear that environmental impact was one of the criteria used in evaluating the preferred alternative. CapeNature is of the opinion that the Preekstoel Water Treatment Site should be considered the preferred alternative, as it is evident that this alternative is in a less sensitive site containing habitat of lower conservation value which is not within a protected area.

It is however apparent that the preferred location has been selected as more suitable for the objectives of the project due to higher visibility of the night sky and better tourism potential. We have stated that we are of the opinion that the alternatives analysis is flawed as it did not assess the environmental impact (including all the various components e.g. biodiversity, visual). Fynbos education support is listed as a major reason for choosing the lookout site, however it could be debated whether an education centre needs to be located on a pristine site, as long as there is close access to intact habitats, therefore this rating is also queried. It is also noted that the Fynbos education aspect is not provided much further attention in the application.

Should the Preekstoel WTW alternative be proven to not be possible, then the lookout alternative needs to be evaluated in terms of its location within a nature reserve. In terms of NEM:PAA, all NEM:PAA protected areas must be managed in terms of a management plan (Sections 39 and 41). CapeNature is aware that the management plan is currently in process, however the Overstrand Municipality would need to provide feedback regarding the current status. In terms of an interim zoning map we have been provided (Figure 1), the astronomy centre has not been indicated as a development node, only the existing parking area.

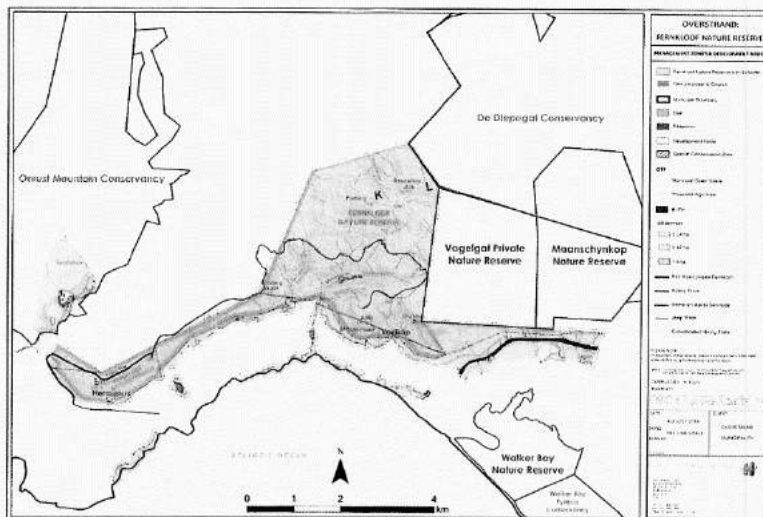


Figure 1: Proposed Management Zones and Development Nodes for Fernkloof Nature Reserve as a component of the Protected Area Management Plan in terms of NEM:PAA

Section 40 of NEM:PAA is of relevance regarding management criteria for protected areas:
 "40. (1) The management authority must manage the area -

- (a) exclusively for the purpose for which it was declared; and
- (b) in accordance with
 - (i) the management plan for the area;
 - (ii) this Act, the Biodiversity Act, the National Environmental Management Act and any other applicable legislation
 - (iii) any applicable provincial legislation, in the case of a provincial protected area
 - (iv) any applicable municipal by-laws, in the case of a local protected area."

In terms of the above, the facility could be deemed to be in accordance with managing for the purpose for which Fernkloof Nature Reserve was declared, if the facility were to be a joint astronomy and biodiversity education centre and termed as such. It would need to be an integral component of the environmental education and any other activities related to the operation of the nature reserve. It would be essential that the facility is compliant with all the above provisions of Section 40 of NEM:PAA.

Further to the above, an environmental management plan (EMP) would be considered essential for the facility due to the highly sensitive environment in which it is located. The development footprint of 288 m² must be clearly demarcated prior to any construction and it must be ensured that there is no accidental exceedance of 300 m² of vegetation clearance, as this will then indeed trigger a NEMA listed activity. The proposed mitigation measures listed by the botanical specialist would all have to be implemented. The EMP would also have to address the operational phase, in order to limit the amount of disturbance as a result of visitors to the facility.

Another aspect that requires attention is the potential visual impact of the facility. While this aspect lies outside of CapeNature's mandate, this is an aspect that requires attention in terms of the nature reserve status and the impact on tourism and the wilderness experience available within the nature reserve, in particular due to the highly visible location on the summit of the mountains.

In conclusion, CapeNature recommends that alternative locations outside of declared nature reserves should be investigated further for the location of the proposed facility, and the application is not supported in its current form.

If the facility is to be located within the declared nature reserve, it would need to ensure that the facility serves the purposes for which the nature reserve was declared, which for Fernkloof is the exceptional biodiversity present, and to ensure that it complies with the relevant management plans and legislation. As a minimum, an interpretive board should be placed on site explaining the biodiversity present in the nature reserve and further motivation should be provided as to how the facility will explicitly serve the nature reserve in terms of its goals and objectives.

