

Verw/Ref: **FP/1117/884**

Date/Datum: **2 December 2021**

For Attention: Ms Sunel Nel  
Strategic Planning and Risk Management  
Cape Agulhas Municipality  
P O Box 51  
Bredasdorp  
7280

Dear Ms Nel

## **ERVEN 678, 679 AND 680 AGULHAS: APPLICATION FOR REZONING, SUBDIVISION AND SOME OTHER APPLICATIONS**

### **RESPONSE TO COMMENTS AND OBJECTIONS**

I refer to various e-mails and telephonic conversations between yourself and Gideon Roos of our offices regarding the comments and objections received during the public participation process for this application as well as your internal Departmental circulation process. The intention of this letter is to address these comments.

Comments were received from the following parties:

#### **Internal Departments of Cape Agulhas Municipality**

- Directorate Infrastructure Services
- Manager: Streets & Stormwater
- Manager: Building Control
- Director: Financial Services
- Manager: Administration
- Manager: Housing
- Manager: Parks & Recreation
- Traffic
- Manager: Water & Sewerage
- Manager: Electro Technical
- Divisional Head: Strategic Services
- Manager: Solid Waste

#### **Comments from interested and affected parties**

- Adv. R P Van Rooyen, Sc for Friends of Agulhas
- Clive Justin Mackenzie
- Janice Albertyn (13 High Level St., Agulhas)
- Jos Stemmet, Miemie Stemmet
- Mias & Corrie Strauss (Bo-Skool Street 26)

- Louis and Sarah Nell
- Johan J Janse Van Rensburg
- William and Beverley Eliot (SRA/SIV)
- Christine Breytenbach (Zoetendal)
- Mr Henry Kuyler (24 Cooper Street)
- Petition received from local land owners (received on 4 August 2021 by Municipality)

For ease of reference, the comments received from different parties are categorised and summarised underneath and it would be addressed as such.

**A: EXTERNAL INTERESTED AND AFFECTED PARTIES**

**1. CIVIL AND ELECTRICAL ENGINEERING RELATED COMMENTS AND OBJECTIONS**

The comments with regard to civil and electrical engineering issues have been referred to the project consulting engineers, KLS Consulting Engineers. Please see their underneath response to the issues raised.

**1.1 WATER**

**Comments**

- a) Dr. de Villiers ex Department of Water Affairs' scientist alleged that the developer has not demonstrated sufficient and adequate supply of purified potable water to the development as proposed. This lack of adequate supply will necessitate the provision of a desalination plant with all its concomitant problems.
- b) There are already permanent water restrictions in place in the area. It is questioned what would be done to alleviate this perennial problem.
- c) Numerous objections relating to the quality and taste of the proposed water supply necessitating a Reverse Osmosis treatment plant. This will lead to unacceptable levels of effluent sludge. No provision is made for this. Council avers that water quality is of acceptable standard, however it should be noted that most existing residents either have an in-home water treatment facility or purchase treated water from the local businesses. It was also pointed out that the developer will look to overseas buyers who will demand a high standard of water supply and quality.
- d) Reservoir capacity is inadequate and no mention is made of proposed reservoir/s on site and where these will be situated.
- e) If it is proposed that existing Municipal storage capacity be utilised then when and how will this be upgraded/augmented – given that already much water is diverted to Struisbaai.

- f) An agreement with SANParks will need to be negotiated for supply from their existing boreholes which will need to be connected to the reticulation system as well as the costs associated with this and the payment of suitable tariffs to SANParks.

**Response**

*There are two existing boreholes, i.e. AGUL/04 and KOOS2. The combined sustainable yield from these boreholes is estimated at 520m<sup>3</sup>/day, while the gross average daily water demand of the development will be approximately 314m<sup>3</sup>/day. A Water Use Licence Application has been commissioned for the full 520m<sup>3</sup>/day. The full 520m<sup>3</sup>/day will be provided to the Cape Agulhas Municipality (together with a Service Level Agreement), who will be responsible for the storage, treatment and distribution. The borehole water sample analyses indicate that standard municipal water treatment procedures (flocculation, chlorination, etc.) will be sufficient and no additional treatment procedures (reverse osmosis) will be required. The project engineers, KLS Consulting Engineers had meetings with the municipality to upgrade their existing storage and distribution network. The extent and implementation of the upgrades will only be confirmed during the detail design stage of the project. Please see the **latest correspondence** (dated 7 September 2020) **regarding the water supply with the municipality**, attached as **Annexure 1** to this letter.*

**1.2 STORMWATER**

**Comments**

- The construction of the number of proposed units, hotel, infrastructure, roads etc. will result in the creation of a vast number of hard surfaces resulting in the generation of a huge amount of runoff.
- Some mention is made of containment but ultimately the Municipality will be required to deal with the overflow and what provision is made for this amount of extra water into the current reticulation system.
- The current stormwater reticulation system in Agulhas cannot cope with large volumes of stormwater as has become recently apparent. It is questioned what measures the developer would put in place to mitigate large volumes of rainwater on and off site?

