**4.3**
**REMAINDER OF ERF 4771, VOËLKLIP, HERMANUS: APPLICATION FOR CONSENT USE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF OVERSTRAND MUNICIPALITY AND CAPE TOWN FISH MARKET**

**4771 HVK (5037/2025)**
**S van der Merwe (028) 313 8900 Hermanus Administration**
**09 February 2026**

## 1. EXECUTIVE SUMMARY

The application has been received on 15 July 2025 on Erf 4771, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- **Consent use** in terms of Section 16(2)(o) of the By-Law, in order to accommodate a tourist facility (restaurant) on the property.

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, while the proposed Site Development Plan (SDP) is attached as Annexure C.

## 2. DECISION AUTHORITY

Municipal Planning Tribunal

## 3. BACKGROUND / SITE HISTORY

Erf 4771 (Grotto Beach), Hermanus is zoned as Open Space Zone 2: Public Open Space. The portion on which the restaurant is proposed was historically used as a restaurant; the restaurant was ruined in a fire and the portion cleared. Most recently the portion was intermittently used as a summer lounge and leased to the tenants of Dutchies. The municipality is seeking to re-establish the restaurant on the same portion where the previous restaurant was located. The specific circumstances relating to the site will further be considered with the evaluation of the application for the consent use to re-develop the restaurant.

## 4. SUMMARY OF APPLICANT'S MOTIVATION

**A BRIEF SUMMARY OF THE MOTIVATION IS PRESENTED BELOW; HOWEVER, THE FULL MOTIVATION MUST BE CONSIDERED WITH THE EVALUATION AND IS ATTACHED AS ANNEXURE B TO THIS REPORT.**

- The Remainder of Erf 4771, Hermanus (hereinafter referred to as the subject property), forms part of the Hermanus Commonage. The property encompasses all streets, public open spaces, and nature reserve areas situated within Voëlklip.
- Records indicate that the restaurant use on the property dates to as early as 1946, when it was first operated as a "café", as confirmed by the then Town Clerk. In 1949, official approval was granted by the Provincial Administration of the Cape of Good Hope for the use of the area as a restaurant, followed by a series of lease renewals and amendments, with notable correspondence and approvals spanning from 1976 to 1998. The site was home to various establishments over the years, including the Goldfish Café and the Driftwood Den, culminating in the Nautilus Restaurant, which operated until it was destroyed by fire in 2000.

- Several bids were received and the successful bidder that was awarded the tender, was Cape Town Fish Market (*hereafter referred to as CTFM*).
- The application seeks approval of a consent use to allow a tourist facility (restaurant) on a portion of the Remainder of Erf 4771, Hermanus. The approval of a consent use is required in terms of the Overstrand Municipality Land Use Scheme, as the primary zoning of the property, Open Space Zone 2: Public Open Space, permits a tourist facility with the approval of a consent use by the municipality. This application aims to formalise the proposed use of the site for restaurant purposes, ensuring alignment with statutory planning requirements while maintaining compatibility with the character of the surrounding area and its public recreational function.
- CTFM which was awarded the tender to open a restaurant focused on fresh fish, combined with a distinctive style and atmosphere evoking the sea and fishing traditions, that had led to the development of the CTFM concept, has worked closely with the Overstrand Municipality in designing the proposed replacement restaurant. As previously mentioned, the Overstrand Municipality conducted a Basic Assessment (BA) in terms of National Environmental Management Act (NEMA) and obtained an Environmental Authorisation (EA). The BA included schematic drawings indicating the location, orientation, extent, and height of the future restaurant. It is important to reiterate that the BA was open for public comment, and the current application is only a measure to fully ensure that CTFM complies with the necessary requirements as set out in the tender and lease agreement.
- The following points should be noted:
  - ❖ The proposed restaurant will stimulate the local economy through job creation, attracting investment, supporting local suppliers and service providers, and enhancing the tourism offering of the Grotto Beach area.
  - ❖ The restaurant's design and construction are guided by the approved Basic Assessment Report and Environmental Authorisation.
  - ❖ CTFM focused on delivering a development that not only respects the sensitive coastal environment but also meets the municipality's expectations for local upliftment.
  - ❖ The proposal is aligned with the Overstrand Municipality Spatial Development Frameworks and land use planning policies, which promote tourism-related and community-supportive land uses in appropriate nodes such as Grotto Beach.
  - ❖ Once constructed, the restaurant will operate seven days a week, ensuring accessibility to all visitors. Operating hours will be from 08:00 to 24:00, in accordance with the tender specifications. It is important to note that the restaurant's operations will be subject to various municipal by-laws and regulations to ensure that it does not become a source of nuisance to the surrounding area.
  - ❖ The restaurant will fully comply with the Western Cape Noise Control Regulations (Provincial Notice 200 of 2013), which defines a disturbing noise as any sound exceeding the rated ambient levels by threshold values (e.g., +7 dBA above rating level or +3 dBA above residual level).
  - ❖ Public parking along Grotto Road may be utilised by visitors to the restaurant, but no parking bays will be reserved exclusively for the use by patrons of the proposed restaurant.
  - ❖ The closest residential property is located approximately 90m from the lease area and the proposed restaurant. Dutchies, an existing restaurant, is situated approximately 105m from the same residence. It is not expected that the proposed restaurant will be visible from the residential property, as natural vegetation and an elevation difference of approximately 10m exist between the two sites.

- ❖ To ensure all necessary traffic related requirements are met, CTFM appointed a traffic engineer to prepare a Traffic Impact Statement (TIS) after comprehensive analysis of the site. The Traffic Impact Statement reflects the outcome of a thorough assessment of the existing road network capacity, traffic volumes, and peak usage times, and concluded that the proposed restaurant will not have any detrimental impact on traffic flow or road safety. Importantly, the report confirms that the parking demands generated by the restaurant can be fully accommodated on-site, alleviating concerns about overflow or competition for public parking spaces in the vicinity.
- ❖ The need for this land use application arises from the Lessee's commitment to fully comply with the conditions of the tender, lease agreement and all applicable land use regulations and to ensure that the proposed restaurant development aligns with the operational needs of CTFM. CTFM specifically applies for the approval of a consent use to permit the establishment of a restaurant on the municipal property. While the property has historically accommodated a similar land use, the onus in terms of the tender specifications and lease agreement is on the Lessee to ensure compliance with all applicable by-laws. The current zoning requires approval of a formal consent use to exercise the intended use within the parameters of the Overstrand Municipality Land Use Scheme.

- The proposal is aligned with the spatial planning policies and framework of the municipality.

## 5. ADMINISTRATIVE COMPLIANCE

| **Methods of advertising** | | **Date published** | **Closing date for comments** |
|---|---|---|---|
| Local Newspaper | Yes | 29 August 2025 | 03 October 2025 |
| E-mail Notices and Site Notices | Yes | 25 August 2025 | 03 October 2025 |
| Internal Departments | Yes | 25 August 2025 | 03 October 2025 |
| Ward councillor | Yes | 25 August 2025 | 03 October 2025 |
| Total comments | **157 objections, 2 late objection and 2 letters of support were received** | | |
| Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning? | | | **Yes** |
| Was the application processed correctly (if no, elaborate below): | | | **Yes** |
| Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below) | | | **Yes** |

## 6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

| **Name** | **Date received** | **Summary of comments.** |
|---|---|---|
| Building Control | 26/08/2025 | No objection. All buildings to comply with the NBR and all other applicable law. |
| Fire Services | 26/08/2025 | No objection (attached as Annexure F). |

| | | |
|---|---|---|
| Tourism | - | No comment |
| Local Heritage | 07/07/2025 | Supported. |
| Traffic | - | No comment |
| District Health | - | No comment |
| Engineering Services | 20/11/2025 | Attached as Annexure G. |
| DEADP (Development Section) | 01/09/2025 | No objection (attached as Annexure H). |
| Cape Nature | 22/10/2025 | No Objection (attached as Annexure I). |
| DEADP (Environmental Section) | 03/11/2025 | Appeal on extension of the BA is dismissed (attached as Annexure J). |
| DEADP (Coastal Management) | 03/11/2025 | No objection (attached as Annexure K). |
| Overstrand Environmental Services | 27/10/2025 | The department indicated that the development is compliant with the EMOZ regulations (attached as Annexure L). |

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

During the public participation process a site notice was placed on the site, notices of the application was sent to the adjoining property owners via email, and an advertisement of the application was published in one of the local newspapers. One of the neighbouring property owners circulated the notice to the Vogelgat members via email. In the email the author presented his own reasons for why the land use application should be objected against and although 160 objections were received, the majority of the objections relay the same concern (approximately 150). Most of objections are therefore considered not to present a unique aspect to consider and do not reflect a personal conviction towards the concerns raised and the objections submitted. It is also noted a few of the objections were submitted by the property owner and other members of the same house hold and in one case the property owner submitted an objection, his partner submitted an objection and an attorney acting on behalf of the property owner submitted an objection, all of which seem to be an attempt to raise the number of objections artificially.

It is also noted that an objection was received from the tenant of Dutchies restaurant which is located across the road from the site. The reason for the objection is not understood as the tenant also took part in the tender process to develop the new restaurant and received approval to lease the property should CTFM not accept to proceed with the leasing of the property. The concerns highlighted by the tenant of Dutchies are elements they were aware of during the tender process, and should the tenant have been able to lease the property the circumstances would not have been different i.e. the tenant was aware of the history of the site with regards to location, site specifications, the fact that Dutchies and the new restaurant will be operated, and the Environmental Authorisation applicable to the site etc.

It should be noted that that some of the concerns raised against this application were also raised against the liquor license application and the extension of the Environmental Authorisation. In both these cases the concerns raised did not prohibit the approvals of the applications.

The concerns raised are grouped in similar headings as indicated below (the objections are attached as Annexure D and the response from the applicant as Annexure E):

**OBJECTION / CONCERN POINT 1**

**Concerns are raised regarding parking in the area, traffic impact and seasonal congestion.**

RESPONSE FROM APPLICANT

The Grotto Beach area functions as a recreation destination and therefore experiences seasonal traffic fluctuations, particularly during December and easter holiday periods. It is important to note that this is not a result of the proposed restaurant but rather a reflection of the area's popularity.

A qualified traffic engineer was appointed to undertake a Traffic Impact Statement (TIS). The assessment reviewed access, road capacity, circulation and pedestrian movement within the precinct. The assessment concluded that the Grotto Beach Area and existing road network are adequate to accommodate the limited increase in traffic associated with the restaurant. The volume of traffic generated by the proposed restaurant will be marginal in relation to the overall seasonal fluctuations already experienced in the area.

Visitors to the restaurant will make use of the municipal parking available in the area. The parking has historically been used to serve both beach goers and the restaurants which was located at the same location. The municipality remains the owner of the restaurant and the Remainder of Erf 4771 and therefore public parking can be used as determined in the tender document.

Seasonal congestion in the area is not unique to Hermanus and is prevalent in most coastal towns. This is even evident in Onrus which also has recreational facilities and amenities. The addition of a single restaurant within an established recreational node such as Grotto Beach will therefore not materially worsen existing traffic conditions but will contribute to improving visitors' experience.

It is important to note that the proposal is only to reintroduce a restaurant that has existed on the site over the past 60 years. Previous restaurants on the same location on the similar seasonal pressures including the summer lounge that was managed by Dutchies functioned without complaint or measurable disruption, demonstrating that restaurant activity of this scale can coexist harmoniously with existing traffic and parking arrangements. Of note the seasonal congestion does not only occur at Grotto Beach but is a town-wide phenomenon and other popular beach fronts.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The portion of Erf 4771 on which the proposed restaurant will be located will be leased by the tenant, and it will remain in ownership of the Municipality, no subdivision is proposed and therefore Erf 4771 will remain as one property with the parking shared between the uses in the area. Some of the objectors highlighted that they do not have a problem that one restaurant and one shop is located at the beach front, both such uses have the same parking requirements and therefore the impact of the parking requirement will be the same whether a restaurant or shop is developed.

The TIS provided by the applicant clearly states the limited impact the parking will have on beachgoers. In addition to this, it is agreed with the applicant's response that the influx of tourist over the December holiday period is temporary and that the pressure observed is not limited to Grotto Beach but to Hermanus as a whole. The seasonal influx is reminiscent of a coastal town's characteristics.

**OBJECTION / CONCERN POINT 2**

**Impact on constrained services such as water, sewerage, electricity, storm water and environmental safeguards.**

RESPONSE FROM APPLICANT

The pressures experienced on water supply are seasonal based during peak tourism periods and normally temporary supply pressures with increased residential occupancy and visitor influx.

An assessment was carried out in order to determine whether sufficient water capacity exists to accommodate the restaurant, and it was found that there is sufficient water capacity to accommodate the proposed restaurant.

The proposed restaurants' demand will be modest and manageable, especially when compared to the broader seasonal consumption patterns of the area. Through the water saving measures will be implemented at the restaurant.

Grotto beach area is serviced by the municipal small bore sewerage system, and it has been tested and confirmed to have adequate capacity for the proposed restaurant need a new private sewage infrastructure will be constantly acted as part of the development.

A capacity assessment verified that the existing conservancy tank is adequate to be converted and to connect to a small-bore system.

The Environmental Authorization and Environmental Management Plan assessed potential risks associated with sewage management and required precautionary measures to prevent leakage.

Sourced from the municipal network and it was confirmed that adequate capacity is available, the restaurant will incorporate energy-efficient systems such as LED lighting and the restaurant will explore the option of solar assisted heating where feasible and energy management controls.

The design of the building was informed by the approved Dune and Beach Management Plan compiled as part of the EA process. Portions of the building will be innovated above natural beach level allowing natural storm water filtration and infiltration. The design ensures that storm water is directed away from sensitive areas and dissipated naturally preventing erosion.

Additionally, the EMP prescribes construction and operational protocol to prevent corrosion or surface runoff.

RESPONSE FROM MUNICIPAL TOWN PLANNER

It is evident from the applicant's response that various measures have been taken to ensure that the restaurant will have access to adequate services. This was further confirmed by studies done by ADVM engineers. It should be noted that the Western Cape receives most of its water supply during the winter months and that dryer warmer weather is experienced during the summer months and over the December - holiday period which significantly impacts the water supply, however this occurs across the province and is not limited to Hermanus. Should water levels reach a certain level then water restrictions will be implemented. What is overlooked is the fact that the municipality can utilise the resources gained from the lease of the restaurant to upgrade the existing services and maintain the area's services. The restaurant will be encouraged to utilise water saving measures in order to mitigate water loss.

**OBJECTION / CONCERN POINT 3**

**Noise related concerns were raised such as additional noise pollution.**

RESPONSE FROM APPLICANT

The concerns raised by the objectors are noted, however the concerns are not supported by the findings of the independent Noise Impact Assessment (NIA).

The assessment modeled and measured potential noise emissions from all mechanical and operational components to the proposed restaurant. The study concluded that the HVAC and refrigeration systems will be fully compliant with regulation of the Western Cape Noise Control Regulations. Mitigations implemented the noise level at the nearest residential property will be below 40dBa.

The NIA concludes that once the recommended noise measurements are installed, the Cape Town Fish Market will comply fully with the Western Cape Noise Control Regulations.

The restaurant will operate primarily as a family dining establishment rather than an entertainment venue. No outdoor amplified music live performances or late-night events will be permitted. The restaurants' trading hours and liquor sale hours are in strict accordance with the municipal liquor trading hours by-law.

This site benefits from substantial natural acoustic buffering due to 10m elevation difference from the dense milk wood forest vegetation between the restaurant and the nearest residential properties. Ambient sound in the area is already influenced by ocean wave noise, human activity and vehicle movement along the Grotto Road.

Enforcement of public behavior and noise compliance will remain the responsibility of the municipality and the South Africa police service. The restaurant operation model is designed with high-quality dining and hospitality experience, not late-night entertainment.

The restaurant will also be designed with noise mitigation measures to ensure that the restaurant's operation does not create any nuisance.

The measures are as follows:

- The restaurant will operate primarily as a family dining establishment not an entertainment or nightlife venue. No outdoor amplified music or live entertainment will be permitted.
- The architectural design incorporates sound dampening materials including specific windows solid structural walls and internal ceilings to insulate and reduce noise transmission.
- Outdoor seating will be oriented towards the beach.
- Generators used only during load shedding, will be installed with sound attuned enclosures to limit operational noise.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The statement made by the applicant is agreed with. The establishment and application are limited to restaurant use as per the lease agreement and the tender specification. No events or live entertainment will be permitted at the restaurant. The design of the restaurant is done is such a manner that the seating and large window openings are facing towards the ocean; by doing this the natural sea sounds will cover sounds from the clients of the establishment. As noted by the applicant geographically there is a significant difference between the ground level of the restaurant when compared to the immediate properties in the surrounding area with a steep elevation change, this together with the Milkwood forests will ensure a natural buffer for any sounds form the restaurant. Lastly as per the recommendations provided in Noise Impact Assessment a condition can be implemented in order to reduce the impact of noise on the surrounding area.

**OBJECTION / CONCERN POINT 4**

**Blue Flag Beach - some objectors raised concerns regarding the potential impact of the proposed restaurant on the Blue Flag status of Grotto Beach, that the restaurant will prohibit or reduce the public's access and enjoyment of the beach area and that the proposal will have a negative impact on the marine life and scenic quality.**

RESPONSE FROM APPLICANT

These concerns are noted but are not supported by factual evidence or findings.

Grotto Beach has probably maintained Blue Flag status for 24 years; a distinction that recognizes excellence in environmental management, water quality, safety and community involvement. The proposal does not conflict with any Blue Flag requirements and on the contrary will enhance the municipality's ability to uphold and improve these standards through formal waste management, improve public facilities and environmental activities within the beach precinct.

The restaurant is located on municipal property within a designated public open space. The development will not restrict public access to the beach and surrounding facilities. All roads, pathways and open access will remain freely accessible to residents and visitors alike.

The restaurant will occupy only a small lease area that has been used for restaurant purposes for more than 60 years. The remainder of the beachfront and open spaces will continue to function as public amenities.

The perception that the restaurant will cater exclusively to an affluent segment of society is incorrect. CTFM is designed as a family friendly and accessible establishment with a menu and pricing structure that appeals to a wide cross section of the public while being accessible to all beachgoers in the area.

The objections referring to the potential disturbance of whales, fish and general marine life are unsubstantiated. The EA process included specialist studies and concluded that the restaurant's construction and operation would not result in measurable impact on marine ecosystems. The structure is set back from the active beach zone and elevated above the dune line and ensuring no interference with the coastal and marine processes.

The visual design of the building respects the surrounding natural landscape with a low-pitched roof natural color palette and limited height to ensure minimal intrusion to the beach or nearby residential properties. The milkwood forest and elevation differences provide natural screening maintaining the scenic and environmental character of Grotto Beach.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The development of the site is done in such a manner to effectively utilise the site in line with the development parameters as stipulated in the EA and tender specifications. The location of the restaurant will not block any access to the main beach area. The restaurant will have a limited and restricted footprint which is minimal in comparison to the remainder of the beach area. As stated by the applicant, the structure is set back from the active beach zone and elevated above the dune line and ensuring no interference with the coastal and marine processes.

It is further agreed with the consultant that the restaurant will not cater exclusively to an affluent segment of society and that the objections referring to the potential disturbance of whales, fish and general marine life are unsubstantiated.

Lastly, the concerns regarding the Blue Flag status of Grotto Beach are unsubstantiated. Criteria used for the allocation of the Blue Flag status recognises that public facilities such as restrooms must be available even if it is in a restaurant, and water saving measures must be encouraged. In relation to this the restaurant will provide additional restrooms and will be encouraged to implement water saving measures.

**OBJECTION / CONCERN POINT 5**

**Sea level rise and climate change are some of the concerns raised by the objectors.**

RESPONSE FROM APPLICANT

The concerns are noted, however the location, design and environmental approvals for the development have already taken these factors fully into account in the EA.

The restaurant proposal was subject to an extensive environmental authorization process in terms of National Environmental Management Act, which includes specialist input from coastal engineers and environmental scientists. The development will entail the following:

- the lease area is located outside of the coastal high-water mark and behind the active dune line;
- the proposed building platform is positioned at an elevation that ensures no exposure to flooding under current 1:100-year flood line;
- the design and placement of the proposed structure is consistent with coastal setback principles established by the Western Cape Coastal Management Line Project, and
- the development is located within the low-risk Coastal Zone based on both historic storm data and topographical elevation modeling.

In 2023 severe storms affected several parts of the Western Cape coastline resulting widespread flooding and coastal damage. During this the highest recorded water line at Grotto Beach reached the 1 in 100-year watermark which is significantly below the restaurant's platform.

The Dune and Beach Management Plan compiled as part of the EA incorporated specific guidelines for stabilization, rehabilitation and long-term monitoring of the coastal dune system.

The proposed foundations are designed to minimize surface disruption using techniques suitable for coastline conditions. The development therefore complies with the Coastal Management Program for Overstand Municipality.

The restaurant's design integrates climate resilient building principles which include:

- elevated floor levels;
- stormwater infiltration and erosion control measures to prevent runoff and destabilization, and
- use of durable weather resistant materials to withstand coastal exposure.

The 2015 Western Cape Coastal Setback Line project provides a useful regional framework, but the modeling is not site specific and was never intended to present precise cadastral boundaries or building footprints.

The methodology relies on broad elevation bands and predicts scenarios for the entire Overberg coastline. By contrast the EA and Dune Management Plan relied on site specific surveys, data and geotechnical verification.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The applicant incorrectly refers to a Dune and Beach management plan which was compiled with the EA. The EA was approved prior to the implementation of the CML (Coastal Management Lines), However during the BAR cognisance was taken of storm surges and the potential risks involved with the location of the restaurant it was therefore suggested that the building be elevated in the tender specifications, in addition to this a storm surge study was conducted by Alternative Service Technologies. The outcome of the study indicated that the 2050 hazard line is at 5.8m above sea level.

What should be noted is that the floor level of the proposed restaurant is proposed at 6m above sea level. Comments from the Overstrand Municipality Environmental Department indicate that the proposed development will be compliant with the EMOZ regulations and have provided their comment with regards to the development with no objection towards the proposed development. It should be noted that should the application be approved it does not mean that there is no risk to the proposed and existing structures, the developer is aware of the risk and have therefore also agreed to lift the floor level.

**OBJECTION / CONCERN POINT 6**

**An objection asserts that the application fails to comply with the National Environmental Management: Integrated Coastal Management Act, 2008 (ICMA) and the designated Coastal Management (Setback) Line for the Overberg District.**

RESPONSE FROM APPLICANT

The environmental and coastal compliance aspects of this development were comprehensively assessed through the EA process and approved by the then DEADP.

Section 25 of the ICMA empowers the provincial environmental authority to establish and enforce coastal management setback lines to protect coastal public property, sensitive ecosystems, and human life and property from dynamic coastal processes such as erosion and storm surges. The relevant setback line for the Overberg District was formally adopted and implemented by the Western Cape Government.

The Basic Assessment and the supporting EMP included detailed coastal risk, dune stability, and hydrological assessments to ensure that the proposed development is located outside the functional dynamic coastal zone and that no natural dune or hydrological processes are compromised.

The resultant EA, which remains valid and was extended on 04 July 2025, was issued with the explicit concurrence of the DEADP Coastal Management Division, confirming that the proposal meets the requirements of both NEMA and ICMA Section 25. The EA therefore constitutes the formal permission required to allow development within the defined setback line area, subject to the mitigation and monitoring measures set out in the EA and the accompanying EMP.

**Environmental Authorisation and Compliance Confirmation**

The EA directly considered coastal processes, flood lines, the high-water mark (HWM), and the coastal management line. The department's review included input from coastal engineers and environmental specialists who confirmed that the proposed restaurant is positioned outside the active beach zone and at a safe elevation above the 1-in-100-year coastal flood level.

Furthermore, the 2023 storm event demonstrated the practical validity of this assessment and despite significant storm surges along the coastline, the proposed restaurant platform area remained unaffected. The most recent modelling confirms that the structure is located safely inland from the dynamic coastal processes that the setback line seeks to manage.

**Setback Line Context and Environmental Oversight**

While the Overberg Coastal Management Line is a precautionary planning tool, it is not an absolute prohibition on development. The ICMA allows development within the line were justified by environmental studies and where authorisation is granted by the competent authority. This was the process followed at Grotto Beach. The EA and subsequent EMP were both approved and contain detailed mitigation measures to protect the coastal environment during construction and operation.

**Municipal Role and Land Use Alignment**

The consent use application currently under consideration does not override or duplicate the environmental authorisation process. It merely aligns the use of the property with the zoning scheme and municipal planning instruments, ensuring that the development has both environmental legitimacy and planning compliance.

The Overstrand Municipality is not empowered to determine coastal management lines or to authorise deviations therefrom. This mandate rests with the provincial environmental authority. The municipality's role is to ensure that any approved development is consistent with the valid environmental authorisations, which in this case it is.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The comment by the applicant is noted and mostly agreed with, some of the facts provided are not correct. The EA received for the development at Grotto was done prior to the implementation of the formal CML lines, however the site plan which was considered in terms of the EA indicated the location and extent of the proposed restaurant. A storm surge study was conducted by Alternative Service Technologies, the outcome of the study indicated that the 2050 hazard line is at 5.8m above sea level. What should be noted is that the floor level of the proposed restaurant is proposed at 6m above sea level. It should be noted that the location of the restaurant is situated behind an existing natural dune and outside of the Functional Dynamic Coastal Zone (High Risk Zone). Further, rehabilitation to this dune system can minimise risk to the current and proposed structures in the area.

It should be noted that the CML lines have been incorporated into the land use scheme by means of the EMOZ (Environmental Management Overlay Zone). The parameters of the EMOZ were considered in the design of the structure, and positive feedback was provided by the Overstrand Environmental Services

Lastly, the application was circulated to DEADP Coastal, the comment received from the department did not object towards the application, but a more cautionary approach was to be taken with regards to the development. As stated below:

*"The SD:CM does note the socio-economic opportunities of the proposed development for the municipality, however the SD:CM must emphasize that a precautionary approach must be taken given the size of the proposed development. The SD:CM therefore suggests that consideration be given to set back the restaurant, inland of the medium risk zone, to reduce the risk of exposure to coastal processes.*

The suggestion made by the department is noted, however the specific location as proposed is the only location which supports the development of the restaurant. Firstly, it is aligned with the approved site plan for Grotto Beach as per the EA; secondly by moving the restaurant inland will cause other issues and have a cascading impact on the development of Grotto Beach, which includes the removal of parking bays or have a negative impact on the rehabilitation of the wetland.

To affirm the following statement from DEADP Coastal – "The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, 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*…" together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.

The design and placement of the structure was done in order to minimise impact on the existing dunes, milkwood and infrastructure of the area. It is on the exact footprint which the previous restaurants were developed; hereby the impact on the environment is minimised.

## OBJECTION / CONCERN POINT 7

**Several objections expressed concern regarding the proposed restaurant's proximity to the Fernkloof Nature Reserve and the Vogelgat Private Nature Reserve, potential impacts on the surrounding milkwood forest, and the absence of an Environmental Buffer Zone.**

RESPONSE FROM APPLICANT

**Lease Location Relative to Fernkloof Nature Reserve**

The subject lease area forms part of Remainder Erf 4771, Hermanus, which is part of the municipal commonage. This property contains all the roads, open space and other municipal areas in Voëlklip, part of which borders Fernkloof at the northern part of the property. The lease area does however not border the Fernkloof Nature Reserve or is in close vicinity of the reserve.

The Fernkloof Nature Reserve's southern boundary lies further inland, separated by public roads, open space, and natural vegetation that provide a substantial ecological buffer. This separation ensures that the restaurant development cannot have a direct ecological or visual impact on the reserve itself.

**Environmental Authorisation and Management Framework**

The proposed development has already undergone a comprehensive Basic Assessment in terms of the National Environmental Management Act (NEMA), culminating in a formal EA issued by the Department of Environmental Affairs and Development Planning (DEADP).

As mentioned, the EA was supported by an EMP were developed specifically to manage potential construction and operational impacts on the surrounding natural environment. These include provisions for:

- protection of adjacent vegetation during construction;
- controlled access and no-go zones to prevent encroachment into natural areas; and
- post-construction rehabilitation with indigenous plant species.

All environmental conditions set out in the EA and EMP are binding on both the lessee (CTFM) and the Overstrand Municipality, ensuring continuous environmental oversight throughout construction and operation.

**Protection of Milkwood Trees and Coastal Vegetation**

It is recognised that Milkwood trees (Sideroxylon inerme) are a protected species under Section 15(1) of the National Forests Act, 1998 (Act 84 of 1998). To ensure full compliance, an application was submitted to the Department of Forestry, Fisheries and the Environment (DFFE), and a formal permit was granted to prune four Milkwood trees located adjacent to the proposed development footprint ensuring they are out of the area of the proposed restaurant.

This permit was obtained as a precautionary environmental measure, not as an indication of extensive tree removal. The pruning is limited to canopy management to facilitate construction access and ensure the long-term health and structural integrity of the trees. No tree felling or root disturbance will occur.

In addition, the architectural design of the building was adapted around the existing vegetation, ensuring the preservation of the Milkwood canopy and the retention of the natural screening that defines the visual character of Grotto Beach.

**Biodiversity, Noise, and Light Considerations**

Potential indirect impacts such as light spill, noise, or traffic disturbance on fauna were assessed during the environmental review process. The Environmental Assessment Practitioner (EAP) concluded that the scale and operational nature of the proposed restaurant will not generate significant ecological disturbance, provided that lighting, landscaping, and operational controls are implemented as specified in the EMP.

Specifically:

- outdoor lighting will be downward-facing, shielded, and energy-efficient to reduce light pollution;
- no outdoor amplified sound will be permitted, and
- plants that will used shall be indigenous vegetation to maintain natural habitat continuity.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The response by the applicant is noted and agreed with. In addition to this it should be emphasized that the closest edge of the boundary of Fernkloof Nature Reserve is situated approximately 188m from subject property. The development of the site therefore has no impact on the Fernkloof Nature Reserve. No Milkwood trees will be removed, and the applicant did extensive studies to ensure that the foundation of the building will not interfere with the roots of the Milkwood trees. In addition to this, Vogelgat is a private nature reserve northeast of Voëlklip, and its closest boundary is approximately 1.6km from the proposed location of the restaurant.

## OBJECTION / CONCERN POINT 8

**Several objections relate to concerns that the proposed restaurant may erode the natural character and "sense of place" that define Grotto Beach. It has been suggested that the development represents commercial intrusion into a sensitive and tranquil environment and that this may diminish the area's identity as a natural and accessible public space.**

RESPONSE FROM APPLICANT

These concerns are noted, but they are not supported by the factual history of the site, the design philosophy of the proposal, or the findings of the EA process.

**Historical Continuity of Use and Cultural Identity**

The site identified for the proposed restaurant has a longstanding cultural and functional association with Grotto Beach, dating back to the mid-20th century. Records indicate that a café was operated on the site since at least 1946, with formal approval for a restaurant granted in 1949 by the Provincial Administration of the Cape of Good Hope. Over the following decades, the site housed several well-known local establishments, including the Goldfish Café, Driftwood Den, and Nautilus Restaurant, all of which contributed to Grotto Beach's unique social and recreational identity.

This history demonstrates that restaurant activity has always formed part of the Grotto Beach experience. The proposed CTFM development therefore does not introduce a new or incompatible land use but rather reinstates a use that has been embedded in the area's social and spatial character for over 60 years. In this sense, the proposal represents continuity and restoration rather than transformation.

**Design Sensitivity and Integration into the Landscape**

The architectural design of the proposed restaurant was informed by a strong commitment to contextual sensitivity and visual integration with the coastal environment. The building's height is limited to 6.17m, well below what could be considered intrusive, and the structure uses natural materials and coastal tones that blend with the dune and vegetation backdrop.

The orientation and massing of the building were guided by the EA and feedback from the Overstrand Municipality's Environmental Services Department, ensuring minimal visual intrusion and maintaining uninterrupted public views of the mountains and sea. Existing Milkwood trees and indigenous vegetation provide further natural screening, softening the building's visual presence and maintaining the sense of enclosure and intimacy that characterises Grotto Beach. It is important to note that during this stage public participation also took place.