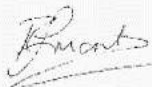
It also should be noted, that further to the above comment that development is not supported within nature reserves that is not required for the objectives of the nature reserve, that a biodiversity offset would be required should the development be proven to be of overriding socio-economic importance and the mitigation hierarchy (avoid, minimize, mitigate) been fully implemented. This is not considered appropriate for this application, as the application in its current form does not meet these requirements.

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

The Western Cape Nature Conservation Board trading as CapeNature

Board Members: Prof Gavin Maneveldt (Chairperson), Mr Carl Lotter (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Colin Johnson, Dr Bruce McKenzie, Ms Merle McOmbring-Hodges, Adv Mandla Mlududu, Mr Danie Nel, Prof Aubrey Reddinghuis, Mr Paul Slack, Prof Kamilla Swart-Arries

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rhett Smart', with a horizontal line underneath.

Rhett Smart
For: Manager (Scientific Services)
cc. Louna Truter, Town & Country
Andrae Marais, CapeNature
Neville Green, Overstrand Municipality



Directorate: Development Management
(Region 2)

REFERENCE: 16/3/3/6/6/E2/15/1125/16
ENQUIRIES: Ms. Arabel McClelland
DATE: 2016-05-31

Director: Infrastructure and Planning Department
Overstrand Municipality
P.O. Box 20
HERMANUS
7200

FILE NO:	EL 243-Herm
SCAN NO:	
COLLABORATION NO:	906081

Attention: Ms. H. van der Stoep

Tel: (028) 313 8179
Fax: (028) 313 2093

Dear Madam

APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 WITH RESPECT TO THE APPLICATION FOR CONSENT USE: ERF NO. 243, ROTARY WAY, HERMANUS

1. The correspondence dated 5 May 2016, received by the Department on 11 May 2016, refers.
2. Following review of the information submitted to this Department, the following is noted:
 - 2.1. The proposal is for the establishment of an Astronomy Education Centre and Amphitheatre on Erf no. 243, within the Fernkloof Nature Reserve on the slopes above Hermanus.
 - 2.2. The proposed facility will partially utilise previously disturbed land and result in an approximate development footprint of 288m².
 - 2.3. Access will be gained to the site via the R43, also known as Rotary Drive.
 - 2.4. The property is zoned Open Space Zone I and located outside the urban area.
 - 2.5. No watercourses are in close proximity to the proposed development.
 - 2.6. According to the SANBI's BGIS, the site would comprise Overberg Sandstone Fynbos, which is categorised as Critically Endangered in terms of section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004).
 - 2.7. Furthermore, the site is located within the Fernkloof Nature Reserve, which is recognised as a formal protected area in terms of the National Environmental Management Protected Areas Act ("NEMPAA"), as amended, 2009 (Act No. 15 of 2009).

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19 JUN 2016

3. On 4 December 2014 the Minister of Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the Environmental Impact Assessment ("EIA") Regulations, 2014 (Government Notice ("GN") No. R. 982, R. 983, R. 984 and R. 985 in Government Gazette No. 38282 of 4 December 2014). These regulations came into effect on 8 December 2014. The EIA Regulations, 2014 replace the EIA Regulations that were promulgated in 2010 and also introduce new provisions regarding EIA's.
4. In light of the above, your attention is drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 as defined in GN No. R. 983, R. 984 and R. 985 of 4 December 2014. Please be advised that the proposed development of the astronomy centre does not constitute any listed activities in terms of the NEMA EIA Regulations, 2014 as the proposed clearance area of indigenous vegetation is below the threshold of 300m² and the land to be transformed from public open space is less than 1000m². Environmental authorisation is therefore not required from this Department prior to the development thereof.
5. However, should any revision of the proposed development constitute a listed activity(ies) in terms of the NEMA EIA Regulations, 2014 as defined in GN No. R. 983, R. 984 and/or R. 985 an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.
6. Further to the above, given the sensitive nature and location of the site and the inclusion of a botanical assessment, compiled by Fynbos Ecoscapes Botanical Consulting and dated 12 October 2012, despite the proposed development not requiring environmental authorisation from this Department, the following recommendations are made in accordance with the botanical specialist's report:
 - 6.1. The development footprint should be well defined, demarcated and strictly managed throughout the construction phase.
 - 6.2. A search and rescue programme should be implemented prior to commencement of the construction phase. This programme should aim to remove and re-plant all geophytes and other species that can be transplanted from within the development footprint into surrounding natural vegetation. This should be carried out under the supervision of a suitably qualified and experienced botanical specialist/horticulturalist and with input from CapeNature, where appropriate.
 - 6.3. Only local indigenous plant species should be permitted for landscaping/rehabilitation.
 - 6.4. Construction materials and planting of berms will need to take cognisance of the high fire threat posed by the fynbos vegetation and the site should in no way interfere with the natural fire cycles within Fernkloof Nature Reserve.
 - 6.5. Care should be taken not to introduce invasive plant species in building materials.
 - 6.6. Secondary impacts, such as trampling resulting from increased numbers of visitors to the site, should be minimised through visitor control and clearly defined thoroughfares.