**Response**

*The Architectural Guidelines and Infrastructure Design aims to minimise the concentration of stormwater run-off and rather promote overland sheet flow and on-site infiltration. The infrastructure layout and topography of the site is such that it will not be possible to completely avoid the concentration of stormwater run-off and a conventional stormwater system with roadside channels, inlet structures and underground drainage pipes that will be installed. The stormwater run-off generated*

*from these areas will however be conveyed to a number of attenuation facilities, which will be constructed at strategic low-points on site. In order to achieve the required attenuation, the storage volume of each attenuation facility will be able to retain a 1:50 year post-development flood. The infiltration/percolation rate of the in-situ sands is approximately 30mm/hour and sufficient storage area (in m<sup>2</sup>) for each attenuation dam will be provided to effectively drain the run-off up to a 1:50yr rainfall event.*

### 1.3 EFFLUENT

#### **Comments**

- The Developer proposes a micro sewage plant. Furthermore it is proposed that the effluent water will pass through a series of micro filters before being “polished” via a series of ponds.
- It is proposed that this “polished” water will be used to water the gardens and surrounds. Objectors expressed concern with regard to the use of nutrient rich effluent water on fynbos and are concerned that it will destroy the natural vegetation.
- The proposed sewage treatment plant requires micro filters – which will require flushing on a regular basis. No apparent provision has been made for the removal of this effluent sludge.
- No mention is made of the pH of the resulting effluent water with no investigation or report supplied as to the effect this may have on the underlying Calcrete bank.

#### **Response**

*Membrane Bioreactor (MBR) technology combines simple microfiltration with standard active bacteria bio-digestion (aerobic, anaerobic and anoxic) to reap the benefits of combined physical separation and biological removal. MBR systems consistently provide higher quality treated effluent water compared to conventional activated sludges plants as the minimal transfer of suspended solids through the MBR system allows the concentration of active bacteria to increase as much as four times that is possible in a CAS plant. This ensures that superior bio-digestion occurs with the use of an MBR at a quarter of the area required when using CAS alone.*

*The WWTP will be designed to treat domestic effluent to water complying with the Department of Water Affairs’ Special Limits. Water complying with the aforementioned criteria should not damage/destroy vegetation. It should also be noted that only resettled/newly planted areas will be irrigated, e.g. road verges and landscaped areas.*

*Most of the sludge building up in the aeration section will be recirculated to the anoxic section of the plant. Periodically a fraction of the sludge build-up will be wasted to a sludge thickening silo and drying beds. The dried sludge will be used as compost.*

*The pH will be in accordance with the DWA special limit parameters, i.e. between 5.5 and 7.5 and should not have an adverse effect on the Calcrete bank. We propose that groundwater quality testing boreholes be installed, with groundwater samples collected and analysed every 3 months.*

## 1.4 ELECTRICITY

### Comments

- It is stated that reliance will be placed on ESKOM to provide sufficient quantities of supply with the necessary infrastructure. ESKOM does not have the capacity to supply South Africa and the situation, as unfolding daily in the media, will not improve for the foreseeable future – certainly not within the next 10 to 20 years.
- No provision is made for the provision of “clean energy” to the proposed development.
- No mention is made of how and where cable/s of sufficient supply and size are to be routed to the development.
- No mention is made of the internal distribution network and the safety thereof.

### Response

*Development cannot be halted until Eskom has solved its problems. Eskom, however, does not have a capacity problem to supply power, it is rather a maintenance problem on the generation side. To overcome this issue in the short to medium term, it is considered essential for individual landowner to install alternative energy measures.*

*It is not clear what is meant by “clean energy”. It is assumed that the objectors referred to renewable or sustainable energy. Options to address the implementation thereof were discussed with the developer and will be addressed. One of the “clean energy” options that will be available to all future homeowners, will be solar/PV systems. This will however not be part of the main development contract, but part of the individual house constructions contracts. To govern this, specific reference has been made in the architectural guidelines to solar and PV installations to ensure its integration with the architectural style of dwellings within the development.*

*Please see **Annexure 2, drawing showing main electrical cable routes over the site**. Cable routes have also been limited to primarily follow road to ensure minimum disturbance of the natural environment and cable installation will further be done in accordance with the manufacturer’s requirements, applicable SANS codes and/or Municipal requirements.*

*The internal cables are not normally shown in the electricity capacity report as a detailed design will be submitted during the detail design stages in compliance with the applicable SANS codes.*

## **1.5 Solid waste**

### **Comments**

Concern was expressed regarding the removal of solid waste and the impact of the additional waste on Struisbaai's dumping site.