By employing natural textures, subdued lighting, and a modest scale, the proposed design reinforces the site's calm and natural atmosphere while providing an upgraded, functional facility that respects the surrounding landscape.

**Preservation of Public Access and Social Inclusivity**

The perception that the proposal will "privatise" public space is unfounded. The lease area remains municipal land, and public access will continue unrestricted. All pathways, parking areas, and open spaces will remain open to the public, and the restaurant itself will be freely accessible to all visitors.

The Overstrand Municipality's tender specifically required that the development contribute to community and economic value, enhancing tourism and local employment while improving the quality of public amenities. CTFM's model as a family-friendly, accessible restaurant ensures that the facility serves a broad demographic, consistent with the spirit of inclusivity that defines Grotto Beach.

This approach preserves the area's social sense of place, a welcoming, communal beachfront environment that brings together residents and visitors from all walks of life.

**Environmental and Heritage Considerations**

The proposal was guided by the EA, EMP, and consultation with the Overstrand Heritage and Aesthetics Committee (OHAC). The EA confirmed that the development's scale and footprint are appropriate for the site, that it will not compromise the coastal dune system or natural vegetation, and that all design elements align with environmental best practice.

OHAC further supported the proposal, recognising that the design respects the heritage and visual character of the surrounding area and re-establishes an historically significant local landmark in a refined and contemporary form.

**Maintaining Tranquillity and Character**

The "sense of place" of Grotto Beach is defined by a combination of natural beauty, cultural history, and community activity. The proposed restaurant will coexist harmoniously within this framework, providing a controlled, well-managed, and environmentally responsible facility. Operational controls contained in the lease agreement and municipal by-laws, including restrictions on amplified music, lighting direction, and waste management, will ensure that tranquillity, cleanliness, and environmental integrity are maintained at all times.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The proposal is only to develop the specific location as indicated by the applicant. The remainder of the Grotto Beach front will remain unchanged. Great care was taken by the applicant to ensure that the design of the structure will not compromise the character of the area. OHAC provided comment on the proposed design. Currently the location where the structure is proposed to be placed is vacant and underutilised, the most activity the location had was when the area was used for purposes of the summer lounge.

**OBJECTION/CONCERN POINT 9**

**Several objections relate to concerns regarding the Environmental Impact Assessment (EIA), high-water mark (HWM) and "outdated studies"**

RESPONSE FROM APPLICANT

**Statutory Status and Scope of Approvals**

The proposal has been authorised in terms of NEMA via a Basic Assessment process with a positive EA, supported by a Dune and Beach Management Plan and an EMP. The EA was formally extended on 04 July 2025. The extension confirms that the competent authority reviewed the applicability of the original findings and mitigation to current conditions and found them adequate, subject to the EA/EMP controls. It should be noted an appeal was submitted against the extension and was not upheld by the Department of Environmental Affairs and Development Planning. The project therefore remains lawful, current, and regulated under NEMA and Integrated Coastal Management Act (ICMA).

**High-Water Mark, Setback, and Site Position**

The lease area lies landward of the active beach and outside the coastal high-water mark and primary dune toe identified in the approved documentation. As addressed above, the EA relied on site-specific survey and topography which carry greater weight for permitting decisions.

**"Outdated Assessments" – why a new EIA is not required**

Calls for a new, full EIA stem from the view that earlier work (2013–2015) is obsolete. Three points address this within the application:

- EA extension in 2025: The authority considered whether circumstances or science had changed to an extent that would invalidate the existing assessment and concluded they had not, provided the EMP and conditions are implemented.

- Scale and nature of activity: This is a reinstatement of a long-standing restaurant use within an existing, serviced coastal node, not greenfield urban expansion. The activity, footprint (±500m²), and height (6.17m) remain within the parameters assessed.

- Adaptive mitigation: The EMP is a living compliance document that binds construction and operation. If monitoring identifies any new risk, adaptive measures must be implemented without needing to restart the NEMA process.

**Climate Change, Storm Surge and Coastal Risk**

Climate risk (sea-level rise, surge, erosion) was explicitly addressed through platform elevation, avoidance of primary dune dynamics, stormwater infiltration and dissipation, and conservative construction detailing. The Dune and Beach Management Plan prescribe dune protection, erosion control, and post-construction rehabilitation with indigenous species. Taken together, these measures meet ICMA objectives and municipal coastal management practice for existing recreation nodes.

**Waste, Water Quality and Wildlife (incl. baboons)**

The development connects to municipal sewer infrastructure and the capacity for the proposal has been confirmed (refer to the response above). The EMP sets out spill prevention, pumping regimes, and incident protocols to avoid any discharge to the beach. Solid waste will be managed in a baboon-proof refuse room with scheduled collections and peak-season contingencies; on-site waste separation and recycling will be implemented. These controls exceed typical Blue Flag management requirements and directly answer concerns about litter, glass, and wildlife conflict.

**Cumulative Effects and "Two Restaurants"**

Cumulative effects were considered at precinct level. This coastal node has accommodated a restaurant on this site for over 60 years. The proposal reinstates that use with modern environmental controls that were not in place historically. Municipal services confirmations (water, electricity, sewer) and the approved operational controls (noise, lighting, waste) ensure that adding this facility does not create an unacceptable cumulative environmental impact.

RESPONSE FROM MUNICIPAL TOWN PLANNER

Please note comment under point 6.

The development of the site is proposed in such a manner to effectively utilise the site in line with the development parameters as stipulated in the EA and tender specifications. The location of the restaurant will not block any access to the main beach area. The restaurant will have a limited and restricted footprint which is minimal in comparison to the remainder of the beach area.

The tender specification was developed based on the outcome of the EA and in addition to this a storm surge study was conducted by Alternative Service Technologies. The outcome of the study indicated that the 2050 hazard line is at 5.8m above sea level. What should be noted is that the floor level of the proposed restaurant is proposed at 6m above sea level. The design and placement of the structure was done in order to minimise impact on the existing dunes, Milkwood and infrastructure of the area; it is further proposed to redevelop the structure on the exact footprint which the previous restaurants were developed. Thereby the impact on the environment is minimised.

It should be noted that the CML lines have been incorporated into the land use scheme by means of the EMOZ (Environmental Management Overlay Zone). The parameters of the EMOZ were considered in the design of the structure, and positive feedback was provided by the Overstrand Environmental Services.

CTFM and Dutchies have a variety of options on their menus and do not cater for the same clientele as the one restaurant serves sea food and the other Dutch inspired meals. In addition to this the success of the summer lounge, which was operated by Dutchies indicates that there is opportunity for two restaurants in the area. The municipality indicated that there are sufficient services available to operate the two restaurants.

**OBJECTION / CONCERN POINT 10**

**Concerns were raised regarding the need for another restaurant at Grotto Beach, its scale, and its impact on the character of the area.**

RESPONSE FROM APPLICANT

The proposal to establish the Cape Town Fish Market (CTFM) restaurant on the identified municipal lease area must however be considered in light of its historical context, municipal objectives, and compliance with applicable planning and environmental frameworks.

The site has been used for restaurant and café purposes for over six decades, with formal approvals and leases dating back to 1949. The Goldfish Café, Driftwood Den, and later the Nautilus restaurant all operated successfully at this location until the latter's destruction by fire in 2000. The current proposal therefore does not introduce a new or unfamiliar land use but rather reinstates a long-established and historically accepted function that has formed part of the Grotto Beach identity for generations.

The Overstrand Municipality, as the custodian of public land, explicitly included in its 2022 tender that any development of the site must contribute to economic and community value, enhance the tourism offering of Grotto Beach, and generate municipal income to support the ongoing maintenance of the area and its Blue Flag status. The tender process was open, competitive, and transparent, and CTFM was the successful bidder based on its ability to deliver a high-quality, sustainable facility that meets these objectives. It is also important to note that a full public participation process was included in the tender process.

CTFM's operational model supports local employment and enterprise development. Approximately 50 permanent jobs will be created, with additional seasonal employment during peak periods. Assuming an average household size of 3 - 5 individuals, between 150 and 250 people stand to benefit indirectly from this employment. This represents a meaningful socio-economic contribution in a town where seasonal employment fluctuations are a persistent challenge. Furthermore, local suppliers and service providers will be prioritised, ensuring that economic benefits remain within the Hermanus region.

Concerns regarding competition with existing restaurants are not supported by planning policy or market evidence. Land use planning processes do not regulate competition between businesses but rather assess the appropriateness of land uses in terms of zoning, policy alignment, and community benefit. The consent use being sought is for a tourism-related facility, a use that is encouraged within the spatial and economic strategies of the Overstrand Municipality and Western Cape Government. The SDF identifies Grotto Beach as a tourism node, where controlled commercial activity that enhances visitor experience is appropriate and desirable.

The proposal does not "privatise" public land nor restrict access. The restaurant will be accessible to the public, situated within the open public beach environment, and surrounded by municipal land that remains freely available to all. The facility's presence will enhance the visitor experience rather than detract from it, offering improved amenities, managed operations, and additional safety and maintenance presence on-site.

Regarding concerns that the structure will be out of character, the design was reviewed and supported by the OHAC, ensuring architectural harmony with the coastal setting. The proposed structure's scale, height (6.17m), and footprint (500m²) are proportionate to the historical buildings previously located on the site. The use of natural materials, subdued colours, and pitched roofs ensure the building complements the landscape rather than dominates it.

The EA, and EMP strictly regulate construction and operational activities to ensure the protection of surrounding sensitive areas, including the adjacent milkwood forest and wetland system. These documents remain valid and binding, and their extension in 2025 confirms that the proposal meets current environmental legislation and coastal management requirements.

It is also relevant that Grotto Beach already functions as a vibrant tourism node with existing facilities, including the adjacent Dutchies restaurant, public amenities, and recreational spaces. The proposed CTFM restaurant will operate in synergy with these, offering a complementary, family-oriented dining experience. Rather than "diluting" the market, the proposal diversifies the tourism economy and strengthens Hermanus's competitiveness as a coastal destination capable of accommodating varied visitor preferences.

In summary, the proposed restaurant is a continuation of a long-standing land use, fully aligned with municipal and provincial policy directives, and will deliver measurable socio-economic and tourism benefits. It has been designed and managed to respect the natural, visual, and social environment of Grotto Beach while upholding the principles of sustainable development and public accessibility.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The concerns and objections regarding the need for another restaurant at Grotto Beach, its scale, and its impact on the character of the area must be considered in the light of promotion of tourism, the limitations of the site and development parameters and the history of the site. The proposed restaurant will be a replacement of a restaurant and use which dates back to 1949; it will allow for local employment opportunities and be accessible to the community. The Grotto Beach precinct has very limited scope to be further developed due to the wetlands, Milkwood forests and the beach itself. The proposed geographical area is undeveloped and underutilised, the success of the recent summer lounge operations is an indication that two establishments can be operated in the beach precinct, this was even further made evident by the fact that the tenant of Dutchies also participated in the tender. It should also be noted that the Voëlklip suburb currently has three restaurants with only one serving the beach precinct, and although commercial competition is not a planning concern, the menu selection of CTFM is ocean based and is not in direct competition with the other restaurants which cater with a variety of meal selections.

## OBJECTION / CONCERN POINT 11

**The objections regarding the alleged "exclusivity" of the proposed restaurant are noted.**

RESPONSE FROM APPLICANT

The concerns are however based on a misunderstanding of both the nature of the development and the legal status of the land. The proposed Cape Town Fish Market (CTFM) restaurant does not privatise public land, nor does it limit public access to Grotto Beach. On the contrary, it forms part of a broader municipal strategy to enhance the functionality, safety, and accessibility of this key public recreation area for the benefit of all users.

The lease area on which the restaurant is to be established remains municipal property and will continue to be publicly owned. The lease agreement between the Overstrand Municipality and CTFM is a standard commercial arrangement that allows a portion of municipal land to be utilised for a specific purpose while retaining full public ownership and oversight. The remainder of Grotto Beach, including the parking areas, picnic zones, cliff path, and beachfront, remains fully accessible to all members of the public, exactly as before. The development therefore does not diminish public access or enjoyment of the beach environment.

It is also important to emphasise that the restaurant will be open to the general public and not restricted to a particular group or income level. The CTFM brand operates as a family-oriented, mid-range restaurant that caters to a broad demographic, including local residents, day visitors, and tourists. Pricing and accessibility are consistent with comparable establishments in Hermanus and across South Africa, making the facility inclusive rather than exclusive. The design of the building, its pedestrian access points, and its integration with public pathways and open spaces have been intentionally planned to promote openness and connectivity rather than separation or exclusion.

The Overstrand Municipality's 2022 tender documentation explicitly required that the successful proposal must contribute to economic and community value and enhance tourism for the broader Hermanus area. The selection of CTFM was based on its proven capacity to deliver these outcomes while complying with environmental and design criteria. The restaurant will create approximately 50 local jobs and generate sustained economic benefits through procurement of local goods and services. These benefits will be distributed across the community, not confined to the operator, and will contribute to municipal revenue used for the maintenance of public amenities, including the Blue Flag status of Grotto Beach.

In terms of the principle of spatial justice under SPLUMA, the development directly supports the equitable use of public land by enhancing facilities for all users rather than reducing them. The restaurant will provide improved ablution access, safety presence, waste management, and visual enhancement to an area that has historically accommodated a restaurant use for over 60 years. The proposal does not replace community space but instead reinstates and upgrades an established, well-integrated facility that complements the recreational use of the beach.

The suggestion that the development represents "privatisation" or exclusion is therefore incorrect. The public retains full access to the surrounding open space, and the restaurant itself is publicly accessible. The project was initiated and approved through a transparent municipal process that included a competitive tender, public participation, and environmental assessment. All regulatory mechanisms have been followed to ensure that the development aligns with the public interest and contributes to the sustainable management of municipal assets.

Finally, it should be recognised that developments such as this are essential to maintaining the viability and quality of public spaces. The municipality incurs significant ongoing costs to maintain Grotto Beach and uphold its Blue Flag status, costs that are offset in part through responsible revenue-generating activities such as leasing a small portion of land for tourism-related uses. This approach ensures that Grotto Beach remains a safe, well-managed, and financially sustainable public asset that continues to serve the entire community.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The restaurant will not be exclusive to one income group, and it will be open to the general public, in addition to this the proposed site will not change in ownership. The funds gained by the restaurant will aid the municipality in fulfilling its mandatory duty to its community, maintaining and developing the Grotto Beach precinct. The statements made by the objectors regarding open space zoning is inaccurate, Erf 4771 forms part of the commonages of Hermanus (Voëlklip) and such commonages comprise of various zonings and uses. For example, on Erf 4771 comprise of uses such as nature reserve, road reserves, restaurants/vendors and public facilities. To state that a restaurant will withhold access to open space is not agreed with and the objection can be answered with simple question, does the community at large not benefit from the various uses on Erf 4771? Coffee, food vendors, public facilities such as bathrooms and lifeguard offices are to the benefit of the community and enhances the community's experience when visiting the area.

**OBJECTION / CONCERN POINT 12**

**Concerns were raised regarding the procedural fairness and alleged flaws in the application.**

RESPONSE FROM APPLICANT

The objections claiming that the application is "fatally flawed" or procedurally irregular are noted but unfounded. The process followed to date fully complies with the relevant provisions of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, the SPLUMA, and other applicable legislation. Each procedural step, from the awarding of the lease through a public tender process to the submission of the land use application, has been carried out transparently, with appropriate opportunity for public input.

**Tender and Lease Process**

The lease of the municipal land to CTFM was not an arbitrary or private arrangement. The Overstrand Municipality advertised a public tender in accordance with the Municipal Finance Management Act, 2003 (MFMA), which governs the disposal or leasing of municipal assets. The tender specifically required that the proposed development demonstrates community and economic value, contribute to tourism enhancement, and comply with all planning, environmental, and legislative requirements before implementation.

CTFM was the successful bidder based on the strength of its proposal, operational record, and alignment with the municipality's objectives for Grotto Beach as a Blue Flag destination. The lease agreement that followed does not in itself authorise land use, it merely grants the right to apply for the required approvals. The submission of this consent use application therefore forms part of fulfilling the lease conditions and ensuring full compliance with planning law. It does not pre-empt or undermine the Municipality's authority to assess the application objectively.

**Building Plan Approval**

The building plans that were submitted and approved by the municipality relate only to the architectural design and compliance with the National Building Regulations. The approval of building plans does not confer or confirm land use rights. It is also important to note on submission of the land use application the building plans were withdrawn and will be resubmitted. These rights are subject to this current land use application process, which includes public participation, review by the relevant municipal departments, and eventual consideration by the decision-maker under the By-Law.

The perception that building plan approval indicates a predetermined outcome is therefore incorrect. The plans were processed in accordance with the National Building Regulations and Building Standards Act, 1977, while the land use process is governed separately by SPLUMA and the By-Law. Both approvals are required and are complementary, not conflicting.

**Public Participation and Procedural Compliance**

All affected property owners and relevant stakeholders were notified of the application in accordance with Sections 47 - 49 of the Overstrand By-Law on Municipal Land Use Planning. Notices were published, placed on site, and circulated to adjoining owners. The use of electronic service (email) as a notification method is consistent with the municipality's approved communication procedures and in line with Section 115 of the Municipal Systems Act, 2000, which allows electronic service where appropriate.

While an individual notice delivery error (such as a mistyped email address) is regrettable, it does not invalidate the overall process provided that the statutory minimum methods of notification were observed, which they were. In this case, both on-site notices and newspaper advertisements ensured that the public was informed of the application. The volume and breadth of submissions received during the objection period further confirm that the process successfully reached the intended audience.

The objection that the process constitutes "a charade" or was undertaken after decisions had been made is therefore not supported by fact. Public participation remains an essential and genuine component of the process. All comments and objections are being formally considered before any final decision is made by the authorised decision-maker.

The objection alleges procedural unfairness and municipal bias, citing the prior lease tender process and a High Court order related to vested rights. It is essential to clarify that the current consent use application is a new and independent land use process, distinct from prior administrative or contractual procedures. The municipality, as the competent authority under the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (MPBL), is required by law to evaluate the application on its own merits, based on spatial, environmental, and policy considerations, and not on past approvals or contracts.

**Fairness and Objectivity of Municipal Assessment**

The Overstrand Municipality acts as the administrative authority responsible for assessing the application, not as a co-applicant. While the municipality is the owner of the land, it has delegated the evaluation of land use applications to the Municipal Planning Tribunal (MPT) or an authorised official under SPLUMA. This separation of ownership and decision-making ensures that the process remains objective and legally sound.

The municipality's role as lessor does not disqualify it from processing an application on its own land, provided that statutory decision-making protocols are followed, a practice that is both lawful and common across South African municipalities.

**Historic Building Size and Design Context**

The claim that the proposal is "based on a gross overestimation" of previous structures is incorrect. The design and footprint of the proposed restaurant were informed by the BA and EA previously issued by the environmental authorities. The environmental documentation clearly outlined permissible building parameters, including the location, orientation, height, and size of the structure. The proposed 500m² footprint falls within these approved limits and complies with the environmental authorisation currently in effect.

Furthermore, the site has a continuous history of accommodating restaurant and café facilities for more than 60 years, under establishments such as the Goldfish Café, Driftwood Den, and Nautilus. The proposed structure therefore represents the renewal and modernisation of a long-established use that was lost to fire rather than the introduction of a new or oversized facility. The architectural design was refined in consultation with the municipality and environmental specialists to ensure compatibility with the character of Grotto Beach.

**Conclusion**

The allegations that the process is procedurally defective, biased, or unlawful are without merit. The municipality has adhered to all legislative and administrative requirements, and the application is being processed in full compliance with SPLUMA, the Overstrand By-Law on Municipal Land Use Planning, and the principles of administrative fairness under Promotion of Administrative Justice Act (2000). The proposed development represents a continuation of historic land use, undertaken through transparent public procedures, and supported by valid environmental authorisation.
The procedural objections therefore do not affect the validity or desirability of the application and should not influence the outcome. The application remains lawful, technically sound, and consistent with the municipality's mandate to balance sustainable development, public benefit, and responsible management of municipal land.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The tender was developed based on the outcome of the EA and the history of the site and the municipality's intent to redevelop the site given the success of the Summer Lounge from 2015. The tender process was open, and fair and no malicious intent was meant by the awarding of the tender. In light of the legal challenge brought against the municipality, historical documents were gathered by the municipality which indicated the use of the property however, to ease the objectors concerns and to forgo additional legal costs the municipality agreed to the court order.

Further, the notion that the application submitted is a total disregard for the objector's client's fundamental constitutional right is devoid of truth. Firstly, during the EA public participation process, neighbouring and interested and affected parties were made aware of the proposed restaurant and the Municipality's intent to redevelop the site, and since the approval of the EA - parties involved knew that at some stage a restaurant will be developed. The municipality's stance regarding the land use right for the restaurant did not change. However as stated, to ease the objectors concerns and to forgo additional legal costs the municipality agreed to the court order. Secondly, all parties agreed to the order provided which stated that the building plan be withdrawn and that a land use application will be submitted. The land use application is therefore in respect of the objector's client's rights and wishes. CTFM withdrew the building plan as well. The order further stated that the should the land use application be approved then new building plans will be submitted.

The objector states that the history of the site is legally irrelevant and that things changed dramatically over the past years, the objector even stated that the area was not used as a restaurant for the past 25 years. To this our response is in terms of planning principles one must consider the history of a site, what the current functions are and what the most effective use will be for a site. The history of the site is such a fundamental part of the Hermanus history, and which is made evident with the online webpage on the Hermanus Historical Society webpage. The design proposals which were presented during the EA process were inspired by the old designs of Nautilus, this in turn informed the design for CTFM restaurant. The history of the site therefore still contributes to the character and sense of place which the client is seeking to establish.

In addition to this although there was no formal building placed on the site, on occasion and to great success, it was used as a summer lounge which served beverages and light meals. Currently the site is vacant and practically not used by the public as the beach goers make use of the seashore closest to the water and the picnic area behind Dutchies. The site also currently holds no attractive qualities for beach goers. To utilise the site more effectively will not exclude the community but will allow opportunities and a place of interest to visit. The proposed restaurant will not in any way change the picnic and braai areas of Grotto Beach therefore anyone who seeks to bring their own meals can still enjoy Grotto Beach. In comparison the two picnic and braai areas are currently approximately 7000m² in extent compared to the proposed development of 500m² and to reinstate the two picnic areas will remain unchanged.

It was further expressly stated that the poor will be excluded from the establishment. However, the objector represents three property owners who abuts the Grotto Beach precinct. Further, no objector outright stated how they personally will be unable to make use of the restaurant nor how they use the opens space and claims that the minority will be benefitted at the expense of the majority which is not true. It is the minority of residents which abuts the Grotto Beach precinct who does not want any further development to take place at Grotto Beach as it might have a negative impact on them in terms of noise and views.

**OBJECTION / CONCERN POINT 13**

**Objections were received with regards to land use, zoning and procedural compliance**

RESPONSE FROM APPLICANT

**Zoning and Permissible Uses**

The subject property forms part of the municipal landholding zoned as Public Open Space in terms of the Overstrand Municipality Land Use Scheme, 2020 (OMLUS). In terms of the Scheme, a restaurant or similar facility may be considered as a consent use under the "tourist facility" land use category, which is explicitly permissible within the Public Open Space Zone.

Accordingly, this application has been submitted not to rezone the property, but to obtain consent use approval for the proposed restaurant, as required by the Land Use Scheme. The land remains public land and will continue to serve a public function. The consent use merely allows for the establishment of a restaurant that supports tourism and enhances recreational use.

This process fully aligns with Section 42(1) of SPLUMA, which mandates that land development applications must be considered in light of the broader public interest, spatial justice, sustainability, and efficiency.

**Consistency with the Public Open Space Zoning Purpose**

The purpose of Public Open Space zoning is to provide land for recreation, tourism, and social gathering for the benefit of the community. The introduction of a restaurant, designed to complement and serve visitors to Grotto Beach, is entirely consistent with this zoning intention.

This proposal does not remove or alienate public open space, nor does it preclude public access. The lease area remains within municipal ownership, and the beach, surrounding dunes, and greenbelt areas remain freely accessible to all members of the public. The restaurant is a supporting recreational amenity, not a competing use.

**Advertising and Public Participation**

The application was advertised in strict compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

- a notice was published in the local press (Village News);
- individual notices were circulated to all interested and affected parties), and
- the notice was also displayed on-site and uploaded to the municipal website for the duration of the 30-day objection period.

The application documents, including architectural plans, locality maps, and motivation report, were made available for public viewing at the municipal offices. Any perception that the public was not informed or that the proposal was misrepresented is therefore factually incorrect.

The application has undergone a transparent and lawful process, providing ample opportunity for community input, and the volume of objections received demonstrates that public participation has been extensive and effective.

**Scale and Character of the Development**

The proposed restaurant building has a floor area of 500m² and a maximum height of 6.17m, both of which are well within the development parameters permitted in terms of the OMLUS.

The design was developed in consultation with the Overstrand Municipality's Environmental Services Department and the OHAC to ensure that it fits harmoniously into the existing landscape.

**Alignment with Municipal Planning Objectives**

The proposal is consistent with the SDF and the IDP, both of which encourage development that enhances tourism, supports local economic development, and strengthens the functionality of key coastal nodes such as Grotto Beach.

Allowing a well-designed, environmentally approved restaurant in this location gives effect to these policies by improving public amenities, attracting investment, and generating local employment opportunities, while still ensuring environmental protection and public access.

**Socio-Economic Considerations**

The restaurant is not designed to replace public recreational use but to complement it by providing services to beachgoers and visitors. A wide range of menu items and price points will ensure that the facility is accessible to both residents and tourists. Furthermore, the development will provide approximately 50 local employment opportunities, benefitting between 150 and 250 individuals indirectly, a meaningful socio-economic contribution to the local community.

**Conclusion**

The proposed restaurant represents a lawfully submitted, zoning-compliant, and environmentally authorised land use application. It falls squarely within the permissible uses of land zoned Public Open Space under the OMLUS and fully complies with SPLUMA's principles of sustainability, efficiency, and spatial justice.

The objections suggesting non-compliance with zoning provisions, inadequate participation, or procedural unfairness are therefore unfounded. The development has been designed and processed in accordance with all applicable legislation, and its approval will reinforce, rather than detract from, the social, environmental, and economic value of Grotto Beach.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The zoning of the property will remain unchanged, the land use parameters for the site was derived out of historical context of the site, the EA and public participation for the EA. As stated above and in agreement with the applicant none of the existing public picnic and braai facilities will change. The development of the site aims to be a restaurant which is a supporting recreational amenity, not a competing use. The SPLUMA principles of sustainability, efficiency, and spatial justice will be considered in the evaluation of the application. However, the previous response should be noted:

The restaurant will not be exclusive to one income group, and it will be open to the general public, in addition to this the proposed site will not change in ownership. The funds gained by the restaurant will aid the municipality in fulfilling its mandatory duty to its community, maintaining and developing the Grotto Beach precinct. The statements made by the objectors regarding open space zoning is inaccurate. Erf 4771 forms part of the commonages of Hermanus (Voëlklip) and such commonages comprise of various zonings and uses. For example, on Erf 4771 comprise of uses such as nature reserve, road reserves, restaurants/vendors and public facilities. To state that a restaurant will withhold access to open space is not agreed with and the objection can be answered with simple question, does the community at large not benefit from the various uses on Erf 4771? Coffee, food vendors, public facilities such as bathrooms and lifeguard offices are to the benefit of the community and enhances the community's experience when visiting the area.

**OBJECTION / CONCERN POINT 14**

**Objections were received with regards to compliance and procedural fairness.**

RESPONSE FROM APPLICANT

**Procedural Fairness and Public Participation**

The consent use application for the proposed restaurant has been undertaken in strict accordance with the Overstrand Municipality By-Law on Municipal Land Use Planning (2020) and SPLUMA.

All statutory requirements for notification, public inspection, and comment were complied with:

- the application was advertised in the local press and placed on the municipality's official website;
- written notices were delivered to all registered adjacent property owners;
- a notice board was erected on site for the duration of the 30-day statutory comment period, and
- all application documentation (including plans, motivation report, and supporting specialist studies) was made available at the municipal offices and on the digital platform for public review.

**SPLUMA and the Municipal Land Use By-Law**

In terms of Section 42(1) of SPLUMA, municipal tribunals must consider applications against five decision-making criteria: *spatial justice, sustainability, efficiency, resilience, and good administration*. The proposed restaurant satisfies each of these principles, as discussed comprehensively in the motivation, by re-establishing a lawful, previously existing use on public land in a manner that enhances accessibility, promotes tourism, creates employment, and supports local economic development.

The Overstrand Land Use Scheme allows a restaurant as a consent use within land zoned Public Open Space, making this application legally valid and procedurally correct. The municipality's role is to adjudicate the desirability of the use, not to rezone or alienate the land. The land remains in public ownership and retains its open-space function.

**Municipal Finance Management Act (MFMA) and Lease Process**

The leasing of the municipal land followed the relevant Municipal policies, and the process included the following:

- a Council resolution authorising the lease;
- a public tender process (advertised in 2022), open to all interested bidders, and
- a valuation of the lease area by an independent professional valuer.

The inclusion of conditions requiring that any development comply with all land-use and environmental legislation.

The tender process was competitive, transparent, and duly approved by Council, satisfying the procedural requirements of MFMA. The lease agreement is subject to all statutory approvals, the land use application that was submitted for the proposed restaurant was to promote procedural transparency. This step also ensures CTFM's compliance as tenant with the requirements of the lease agreement with the Overstrand Municipality. The claim that the municipality acted irregularly or "pre-approved" the proposal is therefore factually incorrect.

**Consumer Protection Act and Municipal Accountability**

The Consumer Protection Act (Act 68 of 2008) governs commercial transactions between suppliers and consumers. It does not regulate municipal land-use processes. The municipality's actions have however nonetheless been guided by principles of fairness, transparency, and accountability consistent with the Act's intent.

The application process has been fully transparent and open to scrutiny. Claims that residents were "denied fairness" are unfounded, given that the municipality has followed the statutory process, allowed public submissions, and ensured the decision-making process remains subject to review and appeal under PAJA and the Overstrand By-Law.

**On Allegations of Prior Legal Action or Irregular Approvals**

The objection's reference to "court orders halting construction" and "previous approvals" is misleading. No development activity has commenced, and building plan approval was granted. To ensure transparency, the land use application was submitted. The municipality, as custodian of public land, is obligated to re-advertise and re-evaluate any application of this nature to ensure statutory compliance and procedural transparency, precisely the process currently underway.

The repetition of formal procedures does not constitute irregularity but rather demonstrates good administrative practice, as the municipality is ensuring that any new or extended authorisations remain legally sound.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The objector states that a High Court order has been obtained and that the proposed use is not permitted as of 2015, 2020 and 2025. It further states that the municipality was unable to produce any evidence that a valid special consent existed.

On these points the following should be noted: the municipality provided a chronological extract to its attorneys where in it provided the decisions from council to lease the land and develop it for restaurant purposes. The oldest record found was dated 1949 were the Provincial Government provided the municipality the right to develop a restaurant and lease it. The decision dated 1949 predates the recent Land Use Scheme and Zoning Schemes it replaced. The municipality thereafter made several other decisions regarding the lease and the extent of the development. Given the history the municipality maintains that the record at had clearly establishes the land use right for the restaurant. The objector and the persons who it represents chose to take further legal action. To ease the objectors concerns and to forgo additional legal costs the municipality agreed to the court order, as did the objector's party.

The municipality's stance regarding the land use right for the restaurant did not change, however as stated, to ease the objectors concerns and to forgo additional legal costs the municipality agreed to the court order. All parties agreed to the order provided which stated that the building plan be withdrawn and that a land use application will be submitted. The land use application is therefore in respect of the objector's client's rights and wishes. CTFM withdrew the building plan as well. The land use application which is now being considered adheres to the prescripts of a fair and open process and the points with regard to desirability and SPLUMA's spatial principles will be evaluated in this report.