7. The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that – *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*
8. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
9. Your interest in the future of our environment is greatly appreciated.
10. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully



**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**



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**BOTANICAL ASSESSMENT FOR PROPOSED HERMANUS ASTRONOMY
EDUCATION CENTRE AND OBSERVATORY IN FERNKLOOF NATURE RESERVE,
HERMANUS, WESTERN CAPE.**



Client:
PHS Consulting
Hermanus

Version 2
12 October 2012

INTRODUCTION AND STUDY AREA

This botanical assessment was commissioned in order to help inform decisions regarding the proposed development of an Astronomy Education Centre & Observatory (AECO) on Rotary Drive in the Fernkloof Nature Reserve, Hermanus. The site is on Overstrand Municipality land on the north western side of Rotary Drive above Hermanus. The exact location of the site is 34° 32' 431" S and 19° 14' 060" E. Fernkloof Nature Reserve was proclaimed in 1957 and covers an area of 1800 ha in the Kleinrivier Mountains above Hermanus. The Reserve ranges in altitude from sea level to 842 m and is home to 1474 species of indigenous plants making it one of the richest areas in the world for floral diversity. The proposed site for the AECO is relatively flat and has been sited on a piece of land that has been previously impacted and much of the vegetation scraped off the site. The proposed site includes areas of natural vegetation as well as an area of approximately 250m² that has approximately 40% cover at present. The surrounding area is characterised by near pristine mountain fynbos running down to vineyards to the north west in the Hemel n' Aarde valley.

The study area for the proposed development is characterised by a mixture of pristine and degraded Overberg sandstone fynbos. I visited the site on three separate occasions in August and September 2012. While this is the best time of the year for undertaking a botanical survey in this region, it is recognised that the survey provides only a short window within the main flowering season. It is likely that a number of summer, autumn and winter flowering species will have been missed during this survey. Overberg sandstone fynbos is renowned for its high species diversity as well as high number of rare and threatened plants, many of which only make a seasonal appearance and sometimes only in the few years following fire. Continual sampling over all seasons and including early post-fire succession, neither of which was possible during this study, is the only way of determining the true botanical diversity of a fynbos site such as this (Privett and Lutzeyer 2010). The Fernkloof Nature Reserve has been extremely well surveyed over the years and a detailed species list has been drawn up for each area within the Reserve, including the Rotary Drive area (Burman unpublished list). This list was consulted when compiling this report. One of the primary assumptions of this study is that sufficient botanical information could be gathered during the site visits to make accurate conclusions regarding the condition and conservation value of the site. Although by no means were all species recorded, it is likely that a sufficiently accurate picture of the plant diversity was obtained (in this case with a confidence interval of at least 90%). This is partly a result of using a habitat based approach, where habitats (type, condition, conservation value) rather than species are used to inform decision making. Another assumption of this planning process is that the natural vegetation is acting as a surrogate for a whole host of other animal species (insect, spiders, molluscs, birds, mammals, etc.), none of which have been surveyed as part of this overall study, and thus the best way to conserve the rich small animal community is to conserve the natural vegetation that supports them.

TERMS OF REFERENCE

The terms of reference for this study were as follows:

- Describe the vegetation on the site, and note the presence or likelihood of locally endemic or rare species (species of conservation concern).

- Assess the local (Hermanus) and regional (Overberg) conservation value of the site, and comment on the value of the vegetation in terms of the C.A.P.E. project and Fynbos Forum Guidelines (De Villiers *et al.* 2005).
- Provide recommendations regarding the suitability of the areas proposed for an AECO, and suggest mitigation measures that could reduce identified impacts.



Figure 1. Locality of proposed AECO on Rotary drive, Fernkloof Nature Reserve, Hermanus.

THE VEGETATION

The latest South African vegetation map (Mucina & Rutherford 2006) categorises the vegetation of this site as well as surrounding area as Overberg sandstone fynbos. This vegetation type is spread irregularly from Bot River and Hawston in the northwest to the Soetanyenberg and Bredasdorp in the southeast including amongst others the Kleinriviersberg range. The vegetation is restricted to low mountains, undulating hills and moderately undulating plains supporting moderately tall, dense restioid, ericoid-leaved and proteoid shrublands.

The geology is acidic soils derived from Table Mountain Sandstone (Cape Supergroup). The approximate distribution of the natural vegetation in vicinity of the site is shown below in figure 2.