### **Response**

*The removal of solid waste was addressed in the Civil Services Report. The minimum requirements for domestic waste collection (as per the National Domestic Collection Standards, 2011) will be applicable to this development.*

*The proposed development will generate approximately 30kg of solid waste per household per week. The development's homeowner's association will administrate the collection of the domestic waste from each individual property towards a communal refuse area near the entrance facility. The Cape Agulhas Municipality has sub-contractors' which will collect the solid waste from the developments refuse area and transport it to the Struisbaai drop-off station. All refuse from the Struisbaai drop-off be transported to the Bredasdrop landfill site.*

*The Cape Agulhas Municipality runs a recycling program as part of the solid waste collection and removal from homes. Different bags are provided for recyclables (i.e. glass, paper, tin) and domestic garbage. Currently, non-recyclable waste is collected on Mondays and recyclable waste is collected on Thursdays. The development will join this program in support of recycling.*

## **2. ROAD INFRASTRUCTURE AND SERVICES**

### **Comments**

- It is stated that the existing road network is adequate for the increased volume of traffic – construction and domestic. The current state of the following roads is described as being in good order capable of carrying the increased volume and load; Bredasdorp to Struisbaai, Struisbaai to Agulhas, Agulhas to the development site.
- Bredasdorp to Struisbaai road falls under the Provincial Administration and is suffering from a lack of maintenance. National budget cuts have forced the Provincial Roads Authority to postpone the upgrade of this road. This road is now carrying vastly more traffic than initially envisaged with the concomitant collapse of road surfaces over culverts, edge breaks, cracking and potholing.

- The stormwater provisions are inadequate for the volumes of rainwater being experienced with flooding exacerbating the condition of the road.
- Volumes of water flooding the road necessitate the closure of the road thereby cutting the Bredasdorp/Struisbaai/Agulhas lifeline necessitating costly detours.
- All construction traffic for supply and waste removal will not be able to move into or out of the area. It is questioned who will foot the bill for this road upgrade.
- Struisbaai to Agulhas Road falls under the Provincial Administration and the same criteria apply as with the Bredasdorp Struisbaai road – with the exception that the deterioration of the road is far greater than the Bredasdorp to Struisbaai road. The Provincial Administration has done no maintenance of this road whatsoever and the current state of this road is a clear indication of this lack of maintenance.
- The deterioration of this road will only continue with the greater volumes of traffic expected during the construction phase of the proposed development and beyond.
- It seems that the maintenance of this road has devolved to CAM whose roadworks maintenance budget is already severely constrained being insufficient to maintain CAM's existing road network.
- There is a priority for the upgrade of the road between Agulhas and Suiderstrand – funds will be diverted to the needs of the proposed development.
- Agulhas to the proposed development site via School Street and Zoetendal Avenue. This road is the responsibility of CAM.
- At a point in the past it was decided, by the Municipality, that the internal roads in Agulhas – especially School Street and Cooper Streets – were of such a construction that vehicles of over 5t should be restricted from accessing these roads and beyond. Notifications are in place on these roads.
- The restrictions applied by the Municipality are being ignored by both the Municipality and construction traffic accessing the Zoetendals Rug area.
- It has been noted that the current increase in construction activity in this area has led to a deterioration of the existing road network.
- An alternative route to the development site needs to be found.
- A High Court interdict will be sought to compel the Municipality to adhere to its own restrictions.

## **Response**

The comments with regard to roads and traffic/transport issues have been referred to the project transport engineers, ITS Traffic Engineers. Please see their underneath response to the issues raised.