**OBJECTION / CONCERN POINT 15**

**Concerns regarding potential depreciation of surrounding property values were received.**

RESPONSE FROM APPLICANT

Such claims are however speculative and unsupported by empirical evidence or professional valuation data. In contrast, experience from comparable coastal and tourism-based environments indicates that the introduction of high-quality, well-managed facilities such as restaurants, cafés and visitor amenities typically enhances local property values by improving area desirability, convenience, and public safety.

The proposed development is located on municipal-owned land, separated from surrounding residential properties by public roads, dune vegetation, and a significant elevation difference of approximately 10m. The nearest residential property lies roughly 90m away and has no direct line-of-sight to the proposed restaurant. These physical buffers, together with the preservation of existing Milkwood vegetation and the architectural design measures adopted, ensure that the restaurant will not intrude visually, acoustically or operationally on neighbouring residential properties.

There is no credible basis to conclude that the proposed restaurant will result in property devaluation. To the contrary, the project introduces long-term investment, employment, and public-realm improvements consistent with the area's established character as a premier coastal destination.

The development respects the sensitive environmental setting, retains the tranquillity of the residential surroundings, and enhances the functionality and aesthetic quality of Grotto Beach. These factors collectively support the continued appreciation of property values rather than any decline.

RESPONSE FROM MUNICIPAL TOWN PLANNER

It stands to reason that a well-established facility will be a boost to the attractiveness of the area. People visit and stay in Voëlklip to enjoy the amenities the area has to offer ad the proposed restaurant will be one such facility. Further, no formal information is provided to indicate why it is believed that property values will have a devaluation.

**OBJECTION / CONCERN POINT 16**

**Concerns regarding the sale of liquor and associated impacts on safety, noise, and public order**.

RESPONSE FROM APPLICANT

It is important to clarify that the granting of a liquor licence is a separate statutory process governed by the Western Cape Liquor Act, 2008 (Act 4 of 2008) and the Overstrand Municipality: Amendment of Liquor Trading Hours By-Law, 2011. The current land use application does not seek approval for liquor trading rights but only for consent use to operate a restaurant in accordance with the approved lease and planning framework.

Liquor licensing is subject to stringent procedural and operational requirements, including the submission of a detailed management plan, compliance with trading hours, and the ability of the operator to demonstrate that the sale of alcohol will not result in nuisance or public disturbance.

**Regulatory Context and Compliance**

The Overstrand Liquor Trading Hours By-Law (2011) permits on-consumption sale of liquor (i.e. liquor consumed on the premises) between set hours, seven days a week. The proposed restaurant's operating hours align with this provision. This by-law was established to regulate liquor sales uniformly across the municipality and to balance economic activity with community wellbeing.

Furthermore, the operator, Cape Town Fish Market (CTFM), has a proven national record of compliance with liquor licencing regulations and responsible trading practices in multiple coastal municipalities, including Cape Town, and in the future Mossel Bay and George. CTFM's operational model focuses on family-friendly dining and seafood cuisine, not late-night entertainment or bar culture. The restaurant does not include a bar facility or dance floor and will not operate as a tavern, nightclub, or similar use.

**Public Safety and Enforcement**

Concerns regarding potential unruly behaviour or late-night disturbances are speculative and unfounded within the context of this specific operation. All restaurants in the Overstrand Municipality that hold valid liquor licences operate under strict conditions of control and monitoring. Enforcement is shared between:

- The Western Cape Liquor Authority (WCLA)
- The Overstrand Municipal Law Enforcement Unit
- The South African Police Service (SAPS)

Each authority retains certain power to conduct unannounced inspections, issue fines, or revoke a licence if conditions are breached. The municipality also reserves the right to impose additional operational conditions through the land use approval or lease agreement to prevent nuisance.

**Separation from Residential Areas**

It should also be noted that the nearest residential dwelling is located approximately 90m away and 10m above the proposed site. The natural dune vegetation, including the Milkwood Forest buffer, provides an effective acoustic and visual barrier, further mitigating any potential disturbance.

The site is situated within a designated public recreation node, which has long hosted similar facilities (the previous restaurants Nautilus, Driftwood, and Dutchies). Therefore, liquor service at a seated restaurant within this precinct is not an unfamiliar or inappropriate activity.

The objection that the liquor licence will result in social disorder or public harm is unsupported by factual evidence and disregards the extensive regulatory and operational safeguards in place.

The proposed restaurant:

- will comply fully with municipal and provincial liquor control regulations;
- is located an adequate distance from residential dwellings;
- will be professionally managed with responsible alcohol service policies, and
- forms part of a long-standing tradition of restaurant uses at Grotto Beach.

Accordingly, the sale of liquor within approved trading hours will not compromise the safety, tranquillity, or character of the Voëlklip area. Instead, it will enhance the dining and tourism offering at Grotto Beach in a controlled, lawful, and well-managed manner.

RESPONSE FROM MUNICIPAL TOWN PLANNER

Dutchies currently has the same liquor license as the one proposed for the restaurant and no objection is made to the renewal of its license. The proposed restaurant will be managed by the same regulatory framework. The establishment will not be a liquor outlet and therefore patrons may enjoy the beverages at the restaurant however liquor may not leave the restaurant.

## OBJECTION / CONCERN POINT 17

**Concerns regarding safety and potential risks associated with increased visitors and alcohol consumption are noted.**

RESPONSE FROM APPLICANT

The proposed restaurant is however not expected to compromise public safety in any way. The facility will operate as a family-oriented, sit-down restaurant under strict management control and in full compliance with the Overstrand Municipality: Liquor Trading Hours By-Law, 2011. Alcohol service will be confined to the premises, and no takeaway sales or beach consumption will be permitted.

The restaurant's design and operational management will in fact enhance safety in the area by introducing better lighting, passive surveillance, and active staff presence throughout operating hours. These measures, together with law enforcement patrols already active in the Grotto Beach precinct during peak periods, will deter antisocial behaviour and improve the overall security of the area. The development therefore supports a safer and more controlled environment for both residents and visitors, rather than posing a risk to community wellbeing.

RESPONSE FROM MUNICIPAL TOWN PLANNER

The notion that safety will be negatively impacted is incorrect. The restaurant will have patrons and staff at the facility which increases safety because there are more "eyes on the open areas and street" which makes it harder for criminals to go unnoticed.

**8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

See Paragraph 7 above.

**9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)**

See Paragraph 7. above.

**Departments**

No objections were received from the various departments. It should be noted and as discussed in the Paragraph 7. above, comment was received from DEADP: Coastal. The letter does not object towards the application, but a more cautionary approach was to be taken with regards to the development, as stated below:

*"The SD:CM does note the socio-economic opportunities of the proposed development for the municipality, however the SD:CM must emphasize that a precautionary approach must be taken given the size of the proposed development. The SD:CM therefore suggests that consideration be given to set back the restaurant, inland of the medium risk zone, to reduce the risk of exposure to coastal processes."*

The suggestion made by the department is noted, however the specific location as proposed is the only location which supports the development of the restaurant. Firstly, it is aligned with the approved site plan for Grotto Beach as per the EA and secondly by moving the restaurant inland will cause other issues and have a cascading impact on the development of Grotto Beach, which includes the removal of parking bays or have a negative impact on the rehabilitation of the wetland.

To affirm the following statement from DEADP Coastal: *"The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, 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*…" together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.

The design and placement of the structure was done in order to minimise impact on the existing dunes, Milkwood and infrastructure of the area and it is on the exact footprint which the previous restaurants were developed. Thereby the impact on the environment is minimised.

## 10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

### 10.1 Background

N/A

### 10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice
One of the objectors stated that the principal of spatial justice cannot be upheld due to exclusivity of the establishment and that a section of the open space will be used exclusively for more wealthier members of the community.

In terms of Section 42 of SPLUMA, 2013 - Spatial Justice has reference to:

(i) past spatial and other development imbalances must be redressed through improved access to and use of land;
(ii) spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation;
(iii) spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;
(iv) land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;
(v) land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas, and
(vi) a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application.

In terms of the aforementioned it is clear that spatial justice "*in the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities".* The objector failed to note this and only focussed on the availability/access to land. The quoted section clearly refers to the promotion of integration of communities and the creation of settlements that allow the poorest of the poor access to opportunities. If this is the true reason for this principle, then a new settlement should be developed on the public land and not a restaurant – but this notion should be set aside.

The scope of the proposal is not that of settlement development, but the development of a restaurant and the following should be noted:

- no access to beach public beach and picnic areas will be lost;
- the proposed facility will allow for an enhanced experience when visiting;
- the restaurant does not exclusively cater for wealthy individuals and have a range of options available on the menu, and
- the income gained from the restaurant's lease will enable the municipality to maintain its regulatory duty to all its communities including providing facilities to the poor.

In addition to this the restaurant provides income opportunities for individuals in Voëlklip where there is already a limited number of job opportunities, these individuals are not highly qualified or high-income earners however the proposal presents an opportunity to work in a high-income suburb which is underserved by commercial uses.

Spatial sustainability
The application is considered spatially sustainable as the existing property will be optimally utilised while adhering to the provisions of the EA. The proposal is within the fiscal means of the municipality, and the developer is knowable regarding the cost of service.

Efficiency
The proposed development is considered efficient as it will make use of existing infrastructure in the area without the need for major redevelopment. The site was historically used as a restaurant and the redevelopment thereof will minimise negative financial, social, economic or environmental impacts.

Spatial Resilience
The Overstrand Municipality can develop spatial planning documents as required to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

Good administration
The application followed an open and fair process and the comments received were considered.

**10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)**

Same as Point 10.2 above.

**10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies**

The proposed use is not limited by the Overstrand Municipality's SDF and spatial policies and is therefore consistent with the municipality's spatial vision.

**10.5 (In)consistency with guidelines prepared by the Provincial Minister**

N/A

**10.6 Impact on municipal engineering services**

Several studies were conducted to ensure that the sewer and water connection are viable, the applicant will be responsible to convert the existing 10 000l conservancy tank to a smallbore tank. No objection was received from Engineering Services regarding the development; the existing electrical box will require replacement by the applicant.

**10.7 Outcomes of investigations/applications i.t.o other legislation**

Refer to Paragraphs 7. and 9. of this report.

**10.8 Existing and proposed zoning comparisons and considerations**

Erf 4771, Hermanus is zoned as Open Space Zone 2: Public Open Space. The application at hand is for a consent use in order to re-establish a restaurant at the proposed location. No change is proposed regarding the zoning of the property.

## 11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

## 12. THE DESIRABILITY OF THE PROPOSAL

The location where the restaurant is proposed forms part of Grotto Beach and represents a small portion of Erf 4771. Erf 4771 forms the part of the Voëlklip commonage and comprises of several uses such as nature reserve, open space, road reserve, utility services, public facilities and food and beverage vendors.

The restaurant is proposed on a portion of Erf 4771 which is zoned Open Space Zone 2: Public Open Space; under this zoning a restaurant may be applied for as a consent use for tourist facilities. In terms of this zoning the municipality must determine the development parameters that apply when:

i. the zoning of a land unit to this zone is approved;
ii. any environmental impact report is considered;
iii. any environmental management plan is considered, and
iv. any site development plan is approved.

The development parameters for the site were developed and determined in accordance with the Environmental Authorisation (EA), the EMOZ and the tender specifications. The specifications are as follows:

- A maximum height of 6,17m from existing ground level. The structure must be single storey with the allowance for an elevated finished floor level to accommodate possible storm surges. The roof(s) of the structure must be pitched. The pitched roof(s) must accommodate view lines.
- The total floor area must not exceed the original footprint of the “Old Nautilus” restaurant (500m²).
- Design should be compatible with the design concepts as discussed in the Heritage and Environmental Overlay Zones 2020.
- The proposal must be aligned with the Environmental Authorisation.

- No other commercial activities may be operated on the property.
- The property will only be allowed to be used as a restaurant.
- The surrounding public parking in Grotto Road may be used by clients of the restaurant but will not be reserved for the proposed restaurant.

The municipality awarded a tender to CTFM to develop, manage and maintain a restaurant on the portion. The tender was guided by the history of the site which according to record dates back to 1949. A short history of the site is listed below:

| Date | History |
|---|---|
| 22 April 1949 | Permission is provided by The Provincial Administration of the Cape of Good Hope to the municipality for the development of a restaurant. |
| 2 September 1957 | Permission was provided by The Provincial Administration of the Cape of Good Hope for the extension of the lease. |
| 12 June 1967 | Building plans indicated the layout of the establishment. |
| 4 June 1979 | Lease awarded for the management of the Gold Fish Café. |
| 5 August 1981 | The lease term was under consideration this letter also noted that the establishment was in existence since 1949. |
| 27 August 1981 | Lease was awarded for a site of 650m² for the Grotto Beach Café which changed to the Driftwood Den restaurant. |
| 26 February 1996 | A meeting was held by the Council to discuss a lease of 50 years for the continued lease of the Nautilus restaurant. |
| 28 July 1998 | The lease term was again under discussion by the Council. |
| 16 August 2000 | Council considers the destruction and demolition of the burnt-out building and legal claims. |

- Since 2000 the property was vacant and periodically used as the summer lounge/Summer festival up to 2023 prior to the tender being awarded.

- In 2014 public participation process in terms of the NEMA Regulations were finalised and various options considered in terms of the Environmental Authorisation (EA). During the BAR process similar concerns were raised regarding the proposed site plan, as submitted with this application, namely;

    - property values and sea views
    - noise issues
    - parking and entry road relating to events
    - natural habitat
    - Blue Flag Beach

- The concerns were discussed in a full public meeting, and the EA was provided in 2015. The Municipal Council considered the proposal and the concerns raised and a decision was made by Council to redevelop the restaurant on the Old Nautilus Site and the BAR (excluding the amphitheatre) be recommended to the Western Cape Government: Environmental Affairs and Development Planning.
- The EA was provided in late 2015 indicated that three alternatives were considered. Alternative 1 and 2 was not authorised as it included the development of an amphitheatre. Alternative 3 was authorised, which included the development of the restaurant at Grotto Beach.

The history above is to provide an indication of the character created by the previous establishments which served the community of Hermanus and Voëlklip for generations, and as stated earlier the restaurants which was previously developed on the site was fundamental to the history of Hermanus and is recorded by the Hermanus Historical Society. The restaurant which is now proposed is smaller in footprint than the Driftwood and will be limited in height in order to be screened by the existing Milkwood trees. The floor level will be elevated to account for storm surges. The redevelopment of the restaurant will allow future generations to enjoy the area while being sensitively designed to make efficient use of the site.

Although the municipality was legally challenged regarding the land use rights, giving the history of the site and documentation of the site it stands to reason that a sensible opinion could have been formed that land use rights are in place. That being said a court order was ultimately agreed upon to ensure that a consent use application is submitted for the restaurant.

As can be seen under Paragraphs 7. to 9. of this report the concerns raised were addressed by the applicant and the municipal town planner; what is of note is that the concerns are not new and have been delivered in the past on other occasions such as the BAR process, Liquor Licence application and appeal against the extension of the EA. The following stance is adopted form a more progressive environmental and town planning perspectives which seeks to work with nature and not against it, thus the design envelope of the proposed structure was informed by the site limitations provided. The Grotto Beach precinct has very limited scope to be further developed due to the wetlands, Milkwood forests and the beach itself. The proposed geographical area is undeveloped and underutilised, the success of the recent summer lounge operations is an indication that two establishments can be operated in the beach precinct, this was even further made evident by the fact that the tenant of Dutchies also participated in the tender. It should be noted that the CML lines have been incorporated into the land use scheme by means of the EMOZ (Environmental Management Overlay Zone). The parameters of the EMOZ were considered in the design of the structure, and positive feedback was provided by the Overstrand Environmental Services.

In terms of financial viability, the locality is ideally situated in terms of views, the transformed area for the precise location setting of the restaurant, engineering services availability and can generate the necessary income to finance the rehabilitation of the wetland area, upgrade the picnic area and create a boardwalk to link with the existing coastal paths. The Grotto Beach area is a Blue Flag Beach and will (at a stage) be incorporated into Fernkloof Nature Reserve to link the Coastal Protection Zone with the mountainous area of Fernkloof. However, as of date Grotto Beach is not part of Fernkloof Nature reserve and currently the closest boundary to the location of the restaurant is approximately 150m away.

The proper development of Grotto will contribute and enhance the viability of a community-based node and stimulate economic activity at Grotto for locals and tourists visiting the beach and the extension towards the Kleinriver Lagoon. The latter is becoming a hive of water sport activities with no proper infrastructure or amenities and must be addressed. It is preferable to cluster activities in an area which has developed footprint as to establish and create widespread amenities where it is costly to provide services and note in keeping with the character of the area.

As stated above, studies concluded that there is accessibility to electricity, water and sewerage systems for the restaurant. To address the concerns which relate to water use the developer will be encouraged to install water wise taps, the developer will have to carry the cost of creating an electrical kiosk and changing the conservancy tank to a smallbore tank.

The impact and pressure on services such as water, sewerage and available parking during peak holiday seasons are not new and is common to popular coastal towns. Further, the pressure is not only on Grotto Beach but felt in Hermanus CBD and other popular reactional areas. One single restaurant will not contribute any greater pressure than what is currently experienced. Clients of the restaurant will be able to utilise the existing parking at Grotto Beach. The parking will not be reserved which will allow equal opportunity for all visitors to Grotto Beach whether it be visitors to the beach or to the other amenities of the area. It should be noted that no subdivision is proposed and therefore the Erf 4771 will remain as one property with the parking shared between the uses in the area.

The proposal will provide job opportunities and income to individuals who might not have formal education, in an area and suburb which has a high income and high value property market. Voëlklip itself is underserved with economic opportunities and the restaurant will be re-established in a node where such use is already actively trading and where the opportunity exists. The opinion is held the restaurant will be beneficial to the community as a whole.

It stands to reason that a well-established facility will be a boost to the attractiveness of the area and allow people who visit and stay in Voëlklip to enjoy the amenities the area has to offer, the proposed restaurant will be one such facility.

Currently the site is vacant and practically not used by the public as the beach goers make use of the seashore closes to the water and the picnic area behind Dutchies. The site also currently holds no attractive qualities for beach goers. To utilise the site more effectively will not exclude the community but will allow opportunities and a place of interest to visit. The proposed restaurant will not in any way change the beach front, picnic and braai areas of Grotto Beach therefore anyone who seeks to bring their own meals can still enjoy Grotto Beach. In comparison the two picnic and braai areas are currently approximately 7000m² in extent compared to the proposed development of 500m² - and to reinstate the remainder of the open areas will remain unchanged.

Considering the evaluation and the responses to the comments the application is considered desirable due to the following:

- The historical use and context of the site provided paints a clear picture that the past generations had access to the facility, the history of the site is so pertinent that it is contained in the writing of the Hermanus History Society.
- The development of the restaurant is to give effect to the Council’s decision in 2015 to re-establish a restaurant as part of the Grotto Beach precinct.

- The restaurant will provide will allow future generations to enjoy the amenities proposed.
- The site is undeveloped and vacant and holds minimal aesthetic attraction, most visitors utilise the beachfront and the various picnic areas while the subject property is inactive. The development seeks to unlock the potential of the site and provide an additional attraction to the area. The opinion is held the restaurant will be beneficial to the community as a whole.
- The location is clustered with other economic activities in order to utilise existing services optimally.
- The restaurant will provide economic opportunities and income to local individuals who might not have formal education, in an area and suburb which has a high income and high value property market.
- Public Access to the beach and picnic areas will remains intact.
- The proposal is consistent with the SPLUMA Principles

Considering the above, the application is supported and considered desirable.

## 13. RECOMMENDATION

1. that the objections **be noted**;

2. that the application for **consent use** in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) on Erf 4771, Hermanus, in order to accommodate a tourist facility (restaurant) on the property, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

   (a) that the approval is for the development as indicated on the Site Development Plan named *25*94 (001)* and building plan named *CTFM-4.1, 4.2, 5.1 and 5.2* as submitted with the application;

   (b) that use of the portion be limited to the development of a restaurant;

   (c) that developer takes all reasonable precautions not to disturb the southern sand dune and that it clearly be marked as a no-go area during the construction phase of the restaurant;

   (d) that the developer utilise water saving measures to minimise water use/loss;

   (e) that the recommended noise reduction measures are implemented as per the Noise Impact Assessment (attached as Annexure Q) and that the restaurant complies fully with the Western Cape Noise Control Regulations;

   (f) that building plans be submitted to the Building Department for approval, and that all conditions of the Building– and the Fire Department be complied with at that stage;

   (g) that all the conditions in the Services Report (attached as Annexure G) be adhered to;

   (h) that the selling of liquor on the property will be subject to the owner obtaining the necessary Liquor License (if not already obtained);

(i) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;

(j) that only signage that complies with the Municipal By-Law on Signage (and the Signage Policy applicable) may be displayed on the premises;

(k) that all other development parameters as prescribed in the relevant Zoning Scheme, and

(l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.

3. that the applicant and objectors be notified of their appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

**14. REASONS FOR RECOMMENDATION**

- The location proposed is a node of interest and the proposed restaurant will be clustered together with a similar use in close proximity.
- The design of the restaurant is informed by the historical context of the site and the site-specific constraints.
- Studies have been done to ensure services are available and that the impact of the proposal does not have a negative impact on the existing services this includes water, sewerage, electricity and parking.
- Comments received is noted which highlights the concerns of the objectors, the concerns were taken into consideration.
- To utilise the proposed restaurant site more effectively will not exclude certain income groups of the community but will allow opportunities and a place of interest to visit. The proposed restaurant will not in any way affect the picnic and braai areas of Grotto Beach therefore anyone who seeks to bring their own meals can still enjoy Grotto Beach. In comparison the two picnic and braai areas are currently approximately 7000m² in extent compared to the proposed development of 500m² - and to reinstate the two picnic areas will remain unchanged.
- The Fernkloof Nature Reserve will in no manner be affected by the proposal.
- The development is supported by OHAC, in terms of the HPOZ and Overstrand Environmental Services indicated that the restaurant is in compliance with the EMOZ which include mitigation measures relating to storm surges.
- The restaurant will be open to all residents of Hermanus and not restricted to an exclusive income group.
- The site is currently vacant and underutilised by the public who prefer to utilise the picnic area behind Dutchies and the seashore or Dutchies restaurant itself. The proposal will therefore make efficient use of the location and promote tourism.
- Erf 4771 will not be subdivided with the approval of the consent use and will remain as a whole; parking can therefore be provided on the existing parking open to the public.
- The proposal is consistent with the principals of Spatial Justice, Spatial Sustainability, Efficiency, Spatial Resilience and Good Administration.
- The land use application was done in agreement with the private parties involved in the Court order. The application promoted transparency and opportunity for further community involvement.

## 15. ANNEXURES

| | |
|---|---|
| Annexure A: | Locality Plan |
| Annexure B: | Motivation Report |
| Annexure C: | Site Development Plan |
| Annexure D: | Objections received |
| Annexure E: | Comment on objections received |
| Annexure F: | Comment: Fire Department |
| Annexure G: | Services Report |
| Annexure H: | Comment: DEADP, *Development Section* |
| Annexure I: | Comment: Cape Nature |
| Annexure J: | Comment: DEADP, *Environmental Section* |
| Annexure K: | Comment: DEADP, *Coastal Management* |
| Annexure L: | Comment: Overstrand Environmental Services |
| Annexure M: | Traffic Impact Assessment |
| Annexure N: | AVDM Reports |
| Annexure O: | Environmental Management Plan |
| Annexure P: | Environmental Authorization |
| Annexure Q: | Noise Impact Assessment |
| Annexure R: | High Court Order – 7 July 2025 |

**SIGNATURE**

**AUTHOR / REGISTERED PLANNER**

| | |
|---|---|
| Name: | **S VAN DER MERWE** |
| SACPLAN Reg No: | **A/1850/2014** |
| Signature: | _____ |
| Date: | _____ |

Annexure A

# Plan 1. Locality Plan
## Lease Area on Remainder of Erf 4771 - Hermanus

Plan prepared by: Thain Jansen
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200

WRAP Project Office
Town Planning & Project Management




Scale 1 : 4000




Scale 1 : 1000

Annexure B1|32

**MOTIVATION**

## 1. ABBREVIATIONS

| | |
|---|---|
| **OM** | Overstrand Municipality |
| **OMLUS** | Overstrand Municipality Land Use Scheme, 2020 |
| **BY-LAW** | Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 |
| **PSDF** | Western Cape Provincial Spatial Development Framework, 2014 |
| **MSDF** | Overstrand Spatial Development Framework, 2020 |

## 2. PROPERTY DETAILS

| | |
|---|---|
| **Erf Number** | Remainder of Erf 4771 Hermanus |
| **Current Zoning** | Open Space Zone 1: Nature Reserve<br>Open Space Zone 2: Public Open Space<br>Transport Zone 2: Road and Parking (B)<br><br>Zoning applicable to the lease area:<br>**Open Space Zone 2: Public Open Space** |

## 3. BACKGROUND AND INTENT

The Remainder of Erf 4771, Hermanus (hereinafter referred to as the subject property), forms part of the Hermanus Commonage. The property encompasses all streets, public open spaces, and nature reserve areas situated within Voëlklip.

The property was originally registered in 1934 upon the establishment of the Voëlklip township. Since then, it has been administered by the local authority, with custodianship currently vesting in the Overstrand Municipality. In October 2022, the Overstrand Municipality invited tenders to lease, develop, manage and maintain a restaurant on a portion of the subject property for a lease period of 25 years.

Several bids were received and the successful bidder that was awarded the tender, was Cape Town Fish Market. Cape Town Fish Markert began its journey in 1997 when the owner acquired a small fresh fish restaurant at Cape Town's V&A Waterfront. Inspired by the superior quality of fresh seafood, the owner established Cape Town Fish Market (CTFM), a restaurant concept built around freshness, sustainability, and a distinctive coastal ambiance. CTFM introduced South Africans to innovations such as the sushi conveyor belt and a unique menu combining South African and Japanese flavours.

Since opening its second branch in 2000, CTFM has grown into a successful franchise with locations across South Africa and internationally in Tanzania, Zanzibar, Windhoek, and previously in London. Over time, the owners also established the West Coast Group to include additional brands, such as Fat Fish Cafe, Happy Folks, and Kapstadt Brauhaus, each offering a unique dining experience. From German-inspired fare and live entertainment at Kapstadt Brauhaus to nostalgic fun and interactive games at Happy Folks, the group continues to provide memorable experiences for every occasion, all grounded in their commitment to great-tasting food.

**History of Lease Area**

The site where the proposed restaurant is to be located has a rich history, having accommodated several restaurants over decades and has long been associated with food-related land uses. Records indicate that the restaurant use on the property dates to as early as 1946, when it was first operated as a "café", as confirmed by the then Town Clerk. In 1949, official approval was granted by the Provincial Administration of the Cape of Good Hope for the use of the area as a restaurant, followed by a series of lease renewals and amendments, with notable correspondence and approvals spanning from 1976 to 1998 – Refer to **Annexure B for all available historic documentation**. The site was home to various establishments over the years, including the Goldfish Café and the Driftwood Den, culminating in the Nautilus Restaurant, which operated until it was destroyed by fire in 2000.

Following the fire, the Municipality sought to clear the remains and later initiated plans to redevelop the broader Grotto Beach area. In 2013, a concept site plan was drafted, which included the reconstruction of a restaurant on the same site as the former Nautilus Restaurant, as well as other public amenities the plan formed part of an environmental process. The environmental process confirmed on 26 March 2015 after a comprehensive Environmental Basic Assessment process, which included public participation that the restaurant and other public facilities could be allowed as per the site plan dated 2013. While some elements, such as the amphitheatre, were not supported by the public and subsequently withdrawn, the rebuilding of the restaurant was approved.

Between 2017 and 2023, the site was successfully used on a temporary basis for a summer lounge/restaurant, which was well received by the public and surrounding property owners, which served as basis for the initiative of redeveloping the site as a formal restaurant.

**Way forward**

The Overstrand Municipality awarded the tender and subsequently entered into a lease agreement with CTFM. Both the tender document and lease agreement include provisions confirming that it is CTFM's responsibility to ensure that the proposed restaurant complies with all applicable legislation and by-laws, including the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020. To promote procedural transparency, a land use application is being submitted for the proposed restaurant. This step also ensures CTFM's compliance as tenant with the requirements of the lease agreement with the Overstrand Municipality.

To facilitate this process, CTFM appointed WRAP Project Office to prepare, submit and manage the application for Consent Use for a tourist facility, thereby ensuring the restaurant is established within the parameters of the permissible land use. Overstrand Municipality provided the required Power of Attorney for the submission of the application on the subject property. Refer to **Annexure A – Power of Attorney**.

The lease area is located on the area where the most recent iteration of a restaurant was operated, refer to Plan 1 – Locality Plan and the figure below:

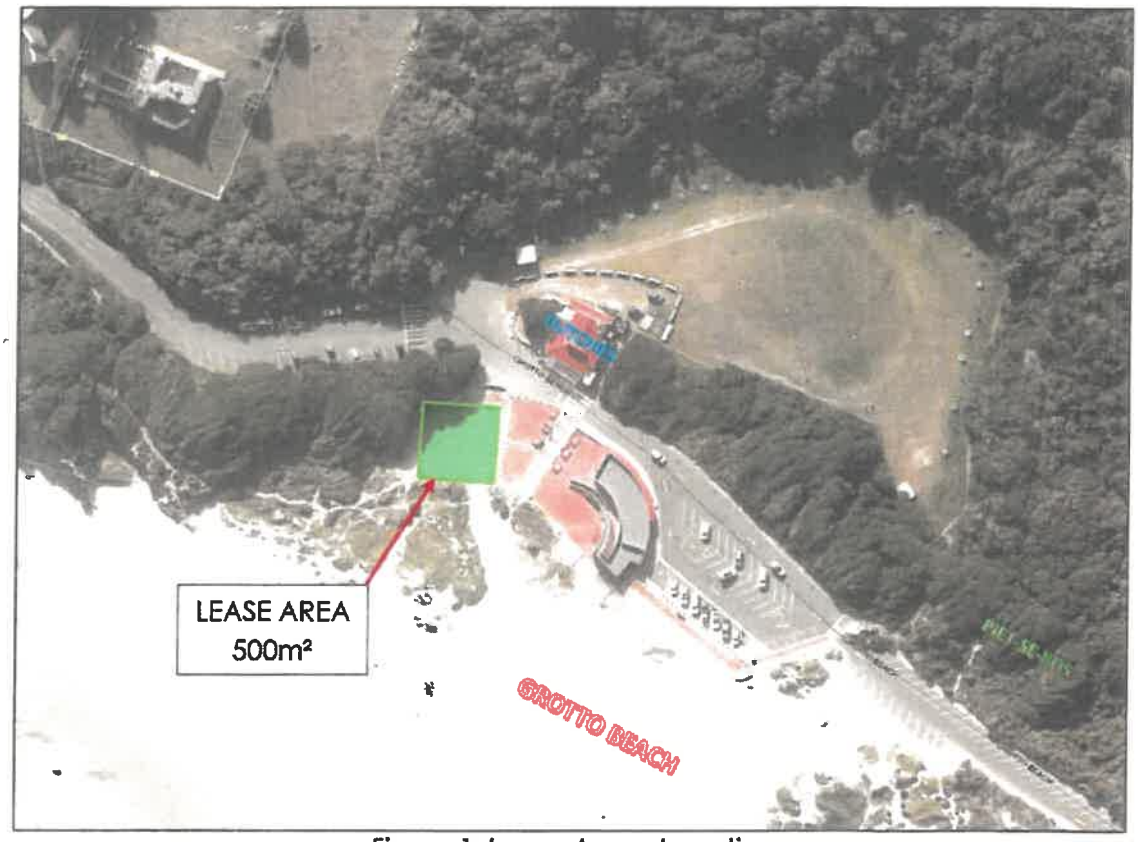



*Figure 1: Lease Area - Location*

## 4. PROCEDURE TO ACHIEVE THE PROPOSED INTENT

WRAP compiled this report to ensure that the provisions of the tender and lease agreement are complied with. Application is made for the following:

**4.1 Consent Use** for a tourist facility to allow a restaurant on the Remainder of Erf 4771 Hermanus.

The application seeks approval of a consent use to allow a tourist facility (restaurant) on a portion of the Remainder of Erf 4771, Hermanus. The approval of a consent use is required in terms of the Overstrand Municipality Land Use Scheme, as the primary zoning of the property, Open Space Zone 2: Public Open Space, permits a tourist facility with the approval of a consent use by the Municipality. This application aims to formalise the proposed use of the site for restaurant purposes, ensuring alignment with statutory planning requirements while maintaining compatibility with the character of the surrounding area and its public recreational function.