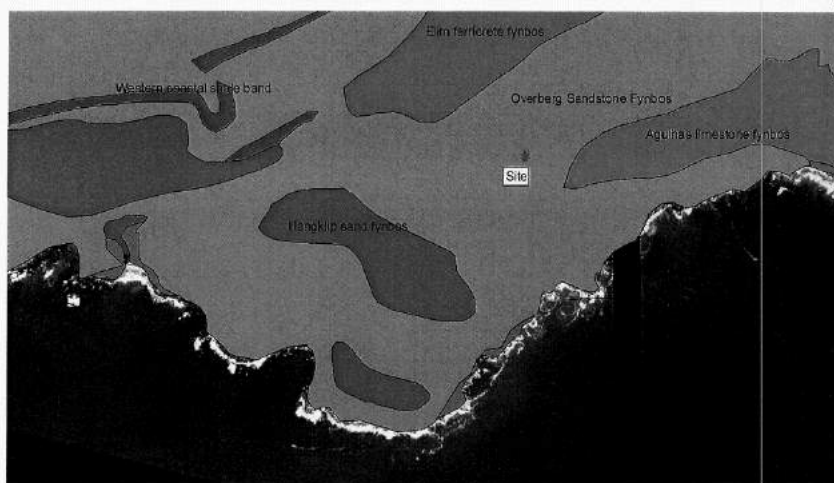


Figure 2. Distribution of natural vegetation in vicinity of proposed AECO site on Rotary Drive, Fernkloof Nature Reserve. The site falls within the Overberg sandstone fynbos area (grey), which is the dominant vegetation in the area. Other vegetation communities found in the area include Hangklip sand fynbos (red), Agulhas limestone fynbos (turquoise), Elim ferricrete fynbos (blue) and Western coastal shale band vegetation (green).

The vegetation at the proposed AECO site is Overberg sandstone fynbos. This vegetation is characterised by *Leucadendron xanthoconus*, *Metalasia muricata*, *Berzella lanuginosa*, *Pennaecia mucronata*, *Aulax umbellata* (Nt), *Anthospermum aethiopicum*, *Restio triticeus*, *Protea repens* and *Protea longifolia* (Vu).

Other species recorded include the shrubs *Searsia lucida*, *Thesium strictum*, *Leucospermum truncatulum* (Nt), *Adenandra uniflora*, *Lobelia chamaeapitys*, *Erica axillaris*, *Erica corifolia*, *Erica coccinea*, *Cliffortia atrata*, *Cliffortia stricta*, *Anaxeton leave*, *Disparago cf ericooides*, *Passerina corymbosa* (gonna), *Corymbium africanum* and *Cyphia volubilis*. The graminoids *Chondropetalum ebracteatum*, *Chondropetalum hookerianum*, *Elegia stipularis*, *Elegia juncea*, *Thamnochortus lucens*, *Ischyrolepis tenuissima* were also recorded.

Species of conservation concern not recorded during this study but possibly occurring on site or in close vicinity include the geophytes *Cyrtanthus leucanthus* (endangered), *Cyrtanthus carneus* (vulnerable), *Lachenalia peersii* (vulnerable), *Watsonia rogersii* (near threatened) as well as the shrubs *Echiosiachys ecklonianus* (endangered), *Muraltia bolussi* (endangered), *Otholobium thomii* (endangered), *Podalyria argentea* (endangered), *Lampranthus bicolor* (vulnerable), *Leucospermum prostratum* (vulnerable) and *Liparia splendens* (vulnerable) (source Lee Burman, Hermanus Botanical Society).

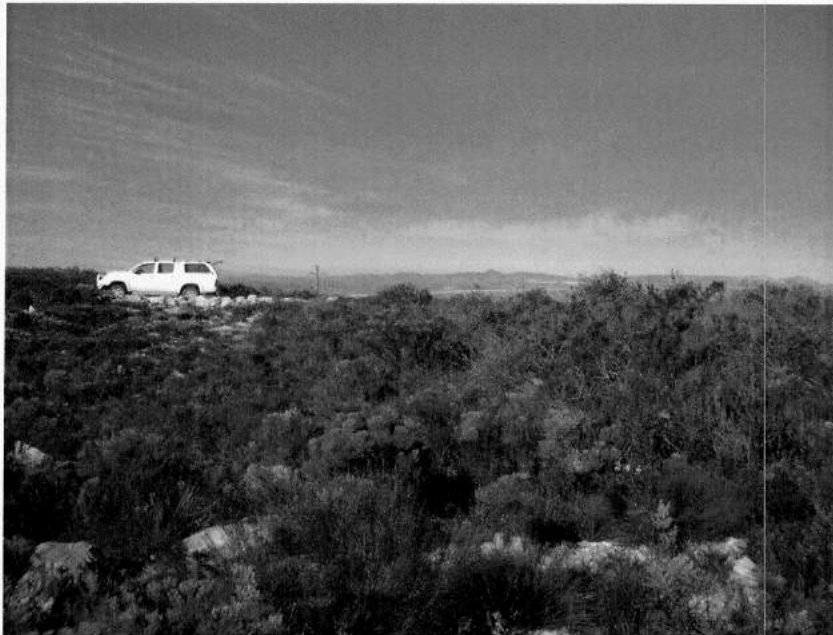


Plate 1. The natural vegetation within the proposed site for an AECO on Rotary Drive, Fernkloof Nature Reserve, Hermanus. The natural vegetation is recovering Overberg sandstone fynbos.