- **Impact on Provincial Roads**

*The NEXTEC report, dated 2019, indicated that the general condition of all the roads within the study area, are classified as “between Fair” and “Very Good”. None of the access roads currently has any “Poor” or “Very Poor” conditions.*

*Various factors impact the life cycle of a road and the underlying pavements (e.g. traffic volumes, traffic composition, periodic maintenance, etc.). The Municipality’s pavement Management System monitor and survey road conditions on a regular basis. This is evident from the NEXTEC report. The Main Road is under the jurisdiction of the Western Cape Government (WCG) and maintenance has recently been done on MR261.*

*The traffic volumes expected to be generated by the developer is well within the limit (1000 vehicles per hour) of Class 4b Residential Collector Streets (TRH26). However, it is recommended that pavement test holes be done to confirm the current pavement layers and the pavement conditions of the road. These pavement conditions can then be compared with the conditions of the road after the bulk services of the development has been constructed.*

*The developer will then be responsible to repair any damage to the roads and road furniture as a result of construction vehicles. In consultation with the Municipality (Mr. Deon Wasserman), the municipality may prevent Section 137 clearance if damage is not repaired by the Developer.*

- **Limited Capacity**

*The trip generation applied in the TIA report is regarded as conservative (worse case) as these are based on typical surveyed land uses in a built-up urban area (ref to TMH 172). It is therefore very likely that the proposed development will generate less traffic within the peak hours.*

*Any further developments yet to be constructed could possibly add a further 200 vehicles to the road network. The degree of saturation of the intersection with the highest traffic volumes (Skool/Main) is 0.01 indicating that there is significant spare capacity to accommodate any other development.*

- **5-ton Truck Restriction at Skool and Cooper Street**

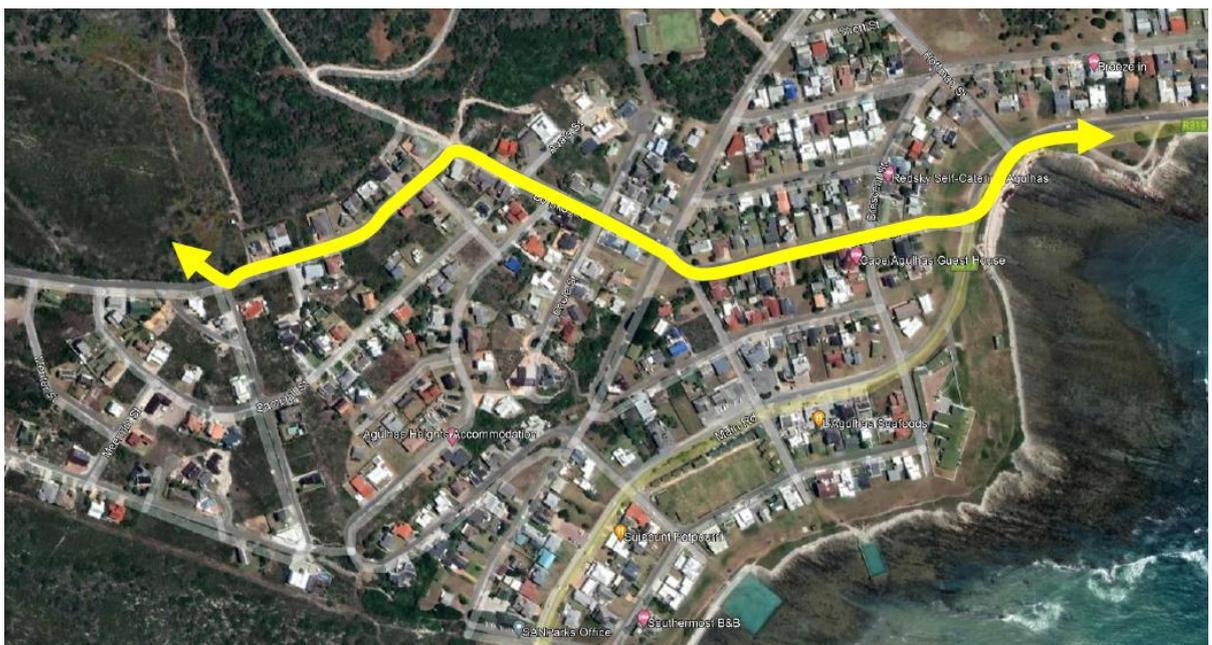
The regulatory sign R230, as shown on the next page in **Figure 1**, limits the mass of goods vehicles entering the streets. The R228 to R233 signs, as defined in the South African Road Traffic Signs Manual (SARTSM)<sup>1</sup>, refer to various classes of good vehicles. The regulation of construction vehicles is with sign R231.



**Figure 1:** Regulating sign for good vehicles

However, the weight limitation is noted and the type, size and max load of construction vehicles will be managed through the Environmental Management Plan (EMP) during the construction of bulk infrastructure. The EMP will also include the following:

- Regulate the days and time of construction vehicle access (i.e. prevent activities during seasonal peaks like Easter and December holidays).
- Restrict construction access routes via Cooper and Bo-skool streets only as shown in the illustration below. (See **Figure 2** underneath.)
- Monitor and confirm the pavement conditions prior to any construction activities along Cooper and Bo-Skool Streets to ensure that these streets be repaired, if necessary, after construction of bulk infrastructure has been completed.