The OMLUS defines a tourist facility as the following:

*"Tourist facilities" means amenities for tourists or visitors such as lecture rooms,* ***restaurants****, picnic areas, gift shops, cafés, restrooms, recreational facilities, animal parks (domestic or otherwise) but does not include a hotel or overnight facilities"*

CTFM who was awarded the tender to open a restaurant focused on fresh fish, combined with a distinctive style and atmosphere evoking the sea and fishing traditions, that had led to the development of the CTFM concept, has worked closely with the Overstrand Municipality in designing the proposed replacement restaurant. As previously mentioned, the Overstrand Municipality conducted a Basic Assessment (BA) in terms of National Environmental Management Act (NEMA) and obtained an Environmental Authorisation (EA). The BA included schematic drawings indicating the location, orientation, size, and height of the future restaurant. It is important to reiterate that the BA was open for public comment and the current application is only a measure to fully ensure that CTFM complies with the necessary requirements as set out in the tender and lease agreement.

Building on the foundation of the BA, CTFM adapted the design to suit their operational needs and incorporated additional detail to ensure compliance with the National Building Regulations. The building plans are attached to this application as **Annexure C – Proposed Building Plans.**



*Figure 2: 3D renderings of the proposed restaurant*

The Municipality's tender document stipulated that the development must contribute meaningfully to both economic and community value to ensure that the use of public land delivers tangible benefits to the broader Hermanus community. This includes stimulating the local economy through job creation, attracting investment, supporting local suppliers and service providers, and enhancing the tourism offering of the Grotto Beach area. The proposed Cape Town Fish Market restaurant is intended to complement the scenic and recreational qualities of the beachfront, aligning with the Municipality's broader spatial and socio-economic objectives and ensuring long-term value for residents and visitors alike.

CTFM focused on delivering a development that not only respects the sensitive coastal environment but also meets the Municipality's expectations for local upliftment. The architectural design and operational model of the restaurant were carefully crafted to enhance the visitor experience at Grotto Beach, while fostering sustainable tourism that supports the local economy and reinforces Hermanus's position as a premier coastal

destination. During both the construction and operational phases, the restaurant is expected to generate substantial employment opportunities for local residents and aims to source goods and services locally wherever possible.

The Overstrand Municipality, as the landowner, is required to generate income from its assets in order to cover the various costs associated with the upkeep of public infrastructure, costs that are not always visible to the public. Grotto Beach has proudly maintained Blue Flag status for 24 consecutive years, and retaining this designation requires significant annual expenditure. Leasing a portion of the site to a restaurant operator was therefore a considered decision, intended not only to generate income but also to enhance and uplift the area as part of a broader strategic objective.

The site itself has a well-established history of being used for restaurant and café purposes dating back to the mid-20th century. This continuity of land use demonstrates the longstanding suitability and public acceptance of such a function in this location. By allowing a new restaurant to be established, the proposal reinstates and enhances a familiar and valued use that has historically formed part of the community's character, which was lost following the destruction of the former restaurant. Importantly, this proposal does not introduce an unfamiliar or disruptive use but rather strengthens an existing and compatible land use tradition.

Economically, the proposed restaurant will create both direct and indirect employment opportunities. With an estimated 50 staff members to be employed across various functions, ranging from kitchen and front-of-house staff to management and maintenance, the restaurant will support a significant number of local households. Assuming an average household size of three to five people, the economic benefit could extend to between 150 and 250 individuals. This is particularly valuable in Hermanus, where seasonal fluctuations in employment are common. Stable, year-round jobs contribute to household financial security, educational consistency for children, and reduced dependency on municipal or national social assistance programmes.

In addition to direct employment, the restaurant will have wider economic ripple effects. Procurement of goods and services, such as fresh produce, seafood, cleaning services, linens, and maintenance, will benefit local suppliers and small businesses, reinforcing local economic development. The presence of another formal, well-managed restaurant at Grotto Beach also offers opportunities for skills development in the hospitality sector. Training, mentoring, and pathways for internal promotion can help cultivate a more skilled and professional workforce within the Overstrand region.

As a key tourism destination, Grotto Beach attracts significant numbers of local and international visitors. The inclusion of a high-quality restaurant will enhance the overall visitor offering, increase dwell time, and raise visitor spending. The proposed facility is designed to respond to these needs without compromising the natural environment or the area's unique coastal charm. In doing so, it strengthens the Municipality's vision of Grotto Beach as a premium destination with diverse, complementary amenities.

Environmental sustainability has been a key consideration in planning the development. The restaurant's design and construction are guided by the approved Basic Assessment Report and Environmental Authorisation, which set out conditions for mitigating environmental impact. This includes the rehabilitation of the adjacent wetland and the implementation of environmentally sensitive building practices. These measures demonstrate a clear commitment to protecting the natural assets of the area while

enabling appropriate and responsible development. The Environmental Authorisation is included as **Annexure D.** An extension of the Environmental Authorisation was granted on 4 July 2025. The associated appeal period is still underway and must be concluded before the extension becomes final.

The proposal is aligned with the Overstrand Municipality's Spatial Development Frameworks and land use planning policies, which promote tourism-related and community-supportive land uses in appropriate nodes such as Grotto Beach. The application seeks consent use within the existing zoning framework, ensuring full compliance with planning legislation and municipal policy. This approach supports orderly development, strengthens the spatial coherence of the area, and provides a precedent for the responsible use of public land for the public good. Refer to Section 10 for further policy alignment details.

Leasing the land for the proposed restaurant also provides the Municipality with a reliable, long-term revenue stream that can be reinvested into the maintenance of Grotto Beach and other public facilities. This is especially relevant in light of the continuous investment needed to uphold the beach's Blue Flag status and high standards of public access and safety. The development therefore not only contributes to the local economy and tourism sector but also supports the Municipality's ability to sustainably manage and enhance one of its most valued public assets.

**RESTAURANT OPERATION AND MANAGEMENT**

Once constructed, the restaurant will operate seven days a week, ensuring accessibility to all visitors. Operating hours will be from 08:00 to 24:00, in accordance with the tender specifications. It is important to note that the restaurant's operations will be subject to various municipal by-laws and regulations to ensure that it does not become a source of nuisance to the surrounding area.

Some of the regulations and by-laws that will be complied with:

- Overstrand Municipality: Amendment of Overstrand Municipality Liquor Trading Hours By-Law 2011.

  In terms of this by-law, the sale of liquor for on-consumption may take place on any day between 10:00 and 24:00. The proposed restaurant will operate within these prescribed hours and will ensure full compliance with the applicable provisions.

- Western Cape Noise Control Regulations

The restaurant will fully comply with the Western Cape Noise Control Regulations (Provincial Notice 200 of 2013), which defines a disturbing noise as any sound exceeding the rated ambient levels by threshold values (e.g., +7 dBA above rating level or +3 dBA above residual level)

To confirm that the restaurant will comply with these regulations, CTFM appointed an external consultant to conduct a noise impact assessment, that is being conducted and once completed will be sent to the municipality, **Annexure E – Noise Impact Assessment appoint** indicates the appointment of the acoustic engineers.

**LEASE AREA – DEVELOPMENT PARAMETERS**

| Municipal provided development parameters | Proposal |
|---|---|
| ***Use of the property:***<br><br>*The use of the Property will be limited to an agreed site development plan and no additional commercial activities will be allowed outside of the footprint of the Property in terms of this tender.* | An application is being submitted to permit CTFM to operate a restaurant, in accordance with the provisions of the municipal tender. |
| ***Accesses and Road provision:***<br><br>*The Property can be accessed via Grotto Road, Hermanus (travelling by motor vehicle) otherwise freely as per pedestrian footpaths or from the beach.* | The lease area and proposed restaurant will be accessed via public roads and spaces, which remain open and accessible to all members of the public. |
| ***Building Restrictions:***<br><br>– *A draft Site Development Plan ("SDP") was prepared by Andrew Greeff Architects. The SDP formed part of the environmental approval process and will be used as a guideline for the development of the restaurant. It will be a requirement that the developer submit an SDP and building plans for approval prior to the development of the site.*<br><br>– *The redevelopment of the lease area for restaurant purposes will be limited to a maximum height of 6,17m from existing ground level. The structure must be single storey with the allowance for an elevated finished floor level to accommodate possible storm surges. The roof(s) of the structure must be pitched. The pitched roof(s) must accommodate view lines.*<br><br>– *The total floor area must not exceed the original footprint of the historic restaurant (500m²).*<br><br>– *Design should be compatible with the design concepts as discussed in the Heritage and Environmental Overlay Zones 2020.* | – The building plan and site development plan (SDP) are being submitted for approval.<br><br>– The proposed structure will have a maximum height of 6.17 metres.<br><br>Additionally, the structure will be elevated as being proposed in the building plans.<br><br>– The total floor area will be 500 m².<br><br>– The proposed building will be compatible as required. |

| | |
|---|---|
| – *The proposal must be aligned with the Environmental Authorisation.* | |
| ***Parking:***<br><br>*The surrounding public parking in Grotto Road may be used by visitors but will not be reserved for the proposed restaurant.* | Public parking along Grotto Road may be utilised by visitors to the restaurant, but no parking bays will be reserved exclusively for the use by patrons of the proposed restaurant.<br><br>**According to the OMLUS –**<br><br>*"Off-street parking shall be provided:*<br>***(i) on the property for which the parking is required;***<br>***(ii) subject to the Municipality's approval, in public parking facilities available in the vicinity;*** *or*<br>*(iii) in accordance with 17.1.2. and applicable policies."*<br><br>As the parking is located on-site (within the subject property) and the proposed parking arrangement requires municipal approval, the consent use application should be approved to demonstrate that the Municipality supports and authorises the parking configuration associated with the development. |
| ***Coverage:***<br><br>*The Property may only by fully developed in terms of coverage on the footprint provided i.e. 500m² or 100%.* | The proposed building will cover 100% of the lease area. |

## 5. LAND USE ENVIRONMENT

As previously mentioned, the property is located on municipal land surrounded by Public Open Space, with residential properties in Voëlklip situated in the same general area. The surrounding zoning designations are illustrated in **Plan 2** (Zoning Plan). The proposed development is not out of character with the area, and the proposal has been designed to ensure that all potentially affected parties are appropriately considered.

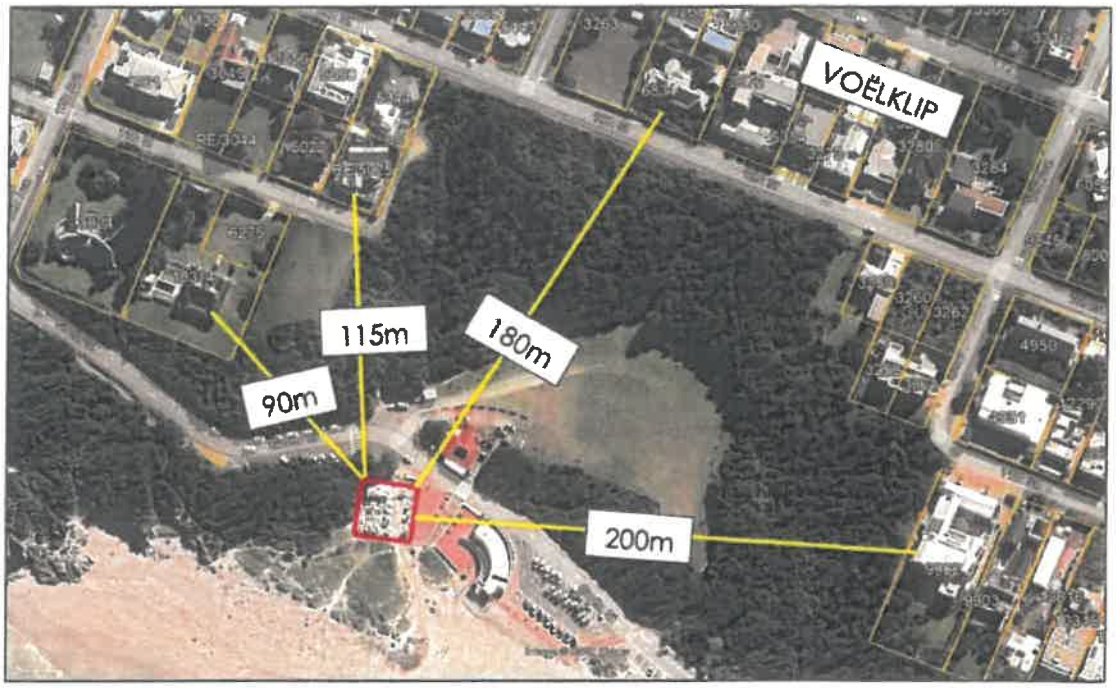



*Figure 3: Surrounding Area*

The closest residential property is located approximately 90 m from the lease area and the proposed restaurant. Dutchies, an existing restaurant, is situated approximately 105 m from the same residence. It is not expected that the proposed restaurant will be visible from the residential property, as natural vegetation and an elevation difference of approximately 10 m exist between the two sites. Refer to figure 4 indicating the elevation difference.



Figure 4: Elevation difference

## 6. TITLE DEED

Title Deed T10530/1934 (refer to **Annexure F**) has been reviewed, and no conditions were identified that would restrict the re-establishment of the proposed restaurant on the subject property.

## 7. ZONING

The following zoning parameters were assessed in conjunction with the Open Space Zone 2: Public Open Space (OS2) OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law.

| OPEN SPACE ZONE 2: PUBLIC OPEN SPACE (OS2) | | | |
|---|---|---|---|
| | **Parameters** | **Proposal** | **Comply/ deviate** |
| **Primary use** | Public Open Space | – Public Open Space | Comply |
| **Consent use that may be applied for** | Cemetery, Environmental Facilities, Informal Trading (Subject to the provisions of chapter 16.10), Recreational Facilities, **Tourist Facilities**, Transmission Apparatus (Subject to the provisions of chapter 16.10), Urban Agriculture, Utility Service, any other related uses permitted by the municipality | – Tourist Facilities | **Applied for and motivated** |
| **Development parameters** | | | |
| (a) A site development plan must be submitted in terms of 16.3 to the satisfaction of the Municipality.<br>(b) The Municipality may require an environmental study and/or environmental management plan in terms of 16.4.<br>(c) Prior to the approval of any building plans or engineering services, the Municipality must determine the development parameters that apply when:<br><br>(i) the zoning of a land unit to this zone is approved;<br>(ii) any environmental impact report is considered;<br>(iii) any environmental management plan is considered;<br>(iv) any site development plan is approved.<br><br>(d) No structure shall be erected or use practised except such as is compatible with "public open space" as defined.<br><br>(e) Structures/buildings may be erected with the written consent of the Municipality, should the Municipality deem it necessary, provided that the Municipality may impose | (a) A site plan for the lease area is submitted for approval together with the application.<br><br>(b) An environmental study was conducted, and an environmental authorisation was obtained.<br><br>(c) (i) This is noted;<br>(ii) This is noted, refer above;<br>(iii) This is noted, refer above;<br>(iv) This is noted and was submitted with this application.<br><br>(d) Application is being made to allow a restaurant to be erected on-site.<br><br>(e) Consent is being applied for by CTFM to allow them to erect and operate a restaurant on the subject property. The municipality has already provided the necessary design and development parameters, refer below: | |

conditions relating to design, architecture and developments parameters.

The municipality has already provided the necessary design and development parameters, refer below:

***Use of the property:*** *The use of the Property will be limited to an agreed site development plan and no additional commercial activities will be allowed outside of the footprint of the Property in terms of this tender.*

***Accesses and Road provision:*** *The Property can be accessed via Grotto Road, Hermanus (travelling by motor vehicle) otherwise freely as per pedestrian footpaths or from the beach.*

***Building Restrictions:***

- *A draft Site Development Plan ("SDP") was prepared by Andrew Greeff Architects. The SDP formed part of the environmental approval process and will be used as a guideline for the development of the restaurant. It will be a requirement that the developer submit an SDP and building plans for approval prior to the development of the site.*

- *The redevelopment of the lease area for restaurant purposes will be limited to a maximum height of 6,17m from existing ground level. The structure must be single storey with the allowance for an elevated finished floor level to accommodate possible storm surges. The roof(s) of the structure must be pitched. The pitched roof(s) must accommodate view lines.*

**Use of the property:** An application is being submitted to permit CTFM to operate a restaurant, in accordance with the provisions of the municipal tender.

**Accesses and Road provision:** The lease area and proposed restaurant will be accessed via public roads and spaces, which remain open and accessible to all members of the public.

**Building Restrictions:**
- The building plan and site development plan (SDP) are being submitted for approval.
- The proposed structure will have a maximum height of 6.17 metres.
- The total floor area will be 500 m².
- The proposed building will be compatible as required.

**Parking:**
Public parking along Grotto Road may be utilised by visitors to the restaurant, but no parking bays will be reserved exclusively for the use by patrons of the proposed restaurant.

**According to the OMLUS –**

*Off-street parking shall be provided:*
***(i) on the property for which the parking is required;***
***(ii) subject to the Municipality's approval, in public parking facilities available in the vicinity;*** *or*
*(iii) in accordance with 17.1.2. and applicable policies.*

As the parking is located on-site (within the subject property) and the proposed parking arrangement requires municipal

| | |
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| – *The total floor area must not exceed the original footprint of the historic restaurant (500m²).*<br>– *Design should be compatible with the design concepts as discussed in the Heritage and Environmental Overlay Zones 2020.*<br><br>– *The proposal must be aligned with the Environmental Authorisation.*<br><br>***Parking:*** *The surrounding public parking in Grotto Road may be used by visitors but will not be reserved for the proposed restaurant.*<br><br>***Coverage:*** *The Property may only by fully developed in terms of coverage on the footprint provided i.e. 500m² or 100%.* | approval, the consent use application should be approved to demonstrate that the Municipality supports and authorises the parking configuration associated with the development.<br><br>**Coverage:** The proposed building will cover 100% of the lease area. |

## 8. SERVICES

The availability and adequacy of municipal services is a critical consideration in terms of Section 42(1)(c)(v) of the Spatial Planning and Land Use Management Act (SPLUMA). The following section outlines the capacity of existing municipal infrastructure and confirms that the proposed restaurant can be accommodated without placing undue strain on these services.

**Electricity:**
The proposed restaurant will connect to the existing electricity network of the Overstrand Municipality. An initial capacity investigation was undertaken, and the Municipality confirmed that the existing capacity is sufficient to accommodate the proposed restaurant. Refer to **Annexure G – Electricity Capacity Confirmation**.

**Water:**
The proposed restaurant will be connected to the existing water network of the Overstrand Municipality. A preliminary capacity assessment was undertaken, and the Municipality confirmed that the available water infrastructure is sufficient to accommodate the proposed development. Refer to **Annexure H – AVDM REPORT**.

**Sewage:**
The proposed restaurant will be connected to an existing municipal sewer network located in the area, which gravitates to a pump station with a tank ("sump"). The capacity of the tank was tested, and it was confirmed to be sufficient for the daily operational requirements of the restaurant. Refer to **Annexure H – AVDM REPORT**.

**Stormwater:**
Portions of the proposed restaurant will be elevated above the existing beach area, allowing for natural stormwater infiltration and filtration. In addition, best management practices will be implemented to ensure that stormwater is properly managed and that no erosion occurs as a result of the development. These measures will contribute to the long-term environmental sustainability of the site.

**Solid Waste:**
Solid waste generated by the restaurant will be contained within an approved refuse area, designed in accordance with Section 17.4 of the OMLUS. The refuse area features a purpose-built door to prevent access by baboons.

Refuse will be collected on scheduled days by the Overstrand Municipality, similar to the arrangements at the existing Dutchies restaurant. During peak seasons, the frequency of refuse removal will be increased, with waste transported to the nearest waste transfer station daily, to prevent any accumulation. The cost of additional disposal will be borne by CTFM. Additionally, waste separation at source and recycling bins will be introduced to promote more sustainable waste management practices.

**Traffic, Access and Egress:**

Access to the lease area will be obtained from Grotto Road, which operates as a one-way street to ensure smooth traffic flow and effective vehicle movement. The road and parking is located on the same erf as the lease area. This controlled traffic system minimises congestion and enhances safety for both motorists and pedestrians in the area, particularly during peak hours and tourist seasons.

To ensure all necessary traffic related requirements are met, CTFM appointed a traffic engineer to prepare a Traffic Impact Statement (TIS) after comprehensive analysis of the site. The Traffic Impact Statement will reflect the outcome of a thorough assessment of the existing road network capacity, traffic volumes, and peak usage times, concluding that the proposed restaurant will not have any detrimental impact on traffic flow or road safety. Importantly, the report confirms that the parking demands generated by the restaurant can be fully accommodated on-site, alleviating concerns about overflow or competition for public parking spaces in the vicinity. **Annexure I – TIS.**

This proactive approach demonstrates CTFM's commitment to responsible development and collaboration with municipal authorities to safeguard the functionality of the local transport infrastructure. It also reassures neighbouring residents and businesses that the restaurant's operation will be harmonious with existing traffic conditions, maintaining the quality of life in the surrounding community. The findings support the approval of the application, confirming that the proposed restaurant can be successfully integrated without exacerbating traffic or parking pressures.

## 9. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66(1)(c) of the OM By-Law may be illustrated as follow:

**Need and desirability.**

The need for this land use application arises from the Lessee's commitment to fully comply with the conditions of the tender, lease agreement and all applicable land use regulations and to ensure that the proposed restaurant development aligns with the operational needs of CTFM. CTFM specifically applies for the approval of a consent use to permit the establishment of a restaurant on the municipal property. While the property has historically accommodated a similar land use, the onus in terms of the tender specifications and lease agreement is on the Lessee to ensure compliance with all applicable By-Laws. The current zoning requires approval of a formal consent use to exercise the intended use within the parameters of the Overstrand Municipality Land Use Scheme.

This application not only ensures legal compliance but also provides an opportunity for the Municipality to assess the desirability of the proposed use in the context of spatial planning objectives, existing infrastructure capacity, and public interest. It

reflects CTFM's commitment to transparency, responsible development, and long-term investment in the Hermanus area.

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| Socio-economic impact | The socio-economic impact of the proposed restaurant is significant and multifaceted, benefiting both the local community and the broader regional economy.<br><br>Firstly, the restaurant will create direct employment opportunities, offering jobs for approximately 50 employees across various roles such as kitchen staff, servers, management, cleaning, and maintenance. These jobs provide stable, year-round income, which contributes to improving the livelihoods of employees and their families. As mentioned above, the positive economic ripple effect extends far beyond these 50 employees.<br><br>Secondly, the restaurant will stimulate local economic activity with its procurement practices. By sourcing fresh produce, seafood, cleaning supplies, and maintenance services from local suppliers and small businesses, the restaurant supports local entrepreneurship and helps sustain other jobs in the area. This indirect employment boost further enhances the local economy, creating a more resilient and diversified economic base.<br><br>Moreover, the restaurant will contribute to the tourism sector by enhancing the appeal of Grotto Beach as a destination. A high-quality dining option increases visitor satisfaction encourages longer stays, and boosts spending in the area, thereby increasing income for other businesses such as hotels, shops, and recreational services. This tourism uplift has a multiplier effect, generating additional employment and investment opportunities within the community.<br><br>The restaurant also presents opportunities for skills development and capacity building in the hospitality sector. With training and career advancement programs, employees gain valuable skills and experience, contributing to human capital development in the region. |

**MOTIVATION**

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| | Finally, by activating a publicly leased property in a responsible and economically productive manner, the restaurant contributes to community upliftment and additional municipal revenue generation. The income derived from the lease can be reinvested into local infrastructure, public amenities, and services, creating a virtuous cycle of socio-economic benefit for residents and visitors alike.<br><br>In summary, the proposed restaurant will deliver substantial socio-economic benefits by providing employment, supporting local businesses, enhancing tourism, fostering skills development, and contributing to municipal financial sustainability. |
| Compatibility with surrounding uses | The proposed restaurant is compatible with the surrounding land uses, both in terms of its function and its integration into the broader character of the area. The subject property is located within a popular coastal node that already supports public recreational activities and commercial operations, including the nearby Dutchies restaurant, which has operated in the area for many years. This context demonstrates a precedent for restaurant use in the immediate vicinity and confirms that such a use is considered appropriate and desirable by the local community and authorities.<br><br>In addition, the property is surrounded by public open space and public amenities such as Grotto Beach and associated picnic, recreational and parking areas. These uses are complementary to a well-managed restaurant that serves both residents and visitors, enhancing the beach experience without introducing an incompatible or intrusive activity. Importantly, the proposal has been carefully designed to consider potential impacts on neighbouring land uses, particularly the surrounding residential area of Voëlklip. With appropriate building placement, sensitive architectural design, and responsible operational planning, the proposed restaurant maintains harmony with its environment while contributing positively to the vibrancy and functionality of the area.<br><br>The use of the site for a restaurant aligns with its historic use and public expectations of the Grotto Beach precinct, reinforcing its role as a key social and |

| | |
|---|---|
| | recreational destination within the Overstrand Municipality. |
| Impact on the external engineering services | Refer to *Section 9* above. The proposed restaurant is not expected to have a significant negative impact on external engineering services. As outlined in the preceding sections, all required municipal services, including water supply, sewerage disposal, solid waste removal, electricity, and access roads, are already available on or near the subject property, and capacity assessments have confirmed that the existing infrastructure is sufficient to accommodate the new development.<br><br>Water supply will be sourced from the Overstrand Municipality's existing network, and preliminary investigations have confirmed that the network can support the daily operational demands of the restaurant. Sewerage will be managed via an existing municipal network gravitating to a tanks and pump station that was evaluated and confirmed to have the necessary capacity. Solid waste will be managed in line with the Overstrand Land Use Scheme, with waste stored in a purpose-designed, baboon-proof refuse area and removed by the municipality in accordance with existing collection schedules. During peak seasons, additional arrangements will be made to ensure efficient daily waste removal.<br><br>Electricity demand is expected to be moderate and can be accommodated within the available supply. Load calculations and capacity checks have been done and confirmed that the restaurant's electrical requirements will not place additional strain on the grid.<br><br>The restaurant will also be accessed via existing public roads and spaces, with a traffic impact statement confirming that no upgrades to the road network are required. Parking will be provided on-site and will not interfere with the functioning of surrounding public areas. Overall, the proposed development demonstrates full alignment with the capacity and function of external engineering services, confirming that it will not impose undue pressure on municipal infrastructure. |





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| Impact on safety, health and wellbeing of the surrounding community | The proposed restaurant is not expected to negatively impact on the safety, health, or well-being of the surrounding community. On the contrary, it is anticipated to enhance the overall sense of place and contribute positively to the vibrancy and usability of the Grotto Beach area.<br><br>From a safety perspective, the site will remain accessible to the public, and its design and operation will be governed by stringent building regulations and health and safety requirements. The presence of an active, well managed business in the area is expected to improve passive surveillance and deter antisocial behaviour. The restaurant's operations will be monitored and maintained in accordance with applicable municipal by-laws and national health and safety standards, including fire safety, ventilation, and sanitation.<br><br>In terms of health and hygiene, the facility will include appropriate kitchen infrastructure and waste management systems to prevent pollution, odours, or vermin. Waste will be stored in a secure, baboon-proof refuse enclosure and removed regularly by the Overstrand Municipality, with additional daily measures in place during peak tourist periods to avoid refuse build-up. These provisions ensure that the restaurant will not pose a health risk to the public or surrounding environment.<br><br>With regard to community well-being, the proposed development provides a social and recreational facility that encourages gathering, interaction, and enjoyment of the natural surroundings. As a family-friendly establishment that complements the existing beach infrastructure, the restaurant will support both mental and social well-being by enhancing the beach experience for residents and visitors alike.<br><br>Ultimately, the proposal has been designed and planned with sensitivity to the local context, and with the aim of creating a safe, clean, and welcoming environment that strengthens the public realm without detracting from the community's quality of life. |
| Impact on heritage | Refer Below. |

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| Impact on the biophysical environment | Refer below. |
| Traffic impacts, parking, access and other transport related considerations | The proposed restaurant's traffic impacts, parking arrangements, and access have been thoroughly assessed to ensure they do not adversely impact on the existing transport network. Access to the site will be obtained via Grotto Road, which operates as a one-way street designed to facilitate smooth traffic flow and safe vehicle movement in the area.<br><br>To verify that the proposal aligns with municipal transport requirements, CTFM commissioned a Traffic Impact Statement (TIS) prepared by a qualified traffic engineer. The TIS confirms that the additional traffic generated by the restaurant will not place undue pressure on the current road infrastructure. Peak traffic volumes associated with the restaurant are expected to be manageable without causing congestion or delays on Grotto Road or adjacent routes.<br><br>Regarding parking, the proposal includes sufficient on-site parking bays to accommodate the anticipated visitor demand in accordance with municipal standards. The parking layout is designed to optimise space efficiency and ensure safe, convenient access for patrons. Although there is public parking available nearby on Grotto Road, this will not be reserved for restaurant use, ensuring fair and equitable use of public spaces.<br><br>Overall, the access, parking, and traffic considerations have been planned carefully to support the operational needs of the restaurant while maintaining safe and efficient transport conditions for all road users. This approach aligns with the Municipality's broader goals of sustainable mobility and minimising transport-related impacts within the Grotto Beach precinct. |

**Impact on views, sunlight and character of the area**

The surrounding area is not expected to be adversely impacted upon by the proposed development. The intended use of the property aligns closely with the objectives set out in the Municipality's tender document as well as the findings of the Basic Assessment that was conducted. These guiding frameworks ensure that the development respects the environmental sensitivities and community interests in the area. Consequently, the proposal has been carefully designed to integrate seamlessly

into the existing context, maintaining the character and functionality of the surrounding neighbourhood while delivering the intended economic and social benefits. Additionally, several design elements were incorporated to ensure that mountain and beach views are maintained. These include the use of a pitched roof and adherence to the maximum allowable height. To ensure the proposed restaurant does not impede on the above mentioned, these elements will be addressed individually:

**Impact on Views**
The proposed restaurant has been designed with careful consideration of its impact on existing views, particularly those enjoyed by neighbouring properties and public spaces. The building height is limited to 6.17m, ensuring it does not obstruct key sightlines to the ocean or surrounding natural features. Existing flora, such as the milkwood forest, will play a vital role in minimising the visual intrusion of the structure. As indicated above, there is a significant elevation difference between the residential properties and the lease area, which helps preserve the scenic qualities of Grotto Beach. As a result, the development will not significantly detract from the panoramic views that contribute to the area's appeal.

**Impact on Sunlight**
The scale and placement of the restaurant being more than 90m from the closest residential property ensures that it avoids overshadowing, thus minimising any negative impact on sunlight access. By adhering to prescribed development parameters specifically height restrictions, the proposal ensures that neighbouring residential areas and public open spaces continue to receive adequate natural light throughout the day. This helps maintain the quality of living conditions and the outdoor amenity value of surrounding spaces.

**Impact on Character of the Area**
The design and function of the proposed restaurant align with the historic and current use of the site, respecting the established coastal village atmosphere of the Grotto Beach precinct. Architectural elements, materials, and colours have been selected to blend harmoniously with the natural and built environment, ensuring the development complements rather than detracts from the area's character. The proposal reinforces the existing pattern of low-rise, community-oriented commercial activity, thereby supporting the continuity and identity of the neighbourhood.

**Economic impact**
The economic impact of the proposed restaurant has been comprehensively addressed throughout this application. As outlined in the table above and detailed in the socio-economic impact section and Section 4.1, the development is expected to contribute positively to the local economy through job creation, increased demand for local goods and services, and enhanced tourism appeal. This will support not only direct employment within the restaurant but also stimulate secondary economic benefits for local suppliers and service providers. Overall, the project is positioned to play a meaningful role in promoting sustainable economic growth and community upliftment in the area.