Current status and area of this vegetation on site.

The vegetation at the site of the proposed centre is a mixture of pristine fynbos (see plate 1 above) and degraded vegetation. There is evidence of past disturbance in the core area (approximately 250m²) of the site, where vegetation cover averages approximately 40% cover and composition.

Conservation value and vulnerability

At a national level this vegetation type has been categorised as critically endangered on the basis of its high number of threatened plant species associations (Anonymous 2009). According to Mucina and Rutherford (2006) the conservation target for this vegetation type of 30% has not been met with only some 6% statutorily conserved in the Agulhas National Park, Fernkloof, Babilonstoring, Salmonsdam and Caledon Nature Reserves. About 6% of this vegetation type has been transformed, primarily as a result of cultivation. Alien vegetation poses the major threat to the vegetation type, while wine farming in the region has also resulted in significant losses.

The conservation status, high species diversity, occurrence of rare and threatened plant species and good condition of the veld, make this an area of High local (Hermanus/Stanford) and regional conservation value. Given the presence of at least two species of conservation concern it is significant with regards meeting local and regional conservation targets for biodiversity pattern (species). Given the relatively small size of the development, it is unlikely that there will be significant impacts on ecological or evolutionary processes.

Species of Conservation Concern

The following species of conservation concern were recorded within the Overberg sandstone fynbos on site:

Protea longifolia (Proteaceae; vulnerable). This species grows from the Hottentots Holland mountain range to Agulhas, it has suffered a population decline in range of at least 30% over the past two decades (Raimondo *et al.* 2010).



Aulax umbellata (Proteaceae; Near threatened) This species grows on sandstone from Houwhoek to Bredasdorp, Potberg and Mossel Bay. It is estimated that nearly 30% of the species populations have been lost through habitat destruction and urban expansion over the last 40 years (Raimondo *et al.* 2010).



There is a high likelihood that other Red Data species are present on the site but were not recorded during this survey (Botanical Society list for Rotary Drive).

Location within Fernkloof Nature Reserve and Overberg Critical Biodiversity Area

The proposed AECO site falls within Fernkloof Nature Reserve as well as within an Overberg Critical Biodiversity Area inland corridor.



Figure 3. Location of the proposed AECO within the Overberg Critical Biodiversity Area corridor (dark green) and proclaimed nature reserve (light green).

The Critical Biodiversity Areas (CBA) map for the Overberg aims to guide sustainable development by providing a synthesis of biodiversity information to decision makers. The CBA map indicates areas of land as well as aquatic features which must be safeguarded in their natural state if biodiversity is to persist and ecosystems are to continue functioning. Land in this category is referred to as a Critical Biodiversity Area. CBAs incorporate: (i) areas that need to be safeguarded in order to meet national biodiversity thresholds (ii) areas required to ensure the continued existence and functioning of species and ecosystems, including the delivery of ecosystem services; and/or (iii) important locations for biodiversity features or rare species. The desired management objectives of a CBA are to maintain natural land, rehabilitate degraded to natural or near natural and manage for no further degradation.

Impact assessment

7



Figure 4. Site development plan for Hermanus AECO, Rotary Drive, Fernkloof Nature Reserve.

The conservation value of the vegetation in the study area is High in local (Hermanus) and regional (Overstrand) terms, as it is diverse and in good condition. Direct impacts at the construction phase are the primary concern for this development, and the nature of the impact is permanent loss of natural vegetation. Direct impacts at the construction phase will result in the loss of approximately 530 m² of natural vegetation, of which approximately 250 m² is recovering fynbos that was previously disturbed and 280 m² is pristine fynbos.

Indirect impacts usually occur at the operational phase, and include fragmentation of existing natural habitat, with associated loss of connectivity and possible impacts on pollination and seed dispersal. This is unlikely to be an issue at this site as a result of the relatively small development footprint in relation to the width of the natural corridor. There could however possibly be a change in the natural fire frequency, owing to efforts to control fire in order to protect valuable infrastructure with resultant impact on fire driven species, including rare species. Further indirect impacts include possible localized introduction of alien invasive vegetation (including grasses) alongside the facilities, partly as a result of bringing in building materials, and partly as a result of disturbance associated with construction.