**Figure 2:** Defined Construction Route

- **Bo-Skool too steep for Main Access**

The Skool Street elevation is shown in the illustration below where the general elevation is around 10%. The EMP will make this elevation clear to tendering contractors to ensure adequate vehicles are used to deliver construction material. See **Figure 3** on the next page.



**Figure 3:** Defined Construction Route

### **Alternative Access to consider**

An alternative route to L'Agulhas was already investigated in 2008. Unfortunately, there are other challenges other than financial contributions that can impact such a project. This consists of available land to build roads (as this is currently privately owned land), geometry and environmental sensitivity. An alternative route for a town is the responsibility of the local and provincial road authorities. Currently there are no alternative routes included in the Municipality's "Integrated Development Plan (IDP).

### **Additional intersections analysed**

A meeting was held with the Municipality on 20 July 2021. The Municipality requested that the proposed L'Agulhas development trips be added to Main Road/Camp Road and Main Road/Minnekotta Street intersections to confirm whether these two intersections will operate acceptably with both the proposed L'Agulhas trips and the proposed development on Erf 230. The intersection analyses results (see figure below) indicates that both Main Road/Camp Road and Main Road/Minnekotta Street intersection will operate acceptably with sufficient spare capacity with both proposed developments constructed.

## 2. GENERAL OBJECTIONS/COMMENTS:

### 2.1 Possible detrimental impact of lighting in the development

#### Comment

Concern was expressed that the greatly increased provision of street lighting and general unit lighting i.e. light pollution will have a detrimental effect on the surrounding natural areas and existing housing. It will also have a detrimental effect on the surrounding National Park and Tourism nodes such as the iconic Lighthouse and its precinct.

#### Response

The Architectural Guidelines for the different precincts of the proposed development specifically address exterior lighting. The following are proposed in the guideline document:

- Exterior lighting will be done in conjunction with a 'Lighting Specialist' and no light must be seen from the coastal area between the Lighthouse Precinct, Suiderstrand and Southern Tip Icon.
- Exterior lights must shine down and must be LED lighting.
- Certain insects are attracted to night lights - important with regards to amount and positioning of external lighting.
- Colour of light fittings must be charcoal or brushed Aluminium.

The possible visual intrusion of night lighting within the development was also addressed in the Visual Impact Assessment Report for the proposed development. It was acknowledged that lighting of streets, facilities, parking areas and residential units can have a visual impact. This assessment thus specifically recommends certain mitigating measure which is required to minimise light spillage and pollution and stated that a lighting consultant must be employed with the brief of minimising lighting pollution and visibility from surrounding sensitive receptors and areas. To this end the following was recommended:

- Avoid street lighting wherever possible, using only where necessary from a safety point of view. Keep the street lighting as low as possible, less than 3m, and ensure the luminaires are shielded to reduce light spillage and pollution - if and wherever possible, bollard lighting should be used;
- No external up-lighting of any structures or features, including the hotel, chapel and tourist precinct should be allowed. External lighting should be by use of downlighters shielded in such a way as to minimise light spillage and pollution beyond the area that needs to be lit.
- No spotlights for security reasons or over entrances or braai areas.
- Internal lighting should also be such that this is not seen from a distance.

*These recommendations are considered adequate to minimise any possible light pollution and can be made conditions of approval for the proposed development.*

## **2.2 Scale of the proposed development**

### **Comment**

Concern was expressed that a whole new town was being proposed with the detrimental effect on the sense of place, peace and tranquillity that attracted most residents to the area.

### **Response**

The nature and scale of the proposed development is the result of a multi-disciplinary approach to ensure that it positively responds to the local environment and specifically the adjacent conservation areas. Investment within a town should be considered as something positive, allowing more people the opportunity to live within and enjoy a special part of the country. It will also have many economic advantages for especially the permanent residents of the municipal area. It should also be noted that development of the different precincts will happen in a phased manner.

## **2.3 Concern about a foreign investor**

### **Comment**

Concern was expressed by objectors that the developer was not a South African citizen. They were also concerned that should the developer abscond or not complete the proposed development, the municipality would then be required to take over what would be a "White Elephant", with the resultant drain on resources.