**Opportunity cost**

An opportunity cost in the context of land use planning refers to the potential loss or devaluation of valued land use rights held by interested and affected parties when a development proposal is approved. In this case, the proposed restaurant is not expected to negatively impact any surrounding properties, as the development is consistent with the designated lease area and respects existing land use parameters.

**Environmental Impact**

The proposed restaurant has been carefully designed to minimise its impact on the biophysical environment. The site is located within a sensitive coastal area and therefore, compliance with environmental legislation and best practices has been prioritised throughout the planning process. A Basic Assessment was conducted in accordance with the National Environmental Management Act (NEMA), which culminated in obtaining an Environmental Authorisation (EA) from the relevant competent authority. The EA confirms that, subject to the implementation of recommended mitigation measures, the proposed restaurant will not result in significant negative environmental impacts. As a measure to ensure that the correct procedural steps are followed, an extension of the validity of the Environmental Authorisation (EA) was submitted to the Western Cape Department of Environmental Affairs and Development Planning (DEADFP) to ensure that the proposed restaurant complies with all applicable regulations, this was received on the 4th of July 2025.

The layout and orientation of the building were guided by environmental constraints and opportunities, including the proximity of a wetland. Importantly, the development will not encroach upon any ecologically sensitive areas. As part of the conditions of approval, measures have been proposed to rehabilitate and maintain the adjacent wetland buffer zone.

In addition to the EA obtained, an Environmental Management Plan (EMP) was compiled by the environmental consultants responsible for obtaining the EA. The EMP outlines the management measures for construction and operational activities to ensure the protection of the environment in accordance with the EA conditions for the subject property. It details all the procedures and protocols to safeguard the environment throughout the development process. The EMP is attached as **Annexure J**.

Environmentally sustainable design principles have been incorporated into the project, including energy-efficient lighting, water-saving fixtures, and the use of locally sourced building materials where feasible. Solid waste generated by the restaurant will be managed responsibly, with designated waste separation at source and recycling bins, with a refuse area specifically designed to prevent access by wildlife, such as baboons.

As part of the EA process, a comprehensive Dune and Beach Management Plan was compiled for Grotto Beach. This plan included several specialist assessments focused on evaluating the sensitivity of the coastal environment. The findings were reviewed and deemed satisfactory by the relevant authorities, contributing to the decision to

issue the EA. Refer to **Annexure D.** Importantly, the proposed design has taken into consideration the risks associated with storm surges and sea level rise. During the 2023 storms, sea levels rose to the estimated 1-in-10-year high-water mark, and modelling confirms that the proposed restaurant would have remained unaffected by this rise.

The scale and nature of the development are aligned with the Municipality's spatial vision for the area, which balances economic activity with environmental protection. As such, the proposal not only complies with applicable environmental regulations but also reflects a responsible and forward-looking approach to coastal development.

**Impact on Heritage**

The proposed development of the leased area is not anticipated to trigger any listed activities in terms of the National Heritage Resources Act.

The proposed restaurant is not anticipated to have a negative impact on the heritage resources of the area. The site has a long-standing historical association with restaurant and café use, dating back to the mid-20th century. This continuity of land use is well established in the collective memory of the Hermanus community and contributes to the cultural identity of the Grotto Beach area. The re-establishment of a restaurant on the site can therefore be viewed as a reinforcement of the area's heritage character rather than a departure from it.

The architectural design of the proposed structure is contemporary, yet context sensitive. It aims to complement the surrounding natural and built environment without dominating or detracting from the coastal landscape. The scale, materials, and placement of the building have been considered carefully to ensure the new development integrates seamlessly with the existing setting. In doing so, the proposal respects the area's sense of place and the visual character that residents and visitors have come to associate with Grotto Beach.

Furthermore, the site does not fall within a formally designated heritage area nor is it associated with any declared heritage resources as defined under the National Heritage Resources Act (Act 25 of 1999). As such, no heritage approvals are required, and the proposed development will not compromise any recognised heritage assets. By reintroducing a use that historically formed part of the social fabric of the area and doing so in a manner that is visually and contextually appropriate, the proposed restaurant upholds the heritage value of the location while contributing to its continued evolution in a respectful and meaningful way.

It is important to note that the lease area is located adjacent to an existing milkwood forest. While every effort was made to avoid disturbing the surrounding natural vegetation, it became necessary that four of the adjacent milkwood trees will need to be pruned to accommodate the proposed restaurant in a manner that meets safety and functional requirements. Approval for this action was obtained from the Department of Forestry, Fisheries and the Environment, and the relevant permit is included as **Annexure K.**

## 10. POLICIES AND REGULATIONS

### 10.1 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

**COASTAL STRIP HERITAGE PROTECTION OVERLAY ZONE**

Purpose: To ensure that any land use application resulting in additional rights complies with the existing character and contextual significance:

- To protect and enhance the nature of the transition zone between the built fabric along the coastal strip, including the first line of erven facing the coast, the coastal walkway and the coastline;
- To protect the natural, environmental and scenic qualities along the coastal strip;
- To protect lateral views between the mountain and coastline by ensuring the continuation of existing view lines and by controlling the massing and form of buildings adjacent to the coastal strip;
- To ensure the retention of the relatively fine-grain form of development characteristic of the Overstrand holiday home vernacular evident along the coastal strip; and
- To ensure the retention of the existing structures identified as having intrinsic and contextual significance.

The proposal is not expected to negatively impact the protected elements mentioned above. The proposed structure has already received support from OHAC and will be circulated to OHAC again as part of the land use application process.

### 10.2 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The lease area is located within three Environmental Management Overlay Zones, namely the Coastal Protection EMOZ, the Protected Area Buffer EMOZ, and the Urban Conservation EMOZ.

| | Purpose |
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| Coastal Protection EMOZ | Managing public access for the enhancement of social, economic and recreational opportunities within the coastal environment. |
| Protected Area Buffer EMOZ | To protect the integrity of National, Provincial and Municipal Nature Reserves from negative external pressures/impacts while reducing pressure on core areas and to assist in preserving their value to the eco-cultural tourism economy of the Overstrand through alignment of appropriate land use and regulation. |
| Urban Conservation EMOZ | To protect and manage undeveloped conservation-worthy public owned land within the Overstrand's urban edge, and adjacent buffer areas, while promoting the retention of viable priority ecological corridors in areas that are to be |

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| | developed, to ensure an integrated 'conservation and development' approach that will enhance living conditions for the communities of the Overstrand. |

All three overlay zones serve the purpose of managing development within environmentally sensitive areas, while still allowing for development to occur at an appropriate scale. In the case of the proposed restaurant, utmost care was taken to ensure that the design adheres to the principles and objectives of the Environmental Management Overlay Zone (EMOZ). During the design process, the Overstrand Environmental Services Department was consulted to ensure compliance with the relevant environmental guidelines. Furthermore, an Environmental Authorisation (EA) has already been obtained and an Environmental Management Plan (EMP) is in place. As such, the proposed development is not expected to have a negative impact on the EMOZ.

### 10.3 Spatial Planning Policies

The consistency of this proposal with the applicable spatial development policies will herewith be illustrated. The spatial policies which are pertinent to the submitted proposal are the following:

| PSDF |
|---|
| The Provincial Spatial Development Framework (PSDF) is the outcome of a collaborative effort involving provincial departments, various spheres of government, the private sector, academia, and non-governmental organisations, and was guided by an inter-departmental steering committee. This inclusive and participatory process has resulted in a shared spatial vision aimed at guiding development patterns across both urban and rural areas of the Western Cape.<br><br>A core objective of the PSDF is the promotion of integrated and sustainable settlements. The framework further establishes a comprehensive settlement agenda that considers the full spectrum of settlements within the province, ranging from the metropolitan area of Cape Town to the smallest rural hamlets. |
| **OMSDF** |
| The Overstrand Municipal Spatial Development Framework (MSDF) is a sectoral component of the Integrated Development Plan (IDP) and, in terms of the Municipal Systems Act (MSA), provides strategic guidance to inform ongoing decision-making. Its primary aim is to promote the development of integrated, sustainable, and liveable regions, cities, towns, and residential areas. |

## MOTIVATION

The PSDF and OMSDF are strategic frameworks that require interpretation and implementation at the local level. National policy instruments, such as the National Development Plan and the National Spatial Development Framework, offer overarching guidance on key issues, including human settlements. By focusing on the alignment of provincial and municipal policies with these national directives, spatial planning efforts are better positioned to support a coherent and integrated policy hierarchy.

**PSDF**

To ensure the proposed residential development aligns with the PSDF and the Provincial Settlement Policy Objectives, the development was evaluated against these policy objectives.

| **Provincial settlement policy objective** | **Alignment of the proposal with the policy objectives.** |
|---|---|
| Protect and enhance sense of place and settlement patterns | The proposed restaurant reinforces the long-established historical use of the site, which dates back to at least 1946. This continuity of land use contributes to the preservation of the area's unique character, especially given the site's coastal setting and cultural value associated with the former Nautilus restaurant. The design of the new restaurant is sensitive to its surroundings, drawing on coastal architectural themes and using natural materials where appropriate to ensure visual integration with the landscape. By maintaining the legacy of a hospitality function at this location, the proposal enhances rather than disrupts the existing settlement pattern. |
| Improve accessibility at all scales | The site is located along a key coastal tourism route, accessible via established road infrastructure and pedestrian pathways connecting to Grotto Beach and surrounding public amenities. The development will support non-motorised transport by enhancing pedestrian linkages and maintaining public access through and around the site. In doing so, it improves local accessibility without generating significant new traffic demand. Additionally, the proposed facility will be within walking distance for nearby residents and tourists, ensuring accessibility across various user groups. |
| Promote an appropriate land use mix and density in settlements | The restaurant use represents a complementary addition to the recreational and tourism offerings already present at Grotto Beach. This contributes to a balanced mix of land uses within a predominantly residential and natural setting, creating opportunities for economic activity without requiring rezoning or introducing incompatible functions. The scale and intensity of the use have been carefully considered to ensure compatibility with the surrounding environment, |

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| | while still enhancing the attractiveness and functionality of the broader area. |
| Ensure effective and equitable social services and facilities | The restaurant will serve both residents and visitors, enhancing access to quality recreational and dining facilities in a manner that supports inclusive use of public coastal space. The development contributes to the local economy by creating employment opportunities and supporting tourism-related services. Furthermore, the proposal does not detract from the provision of essential municipal services and complies with environmental and spatial development frameworks, thereby ensuring responsible and equitable utilisation of public land. |

**OMSDF**

The OMSDF is informed by a hierarchy of planning legislation and policy frameworks, including SPLUMA, LUPA, the Overstrand Municipal Land Use Planning By-Law, the Provincial Spatial Development Framework (PSDF), and the Integrated Development Plan (IDP). Together, these instruments guide the OMSDF in providing clear direction on appropriate spatial development patterns and land uses within the designated urban edge.

The OMSDF was formulated following a comprehensive public participation process and input from various government departments, resulting in a shared spatial vision for the future development of the municipality. This vision encourages sustainable, efficient, and integrated growth and is intended to guide decision-making on land development proposals.

To ensure consistency with broader planning goals, the OMSDF synthesises the strategic aims and policy directives of national and provincial frameworks such as the PSDF and the National Development Plan (NDP). The proposed residential development has been aligned with the OMSDF to ensure compliance with these overarching policy objectives.

Specifically, the OMSDF states in Section 5.8.3 (p. 203) under 'Local Spatial Development and Growth Management Principles' that *Greater Hermanus is not only a significant tourism destination, but also a diverse regional urban node contributing to the diversification and spatially integrated expansion of the local economy*. The document underscores the importance of leveraging tourism-related development to enhance the regional economy, provided it is done in a manner that respects environmental sensitivities and strengthens the area's unique sense of place.

The proposed restaurant aligns directly with this strategic vision. Situated within the established urban edge and in close proximity to Grotto Beach, the development enhances the tourism offering of Hermanus by reinstating a historically established land use. It supports the economic diversification of the area by creating employment opportunities, attracting visitors, and stimulating local investment in a sustainable manner. The design and location of the proposed restaurant take environmental

considerations into account, as confirmed through the Environmental Authorisation process, and it respects the surrounding natural landscape, consistent with the OMSDF's emphasis on integrating development with environmental and heritage assets.

By promoting tourism and contributing to a more vibrant and economically diverse urban node, the proposal is fully aligned with the growth management principles outlined in the OMSDF.

## 11. PLANNING PRINCIPLES

The Spatial Planning and Land Use Management Act (SPLUMA) establishes five core principles to guide land use planning in South Africa. The proposed restaurant development aligns with each of these principles, ensuring that the project contributes positively to the local community and environment.

**Spatial Justice**
Spatial justice aims to address past spatial and development imbalances by improving access to and use of land, particularly for disadvantaged communities. The proposed restaurant aligns with this principle by being situated within a designated lease area, ensuring that the development does not displace or negatively impact surrounding communities. Additionally, the project has undergone an Environmental Impact Assessment process and complies with the conditions set forth, demonstrating a commitment to equitable development practices.

**Spatial Sustainability**
Spatial sustainability involves promoting land development that is sustainable and limits urban sprawl. The proposed restaurant is designed to integrate seamlessly into the existing urban fabric, utilising existing infrastructure and minimizing environmental impact. The development includes measures to protect adjacent natural resources, such as the milkwood forest, by obtaining necessary permits and implementing environmental management plans.

**Efficiency**
Efficiency in spatial planning refers to optimising the use of existing resources and infrastructure to minimize negative financial, social, and environmental impacts. The proposed restaurant utilises existing municipal services, including water supply, sewerage disposal, and solid waste removal, thereby reducing the need for new infrastructure. The development also includes on-site parking, minimising the impact on surrounding public spaces.

**Spatial Resilience**
Spatial resilience emphasises the importance of creating sustainable livelihoods and the ability to handle unexpected incidents or shocks. The proposed restaurant contributes to spatial resilience by providing a stable economic activity that supports local employment and tourism. The development is designed to be adaptable to future changes, ensuring long-term viability and community benefit.

**Good Administration**

Good administration involves transparent, accountable, and inclusive planning and decision-making processes. The proposed restaurant development adhere to all necessary legal and procedural requirements, which include obtaining the necessary permits and authorisations and conducting a public participation processes. The project has been reviewed and approved by relevant environmental authorities, ensuring that all stakeholders have been considered and that the development complies with all applicable regulations.

## 12. CONCLUSION

The proposed redevelopment of the historic restaurant on the municipal lease area at Grotto Beach represents a well-considered and strategically aligned project that meets the requirements of the Overstrand Municipality, SPLUMA, and broader community interests. With a history of over 60 years of restaurant and café use on this site, the proposal respects long-standing land use traditions while formally reinstating a use that has become an integral part of the local character and visitor experience. The application demonstrates that the development will contribute positively to local economic growth by creating approximately 50 direct jobs and numerous indirect employment opportunities, thereby supporting household incomes and stimulating local suppliers and service providers. This aligns with the Municipality's tender requirement that the use of public land delivers tangible economic and community benefits.

The restaurant's design respects the sensitive coastal environment and is supported by comprehensive environmental authorisation and management plans, ensuring minimal impact on the adjacent milkwood forest and surrounding natural areas. Approval from relevant environmental authorities for necessary vegetation management further underlines the project's commitment to environmental stewardship and sustainability.

From a planning perspective, the proposal is compatible with the surrounding land uses and respects the historical precedent of restaurant use at this location. The scale and form of the development have been carefully controlled to ensure it integrates harmoniously with the area's character without detracting from existing views, sunlight access, or public amenity. The site will be accessed via Grotto Road, a one-way street designed to support efficient traffic flow, and parking is provided on-site in accordance with municipal requirements, ensuring no additional burden on public parking resources.

The project also adheres to the key principles of SPLUMA, promoting spatial justice by supporting equitable economic opportunities, spatial sustainability by limiting urban sprawl and protecting natural resources, efficiency by utilising existing infrastructure, spatial resilience through fostering stable local employment and tourism, and good administration through transparent compliance with all legal and procedural requirements.

Finally, leasing a portion of the public land for this development provides the Municipality with an additional and sustainable revenue source that supports ongoing maintenance and enhancement of public amenities, including the ongoing retention of Blue Flag status for Grotto Beach, a prestigious designation that attracts tourists and benefits the entire community. The proposed restaurant is a compatible, sustainable, and economically beneficial use of the site that aligns with municipal policies, environmental requirements, and community interests. It is therefore respectfully submitted that the application for consent use be approved, enabling the development to proceed and contribute positively to the social, economic, and

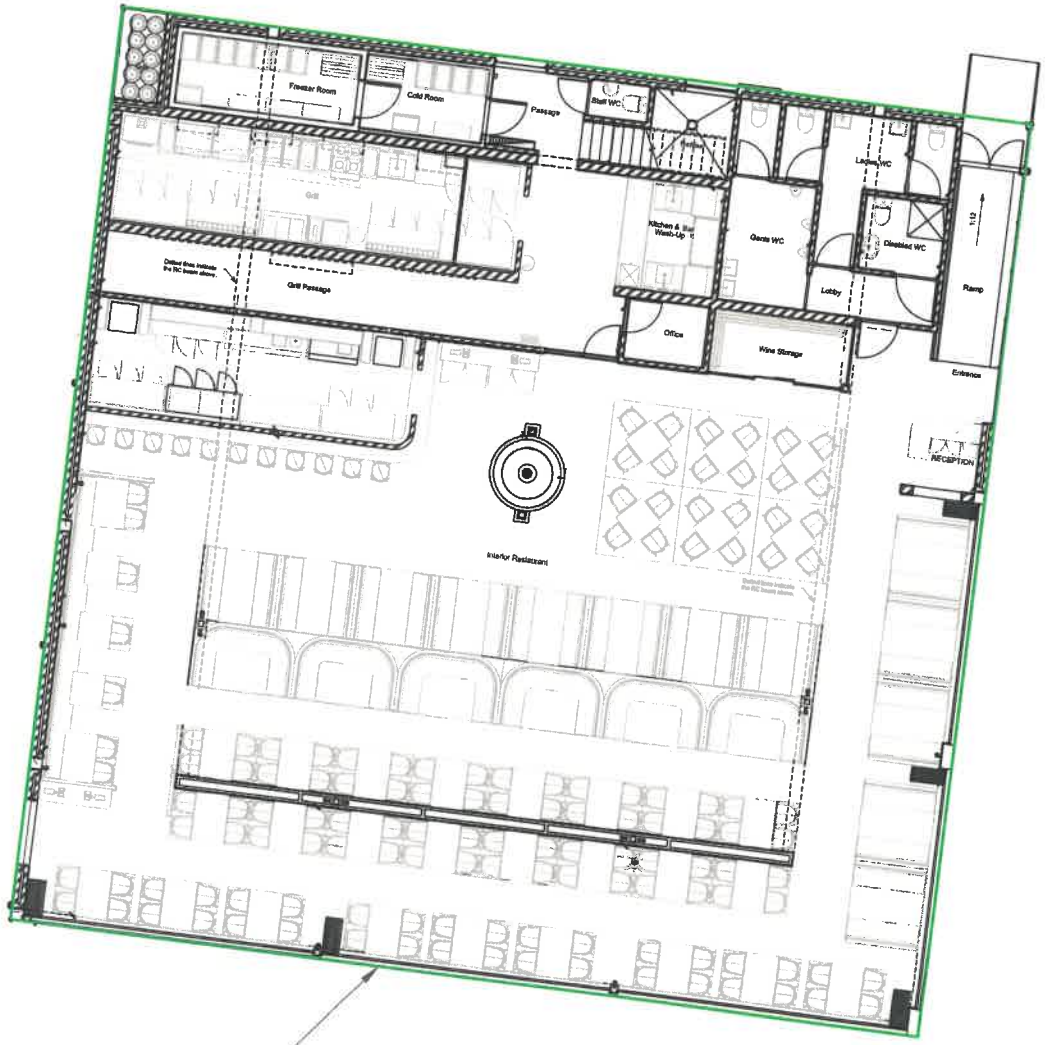
environmental fabric of the Grotto Beach area and the broader Hermanus community.

## 13. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

**13.1 Consent Use** for a tourist facility to allow a restaurant on the Remainder of Erf 4771, Hermanus in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

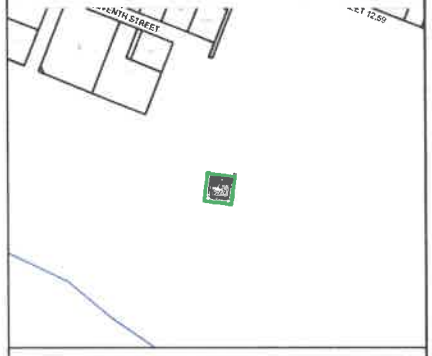
# 3. Plan 3 Site Development Plan
# Remainder of Erf 4771 Hermanus




LEASE AREA

**GROUND FLOOR**

**SCALE 1 : 250**




Plan prepared by: Thian Jansen on 17/06/2025
Based on plans from 7STOREYS

Plan Number - 25/94 (001)

All distances are approximate and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200

WRAP Project Office
Town Planning & Project Management

307

Annexure C18

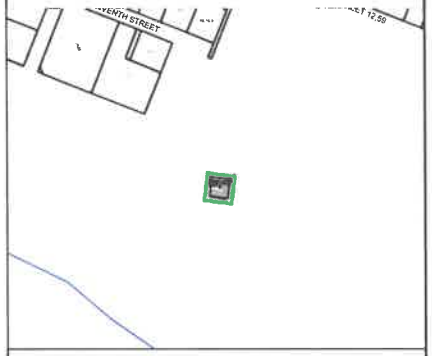
# 3. Plan 3 Site Development Plan
# Remainder of Erf 4771 Hermanus




LEASE AREA

**MEZZANINE FLOOR**

**SCALE 1 : 250**




Plan prepared by: Thian Jansen on 17/06/2025
Based on plans from 7STOREYS

Plan Number - 25/94 (001)

All distances are approximate and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200

WRAP Project Office
Town Planning & Project Management

**General: SANS 10400 Part A**
- Contractor must verify all levels and dimensions on site.
- In case of any uncertainty contact architect/ project manager. No drawings to be scaled, dimensions to be requested.
- This drawing must be read in conjunction with other consultants and specialist drawings
- All building work to comply with National Building Regulations (SABS400)

**Site Conditions & Public Safety: Part D & F**
- All Ramps to be in accordance with SANS 10400 part S and so designed that it shall be safe when used and fit for the purpose for which it was intended.
- All Staircases to comply with 100mm rule. Ball rule.
- Sanitary facilities shall be provided on site for the full construction period and shall be maintained in a clean and hygienic condition and removed once construction is completed.
- Fence, hoarding or barricade to be erected to ensure no member of the public can obtain access to any portion of the site where materials are to be stored or construction works to be carried out.
- Building rubble is to be stored in a designated area on site, with all materials separated into their various categories for recycling/disposal. Rubble shall be removed on a regular basis to ensure clean and safe working conditions.

**Foundations: Part H**
- Strip foundations to have a minimum thickness of 200mm and have a minimum compressive strength of 15mPa unless otherwise specified by appointed structural engineer.
- Foundations for loadbearing walls to have minimum width of 700mm
- Foundation for non-loadbearing internal walls to have minimum width of 500mm
- Exact specifications for foundations by appointed structural engineer

**Floors: Part J**
- All suspended concrete floors to be in accordance with SANS 10400 Part B & related standards. To be specified and inspected by appointed structural Engineer.
- Floors supported on grouted or backfilling to be laid on DPC at min. 250 µm thickness with an overlap of min. 200mm at joints on min.150mm hand compacted base layer. All to be in strict accordance with appointed structural engineer's specifications.

**Walls: Part K**
- **External Cavity Walls:** Brickwork As per SANS 10400, Part K: 280mm (i) masonry cavity walls, with min 2,5 ties per sq. m. 250 micron stepped DPC & weep holes to be a min of 150mm above FGL / NGL. DPC to all external walls at each floor, beam, parapet level and to all windows doors, grilles or other openings in external walls.
- **Internal Walls (Single):** 110mm (i) masonry internal walls, with min 2,5 ties per sq. m.
- **Internal Walls (Double):** 220mm (i) masonry internal walls, with min 2,5 ties per sq. m
- **Foundation walls:**
- Lintels to be provided over any opening not wider than 3.0m. Lintels to comply with SANS1504

**Roofs: Part L**
- 0.5mm IBR C18 roofsheet to be used for all roofs, Colour to Client specification
- **Roof sarking/ties:** As per SANS 1400, Part K: Truss ends to be tied down onto a 114x38mm B.A.P. timber wallplate by means of (Type C: 30mm1,6mm ) Galv. Mild steel straps embedded 600mm into brickwork or concrete.
- **Insulation:** as per sa calculations, installed strictly in accordance to manufacturers specifications.
- **Reflective Foil:** Isolation FireShield NC 802 DIS or similar approved to be installed over roof trusses and rafters as per manufacturer 's recommendation. Foil to have minimum R-Value of 3.7 in accordance with SANS 10400 part XA with the following composition

**Stairs: Part M**
- Risers to have maximum riser of 170mm
- Risers to have minimum tread of 250mm
- Risers to comply with SANS 10400 Part S

**Glazing : Part N**
- Roof light Glazing to have a Max U-Value of 6.8 and SHGC of 0.49 in accordance with SANS 10400 Part XA and achieve a min R-Value of 3,7
- Safety Glass to be used for Windows and doors in accordance with SANS 10400 Part N with appropriate markings visible on each pane;
- Glazing certificate of Compliance to be issued for all glazing;
- All Glazing to achieve SHGC and U-Values in accordance with XA Calculations
- No Single Low-E Glazing may be used on this building.
- All Glazing to be Enviroseal NC 60 or similar approved product with max. U-Value of 5,2 and Max SHGC of 0.49

**Lighting and Ventilation: Part O**
- All mechanical ventilation and extraction systems to be designed by appointed Mechanical Engineer
- All staff bathrooms to be mechanically ventilated in accordance with SANS 10400 part O & Mechanical Engineer Specification

**Plumbing and drainage: Part P**
**(Notes as per Plumbers drawings)**
- Geyser specification:
- 60% of water heating to be by alternative energy source (Gas, Heat Pump or Solar)

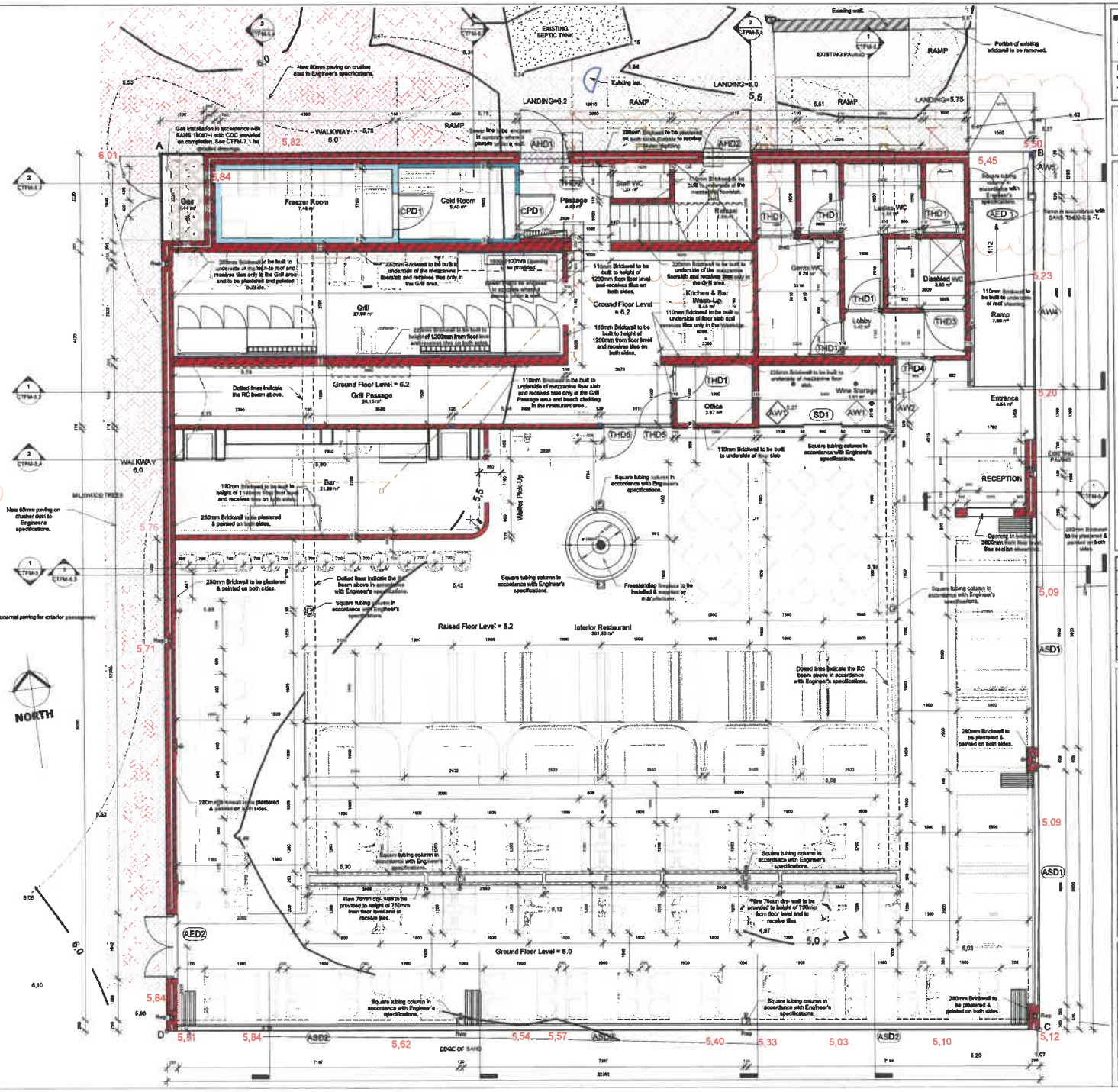
**Disabled Access: Part S**
- Ground floor of building to comply with SANS 10400 part S

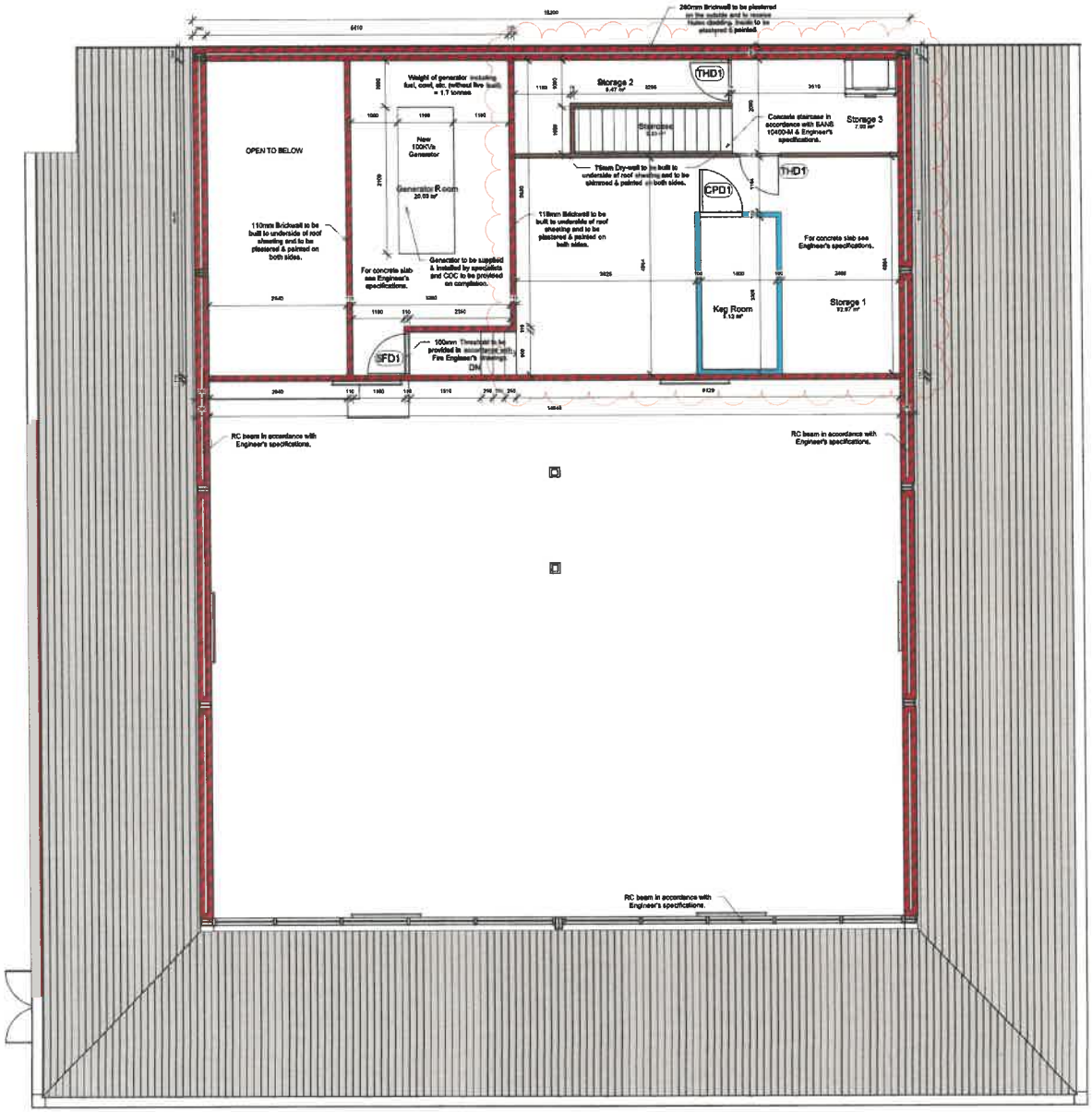
**Fire: Part T**
- Drawing to be read in conjunction with Fire engineer 's drawing and layout
- All chimney 's and flu pipes to extend min. 1m above the roof through which it penetrates
- Fireplace to have hearth of min 300mm on either side.
- Gas bottle manifold and installation to comply with SANS 10087-1. To be designed, specified and installed by registered installer in accordance with approved drawing.