It should be noted that the site is located in an area that is currently experiencing relatively high levels of uncontrolled impacts (vehicle damage, trampling, littering etc) as a result of the view point and nearby parking area. Some form of tourism upgrade and better visitor control for this popular node within Fernkloof Reserve could be beneficial.

Given its location within a proclaimed nature reserve and critical biodiversity area, together with the critically endangered classification of the vegetation, the overall impact of the proposed development on the vegetation would be Medium to High negative at the local scale and regional scale.

7

Mitigation

- Should the development be approved it will be important that the development footprint be well defined and carefully managed throughout the construction phase. This should be carefully planned to reduce the overall impact of visitors to this beautiful view site within Fernkloof.
- Given the fire prone nature of fynbos vegetation and the flammability of surrounding vegetation, there is concern that firebreaks/low fire proof planting will be required that will further increase the size of the development footprint beyond that shown in figure 4. Consequently, construction materials and planting of berms will need to take cognisance of the high fire threat posed by natural fynbos vegetation and the site should in no way interfere with natural fire cycles within Fernkloof Nature reserve.
- Care must be taken to minimise secondary impacts of trampling resulting from increased visitor numbers to the site. Visitor control, board walks and clearly defined thoroughfares will be required.
- A Search and Rescue program should be implemented to remove and re-plant all geophytes and other species that can be transplanted from within the development footprint into surrounding natural vegetation. This work should be undertaken by a suitably qualified and experienced horticulturalist.
- Only local indigenous plant species (preferably cultivated from local genetic material) should be permitted for landscaping/rehabilitation around new infrastructure.

CONCLUSIONS AND RECOMMENDATIONS

1. The proposed site for the Hermanus AECO falls within the proclaimed Fernkloof Nature reserve as well as within a critical biodiversity area (CBA). While the development of the centre is unlikely to have significant impacts on ecological and evolutionary processes it will impact on local species pattern.
2. The site falls within Overberg sandstone fynbos, a vegetation type that has been classified as critically endangered (Anonymous 2009). According to the Fynbos Forum Ecosystem guidelines no development should be allowed in critically endangered or endangered habitats.
3. Two species of conservation concern were recorded on site, but at least 18 are known from the Rotary drive area and there is a high likelihood that further species of conservation concern could be present, but were not identifiable at the time of this survey.
4. As a result of points 1-3 above, the conservation value of this site is high on a local and regional scale.
5. Given its location within a proclaimed nature reserve and critical biodiversity area, together with the critically endangered classification of the vegetation (albeit partly impacted in the past), the overall impact of the proposed development on the vegetation would be Medium to High negative at the local and regional scale.
6. Should the AECO be approved at this site, care must be taken not to introduce invasive plant species in building materials. Furthermore the minimum site footprint should be demarcated and strictly managed during construction. A Search and Rescue program should be implemented.
7. Care must be taken to minimise secondary impacts of trampling resulting from increased numbers of visitors to the site. Should the proposal be approved, the development should be used to better regulate and reduce the current negative impacts of visitors on the threatened natural vegetation in the vicinity of this site.
8. Only local indigenous plant species (preferably cultivated from local genetic material) should be permitted for landscaping/rehabilitation around new infrastructure.

Literature cited

Anonymous 2003. C.A.P.E. Agulhas Biodiversity Initiative (ABI). United Nations Development Programme, Global Environment Facility. UNDP Project ID: SAF/03/G31/A/G/99.

Anonymous 2009. Government Gazette Vol. 533, No.32689, Republic of South Africa, Pretoria.

Burman L. 2012 List of the species recorded along Rotary Way, Fernkloof Nature Reserve, Hermanus after fire. Hermanus botanical Society unpublished report.

De Villiers, C., Driver, A., Clark, B., Euston-Brown, D., Day, L., Job, N., Helme, N., Brownlie, S. and Rebelo, T. 2005. Fynbos Forum Ecosystem Guidelines for Environmental Assessment in the Wetsern Cape.

Germishuizen, G. & Meyer, N. L. (eds) 2003. Plants of Southern Africa: an annotated checklist. *Strelitzia* 14. National Botanical Institute, Pretoria.

Mucina, L. & Rutherford, M. (eds) 2006. The vegetation of South Africa, Lesotho and Swaziland. *Strelitzia* 19. South African National Biodiversity Institute, Pretoria.

Privett, S. D. J. and Lutzeyer, H.H.M. 2010. The flora of Grootbos Nature Reserve and the Walker Bay region.

Raimondo, D., von Staden, L., Foden, W., Victor, J.E., Helme, N.A., Turner, R.C., Kamundi, R.C. and Manyama, P.A. (eds) (2010) Red List of South African Plants 2009. *Strelitzia* 25, South African National Biodiversity Institute, Pretoria.