### **Response**

*The developer is a South African company with a foreign shareholder supported by a team of South African professional consultants and advisers. It is not clear why foreign investment in the country should be perceived as a negative. Foreign investment in South Africa should in fact be encouraged and welcomed. This development will have many advantages for the local community by both creating employment opportunities for local residents of the municipal area (Urban Econ's Impact Assessment Report estimated 1186 jobs would be created during the construction phase and a further 607 permanent jobs.)*

## 2.4 Flawed EIA process

### Comment

- The EIA was flawed in that numerous studies pertaining to archaeology, botany etc. had only been commissioned after the EIA and these have not been forthcoming.
- The EIA has lapsed – no new notification of an extended EIA has been noted.

### Response

*The Scoping & EIA process was carried out in accordance with the requirements of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended).*

*It is important to keep in mind that Scoping & EIA processes consist of two phases i.e., the scoping phase and the EIA phase. The purpose of scoping phase is inter alia to identify:*

- *the important environmental issues, risks and impacts to be considered and assess in the EIA report;*
- *the appropriate time and space boundaries of the EIA study;*
- *the information necessary for decision-making;*
- *the significant effects and factors to be studied in detail; and*
- *the terms of reference for specialist assessments to be incorporated in the EIA report.*

*The overarching purpose of the EIA phase is to determine, assess and evaluate the consequences (positive and negative) of a proposed development. The EIA phase may only continue once the Scoping Report and Plan of Study for the EIA phase is accepted by the Competent Authority. In this case the Scoping Report and the Plan of Study was accepted by the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) on 17 February 2021. Specialist studies were undertaken as part of the EIA phase to assess the identified environmental impacts and risks of each of the accepted development alternatives and to provide measures to avoid, reverse, mitigate or manage the identified impacts.*

*The application for environmental authorisation lapsed since the timeframes prescribed in terms of the EIA Regulations, 2014 (as amended) could not be met.*

*On the 22nd of June 2021, all registered interested and affected parties were informed that the application lapsed and that the applicant intended to resubmit the application. Registered and potential I&APs were informed when the draft EIA Report was made available for comment on the 15th of October 2021.*

*All specialist assessments undertaken were again provided under Appendix G of the EIA Report. The draft EIA Report was made available for comment to potential and registered I&APs, and organs of state from 18 October 2021 to 18 November 2021.*

## **2.5 Archaeological and Paleontological Concerns not addressed**

### **Comment**

Concern was expressed that archaeological and paleontological concerns were not addressed for the proposed development.

### **Response**

*As part of the EIA a Constraints Analysis of the Archaeological Resources on the site was done by Dr Peter Nilssen. This report states that archaeological resources are known to occur in the study area, and therefore it is recommended that archaeological monitoring should be conducted by a suitably qualified and accredited archaeologist during the construction phase of development to avoid or minimize negative impacts to heritage resources. Specific recommendations for archaeological monitoring will be given. This will be a condition of approval for the EIA ROD.*

*A Palaeontological Impact Assessment was also done by John Pether, Geological and Palaeontological Consultant. This study recommends guidelines for monitoring during construction, additional field recording and heritage management. These recommendations will also form part of the EIA ROD.*

## **2.6 Shortcoming with regard to the public participation process**

### **Comment**

Registered letters have not been sent to IAEP or have not been received due to the lack of Postal Service. Nothing was done from CAM to mitigate this lack of communication or reliance on a dysfunctional system. On site notices were small and not very visible. Not sufficient time was given to submit comments. Many objectors felt that this was a deliberate failing by CAM and the developer.

### **Response**

#### **Advertising of the town planning application**

*The prescribed advertising process was followed which included the following:*

- *A notice in the local newspaper on 4 June 2021*
- *Registered letters to all interested and affected parties. On-site notices on the T-junctions of Contest and Zoetendal Streets and Mentor and Zoetendal Streets.*



**Figure 4:** *Plan showing the position of the on-site notices on the cnr of Contest and Zoetendal Streets and Mentor and Zoetendal Streets*



**Figures 5 and 6:** *On-site notices for the town planning application erected on the cnr of Contest and Zoetendal Streets and Mentor and Zoetendal Streets*

- *The advertising period has been extended for a period of 30 days to accommodate delays with regard to notifications sent out. The initial advertising period from 4 June to 5 July 2021 was therefore extended till 5 August 2021. .*

Advertising in terms of EIA process

Underneath is a detailed description of the public participation process for the EIA process.