**Health and Safety:**
- Lockers to be provided for staff members and should be lockable.
- See notes on drawing.

**Rainwater goods**
- Rainwater to be disposed in accordance with SANS 10400 part R

| ENERGY ZONE | 2 |
|---|---|
| | |
| **ROOF R-VALUE** | **R-VALUE** |
| INSULATION FIRESHIELD NC 802 | 1.66m².K/W |
| 90mm EXTERIOR BOARD | 1.905m².K/W |
| 100mm AIR GAP | 0.176m².K/W |
| | |
| Total Provided | 3.76m².K/W |
| Total Required | 3.7m².K/W |
| | |
| **WALLS R-VALUE** | **R-VALUE** |
| MINIMUM R-VALUE | 2.6m².K/W |
| REQ. SPECIFICATION | 50mm CAVITY WALL |
| ACTUAL SPECIFICATION | 50mm CAVITY WALL PLASTERED B/S |


EXISTING SEPTIC TANK
New 60mm paving on crusher dust to Engineer's specifications.
Existing wall.
Portion of existing brickwall to be removed.
EXISTING PAVING
RAMP
LANDING=6.2
LANDING=6.0
LANDING=5.75
WALKWAY 6.0
Gas installation in accordance with SANS 10087-1 with COC provided on completion. See CTFM-7.1 for detailed drawings.
AHD1
AHD2
Gas
Freezer Room
Cold Room
CPD1
Passage
Staff WC
Retail
THD1
THD2
Ladies WC
Gents WC
Disabled WC
Lobby
THD3
THD4
Ramp
AED 1
AW4
Grill
Ground Floor Level = 6.2
Grill Passage
Kitchen & Bar Wash-Up
Office
Wine Storage
AW1
AW2
SD1
THD5
Entrance
RECEPTION
Bar
Waiter Pick-Up
Freestanding fireplace to be installed & inspected by manufacturer.
Raised Floor Level = 6.2
Interior Restaurant
301.93 m²
ASD1
AED2
ASD2
Ground Floor Level = 6.0
EDGE OF SAND
NORTH
New external paving for exterior passageway
Square tubing column in accordance with Engineer's specifications.
Dotted lines indicate the RC beam above in accordance with Engineer's specifications.
New 76mm dry- wall to be provided to height of 750mm from floor level and to receive tiles.
280mm Brickwall to be plastered & painted on both sides.
110mm Brickwall to be built to underside of floor slab.
Ground Floor Level = 6.2
110mm Brickwall to be built to height of 1200mm from floor level and receives tiles on both sides.
Dotted lines indicate the RC beam above.
Dotted lines indicate the RC beam sleeve in accordance with Engineer's specifications.
Square tubing column in accordance with Engineer's specifications.
Opening as indicated 2400mm from floor level. See section drawings.
Ramp in accordance with SANS 10400-S 9 -7.
Portion of existing brickwall to be removed.
Existing Tree
Existing Pavilion
Existing Lapa
Existing Ablution
Existing Tree
Existing Tree
Existing Tree




1 **Mezzanine Floor**
1 : 50

**First Floor - Room Area Schedule**

| Name | Area | Level | Comments |
|---|---|---|---|
| Generator Room | 20.03 m² | First Floor | Excluded in 500m2 footprint |
| Keg Room | 5.12 m² | First Floor | Excluded in 500m2 footprint |
| Staircase | 3.33 m² | First Floor | Excluded in 500m2 footprint |
| Storage 1 | 32.97 m² | First Floor | Excluded in 500m2 footprint |
| Storage 2 | 6.47 m² | First Floor | Excluded in 500m2 footprint |
| Storage 3 | 7.03 m² | First Floor | Excluded in 500m2 footprint |
| Total | 73.96 m² | | |

**ROOM SCHEDULE IS ONLY FOR ROOM AREAS AND DOES NOT INCLUDE THE WALLS. REFER TO SITE INFORMATION TABLE FOR TOTAL AREAS.**

NORTH

**General: SANS 10400 Part A**
- Contractor must verify all levels and dimensions on site.
- In case of any uncertainty contact architect/ project manager. No drawings to be scaled, dimensions to be requested.
- This drawing must be read in conjunction with other consultants and specialist drawings
- All building work to comply with National Building Regulations (SABS400)

**Site Operations & Public Safety: Part D & E**
- All Ramps to be in accordance with SANS 10400 part S and so designed that it shall be safe when used and fit for the purpose for which it was intended.
- All Balustrades to comply with 100mm dia. Ball rule.
- Sanitary facilities shall be provided on site for the full construction period and shall be maintained in a clean and hygienic condition and removed once construction is completed.
- Fence, hoarding or barricade to be erected to ensure no member of the public can obtain access to any portion of the site where materials are to be stored or construction works to be carried out.
- Building rubble is to be stored in a designated area on site, with all materials separated into their various categories for recycling/disposal. Rubble shall be removed on a regular basis to ensure clean and safe working conditions.

**Foundations : Part H**
- Strip foundations to have a minimum thickness of 230mm and have a minimum compressive strength of 15mPa unless otherwise specified by appointed structural engineer.
- Foundations for loadbearing walls to have minimum width of 700mm
- Foundation for non-loadbearing internal walls to have minimum width of 500mm
- Exact specifications for foundations by appointed structural engineer

**Floors : Part J**
- All suspended concrete floors to be in accordance with SANS 10400 Part B & related standards. To be specified and inspected by appointed structural Engineer.
- Floors supported on ground or backfilling to be laid on DPC of min. 250 µm thickness with an overlap of min. 200mm at joints on min.150mm hard compacted base layer. All to be in strict accordance with appointed structural engineer's specifications.

**Walls: Part K**
- External Cavity Walls: Brickwork As per SANS 10400, Part K: 280mm (I) masonry cavity walls, with min 2.5 ties per sq. m. 200 mmm stepped DPC & weep holes to be a min of 150mm above FGL / WGL. DPC to all external walls at each floor, beam, parapet level and to all windows doors. grilles or other openings in external walls.
- Internal Walls (Single): 110mm (I) masonry internal walls. with min 2.5 ties per sq. m.
- Internal Walls (Double): 220mm (I) masonry internal walls, with min 2.5 ties per sq. m
- Foundation walls:
- Lintels to be provided over any opening not wider than 3.0m. Lintels to comply with SANS1504

**Roofs : Part L**
- 0.5mm IBR C18 roofsheet to be used for all roofs, Colour to Client specification
- **Roof structure:** As per SANS 1400, Part K: Truss ends to be tied down onto a 114x38mm S.A.P. timber wallplate by means of (Type C: 30mm× 1.6mm ) Galv. Mild steel straps embedded 600mm into brickwork or concrete.
- **Insulation:** as per ss calculations, installed strictly in accordance to manufacturers specifications.
- **Reflective Foil:** Sisalation Fireshield NC 802 DIS or similar approved to be installed over roof trusses and rafters as per manufacturer 's recommendation.
- Roof to have minimum R-Value of 3.7 in accordance with SANS 10400 part XA with the following composition

**Stairs : Part M**
- Stairs to have maximum riser of 170mm
- Stairs to have minimum tread of 250mm
- Stairs to comply with SANS 10400 Part M

**Glazing : Part N**
- Roof light Glazing to have a Max U-Value of 5.8 and SHGC of 0.49 in accordance with SANS 10400 Part XA and achieve a min; R-Value of 3.7
- Safety Glass to be used for Windows and doors in accordance with SANS 10400 Part N with appropriate markings visible on each pane;
- Glazing certificate of Compliance to be issued for all glazing.
- All Glazing to achieve SHGC and U-Values in accordance with XA Calculations
- No Single Low-E Glazing may be used on this building.
- All Glazing to be Envirosol NC 60 or similar approved product with max. U-Value of 5.2 and Max SHGC of 0.49

**Lighting and Ventilation: Part O**
- All mechanical ventilation and extraction systems to be designed by appointed Mechanical Engineer
- All dark bathrooms to be mechanically ventilated in accordance with SANS 10400 part O & Mechanical Engineer Specification

**Plumbing and drainage: Part P**
**Hot water as per Plumbing designer)**
- Geyser specification:
- 50% of water heating to be by alternative energy source (Gas, Heat Pump or Solar)

**Disabled Access: Part S**
- Ground floor of building to comply with SANS 10400 part S

**Fire: Part T**
- Drawing to be read in conjunction with Fire engineer's drawing and layout
- All chimney's and flu pipes to extend min. 1m above the roof through which it penetrates
- Fireplace to have hearth of min 300mm on either side.
- Gas bottle manifold and installation to comply with SANS 10087-1. To be designed, specified and installed by registered installer in accordance with approved drawing.

**Health and Safety:-**
- Lockers to be provided for staff members and should be lockable.
- See notes on drawing.

**Rainwater goods**
- Rainwater to be disposed in accordance with SANS 10400 part R


**7STOREYS**
Architecture | Quantity Surveying | Construction | Project Management
Email: info@7storeys.com
Website: www.7storeys.com
Telephone: 021 813 9644



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Additional Notes:

| ENERGY ZONE | 2 |
|---|---|
| | |
| ROOF R-VALUE | R-VALUE |
| INSULATION FIRESHIELD NC 802 | 1.58m².K/W |
| 50mm ISOBOARD | 1.306m².K/W |
| 100mm AIR GAP | 0.178m².K/W |
| | |
| Total Provided | 3.78m².K/W |
| Total Required | 3.7m².K/W |
| | |
| WALLS R-VALUE | R-VALUE |
| MINIMUM R-VALUE | 0.6m².K/W |
| REQ. SPECIFICATION | 90mm CAVITY WALL |
| ACTUAL SPECIFICATION | 90mm CAVITY WALL PLASTERED BIS |

| No. | Description | Date |
|---|---|---|
| A | Amendments for Council Submission | 26/09/2024 |

Project Discription
**PROPOSED NEW RESTAURANT (CAPE TOWN FISH MARKET) ON LEASE AREA NO 1 OVER REMAINDER ERF 4771 - HERMANUS**

Client Information
**OVERSTRAND MUNICIPALITY**

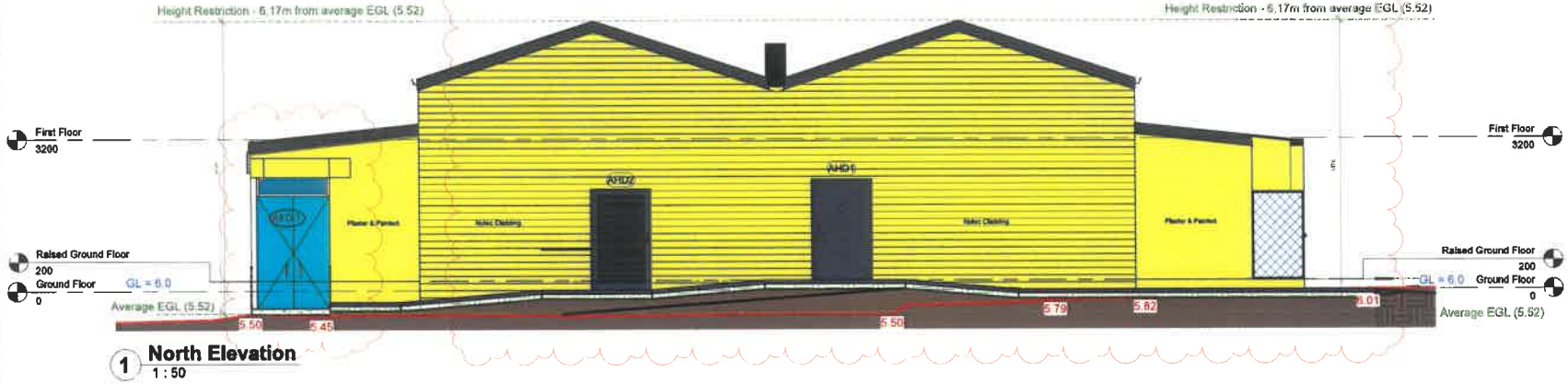
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Professional Information
**JP VENTER PrArch SA700025**

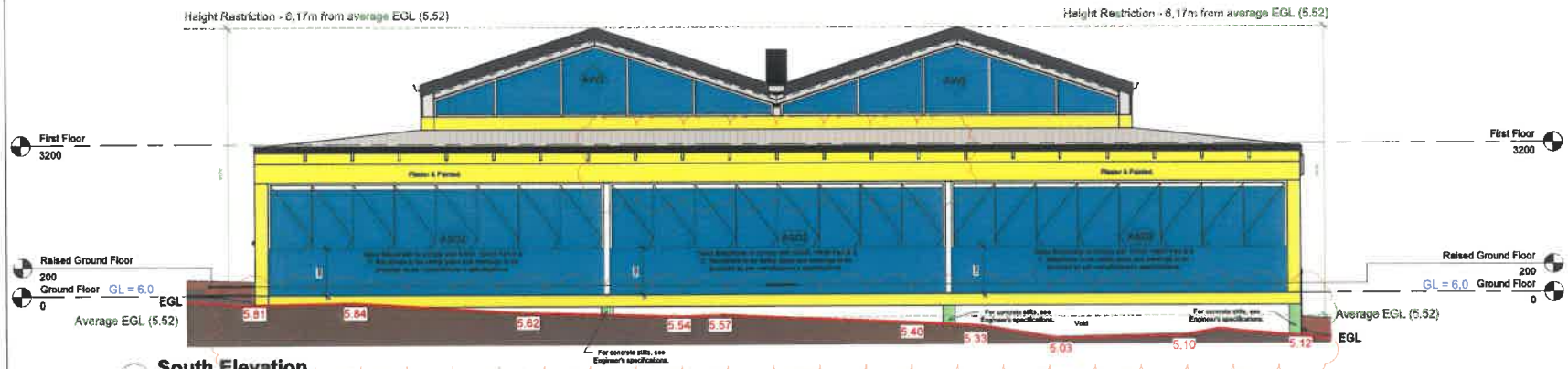
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**Mezzanine Floor Layout**

| | |
|---|---|
| Project number | CTFM-2024-01A |
| Date | 26/09/2024 |
| Drawn by | Alexander Conradie |
| Checked by | JP Venter |
| CTFM-2.2 | |
| Scale | 1 : 50 |




## 1 North Elevation
1 : 50




## 2 South Elevation
1 : 50

**General: SANS 10400 Part A**
- Contractor must verify all levels and dimensions on site.
- In case of any uncertainty contact architect/ project manager. No drawings to be scaled, dimensions to be requested.
- This drawing must be read in conjunction with other consultants and specialist drawings
- All building work to comply with National Building Regulations (SABS400)

**Site Operations & Public Safety: Part D & F**
- All Ramps to be in accordance with SANS 10400 part S and so designed that it shall be safe when used and fit for the purpose for which it was intended.
- All Balustrades to comply with 100mm dia. Ball rule.
- Sanitary facilities shall be provided on site for the full construction period and shall be maintained in a clean and hygienic condition and removed once construction is completed.
- Fence, hoarding or barricade to be erected to ensure no member of the public can obtain access to any portion of the site where materials are to be stored or construction works to be carried out.
- Building rubble is to be stored in a designated area on site, with all materials separated into their various categories for recycling/disposal. Rubble shall be removed on a regular basis to ensure clean and safe working conditions.

**Foundations : Part H**
- Strip foundations to have a minimum thickness of 200mm and have a minimum compressive strength of 15mPa unless otherwise specified by appointed structural engineer.
- Foundations for loadbearing walls to have minimum width of 700mm
- Foundation for non-loadbearing internal walls to have minimum width of 600mm
- Exact specifications for foundations by appointed structural engineer

**Floors: Part J**
- All suspended concrete floors to be in accordance with SANS 10400 Part B & related standards. To be specified and inspected by appointed structural Engineer.
- Floors supported on ground or backfilling to be laid on DPC of min. 250 um thickness with an overlap of min. 200mm at joints on min.150mm hand compacted base layer. All to be in strict accordance with appointed structural engineer's specifications.

**Walls: Part K**
- External Cavity Walls: Brickwork As per SANS 10400, Part K: 280mm (t) masonry cavity walls, with min 2.5 ties per sq. m. 250 micron stepped DPC & weep holes to be a min of 150mm above FGL / NGL. DPC to all external walls at each floor, beam, parapet level and to all windows doors, grilles or other openings in external walls.
- Internal Walls (Single): 110mm (t) masonry internal walls, with min 2.5 ties per sq. m.
- Internal Walls (Double): 220mm (t) masonry internal walls, with min 2.5 ties per sq. m
- Foundation walls:
- Lintels to be provided over any opening not wider than 3.0m. Lintels to comply with BABS1604

**Roofs: Part L**
- 0.5mm BR C15 roofsheet to be used for all roofs, Colour to Client specification
- Roof anchorage: As per SANS 1400, Part K: Truss ends to be tied down onto a 114x38mm S.A.P. timber wallplate by means of (Type C: 30mm x 1.5mm ) Galv. Mild steel straps embedded 600mm into brickwork of concrete.
- Insulation: as per sa calculations, installed strictly in accordance to manufacturers specifications.
- Reflective Foil: Sisalation Firesheet NC 502 C/S or similar approved to be installed over roof trusses and rafters as per manufacturer 's recommendation
- Roof to have minimum R-Value of 3.7 in accordance with SANS 10400 part XA with the following composition

**Stairs: Part M**
- Stairs to have maximum rises of 170mm
- Stairs to have minimum tread of 250mm
- Stairs to comply with SANS 10400 Part S

**Glazing : Part N**
- Roof light Glazing to have a Max U-Value of 5.6 and SHGC of 0.49 in accordance with SANS 10400 Part XA and achieve a min. R-Value of 3.7
- Safety Glass to be used for Windows and doors in accordance with SANS 10400 Part N with appropriate markings visible on each pane;
- Glazing certificate of Compliance to be issued for all glazing;
- All Glazing to achieve SHGC and U-Values in accordance with XA Calculations
- No Single Low-E Glazing may be used on this building.
- All Glazing to be Envirosol NC 60 or similar approved product with max. U-Value of 5.2 and Max SHGC of 0.49

**Lighting and Ventilation: Part O**
- All mechanical ventilation and extraction systems to be designed by appointed Mechanical Engineer
- All dark bathrooms to be mechanically ventilated in accordance with SANS 10400 part O & Mechanical Engineer Specification

**Plumbing and Appliances: Part P**
**(Notes as per Plumbing Drawings)**
- Geyser specification:
- 80% of water heating to be by alternative energy source (Gas, Heat Pump or Solar)

**Disabled Access : Part S**
- Ground floor of building to comply with SANS 10400 part S

**Fire: Part T**
- Drawing to be read in conjunction with Fire engineer's drawing and layout
- All chimney's and flu pipes to extend min. 1m above the roof through which it penetrates
- Fireplace to have hearth of min 300mm on either side.
- Gas bottle manifold and installation to comply with SANS 10087-1. To be designed, specified and installed by registered installer in accordance with approved drawing.

**Health and Safety:**
- Lockers to be provided for staff members and should be lockable.
- See notes on drawing.

**Rainwater goods**
- Rainwater to be disposed in accordance with SANS 10400 part R

| ENERGY ZONE | 2 |
|---|---|
| | |
| ROOF R-VALUE | R-VALUE |
| SISELATION FIRESHIELD NC 502 | 1.68m².K/W |
| 50mm ISOBOARD | 1.905m².K/W |
| 100mm AIR GAP | 0.176m².K/W |
| | |
| Total Provided | 3.76m².K/W |
| Total Required | 3.7m².K/W |
| | |
| WALLS R-VALUE | R-VALUE |
| MINIMUM R-VALUE | 0.8m².K/W |
| REQ. SPECIFICATION | 50mm CAVITY WALL |
| ACTUAL SPECIFICATION | 50mm CAVITY WALL PLASTERED B/S |

**7STOREYS**
Architecture | Quantity Surveying | Construction | Project Management


Email: info@7storeys.com
Website: www.7storeys.com
Telephone: 021 813 9644


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Additional Notes:

| No. | Description | Date |
|---|---|---|
| A | Amendments for Council Submission | 26/09/2024 |

**Project Description**
PROPOSED NEW RESTAURANT (CAPE TOWN FISH MARKET) ON LEASE AREA NO 1 OVER REMAINDER ERF 4771 - HERMANUS

**Professional Information**
JP VENTER PrArch 52700025

Signature

**Client Information**
OVERSTRAND MUNICIPALITY

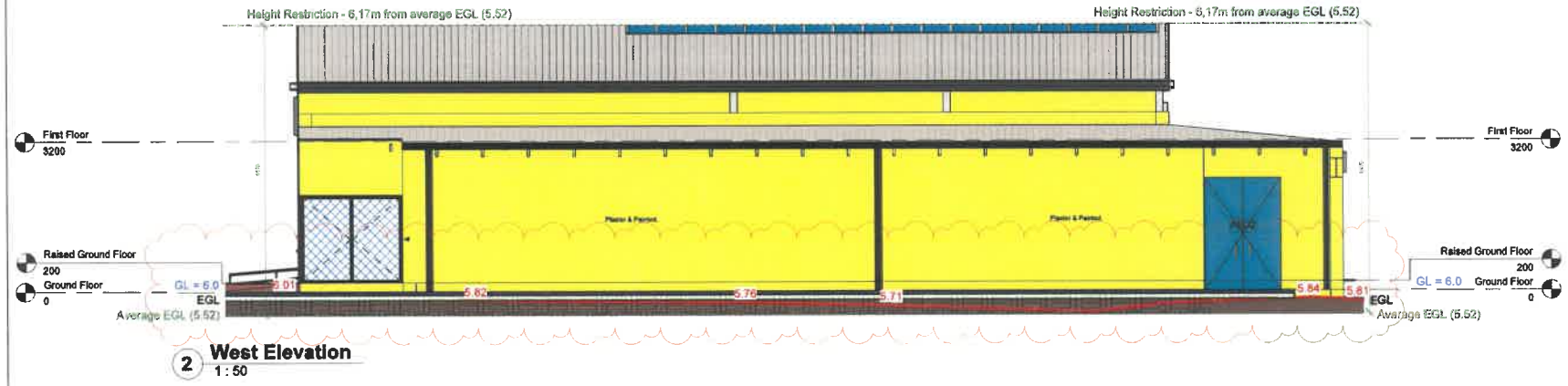
Signature

**Elevations North and South**

| | |
|---|---|
| Project number | CTFM-2024-01A |
| Date | 26/09/2024 |
| Drawn by | Alexander Conradie |
| Checked by | JP Venter |
| | CTFM-4.1 |
| Scale | 1 : 50 |




## 1 East Elevation
1 : 50




## 2 West Elevation
1 : 50

**Summary: SANS 10400 Part A**
- Contractor must verify all levels and dimensions on site.
- In case of any uncertainty contact architect/ project manager. No drawings to be scaled, dimensions to be requested.
- This drawing must be read in conjunction with other consultants and specialist drawings
- All building work to comply with National Building Regulations (SABS400)

**Site Operations & Public Safety: Part D & F**
- All Ramps to be in accordance with SANS 10400 part S and so designed that it shall be safe when used and fit for the purpose for which it was intended.
- All Balustrades to comply with 900mm min. Safe rule.
- Sanitary facilities shall be provided on site for the full construction period and shall be maintained in a clean and hygienic condition and removed once construction is completed.
- Fence, hoarding or barricade to be erected to ensure no member of the public can obtain access to any portion of the site where materials are to be stored or construction works to be carried out.
- Building rubble is to be stored in a designated area on site, with all materials separated into their various categories for recycling/disposal. Rubble shall be removed on a regular basis to ensure clean and safe working conditions.

**Foundations: Part H**
- Strip foundations to have a minimum thickness of 200mm and have a minimum compressive strength of 15mPa unless otherwise specified by appointed structural engineer.
- Foundations for loadbearing walls to have minimum width of 750mm
- Foundation for non-loadbearing internal walls to have minimum width of 600mm
- Exact specifications for foundations by appointed structural engineer

**Floors: Part J**
- All suspended concrete floors to be in accordance with SANS 10400 Part B & related standards. To be specified and inspected by appointed structural Engineer.
- Floors supported on ground or backfilling to be laid on DPC of min. 250 µm thickness with an overlap of min. 200mm at joints on min. 150mm hand compacted base layer. All to be in strict accordance with appointed structural engineer's specifications.

**Walls: Part K**
- **External Cavity Walls:** Brickwork As per SANS 10400, Part K: 290mm (i) masonry cavity walls, with min 2,8 lbs per sq. m., 250 micron damped DPC & weep holes to be a min of 150mm above FGL / NGL. DPC to all external walls at each floor, beam, parapet level and to all windows doors, grilles or other openings in external walls.
- **Internal Walls (Single):** 110mm (i) masonry internal walls, with min 2,5 lbs per sq. m.
- **Internal Walls (Double):** 220mm (i) masonry internal walls, with min 2,8 lbs per sq. m
- **Foundation walls:**
- Lintels to be provided over any opening not wider than 3.0m. Lintels to comply with SANS1504

**Roofs: Part L**
- 0.5mm BR C13 roofsheet to be used for all roofs, Colour to Client specification
- **Roof sarkoking:** As per SANS 1400, Part K: Truss ends to be tied down onto a 114x38mm S.A.P. timber wallplate by means of (Type C: 30mm x1.6mm) Galv. Mild steel straps embedded 600mm into brickwork or concrete.
- **Insulation:** as per sa calculations, installed strictly in accordance to manufacturers specifications.
- **Reflective Foil:** Bisalcon Fireshield NC 802 DS or similar approved to be installed over roof trusses and rafters as per manufacturer 's recommendation.
- Roof to have minimum R-Value of 3.7 in accordance with SANS 10400 part XA with the following composition

**Stairs: Part M**
- Stairs to have maximum riser of 170mm
- Stairs to have minimum tread of 250mm
- Stairs to comply with SANS 10400 Part S

**Glazing : Part N**
- Roof light Glazing to have a Max U-Value of 5.8 and SHGC of 0.48 in accordance with SANS 10400 Part XA and achieve a min. R-Value of 3.7
- Safety Glass to be used for Windows and doors in accordance with SANS 10400 Part N with appropriate markings visible on each pane;
- Glazing certificate of Compliance to be issued for all glazing;
- All Glazing to achieve SHGC and U-Values in accordance with XA Calculations
- No Single Low-E Glazing may be used on this building
- All Glazing to be Envirosol NC 60 or similar approved product with max. U-Value of 5.2 and Max SHGC of 0.49

**Lighting and Ventilation: Part O**
- All mechanical ventilation and extraction systems to be designed by appointed Mechanical Engineer
- All dark bathrooms to be mechanically ventilated in accordance with SANS 10400 part O & Mechanical Engineer Specification

**Plumbing and drainage: Part P**
**(Notes as per Plumbing drawings)**
- Geyser specification:
- 50% of water heating to be by alternative energy source (Gas, Heat Pump or Solar)

**Disabled Access: Part S**
- Ground floor of building to comply with SANS 10400 part S

**Fire: Part T**
- Drawing to be read in conjunction with Fire engineer 's drawing and layout
- All chimney's and flu pipes to extend min. 1m above the roof through which it penetrates
- Fireplace to have hearth of min 300mm on either side.
- Gas bottle manifold and installation to comply with SANS 10087-1. To be designed, specified and installed by registered installer in accordance with approved drawing.