2015-11-18

Department of Environmental Affairs and Development Planning
 Attention: Directorate: Integrated Environmental Management (Region B)
 Private Bag X 9086
 Cape Town,
 8000

Cc: Overstrand Municipality

To whom it may concern

RE: CLARIFICATION REQUIRED IN TERMS OF THE LISTED ACTIVITIES IDENTIFIED UNDER THE NEW NEMA 2014 REGULATIONS

DEA&DP letter (attached for ease of reference) dated 2011-03-15 under Ref E 12/2/4/7 – E2/14-CJ 2004/11 refers.

The Hermanus Astronomy Centre NPC, registration # 2010/000371/08, ("HAC") is in process of a Consent Use application to allow the construction of an intended Astronomy Education Centre and Amphitheatre ("AECA") on a portion of Erf 243 (part of the Fernkloof Nature Reserve) Hermanus, owned by the Overstrand Municipality.

Your abovementioned letter confirmed that the development does not trigger any NEMA activities to the NEMA 2010 Regulations, but due to the more recent NEMA 2014 Regulations we hereby request that DEA&DP confirm in writing that the NEMA 2014 Regulations do not apply either.

The same information submitted to DEA&DP, 2010-12-06 applies except for some changes to the site development plan. These changes are minor but the significant change is the size of the development footprint to below 300 m².

The site is accessible via Rotary Drive from the R 43. The primary considerations for the location of such a facility are limited light pollution, unrestricted field-of-view, accessibility and security. The Overstrand Municipality resolved that the identified site could be utilised for the AECA for the intended purpose, subject to resolving the need for an Environmental Impact Assessment (EIA) in terms of NEMA. The need for an EIA was clarified as per DEA&DP attached letter.

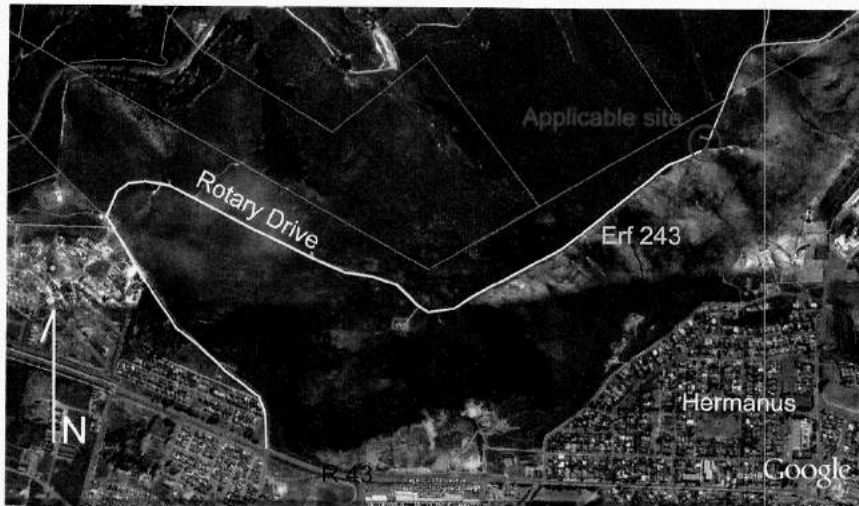
Rotary drive is tarred up to the applicable site. Rotary drive is a popular tourism attraction in Hermanus because of the views over Walker Bay. The road is also utilised for telecommunication towers, recreational outdoor use like mountain biking and hand gliding. The subject Erf 243, forms

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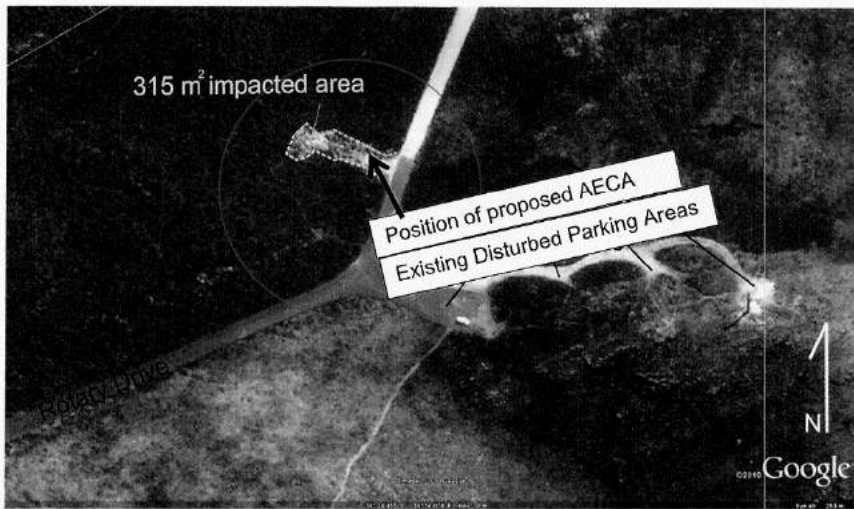
PAUL SLABBERT | Managing Member | B Art Et Scien; (ICB, IAIA & APHP)
 Fynbosland 323 CC t/a PHS Consulting Reg 2005/081216/23

part of the Fernkloof Nature Reserve with a network of walking trails linking tourism attractions in the area.