- *The initial application for environmental authorisation was submitted to the competent authority, the DEA&DP, on 4<sup>th</sup> November 2020, and the Scoping & EIA process commenced.*
- *In terms of Section 23(1)(a) of the EIA Regulations, 2014 (as amended), the scoping phase concluded as DEA&DP accepted the scoping report submitted on 6<sup>th</sup> January 2021.*
- *According to the timeframes prescribed in terms of Section 45 of the EIA Regulations, 2014 (as amended), the application for environmental authorisation lapsed in June 2021, since the regulated timeframes could not be met.*
- *On 1 October 2021, the applicant submitted a new application for environmental authorisation to DEA&DP for the proposed L'Agulhas Estate on Erven 678, 679 and 680, L'Agulhas.*
- *All registered I&APs, who participated in the previous public participation process, were informed of the resubmission of the application for environmental authorisation.*
- *In terms of Regulation 21(2) of the EIA Regulations, 2014 (as amended) a resubmission of the scoping report is not required if the findings of the scoping report accepted by DEA&DP (on 15<sup>th</sup> February 2021) are still valid and the environmental aspect has not changed.*
- *The Scoping & EIA process is currently in the EIA phase. The public comment period on the draft EIA Report ended on 18 November 2021. The final EIA report is being finalised for submission to DEA&DP for their consideration and decision-making process. Registered I&APs will be informed once the report has been submitted and the availability of the Comments and Response Report for their information.*
- *Public participation dates:*
  - (i) *Pre-Application PPP on Pre-Application Scoping Report - 18 June to 18 July 2019*
  - (ii) *Statutory PPP on the Draft Scoping Report - 05 November 2020 to 07 December 2020*
  - (iii) *Open House Meeting with local residents was held on 27 November 2020 at the L'Agulhas Bowls Club*
  - (iv) *Statutory PPP on the Draft EIA Report - 18 October 2021 to 18 November 2021*

*There were also on-site notices for specifically the EIA process. From the above it is clear that an extensive public participation was followed for the proposed development with more than one opportunity to comments on the application.*

## 2.7 Local employment and training and BEE compliance of developer

### **Comments**

Concern was expressed regarding housing for construction workers and permanent staff. It is not clear where this staff would be housed.

- Will there be an undertaking that all construction and other staff are recruited from the local population of Struisbaai and Agulhas – and that only South Africans be recruited.
- What level of BEE compliance can the developer demonstrate with the correct certificates?
- What training will be provided for construction staff and beyond which can lead to permanent skills development.
- The developer should demonstrate, in proper terms, how the employment figures are derived.

### **Response**

*The Construction and Environmental Operational Management Plans for the proposed development will address these issues. In terms of these plans it was agreed with the municipality that a certain percentage of local labour will be used. There were also agreements with the municipality regarding skills training programs for local labour and contractors to enable them to become involved in both the construction and operational phases of the proposed development.*

*The developer is a private company and this is not a government tender process where BEE compliance is required. The developer is, however, subscribed to the principle of BEE and will incorporate it into the agreements with its sub-contractors for the construction of the different phase of the proposed development.*

## 2.8 Development contribution per unit

### **Comment**

The municipality needs to state what development contribution per unit will be required of the developer.

### **Response**

*No feedback has yet been received from the municipality which would enable the developer to determine the development contribution per unit. This information will be*

*available once the final development contribution amount has been determined and made a condition of approval by the municipality*

## **2.9 Concerns regarding capacity of internal departments of CAM**

### **Comment**

The current situation in the Building Plans division of the Engineering Services of the Municipality is chaotic under current conditions, to say the least. It is questioned what will be done to ensure that National Building regulations and SABS Standards will be adhered to and maintained.

### **Response**

*If there is currently any shortage in staff or operational issues with regard to internal service departments it cannot be considered a reason to not support new development. The development contributions and additional income to be generated for the municipality by the proposed development would enable them to appoint additional staff to alleviate the current situation.*

## **2.10 Concerns regarding the construction period**

### **Comment**

The period of the construction period was questioned. Information regarding the number of construction workers, where they would come from and where they would work was requested.

### **Response**

*The Construction and Environmental Operational Management Plans for the proposed development will address most of these issues and it is not possible to provide all the information at this stage.*

## **B: COMMENTS FROM INTERNAL DEPARTMENTS**

**3.** The following comments were received from the internal departments of the Cape Agulhas Municipality:

### **3.1 Infrastructure Services**

#### **Comment**

The application is supported subject to signing an Engineering Services agreement that details bulk services implications and contributions by the developer. All additional bulk services are for the owner's account.