**Health and Safety:**
- Lockers to be provided for staff members and should be lockable.
- See notes on drawing.

**Rainwater goods**
- Rainwater to be disposed in accordance with SANS 10400 part R

| ENERGY ZONE | 2 |
|---|---|
| | |
| **ROOF R-VALUE** | **R-VALUE** |
| ISOLATION FIRESHIELD NC 802 | 1.6m².K/W |
| 50mm ISOBOARD | 1.900m².K/W |
| 100mm AIR GAP | 0.170m².K/W |
| | |
| Total Provided | 3.76m².K/W |
| Total Required | 3.7m².K/W |
| | |
| **WALLS R-VALUE** | **R-VALUE** |
| MINIMUM R-VALUE | 2.2m².K/W |
| REQ. SPECIFICATION | 50mm CAVITY WALL |
| ACTUAL SPECIFICATION | 50mm CAVITY WALL PLASTERED B/S |

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Architecture I Quantity Surveying I Construction I Project Management


Email: info@7storeys.com
Website: www.7storeys.com
Telephone: 021 813 9644



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Additional Notes:

| No. | Description | Date |
|---|---|---|
| A | Amendments for Council Submission | 26/09/2024 |

**Project Description**
PROPOSED NEW RESTAURANT (CAPE TOWN FISH MARKET) ON LEASE AREA NO 1 OVER REMAINDER ERF 4771 - HERMANUS

**Professional Information**
JP VENTER PrArch 52700025

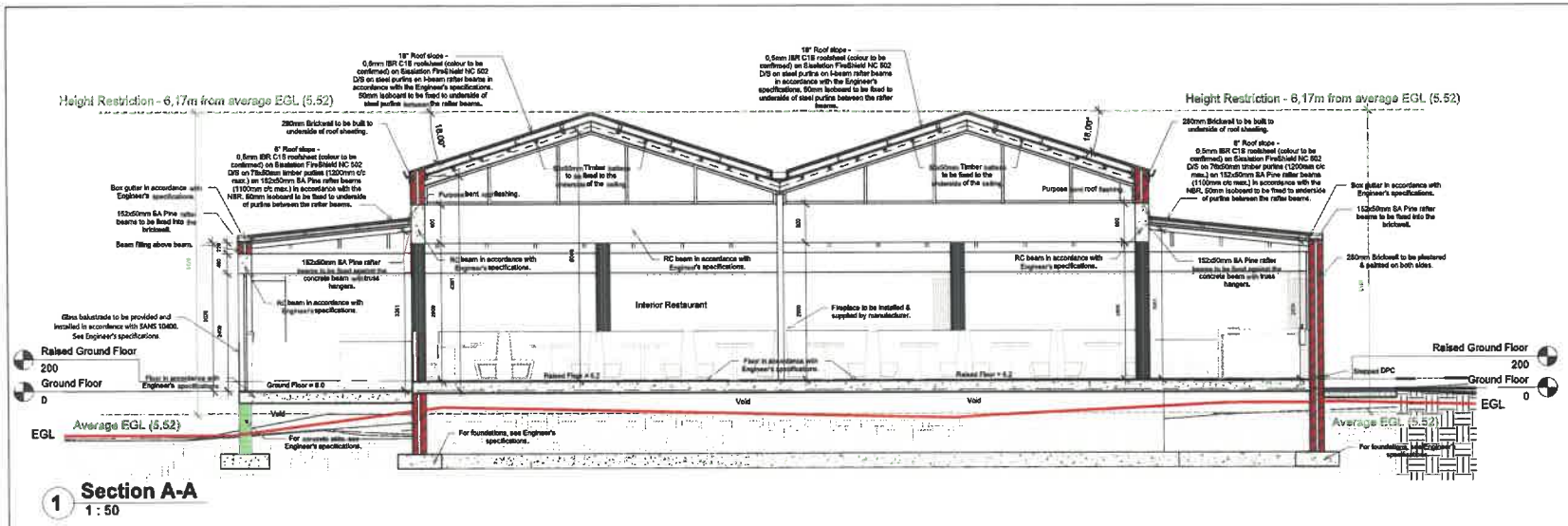
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**Client Information**
OVERSTRAND MUNICIPALITY

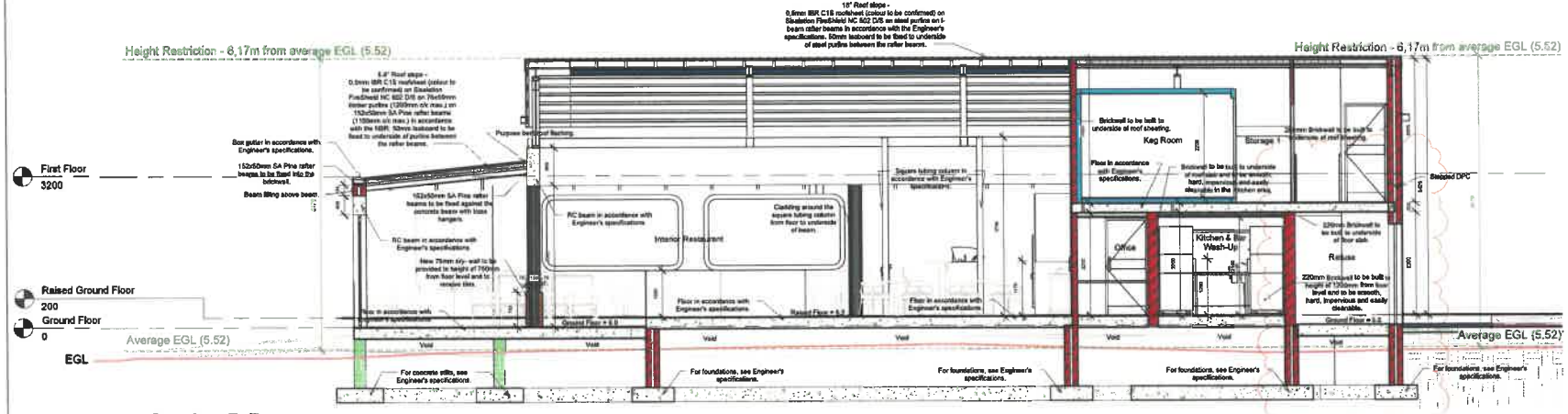
Signature

**Elevations East and West**

| | |
|---|---|
| Project number | CTFM-2024-01A |
| Date | 26/09/2024 |
| Drawn by | Alexander Conradie |
| Checked by | JP Venter |
| | CTFM-4.2 |
| Scale | 1 : 50 |




## 1 Section A-A
1 : 50




## 2 Section B-B
1 : 50

**General: SANS 10400 Part A**
- Contractor must verify all levels and dimensions on site.
- In case of any uncertainty contact architect/ project manager. No drawings to be scaled, dimensions to be requested.
- This drawing must be read in conjunction with other consultants and specialist drawings
- All building work to comply with National Building Regulations (SABS400)

**Site Operations & Public Safety: Part D & F**
- All Ramps to be in accordance with SANS 10400 part S and so designed that it shall be safe when used and fit for the purpose for which it was intended.
- All Balustrades to comply with 100mm dia. Ball rule.
- Sanitary facilities shall be provided on site for the full construction period and shall be maintained in a clean and hygienic condition and removed once construction is completed
- Fence, hoarding or barricade to be erected to ensure no member of the public can obtain access to any portion of the site where materials are to be stored or construction works to be carried out.
- Building rubble is to be stored in a designated area on site, with all materials separated into their various categories for recycling/disposal. Rubble shall be removed on a regular basis to ensure clean and safe working conditions.

**Foundations : Part H**
- Strip foundations to have a minimum thickness of 200mm and have a minimum compressive strength of 15mPa unless otherwise specified by appointed structural engineer.
- Foundations for loadbearing walls to have minimum width of 700mm
- Foundation for non-loadbearing internal walls to have minimum width of 600mm
- Exact specifications for foundations by appointed structural engineer

**Floors: Part J**
- All suspended concrete floors to be in accordance with SANS 10400 Part B & related standards. To be specified and inspected by appointed structural Engineer.
- Floors supported on ground or backfilling to be laid on DPC of min. 250 µm thickness with an overlap of min. 200mm at joints on min.150mm hard compacted base layer. All to be in strict accordance with appointed structural engineer's specifications.

**Walls: Part K**
- External Cavity Walls: Brickwork As per SANS 10400, Part K: 280mm (i) masonry cavity walls, with min 2,5 ties per sq. m, 250 micron stepped DPC & weep holes to be a min of 150mm above FGL / NGL. DPC to all external walls at each floor, beam, parapet level and in all windows doors, grilles or other openings in external walls.
- Internal Walls (Single): 110mm (i) masonry internal walls, with min 2,5 ties per sq. m.
- Internal Walls (Double): 220mm (i) masonry internal walls, with min 2,5 ties per sq. m
- Separation walls:
- Lintels to be provided over any opening not wider than 3.0m. Lintels to comply with SANS1504

**Roofs: Part L**
- 0.5mm IBR C1S roofsheet to be used for all roofs. Colour to Client specification
- Roof sructures: As per SANS 1400, Part K. Truss ends to be tied down onto a 114x38mm B.A.P. timber wallplate by means of (Type C: 30mm*1.6mm ) Galv. M8d steel straps embedded 600mm into brickwork or concrete.
- Insulation: as per sa calculations. Installed strictly in accordance to manufacturers specifications.
- Reflective Foil: Elastelon FireShield NC 502 D/S or similar approved to be installed over roof trusses and rafters as per manufacturer 's recommendation.
- Roof to have minimum R-Value of 3.7 in accordance with SANS 10400 part XA with the following composition

**Stairs: Part M**
- Stairs to have maximum riser of 170mm
- Stairs to have minimum tread of 250mm
- Stairs to comply with SANS 10400 Part S

**Glazing : Part N**
- Roof light Glazing in have a Max U-Value of 5.8 and SHGC of 0.49 in accordance with SANS 10400 Part XA and achieve a min: R-Value of 3.7
- Safety Glass to be used for Windows and doors in accordance with SANS 10400 Part N with appropriate markings visible on each pane.
- Glazing certificate of Compliance to be issued for all glazing.
- All Glazing to achieve SHGC and U-Values in accordance with XA Calculations
- No Single Low-E Glazing may be used on this building.
- All Glazing to be Envirocal NC 60 or similar approved product with max. U-Value of 5.2 and Max SHGC of 0.49

**Lighting and Ventilation: Part O**
- All mechanical ventilation and extraction systems to be designed by appointed Mechanical Engineer
- All dark bathrooms to be mechanically ventilated in accordance with SANS 10400 part O & Mechanical Engineer Specification

**Plumbing and sanitation: Part P**
(Notes as per Plumbing Consultant)
- Geyser specification:
- 50% of water heating to be by alternative energy source (Gas, Heat Pump or Solar)

**Disabled Access: Part S**
- Ground floor of building to comply with SANS 10400 part S

**Fire : Part T**
- Drawing to be read in conjunction with Fire engineer 's drawing and layout
- All chimney's and flu pipes to extend min. 1m above the roof through which it penetrates
- Fireplace to have hearth of min 300mm on either side.
- Gas bottle manifold and installation to comply with SANS 10087-1. To be designed, specified and installed by registered installer in accordance with approved drawing.

**Health and Safety:**
- Lockers to be provided for staff members and should be lockable.
- See notes on drawing.

**Rainwater goods**
- Rainwater to be disposed in accordance with SANS 10400 part R.

| ENERGY ZONE | 2 |
|---|---|
| | |
| **ROOF R-VALUE** | **R-VALUE** |
| INSULATION FIRESHIELD NC 502 | 1.68m².K/W |
| 50mm ISOBOARD | 1.905m².K/W |
| 100mm AIR GAP | 0.176m².K/W |
| | |
| Total Provided | 3.76m².K/W |
| Total Required | 3.7m².K/W |
| | |
| **WALLS R-VALUE** | **R-VALUE** |
| MINIMUM R-VALUE | 0.4m².K/W |
| REQ. SPECIFICATION | 50mm CAVITY WALL |
| ACTUAL SPECIFICATION | 50mm CAVITY WALL PLASTERED B/S |

**7STOREYS**
Architecture | Quantity Surveying | Construction | Project Management

Email: info@7storeys.com
Website: www.7storeys.com
Telephone: 021 813 9644

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Additional Notes:

| No. | Description | Date |
|---|---|---|
| A | Amendments for Council Submission | 26/09/2024 |

**Project Discription**
PROPOSED NEW RESTAURANT (CAPE TOWN FISH MARKET) ON LEASE AREA NO 1 OVER REMAINDER ERF 4771 - HERMANUS

**Professional Information**
JP VENTER PrArch 52700025

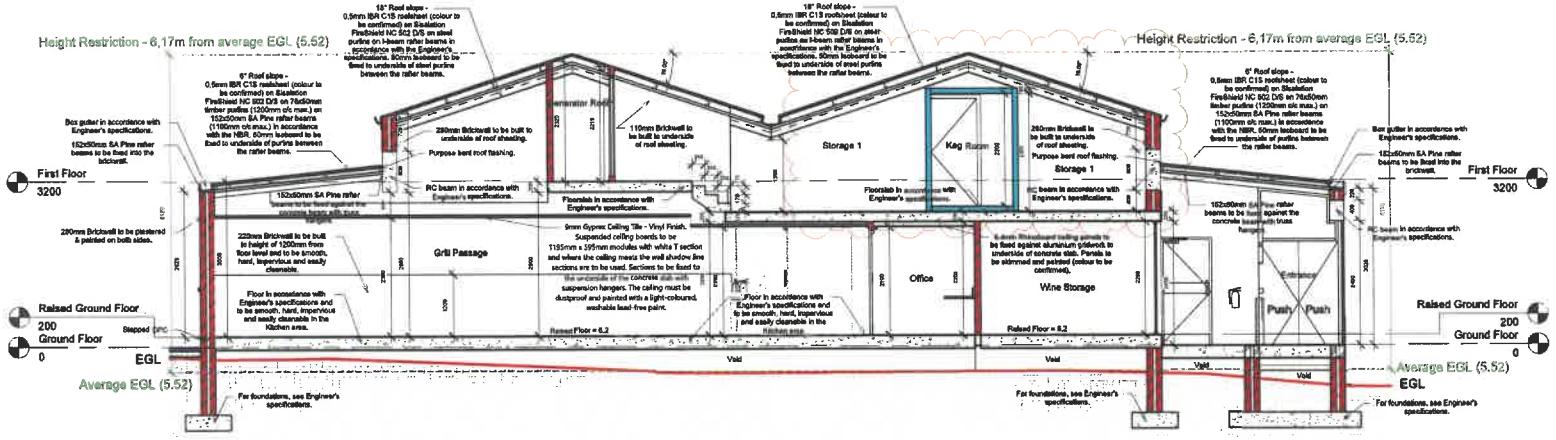
Signature

**Client Information**
OVERSTRAND MUNICIPALITY

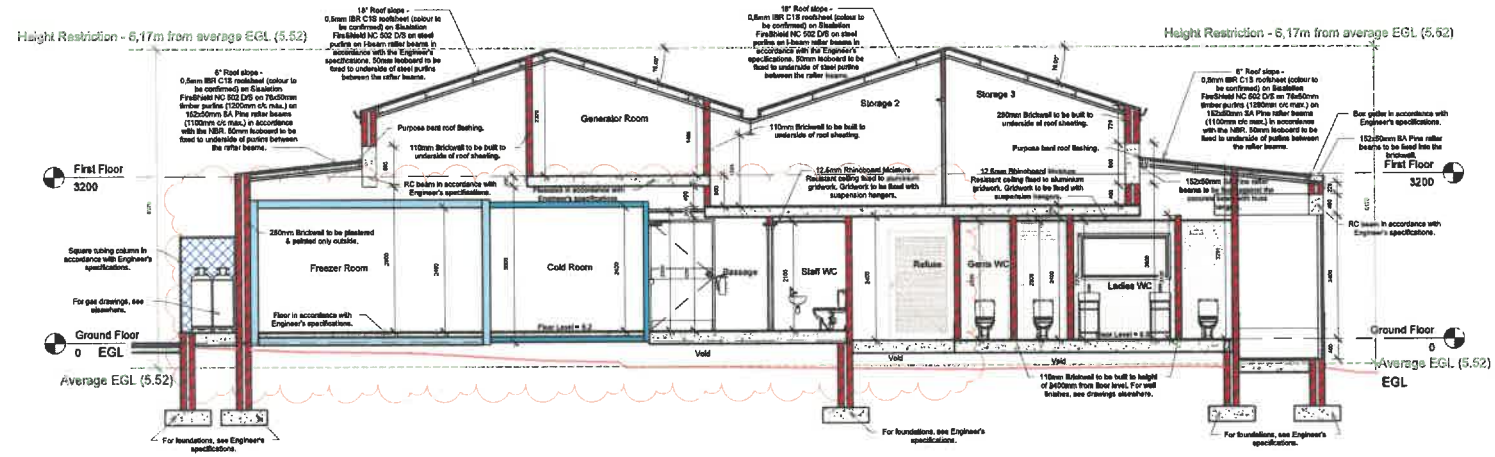
Signature

**Sections**

| | |
|---|---|
| Project number | CTFM-2024-01A |
| Date | 26/09/2024 |
| Drawn by | Alexander Conradie |
| Checked by | JP Venter |
| | CTFM-5.1 |
| Scale | 1 : 50 |




## 1 Section C-C
1 : 50




## 2 Section D-D
1 : 50

**Regard: SANS 10400 Part A**
- Contractor must verify all levels and dimensions on site.
- In case of any uncertainty contact architect/ project manager. No drawings to be scaled, dimensions to be requested
- This drawing must be read in conjunction with other consultants and specialist drawings
- All building work to comply with National Building Regulations (SABS400)

**Site Operations & Public Safety: Part D & F**
- All Risque to be in accordance with SANS 10400 part S and so designed that it shall be safe when used and fit for the purpose for which it was intended.
- All Substrates to comply with 100mm dia. Soil rule.
- Sanitary facilities shall be provided on site for the full construction period and shall be maintained in a clean and hygienic condition and removed once construction is completed.
- Fence, boarding or barricade to be erected to ensure no member of the public can obtain access to any portion of the site where materials are to be stored or construction works to be carried out.
- Building rubble is to be stored in a designated area on site, with all materials separated into their various categories for recycling/disposal. Rubble shall be removed on a regular basis to ensure clean and safe working conditions.

**Foundations: Part H**
- Strip foundations to have a minimum thickness of 200mm and have a minimum compressive strength of 15mPa unless otherwise specified by appointed structural engineer.
- Foundations for load-bearing walls to have minimum width of 700mm
- Foundation for non-loadbearing internal walls to have minimum width of 500mm
- Exact specifications for foundations by appointed structural engineer

**Floors: Part J**
- All suspended concrete floors to be in accordance with SANS 10400 Part B & related standards. To be specified and inspected by appointed structural Engineer.
- Floors supported on ground or backfilling to be laid on DPC of min. 250 µm thickness with an overlap of min. 200mm at joints on min.150mm hand compacted base layer. All to be in strict accordance with appointed structural engineer's specifications.

**Walls: Part K**
- External Cavity Walls: Brickwork As per SANS 10400, Part K: 280mm (i) masonry cavity walls, with min 2,8 tles per sq. m. 250 micron dapped DPC & weep holes to be s min of 150mm above FGL / NGL. DPC to all external walls at each floor, beam, parapet level and to all windows doors, grilles or other openings in external walls
- Internal Walls (Single): 110mm (i) masonry internal walls, with min 2,8 tles per sq. m
- Internal Walls (Double): 220mm (i) masonry internal walls, with min 2,8 tles per sq. m
- Foundation walls:
- Lintels to be provided over any opening not wider than 3.0m. Lintels to comply with SANS1504

**Roofs: Part L**
- 0.5mm IBR C19 roofsheet to be used for all roofs. Colour to Client specification
- **Roof sarkeclad:** As per SANS 1400, Part K: Trusses ends to be tied down onto a 114x38mm S.A.P. timber wallplate by means of (Type C 30mm/1.6mm ) Galv. Mild steel straps embedded 600mm into brickwork or concrete.
- **Insulation:** as per sa calculations, installed strictly in accordance to manufacturers specifications.
- **Reflective Foil:** Sisalation FireShield NC 802 D/S or similar approved to be installed over roof trusses and rafters as per manufacturer's recommendation.
- Roof to have minimum R-Value of 3.7 in accordance with SANS 10400 part XA with the following composition

**Stairs: Part M**
- Stairs to have maximum riser of 170mm
- Stairs to have minimum tread of 250mm
- Stairs to comply with SANS 10400 Part S

**Glazing : Part N**
- Roof light Glazing to have a Max U-Value of 5.8 and SHGC of 0.49 in accordance with SANS 10400 Part XA and achieve a min R-Value of 3.7
- Safety Glass to be used for Windows and doors in accordance with SANS 10400 Part N with appropriate markings visible on each pane;
- Glazing certificate of Compliance to be issued for all glazing;
- All Glazing to achieve SHGC and U-Values in accordance with XA Calculations
- No Single Low-E Glazing may be used on this building.
- All Glazing to be Envirocal NC 60 or similar approved product with max. U-Value of 5.2 and Max SHGC of 0.49

**Ventilation and Ventilation: Part O**
- All mechanical ventilation and extraction systems to be designed by appointed Mechanical Engineer
- All dark bathrooms to be mechanically ventilated in accordance with SANS 10400 part O & Mechanical Engineer Specification

**Plumbing and drainage: Part P**
**(Notes as per Plumbing drawings)**
- Geyser specification:
- 80% of water heating to be by alternative energy source (Gas, Heat Pump or Solar)

**Disabled Access: Part S**
- Ground floor of building to comply with SANS 10400 part S

**Fire: Part T**
- Drawing to be read in conjunction with Fire engineer's drawing and layout
- All chimney's and its pipes to extend min. 1m above the roof through which it penetrates
- Fireplace to have hearth of min 300mm on either side.
- Gas boste manifold and installation to comply with SANS 10087-1. To be designed, specified and installed by registered installer in accordance with approved drawing.

**Health and Safety:**
- Lockers to be provided for staff members and should be lockable.
- See notes on drawing.

**Rainwater goods**
- Rainwater to be disposed in accordance with SANS 10400 part R

| ENERGY ZONE | 2 |
|---|---|
| | |
| ROOF R-VALUE | R-VALUE |
| SISALATION FIRESHIELD NC 802 | 1.68m²,K/W |
| 50mm ISOBOARD | 1.905m²,K/W |
| 100mm AIR GAP | 0.176m²,K/W |
| | |
| Total Provided | 3.76m²,K/W |
| Total Required | 3.7m²,K/W |
| | |
| WALLS R-VALUE | R-VALUE |
| MINIMUM R-VALUE | 2.6m²,K/W |
| REQ. SPECIFICATION | 90mm CAVITY WALL |
| ACTUAL SPECIFICATION | 90mm CAVITY WALL PLASTERED B/S |


**7STOREYS**
Architecture I Quantity Surveying I Construction I Project Management

Email: info@7storeys.com
Website: www.7storeys.com
Telephone: 021 813 9644



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Additional Notes:

| No. | Description | Date |
|---|---|---|
| A | Amendments for Council Submission | 26/09/2024 |

**Project Discription**
PROPOSED NEW RESTAURANT (CAPE TOWN FISH MARKET) ON LEASE AREA NO 1 OVER REMAINDER ERF 4771 - HERMANUS

**Professional Information**
JP VENTER PrArch 52700025

Signature

**Client Information**
OVERSTRAND MUNICIPALITY

Signature

**Sections**

| | |
|---|---|
| Project number | CTFM-2024-01A |
| Date | 26/09/2024 |
| Drawn by | Alexander Conradie |
| Checked by | JP Venter |

**CTFM-5.2**

Scale 1 : 50

| | Erf Number | First Name | IN TIME / LATE | SUPPORT / OBJECTION | EMAIL | Address Line 1 | Address Line 2 | City | ZIP Code |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 1740 | AM Somerville | In time | OBJ | angelams@mweb.co.za | 17 4th Street | Voëlklip | HERMANUS | 7200 |
| 2 | 1700 | W Odendaal | In time | OBJ | deb12jan@gmail.com | 20 Seventh Street | Voëlklip | HERMANUS | 7200 |
| 3 | 990 | BJ Duncan | In time | OBJ | bjduncan@iafrica.com | 33 Musson Street | Eastcliff | HERMANUS | 7200 |
| 4 | | Fleur van Zuylen | In time | OBJ | fleurvanzuylen@gmail.com | Gasthuislaan 170 | 2013 TE | THE NETHERLANDS | |
| 5 | 10217 | ACE de Klerk & PJ Sturgess | In time | OBJ | carina.deklerk@gmail.com | 96 Fernkloof Village | Fir Avenue | HERMANUS | 7200 |
| 6 | 5443 | Laura du Toit | In time | OBJ | lauradt@telkomsa.net | 198 10th Street | Voëlklip | HERMANUS | 7200 |
| 7 | 5821 | Dr AJC Gardiner & G Gardiner | In time | OBJ | tgardiner54@gmail.com | 103 Fernkloof Drive | Hermanus Heights | HERMANUS | 7200 |
| 8 | 1655 | Erol van Staden | In time | OBJ | errol@ocan.co.za | Postnet Suite 137 | Private Bag X16 | HERMANUS | 7200 |
| 9 | 2355 | Michael Murray | In time | OBJ | mike@inspiredphotoscapes.com | 7 Sepia Avenue | Vermont | HERMANUS | 7200 |
| 10 | 285 | Adriana Gonggrijp | In time | OBJ | j.gonggrijp@xs4all.nl | 13 Cliff Road | Westcliff | HERMANUS | 7200 |
| 11 | 2146 | Johann Stander | In time | OBJ | johannstander79@gmail.com | 69 6th Street | Voëlklip | HERMANUS | 7200 |
| 12 | 4343 | Martha Groger-Bimmel | In time | OBJ | martha@salu.co.za | 2 Glenfruin Meadows | Onrus Rivier | HERMANUS | 7200 |
| 13 | 6922 | Judy Armstrong | In time | OBJ | judesarmstrong@gmail.com | 228 10th Street | Voëlklip | HERMANUS | 7200 |
| 14 | 4112 | Beulah Berchtold | In time | OBJ | beubee101@gmail.com | 287 8th Street | Voëlklip | HERMANUS | 7200 |
| 15 | 6695 | DEM Carter | In time | OBJ | davidemcarter@gmail.com | 51 Berg 'n See, Brug Street | Eastcliff | HERMANUS | 7200 |
| 16 | 4071 | SA Carter | In time | OBJ | davidemcarter@gmail.com | 319 10th Street | Voëlklip | HERMANUS | 7200 |
| 17 | 1773 | Mike Walker | In time | OBJ | mikejwalk@gmail.com | 6 3rd Street | Voëlklip | HERMANUS | 7200 |
| 18 | 2279 | Jeanne Rawden | In time | OBJ | lizzierawden@gmail.com | 82 10th Street | Voëlklip | HERMANUS | 7200 |
| 19 | | Janine van Stolk | In time | OBJ | vanstolki@outlook.com | 205 Ruwenzori | 19 Quarry Hill Road | TAMBOERSKLOOF | 8001 |
| 20 | 2279 | Georgina Rawden | In time | OBJ | georginarawden@gmail.com | 82 10th Street | Voëlklip | HERMANUS | 7200 |
| 21 | 6357 | Andrew HP Jones & DA Jones | In time | OBJ | andrewhpjones@aol.com | 7 Waboom Street | Hermanus Heights | HERMANUS | 7200 |
| 22 | 6330 | Dr Johann Slazus | In time | OBJ | johann@slazus.co.za | PO Box 15189 | | PANORAMA | 7506 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 23 | 2831 | Andreas van Wyk | In time | OBJ | ahvw@sun.ac.za | 3 Mankandan Street | | MOSTERTSDRIFT | 7600 |
| 24 | 10136 | Janet Mapstone | In time | OBJ | admin@mapstone.co.za | 55 Lakewood Village | Theron Street | HERMANUS | 7200 |
| 25 | 10032 | Ursula Thormeyer | In time | OBJ | thormeyer@earthlink.co.za | 63 Prestwick Village | Fernkloof Golf Estate | HERMANUS | 7200 |
| 26 | | Johan Du Plessis Attorney | In time | OBJ | jp@dhmlaw.co.za / jp@ipprojects.co.za | 25 Lourensford Road | | SOMERSET WEST | 7137 |
| 27 | 4005 | ME Louw | In time | OBJ | elbielouw@yahoo.com | 266 5th Street | Voëlklip | HERMANUS | 7200 |
| 28 | 1029 | Lesley Ann Glenn | In time | OBJ | les@lesaupiais.com | 21 Kandelaar Street | Vermont | HERMANUS | 7200 |
| 29 | 6032 | Adrian WF Buckland | In time | OBJ | adieb@iafrica.com | 3 Protea Road | Eastcliff | HERMANUS | 7200 |
| 30 | | Adrian Fowler | In time | OBJ | adifowlerdrums@icloud.com | 105 8th Street | Voëlklip | HERMANUS | 7200 |
| 31 | | Reinier van Zuylen | In time | OBJ | vanzuylen@euronet.nl | 148 9th Street | Voëlklip | HERMANUS | 7200 |
| 32 | 842 | Penny Robartes | In time | OBJ | probartes@gmail.com | 2 Shearwater Crescent | Vermont | HERMANUS | 7200 |
| 33 | 6069 | Adriaan Louw | In time | OBJ | adlouw@gmail.com | 165 9th Street | Voëlklip | HERMANUS | 7200 |
| 34 | 3986 | Nicola Proudlock | In time | OBJ | niciproudlock@gmail.com | 267 5th Street | Voëlklip | HERMANUS | 7200 |
| 35 | 1819 | Arlene Hennessy | In time | OBJ | arlenehennessy6@gmail.com | 23 4th Street | Voëlklip | HERMANUS | 7200 |
| 36 | 285 | Just R Gonggrijp | In time | OBJ | justingonggrijp@gmail.com | 13 Cliff Road | Westcliff | HERMANUS | 7200 |
| 37 | | Russel Witte-Riding | In time | OBJ | russel.witte.riding@icloud.com | 285 Main Road | | HERMANUS | 7200 |
| 38 | 7529 | Robert Broeren & Marc van de Pol | In time | OBJ | info@park99.nl | 76 Tobago Bay | Whale Rock Estate | HERMANUS | 7200 |
| 39 | 165 | Pierre Pitlo | In time | OBJ | pierre@africansafariexperts.com | 11 Arundel Street | Westcliff | HERMANUS | 7200 |
| 40 | 3284 | Bernhard Vogts | In time | OBJ | bernhardvogts@yahoo.com | 5 12th Avenue | Voëlklip | HERMANUS | 7200 |
| 41 | 6140 | Melize van der Merwe | In time | OBJ | melize@melize.co.za | 164 8th Street | Voëlklip | HERMANUS | 7200 |
| 42 | 1249 | Basil Edward Hersov | In time | OBJ | BrendaM@hersov.co.za | 232 Main Road | Eastcliff | HERMANUS | 7200 |
| 43 | 3053 | Kobus van Niekerk | In time | SUP | info@lavendermanor.co.za | 184 10th Street | Voëlklip | HERMANUS | 7200 |
| 44 | | Mathias Witte-Riding | In time | OBJ | witte.riding@gmail.com | 285 Main Road | | HERMANUS | 7200 |
| 45 | 10692 | Susan Frances Ralph | In time | OBJ | susieralph@hermanus.co.za | 179 2nd Street | Voëlklip | HERMANUS | 7200 |
| 46 | 5127 | Denise Jeffery | In time | OBJ | djeffery@mweb.co.za | 28 Negester Noord | Chanteclair Avenue | HERMANUS | 7200 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 47 | 3057 | Corinne Golding | In time | OBJ | corinnegolding1@gmail.com | 179 9th Street | Voëlklip | HERMANUS | 7200 |
| 48 | 5443 | Pierre du Toit | In time | OBJ | pdt@sun.ac.za | 198 10th Street | Voëlklip | HERMANUS | 7200 |
| 49 | 10257 | Paul Jonathan Buley | In time | OBJ | pbuley@mweb.co.za | 38 Fernkloof Village | Fir Avenue, Eastcliff | HERMANUS | 7200 |
| 50 | 4191 | Amanda Horne | In time | OBJ | ahorne6172@gmail.com | 290 8th Street | Voëlklip | HERMANUS | 7200 |
| 51 | 9829 | Grahame Lindop | In time | OBJ | grahamel@amtrad.co.za | 31 Contour Street | Fernkloof | HERMANUS | 7200 |
| 52 | 999 | Gera Naude | In time | OBJ | andrenaude@mweb.co.za | 28 Musson Street | Eastcliff | HERMANUS | 7200 |
| 53 | 2872 | M Kotze | In time | OBJ | kotzelielie@gmail.com | 166 9th Street | Voëlklip | HERMANUS | 7200 |
| 54 | | Randal & Jane Dicke | In time | OBJ | sjanestevens@live.co.za | 5 Assegaai | Hemel en Aarde Estate | HERMANUS | 7200 |
| 55 | 6144 | Juliet Johnson | In time | OBJ | garth@vidal.co.za | 15 12th Avenue | Voëlklip | HERMANUS | 7200 |
| 56 | 4450 | Cathryn Kenyon-Owens | In time | OBJ | catowens@gmail.com | 2 Talana Street | Northcliff | HERMANUS | 7200 |
| 57 | 6069 | Eben Potgieter | In time | OBJ | ebenpotgieter1@gmail.com | 165 9th Street | Voëlklip | HERMANUS | 7200 |
| 58 | 6010 | Brian Wridgway | In time | OBJ | wridgways@gmail.com | 13 Fynbos Street | Hermanus Heights | HERMANUS | 7200 |
| 59 | 3933 | Louise Strydom | In time | OBJ | jurieandlouise@gmail.com | *(annual renter of property)* | | | |
| 60 | 340 | CA Leeuwner | In time | OBJ | callakite@gmail.com | 16 Main Road | Westcliff | HERMANUS | 7200 |
| 61 | 340 | AE Steenkamp | In time | OBJ | sixteen@hermanus.co.za | 16 Main Road | Westcliff | HERMANUS | 7200 |
| 62 | 10223 | Dinniel Leppan | In time | OBJ | dinniel@whale.co.za | 86 Fernkloof Village | Eastcliff | HERMANUS | 7200 |
| 63 | 13 of Farm 585 | Talita Engelbrecht (Hamilton Russel Vineyards) | In time | OBJ | talita.engelbrecht@icloud.com | PO Box 158 | | HERMANUS | 7200 |
| 64 | 3037 | Hanri Vermeulen | In time | OBJ | allurehaircouture1@gmail.com | 8 Human Street | | ONRUS RIVER | 7201 |
| 65 | | Steven & Julie Hellqvist | In time | OBJ | juliehellqvist70@gmail.com | 1 Villa Anadia | Bergsig Street | SANDBAAI | 7200 |
| 66 | | Dinah Louw | In time | OBJ | dilouw3@gmail.com | 35 Raed Na Gael Street | Hermanus Heights | HERMANUS | 7200 |
| 67 | 3399 | Victor Bernard Fish | In time | OBJ | victor@welovefurniture.co.za | 219 4th Street | Voëlklip | HERMANUS | 7200 |
| 68 | | Jane Lardner-Burke | In time | OBJ | jane.wdt@gmail.com | Lot 228 14th Avenue | Pumula | HIBBERDENE | 4235 |
| 69 | | JP Ardagh | In time | OBJ | jpardagh@gmail.com | 41 Lobelia Road | Berghof Estate | ONRUS RIVER | 7201 |
| 70 | | Jens von Wichtingen | In time | OBJ | jens@capestudies.com | 34 Main Road | Onrus Rivier | HERMANUS | 7200 |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 71 | 2897 | Fiona McLennan | In time | OBJ | mcpearce@mweb.co.za | 160 8th Street | Voëlklip | HERMANUS | 7200 |
| 72 | 1498 | Petro Steere | In time | OBJ | petro.steere@ymail.com | c/o Lynx Avenue | | VERMONT | 7201 |
| 73 | 571 | Abraham Andre Coetzee | In time | OBJ | acoetzee@prosus.com | 21 Duiker Street | | VERMONT | 7201 |
| 74 | 3810 | Ann Valerie Sweet | In time | OBJ | annsweet1949@gmail.com | 250 7th Street | Voëlklip | HERMANUS | 7200 |
| 75 | 5791 | Nicky & Jill Eckstein | In time | OBJ | nicky@windowash.co.za | 29 Raed na Gael Street | Hermanus Heights | HERMANUS | 7200 |
| 76 | 4068 | Ciara Louw | In time | OBJ | ciara.louw@gmail.com | 307 10th Street | Voëlklip | HERMANUS | 7200 |
| 77 | 2618 | Amanda Filocha | In time | OBJ | amanda.filocha@gmail.com | 17 8th Avenue | Voëlklip | HERMANUS | 7200 |
| 78 | 3073 | Tiaan Bezuidenhout | In time | OBJ | tiaan@oaktreerentals.com | 16 10th Avenue | Voëlklip | HERMANUS | 7200 |
| 79 | | Anina Renee Lee | In time | OBJ | anina.wcc@gmail.com | 29B Onrus Manor | Onrus Rivier | HERMANUS | 7200 |
| 80 | | Sandy B Herman | In time | SUP | sandy6969@icloud.com | 12 Sunbird Crescent | Leopard Rock Mountain Estate | ONRUSRIVIER | 7201 |
| 81 | 3810 | RJ Sweet | In time | OBJ | jimsweet@hermanus.co.za | 250, 7th Street, | Voëlklip | HERMANUS | 7200 |
| 82 | 10314 | Dr Simon Pickstone-Taylor | In time | OBJ | simondpt@hotmail.com | Lekkerwijn | PO Box 83 | GROOT DRAKENSTEIN | 7680 |
| 83 | 3741 | Aletta Helene Stephan | In time | OBJ | helenestephan4@gmail.com | PO Box 1489 | | HERMANUS | 7200 |
| 84 | 1495 | Vincenzo Colatruglio | In time | OBJ | vincenzo.colatruglio@gmail.com | 244 10th Street | Voëlklip | HERMANUS | 7200 |
| 85 | | Sander van den Broek | In time | OBJ | sander.vanden.broek@outlook.com | 5 Egmonder Street | 1815 DL Alkmaar | THE NETHERLANDS | |
| 86 | 5518 | Dr PK Miller | In time | OBJ | pat.miller7@outlook.com | 21 Luyt Street | | HERMANUS | 7200 |
| 87 | 5442 | DP Janse van Rensburg | In time | OBJ | danjvr@telkomsa.net | 5 Eleventh Avenue | Voëlklip | HERMANUS | 7200 |
| 88 | 10364 | Wendy Button | In time | OBJ | wendybutton@mweb.co.za | Mariners Village, No 18 The Quarterdeck | 140 Church Street | WESTCLIFF | 7200 |
| 89 | | Whale Coast Conservation | In time | OBJ | pat.miller7@outlook.com | PO Box 1949 | | HERMANUS | 7200 |
| 90 | | Lorin Boynton | In time | OBJ | lorinboynton@gmail.com | | | | |
| 91 | 12912 | Jacobus P Rossouw | In time | OBJ | koos.rossouw@stonehagefleming.com | 252 9th Street | Voëlklip | HERMANUS | 7200 |
| 92 | 633 | Jessica Boers | In time | OBJ | cc2015sa@gmail.com | Lagoon Road, Off R43 | | HERMANUS | 7200 |
| 93 | 1026 | Margaret Anne Platt | In time | OBJ | plattys@hotmail.com | 52 Musson Street | | HERMANUS | 7200 |
| 94 | 3280 | Kim Catherine Cloete | In time | OBJ | cloetek@yahoo.co.uk | 218 10th Street | Voëlklip | HERMANUS | 7200 |