The identified site is next to the main viewpoint parking area, frequented by day visitors. The site proposed for development has been previously impacted upon, with a 315 m² open transformed area. It would appear as if it was intended for a road or additional parking area that was never completed. This impacted area is also below the skyline, which will limit light pollution impact for observation purposes. Currently tour busses stop on site and visitors use the bushes as ablution facilities, furthering environmental degradation. The AECA will be an environmental education public space and the toilets will be available to facility users and educational tours by prior arrangement.



Map1: Locality



Map 2: Focus Area



Photo 1: Impacted area proposed for the AECA



Photo 2: Existing parking at main view point opposite site

The following criteria were followed to conclude the attached Site Development Plan (SDP):

- Sense of limits – allowing for principles of energy efficiency, reduced waste, sustainable construction methods and materials, sustainable use of water and other resources;
- Sense of place – the development is to be in context with the surrounding landscape, sensitivity to the qualities of the area;
- Sense of nature – maintenance of functional ecosystem services, enhancing biodiversity and the preservation of natural habitats, allowance for and connection of ecological corridors and maintenance of ecological buffers;
- Ensure that the development is as unobtrusive as possible and responds to the sense of place of the area;
- No buildings or structures should be constructed on ridgelines;
- Development inside the immediate impacted areas avoiding undisturbed and conserved areas;
- Biodiversity compatible and low impact land uses with the focus on environmental education;
- Building design, scale, colour, building materials and form to be informed by the aesthetic quality of the area and local vernacular and
- Avoidance of bulk infrastructure that will facilitate urbanization of rural areas, promotion of self-sufficiency and sustainable technologies.

Extend:

A total development footprint of 288 m² is applicable find the SDP attached under **Appendix 1**.

Services:

An Eco-loo is proposed that consist of a dry system that does not require water use or any municipal service. These units are used successful in many nature reserves in South Africa. Water used on site will be carted up when needed and electricity will be derived from batteries + inverter, possibly recharged by solar panels. The concept is that the development is primarily self-sufficient.

Current Zoning:

Open Space Zone I

Proposed Land Use:

Consent for nature based education facilities and tourism amenities.

Interpretation of NEMA listed activities:**Facts:**

- No new roads or parking areas will be developed.
- The development footprint is on an already disturbed footprint.
- The development footprint is 288 m², less than 300 m².
- The overall transformation of site is less than 1000 m² in an open space zone
- The AECA does not require telecommunication or broadcasting masts.
- No water courses are in the vicinity.
- No sewage is treated.
- No pipelines are required.
- The site is 1.6 km from the sea.
- The site is within a proclaimed Nature Reserve.
- The site is inside a Critical Biodiversity Area (CBA).
- The site falls within Overberg sandstone fynbos, a vegetation type that has been classified as critically endangered.
- No phased activities are envisaged.

NEMA implications:

- With reference to the facts above the only possible trigger that can apply relate to indigenous vegetation removal.
- Even though 315 m² is already disturbed some might argue that species has grown back onto the site since its initial disturbance in 2006.
- Ito NEMA indigenous vegetation is defined as vegetation where the topsoil has not been lawfully disturbed in the last 10 years.
- Although the site has been frequented and used for observation, parking and picnic purposes since its disturbance, top soil has not been disturbed again since November 2006, therefore in November 2016 the 315 m² can again be defined as indigenous vegetation again.
- But none withstanding that, the development footprint has been reduced to less than 300 m². Therefore less than 288 m² of disturbance will take place. It will be a very insignificant amount of disturbance considering the previous disturbed footprint (map 2 above).
- Search and rescue of important species that's on the fringes of the development that has regrown on site will be done by a Botanist.
- The minimum site footprint of less than 300 m² should be demarcated and strictly managed during construction to avoid a larger footprint disturbance.

NEMA Listing that could apply:

Listing Notice 3 of 2014 effective since 8 December 2014 no. (12);

"The clearance of 300 square meter or more of indigenous vegetation....."

"(a) Western Cape

- (i) withincritical endangered ecosystem in terms of section 52 of NEMBA.....
- (ii) withinCBA
- (iii) on land.....such land was zoned open space....."

All the area specific triggers apply to this site if 300 m² or more is removed, but even if clearance takes place after November 2016 it will be less than 300 m², therefore this trigger does not apply.

With reference to the above we can safely conclude that no listed activities are triggered in terms of NEMA 2014 Regulations. Please send us a letter of confirmation in this regard.

Should you require more information, please contact us.

Yours truly



PAUL SLABBERT