**Response**

*The developer will comply with all engineering related conditions of approval.*

**3.2 Manager: Streets & Stormwater**

**Comment**

An alternative access route must be investigated. The design of the civil services must be submitted and a services agreement needs to be concluded with the municipality.

**Response**

*As indicated earlier in this response, an alternative route to L'Agulhas was already investigated in 2008. Unfortunately, there are challenges other than financial contributions that can impact such a project. This consists of available land to build road (as this is currently privately owned land), geometry and environmental sensitivity. An alternative route for the town is the responsibility of the local and provincial road authorities. Currently there are no alternative routes included in the Municipality's "Integrated Development Plan (IDP).*

*A detailed civil services design will be submitted and a services agreement will be concluded with the municipality in accordance with the conditions of approval.*

**3.3 Manager: Building Control**

**Comment**

The application is supported. The developer needs to comply with all legal processes.

**Response**

*The developer will comply with all legal processes.*

**3.4 Director: Financial Services**

No objection.

**3.5 Manager: Administration**

No objection.

**3.6 Manager: Housing**

No objection.

**3.7 Manager: Parks & Recreation**

No objection.

### 3.8 Traffic

#### Comment

They will support the application if there would be an alternative route to the development for trucks during the construction phase.

#### Response

As indicated earlier in the report, the regulatory sign R230 (see **Figure 7** underneath) limits the mass of goods vehicles entering the streets. The R228 to R233 signs, as defined in the South African Road Traffic Signs Manual (SARTSM)1, refer to various classes of good vehicles. The regulation of construction vehicles is with sign R231.



**Figure 7:** Regulatory sign for goods vehicles

However, the weight limitation is noted and the type, size and max load of construction vehicles will be managed through the Environmental Management Plan (EMP) during the construction of bulk infrastructure. The EMP will also include the following:

- Regulate the days and time of construction vehicle access (i.e. prevent activities during seasonal peaks like Easter and December holidays).
- Restrict construction access routes via Cooper and Bo-skool streets only as shown in the illustration below. (See **Figure 8** underneath.)
- Monitor and confirm the pavement conditions prior to any construction activities along Cooper and Bo-Skool Streets to ensure that these streets be repaired, if necessary, after construction of bulk infrastructure has been completed.



**Figure 8:** Defined Construction Route

**3.9 Manager: Water & Sewerage**

No objection.

**3.10 Manager: Electro Technical**

Have commented on Electrical supply in previous meetings and it is included in the proposal.

**3.11 Divisional Head: Strategic Services**

Noted and no objection.

**3.12 Manager: Solid Waste**

No objection

**C: CONCLUDING REMARKS**

Of critical importance is the following historic background to the acquisition of the land by our client and the formulation of the specific development application as now submitted to and considered by the Cape Agulhas Municipality for approval:

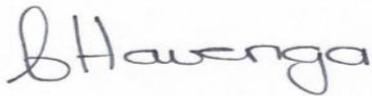
- The subject property is located within the approved and demarcated urban edge of Agulhas as reflected on the approved Municipal Spatial Development Framework (MSDF).
- In terms of the approved MSDF, the subject property is earmarked for “new residential development” and “proposed eco-village development”, subject to “applicable land use management and environmental legislative requirements”.
- Both the land use management and environmental legislative procedures have been followed and the application therefore complies to these procedural requirements.
- From the above it is crystal clear that the proposed development is policy compliant.
- Furthermore, previous development applications on the subject property for a residential golf estate and hotel have been submitted, assessed and found desirable by three independent authorities i.e. the Department of Environmental Affairs and Development Planning; Western Cape Government, Heritage Western Cape and The Cape Agulhas Municipality.
- A fresh environmental impact assessment, including a host of specialist studies, has been undertaken by a highly respected and independent environmental consultant. The final development proposal now under consideration by the Cape Agulhas Municipality has been incorporated into the final environmental impact report as the “preferred alternative”.

**D: RECOMMENDATION**

From the above it is trusted that the Cape Agulhas Municipality will be satisfied that all the criteria for desirability have been complied with and that approval will be granted without reservation.

We however welcome any further enquiries should additional information be required..

Yours faithfully

A handwritten signature in black ink that reads "CHavenga". The signature is written in a cursive style with a large initial 'C'.

Christine Havenga

**FIRST PLAN TOWN AND REGIONAL PLANNERS**

**ANNEXURE 1**

**LATEST CORRESPONDENCE (7 SEPTEMBER 2020) REGARDING  
THE WATER SUPPLY WITH THE MUNICIPALITY**

**ANNEXURE 2**

**ELECTRICITY PLAN INDICATING THE MAIN CABLE RUNS**