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|---|---|---|---|---|---|---|---|---|---|
| 95 | | Megan Michaelides | In time | OBJ | meg@co-unity.co.za | 58 Fernkloof Village | Fir Avenue | HERMANUS | 7200 |
| 96 | 4720 | SM van Wyk | In time | OBJ | Sheraine.wcc@gmail.com | 21 16th Avenue | Voëlklip | HERMANUS | 7200 |
| 97 | 2760 | Dr Louise Kruger | In time | OBJ | Louise.Kruger@westerncape.gov.za | 7 Ocean Breeze Private Estate | 79 End Street | SANDBAAI | 7200 |
| 98 | 5417 | Chris Helme | In time | OBJ | chelme@iafrica.com | 196 2nd Street | Voëlklip | HERMANUS | 7200 |
| 99 | 8158 | Gerorges Bucher | In time | OBJ | jlink@global.co.za | No 5 Wagtail | Hemel en Aarde Estate | HERMANUS | 7200 |
| 101 | | Paula Jean Venter | In time | OBJ | paulaventer52@gmail.com | 27 Chanteclair Drive | 305 Onrus Manor | ONRUS RIVER | 7201 |
| 102 | 2931 | Lynn and Hazel Melliar | In time | OBJ | physiodon@gmail.com | 170 7th Street | Voëlklip | HERMANUS | 7200 |
| 103 | 6859 | Janet Hacking | In time | OBJ | janhacking@gmail.com | 11 2nd Street | Voëlklip | HERMANUS | 7200 |
| 104 | 6013 | Anne Wright | In time | OBJ | annw6942@gmail.com | 7 Fynbos Street | Hermanus Heights | HERMANUS | 7200 |
| 105 | 5749 | Dorothy Southey | In time | OBJ | southeydorothy@gmail.com | 7 Selkrik Street | Hermanus Heights | HERMANUS | 7200 |
| 106 | 4227 | Terry le Vin | In time | OBJ | terry@offtheshelf.co.za | 309 6th Street | Voëlklip | HERMANUS | 7200 |
| 107 | | Dr Harriet Deacon | In time | OBJ | harriet@conjunction.me.uk | 3 Protea Road | | HERMANUS | 7200 |
| 108 | 7616 | Ina-Marie Van der Spuy | In time | OBJ | inamarie01@icloud.com | 261 9th Street | Voëlklip | HERMANUS | 7200 |
| 109 | 5417 | Anita Mathews | In time | OBJ | anita@bmit.africa | 196 2nd Street | Voëlklip | HERMANUS | 7200 |
| 110 | 2850 | Ronelle Viktor | In time | OBJ | Ronelle.Viktor@gijima.com | 164 10th Street | Voëlklip | HERMANUS | 7200 |
| 111 | 2169 | Jacqui and David Bothwell | In time | OBJ | jacquibothwell@outlook.com | 10 Francolin Close | Vermont | HERMANUS | 7200 |
| 112 | 4022 | Tracey Linnell | In time | OBJ | traclinnell@gmail.com | 281 4th Street | Voëlklip | HERMANUS | 7200 |
| 113 | 4022 | Wayne Reed | In time | OBJ | wayne.reed@mweb.co.za | 281 4th Street | Voëlklip | HERMANUS | 7200 |
| 114 | 1253 | A Verster obo Hermanus Botanical Society | In time | OBJ | botsochermanus@gmail.com | Postnet Suite 167 | Private Bag X16 | HERMANUS | 7200 |
| 115 | 4889 | Vanessa Thom | In time | OBJ | vthom@ptrust.co.za | 13 13th Avenue | Voëlklip | HERMANUS | 7200 |
| 116 | 2760 | Yolandi de Wet | In time | OBJ | yolandi@yolandidewetpr.co.za | 7 Ocean Breeze Private Estate | 79 End Street | SANDBAAI | 7200 |
| 117 | 10180 | Lothar Ziehm obo Kadee Invest | In time | OBJ | lotharziehm@ecotec.co.za | 31 Hillside Village | Fernkloof | HERMANUS | 7200 |
| 118 | | Laureen Rossouw | In time | OBJ | laureen.rossouw@gmail.com | 251 & 253 8th Street | Voëlklip | HERMANUS | 7200 |
| 119 | 2588 | Heidi Bruggemans (Human) | In time | OBJ | heidi.nina101@gmail.com | 2 Kwartel Close | 1496 LynxRoad | VERMONT | 7201 |

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|---|---|---|---|---|---|---|---|---|---|
| 120 | | Cornelia Lucas | In time | OBJ | corrie47hermanus@outlook.com | 57 Kidbrooks Place | | HERMANUS | 7200 |
| 121 | 4851 | Jennifer Susan Boyes | In time | OBJ | jennieboyes@eject.co.za | 142 10th Street | Voëlklip | HERMANUS | 7200 |
| 122 | 623 | Cheryl Gordon | In time | OBJ | cherylgordon@gmail.com | PO Box 318 | | HERMANUS | 7200 |
| 123 | 4255 | Stephanus & Colleen Maas | In time | OBJ | colleenmaas2@gmail.com | 316 6th Street | Voëlklip | HERMANUS | 7200 |
| 124 | | Alison Hugo | In time | OBJ | alijhugo@gmail.com | 14A Arc Street | Fernkloof | HERMANUS | 7200 |
| 125 | 3760 | Ian David McAlpin | In time | OBJ | davemca@wol.co.za | 34 Chiappini Street | | ONRUS RIVER | 7201 |
| 126 | 1769 | Margaret Ann Stephen | In time | OBJ | margiestephen@gmail.com | 30 Reservoir Road | Voëlklip | HERMANUS | 7200 |
| 127 | 8206 | David & Ann Alston | In time | OBJ | alston@global.co.za | Hemel & Aarde Estate | | HERMANUS | 7200 |
| 128 | 1932 | Gabrielle Miller | In time | OBJ | shungile1234@gmail.com | 16 Leisure Park | Bergsig Street | SANDBAAI | 7200 |
| 129 | | Lawrence Botha | In time | OBJ | lawrenceguy@gmail.com | 14A Arc Street | Fernkloof | HERMANUS | 7200 |
| 130 | 4889 | James Thom | In time | OBJ | jambo1@mweb.co.za | 13 13th Avenue | Voëlklip | HERMANUS | 7200 |
| 131 | 9903 | Andrew Grieve | In time | OBJ | andrewg@frankvos.co.za | 227 11st Street | Voëlklip | HERMANUS | 7200 |
| 132 | 1378 | Jane Beattie | In time | OBJ | janebeattie1@gmail.com | 2 Mossel River Drive | Kwaaiwater | HERMANUS | 7200 |
| 133 | 1932 | Karin & Berthold Alheit | In time | OBJ | alheitb@outlook.com | 32 10th Street | Voëlklip | HERMANUS | 7200 |
| 134 | 2584 | VP de Villiers | In time | OBJ | angeladevilliers@me.com | 9 8th Avenue | Voëlklip | HERMANUS | 7200 |
| 135 | 11071 | JMS Laubscher | In time | OBJ | steyn@imssa.co.za | 91 Fernkloof Village Drive | Fernkloof | HERMANUS | 7200 |
| 136 | 5344 | Karen Lydia Kruger | In time | OBJ | mmk@mweb.co.za | 189 10th Street | Voëlklip | HERMANUS | 7200 |
| 137 | 6922 | Charlene Huck | In time | OBJ | carlyhuck@gmail.com | 228 10th Street | Voëlklip | HERMANUS | 7200 |
| 138 | | W Petterson | In time | OBJ | wesleyallanpetterson@gmail.com | 225 4th Street | Voëlklip | HERMANUS | 7200 |
| 139 | | C Bradley | In time | OBJ | wesleyallanpetterson@gmail.com | 225 4th Street | Voëlklip | HERMANUS | 7200 |
| 140 | 10197 | Mary Ann Venter | In time | OBJ | maryann.verster@gmail.com | 19 Fernkloof Village | Fir Avenue | HERMANUS | 7200 |
| 141 | 10273 | DR JC Kark (trustee for the Lorna Vivian Trust) | In time | OBJ | jonkark@mweb.co.za | 45 Fernkloof Village | | HERMANUS | 7200 |
| 142 | 3140 | Frances Lydia Jordaan | In time | OBJ | fran.jordaan@gmail.com | 185 5th Street | Voëlklip | HERMANUS | 7200 |
| 143 | | Martin Louw | In time | OBJ | MartinL@marketexpert.co.za | | | | |

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|---|---|---|---|---|---|---|---|---|---|
| 145 | **8014** | Stephanus & Anna Pretorius | In time | *OBJ* | abarbara@mweb.co.za | 9 Contour Street | Voëlklip | HERMANUS | 7200 |
| 146 | **4286** | Alexia Lawson | In time | *OBJ* | lawson.lexi@gmail.com | 232 Onrus Manor | Changeclair Avenue | ONRUS RIVER | 7201 |
| 147 | | T Krynauw | In time | *OBJ* | theo.sparklekids@gmail.com | 211 2nd Street | Voëlklip | HERMANUS | 7200 |
| 148 | | Charles Lloys Ellis | In time | *OBJ* | charles@lloysellis.co.za | | | | |
| 149 | **3549** | Erika van der Westhuizen | In time | *OBJ* | Oubos18@gmail.com | 227 9th Street | Voëlklip | HERMANUS | 7200 |
| 150 | **2152** | AE Lloyd | In time | *OBJ* | aelloyd@global.co.za | 6 Vygeboom Close | | VERMONT | 7201 |
| 151 | **4815** | Janet Hallett | In time | *OBJ* | halle@iafrica.com | 10 2nd Street | Voëlklip | HERMANUS | 7200 |
| 152 | **3619** | Gideon Serfontein | In time | *OBJ* | gideon@bdtcc.co.za | 229 6th Street | Voëlklip | HERMANUS | 7200 |
| 153 | **1277** | Charles Lloys Ellis | In time | *OBJ* | charles@lloysellis.co.za | 250 Main Road | Eastcliff | HERMANUS | 7200 |
| 154 | **915** | Francois Christiaan Botes | In time | *OBJ* | francois@lhw.co.za | Milford Haven 1, Luyt Street/cnr Lord Roberts Str | Eastcliff | HERMANUS | 7200 |
| 155 | **4783** | Francois Christiaan Botes obo Neosho Trading 159 | In time | *OBJ* | francois@lhw.co.za | 33 Contour Road | Fernkloof | HERMANUS | 7200 |
| 156 | **3326** | Birgitt Skopelitis | In time | *OBJ* | birgitt@mweb.co.za | 212 8th Street | Voëlklip | HERMANUS | 7200 |
| 157 | **12313** | Andre du Plessis | In time | *OBJ* | andre@lemon-lime.co.za | 233 11th Street | Voëlklip | HERMANUS | 7200 |
| 158 | **5074** | Martine Armstrong | In time | *OBJ* | martinearmstrong@gmail.com | 225 9th Street | Voëlklip | HERMANUS | 7200 |
| 159 | **12816** | Wynand Louw Greeff | In time | *OBJ* | wynand@pinotinvestments.com | 229 11th Street | Voëlklip | HERMANUS | 7200 |
| 160 | **10197** | Mary Ann Venter | **Late** | *OBJ* | maver@mweb.co.za | 19 Fernkloof Village | Fir Avenue | HERMANUS | 7200 |

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|---|---|
| OBJ (IN TIME) | 157 |
| *OBJ (LATE)* | 1 |
| SUPPORT (IN TIME) | 2 |
| *SUPPORT (LATE)* | 0 |
| | 160 |

Annexure D1|234

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REKORDBEHEER
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DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
(H Olivier)

19 Fernkloof Village
Fir Avenue
Hermanus
7200

2 October 2025

Dear Alida,

**Re: Objection to Consent Use Application – Erf 4771, Grotto Street, Voelklip, Hermanus**

I wish to register my objection to the proposed Consent Use for the remainer of Erf 4771, Grotto street, Voelklip, Hermanus

My main concerns include the following:

1. The impact of climate change on sea levels around the Walker Bay coast has not been taken into consideration. A presentation in February 2023 to Ward 3 committee members in the Preekstoel boardroom by costal engineer Laurie Barwell, indicated that with increased frequency and severity of storms, waves will be a threat to structures on the coastline. The proposed 250 seat restaurant will be located where it will be most vulnerable to such damage. Mitigation measures in phases leading to 2050 were proposed
2. . These are extensive construction measures that will be costly and will change the current 'sense of place' of Grotto beach
3. Grotto has been awarded Blue Flag status which it has retained over a number of years. There is no indication that the infrastructure to deal with waste has been adequately prepared for. Sewage leaks have required emergency action in high season when the population of Hermanus, and Voelklip in particular, increases significantly. This development will make the situation much worse. The Blue Flag status of the beach will be at risk.

4. During the high season in December 2024 and January 2025, water outages were experienced from Voelkip to Fernkloof and Hermanus Heights. According to the Water Department of Overstrand Municipality, this was caused by water usage far exceeding normal levels in Voelklip, due to the seasonal population increase. Potable water resources are likely to be placed under further strain with this development.

5. Traffic congestion entering Grotto Street from Main Road is heavy during peak season with parking facilities inadequate before this development takes place. No provision has been made for the additional parking to cater for 250 clients and

FILE NO. Erf 4771-HNK
SCAN NO. 2878747

the staff required to run the restaurant. This is unacceptable and is likely to result in downgrading the area as a major tourist attraction. It will also place the Blue Flag status at risk.

6. An entertainment facility of this size is likely to generate significant noise pollution, affecting residents in the adjacent areas and destroying Grotto's 'sense of place'. This is not the way to go if tourism of the kind currently attracted to the beaches of Hermanus is a priority for Overstrand Municipality.

7. This site is on the border of Fernkloof Nature Reserve. No provision is made for an environmental buffer zone and the proposed development has not been raised with the Fernkloof Advisory Board, which should have been the procedure to follow.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Mary Ann Verster
19 Fernkloof Village, Fir Avenue, Hermanus. Erf 10197

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OVERSTRAND MUNICIPALITY

TP-A Theart (H Olivier)

**Alida Conradie**

**From:** Wynand Greeff <wynand@pinotinvestments.com>
**Sent:** Friday, 03 October 2025 17:59
**To:** Alida Conradie
**Cc:** Liana Roodt
**Subject:** Objection to Consent Use Application - Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hope this message finds you well.

I am writing to formally and respectfully object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

As a concerned resident and property owner, I believe this proposed development would have a significant and lasting negative impact on both the natural environment and the wider Hermanus community. My key concerns are outlined below:

1. **Loss of Public Access and Increased Exclusivity**
   The proposed development will restrict free public access to a portion of land currently open to all. It will convert a public coastal space into a commercial venue catering to a limited, more affluent segment of the population. This contradicts the principles of social inclusivity and equitable access to public land.

2. **Inadequate Parking and Strain on Infrastructure**
   Current parking in the Grotto Beach area is already insufficient during peak seasons. The developer is not required to provide additional on-site parking, meaning the increased demand will spill over into the surrounding residential streets. This will disrupt residents and exacerbate an already difficult situation.

3. **Sewerage Overload**
   The area's existing sewerage system requires regular pumping even under current demand. Introducing another restaurant will put additional strain on an already overburdened system, with potential environmental and health consequences.

4. **Unsustainable Water Demand**
   Overstrand's water supply is already under pressure, and the municipality has resorted to drawing from aquifers to meet current needs. Further commercial development will place an unnecessary and irresponsible burden on limited water resources.

5. **Noise Pollution**
   Generators, extended operating hours, and the serving of alcohol until late at night are likely to cause a significant increase in noise. This will disturb the peace of the surrounding residential area and detract from the natural atmosphere that Grotto Beach is known for.

6. **Traffic Congestion**
   Grotto Beach already faces serious traffic congestion during peak times, worsened by the area's one-way road system. A new restaurant will only intensify this problem, making access more difficult for all beachgoers and residents.



FILE NO. Erf 4771-HVK
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7. **Outdated Environmental Assessments**
   The high-water mark and environmental assessments referenced in earlier planning are outdated and no longer reflect current realities. Given the sensitivity of this coastal area, a new, independent environmental impact assessment should be mandatory before any further development is considered.

8. **Loss of Sense of Place**
   Grotto Beach's identity is rooted in its natural, open, and accessible environment. Increased commercialisation will alter its character irreversibly. This threatens not only the local community's enjoyment of the space, but also the long-term appeal of Hermanus as a destination known for its preserved natural beauty.

For these reasons, I respectfully urge that the Consent Use application be declined. Protecting Grotto Beach as an inclusive, natural, and environmentally sustainable public space is in the best interest of the entire Hermanus community.

Kind regards,

**Wynand Louw Greeff**
**229 11th Street, Voëlklip, Hermanus**
**Erf 12816**

TP – A Theart (H Olivier)

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06 OCT 2025 5/234
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**Al.. Conradie**

**From:** Martine Armstrong <martinearmstrong@gmail.com>
**Sent:** Friday, 03 October 2025 17:26
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida

**RE: Objection to Proposed Consent Use – Erf 4771, Grotto Street, Voëlklip, Hermanus**

I'm writing to raise my concerns and formally object to the proposed Consent Use for the remainder of Erf 4771 in Grotto Street, Voëlklip.

When you sit and watch the many people from far and wide, across all walks of life enjoying Grotto Beach's pristine and natural character, one wonders what the draw card is.

t's the charm of a simple but fresh lifestyle which in today's world most people are in search of.

People are more than ever aware of getting out into Nature and wildlife and treasure when they are treated to sighting which Grotto Beach area still offers. One is often treated to sightings of Mongoose, Genets, Otter's, Sandpipers, Oyster catchers to name a few going about their daily adventures. These will no doubt be affected by the increase in noise, traffic congestion and loss of their natural territory.

We too should be proud to be able to enjoy the sight and smell of the endangered Milkwood Forest, we in Hermanus have already lost a section of Milkwood's the other side of town so need to be considerate of what we have at Grotto Beach. We have such a jewel in this natural spot where the ecosystem should be considered and respected.

The infrastructure simply will not cope with the number of cars, parking, water, sewerage and noise pollution. Another Environmental concern is that the 2015 Basic Environmental Impact Assessment hasn't been scientifically reassessed since 2015 and should be given global warming and projections of the high-water mark. Regarding traffic, I wonder if anyone remembers in earlier years when the Municipality tried to regulate the congestion of the Grotto Beach Road area during December holidays? One had to purchase a season permit at the Municipal Office and then for a few of the following years municipal monitors were set up at ticket stations with tables at two points. One on 10th Avenue just above 11th Street and the other at the lagoon entrance off 10thStreet. This was to try and prevent long queues, cars double parking waiting for parking places and tempers flying. It could sometimes take one longer than 40 minutes to travel along Grotto Beach Road. A comprehensive road study should have been done over an extended period including peak season. I wonder if it's taking into consideration the influx of foreign visitor's as the numbers have vastly increased post Covid and with what is happening throughout the world today making South Africa, Cape Town and Hermanus such a sort after venues.

I feel only one (1) unique restaurant, with Hermanus charm, whether it be a "Dutchies" or another, would be preferable. It's a pity that public participation, dialogue with an open-minded approach, respect for all and within a well-controlled forum hasn't taken place. I'm sure this would lead to a productive result.

For the sake of Hermanus's uniqueness, visitors and local folk I respectfully request that this consent use application be declined in the interest of our community and environmental preservation.

Kind regards



FILE NO. Erf 4771 - HYK
SCAN NO. 2874858

6|234

Martine

Martine Armstrong
Resident & Owner
0828271004

225 9th Street
Voëlklip
Hermanus
7200

Erf. 5074 + 6922

TP- A theart (H olivier)

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0 6 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

7/234

**Alida Conradie**

**From:** Andre Du Plessis <andre@lemon-lime.co.za>
**Sent:** Friday, 03 October 2025 15:41
**To:** Alida Conradie
**Subject:** Objection to Application for Consent Use – Erf 4771, Grotto Street, Voëlklip, Hermanus
**Attachments:** Objection to Consent Use Erf 4771.pdf; 2025 08 25 Aug APPLICATION for CONSENT USE from OM Notification to potentially affected property owner e-mail[40].pdf

3 October 2025

Overstrand Municipality
Planning & Development - Town & Spatial Planning

Dear Ms Conradie,

**Subject: Objection to Application for Consent Use – Erf 4771, Grotto Street, Voëlklip, Hermanus**

Your letter of 25 August refers.

We hereby object to the proposed Consent Use of Erf 4771, Grotto Street, Voëlklip, Hermanus.

Our concerns include:

1. Environmental impact – Environmental assessments need to be reviewed.
2. Sewerage – At times one can smell the sewerage in the area, especially during busy periods. Already frequent pumping is required, and the planned development will make it worse.
3. Noise pollution – The reason why we purchased the property was due to the tranquillity, quietness, and enjoyment of hearing only the ocean, especially in the evenings and quieter periods. The development of an additional restaurant will change that forever. Surely that is what the CBD is for. Moving into the residential areas and changing the nature for more commerce are disturbing everything.
4. Lights – Additional lights on the beach will change the environment for ever. Looking at the ocean and walking in the darkness are so special. With more development and restaurant traffic, motor vehicles will drive until late at night.
5. Water supply – We question whether there is sustainable water supply.
6. Exclusivity – The beach area should be for all to enjoy, not for a few people that can afford to eat at the restaurant. Having said that, the restaurant, which will sell alcohol could attract wrong behaviour on the beach where others frequent.
7. Parking – Current parking is already not adequate and during busy periods double parking and blocking the road are problematic.
8. Traffic congestion – We cannot see that additional traffic can be accommodated without making it unpleasant for everyone. The traffic in busy periods is already problematic.
9. Sense of place – Hermanus, which the residents and visitors from all over got to know and love will forever be spoilt.

We respectfully request that this consent use application **be declined** in the interest of the community and environmental preservation.

Yours sincerely

FILE NO. Erf 4771-HYK
SCAN NO.
COLLABORATOR NO. 2876857

8|234

Andre du Plessis
[Trustee & Representative of The Bergrant Trust]
233 11th Street, Voëlklip, Hermanus, 7200
**Erf 12313**

9|234

3 October 2025

Overstrand Municipality
Planning & Development - Town & Spatial Planning

Dear Ms Conradie,

**Subject: Objection to Application for Consent Use – Erf 4771, Grotto Street, Voëlklip, Hermanus**

Your letter of 25 August refers.

We hereby object to the proposed Consent Use of Erf 4771, Grotto Street, Voëlklip, Hermanus.

Our concerns include:

1. Environmental impact – Environmental assessments need to be reviewed.
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4. Lights – Additional lights on the beach will change the environment for ever. Looking at the ocean and walking in the darkness are so special. With more development and restaurant traffic, motor vehicles will drive until late at night.
5. Water supply – We question whether there is sustainable water supply.
6. Exclusivity – The beach area should be for all to enjoy, not for a few people that can afford to eat at the restaurant. Having said that, the restaurant, which will sell alcohol could attract wrong behaviour on the beach where others frequent.
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8. Traffic congestion – We cannot see that additional traffic can be accommodated without making it unpleasant for everyone. The traffic in busy periods is already problematic.
9. Sense of place – Hermanus, which the residents and visitors from all over got to know and love will forever be spoilt.

We respectfully request that this consent use application **be declined** in the interest of the community and environmental preservation.

Yours sincerely

Andre du Plessis
[Trustee & Representative of The Bergrant Trust]
233 11th Street, Voëlklip, Hermanus, 7200
**Erf 12313**

TP- A Theart (H Olivier)

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**Alida Conradie**

**From:** Birgitt Skopelitis <birgitt@mweb.co.za>
**Sent:** Friday, 03 October 2025 15:24
**To:** Alida Conradie
**Cc:** antsarmstrong@gmail.com; martinL@marketexpert.co.za; dmhoogenhout@gmail.com
**Subject:** Objection to application for consent use remainder of Erf.4771 Old Nautilus site app Dutchies

Dear Alida,

Please add this objection to the numerous others which I am sure you are receiving in this regard:
I , Birgitt SKOPELITIS formally object to yet another 'change' being forced on what makes Hermanus special !
A.
This 'last remaining iconic and ''lost in time ' spot is the very attraction which keeps bringing Tourists .o this beautiful and tranquil non- commercialised Spot' and historical 'place' !
The monetary worth of preserving this iconic area is immeasurable and far outweighs commercial gain !
B.
Irreparable damage to peace, tranquility and Tourism as a whole will be the aftermath, if this last remaining 'tranquil and phenomenon' of a spot is changed and permanently disrupts the look and feel of what had been available to all to enjoy. This is theft of heritage an a grand scale !
C.
Visual pollution has to be stopped .. and the removal of further trees and fynbos for development in this sensitive and delicate coastal part of our blue beach area is a crime again mankind.
D.
The Development cannot guarantee that our Whales and Fish will remain unaffected.
E.
Our delicate coastline particularly in this sensitive blue beach area requires every possible effort to be maintained and to retain its status without commercial greed and consequence of added pollution which is a certain outcome from any development statistically.
F.
The very essence of history and heritage here in this part of 'older Hermanus' should be a prime consideration to 'stop change' and to 'preserve the
presence of natural beauty' and what makes up essentially a part of 'Old Hermanus'... Heritage must be preserved!
G.
"Stop public open spaces intended for use by the general public being converted into exclusive use areas and irreversibly changing the Grotto Bay sense of place"
H.
This too applies:
Dear fellow residents and all who care for Grotto Beach and social inclusivity.
Note;

FILE NO. Erf 4771
HVK
SCAN NO.
2876850
COLLABORATOR NO.

I also agree with ALL of the points below 1-8!
The exclusive use of public spaces divides us and threaten democracy. It benefits the few at the expense of the many and reduce the ability of citizens to act together to promote the well-being common to all of us. Democracies thrive when people opt in for the common good; i.e. for public



TP

spaces that serve the majority of residents rather than the exclusive few at the top of an economic and social hierarchy.

The Overstrand Municipality has issued a formal notice (attached) regarding a Consent Use application to permit the use of a portion of the Remainder Erf 4771, Grotto Street, Voëlklip for restaurant purposes. If approved, the structure (which the municipality has already approved) will irreversibly change the Grotto Beach sense of place and exclude the majority of Hermanus residents from using that portion of Coastal Protected Zone land. See Site Plan attached for clearer understanding of position of requested Consent Use as marked Site A in blue.

The Municipality must still decide whether the proposal lacks desirability - but has in fact already awarded a tender for a long-term lease of the land to a private company and approved the building plans concerned! This is shameful and a disgrace !

Public open spaces are not just physical locations; they are integral to the social and environmental fabric of communities. These spaces play a central role in fostering social interaction, inclusivity, connectivity and building a sense of community. They can help bridge gaps between different groups within a community.

The Municipality is required to promote social inclusion and spatial justice, inter alia through improved access to and utilisation of land. Currently even the poorest of the poor have free access to and may use this portion of land. If the proposal should be implemented, only the small minority of affluent people that can afford the luxury of using the restaurant facility, will directly benefit. The price to be paid (exclusion of the majority from use) cannot be justified based on the job creation potential of the proposed restaurant.

The proposed development threatens to put significant pressure on an already strained area — environmentally, logistically, and socially. If approved, this CONSENT USE would lead to:

• Congestion and access concerns –Grotto beach area is already under significant seasonal pressure. More commercial activity will add to traffic issues and affect everyone's access to the beach.
• Increased traffic and parking issues – The developer is not required to provide any public parking on the leased area ("on-site") but will entirely depend on existing public parking in the area. Why this preferential treatment by waiving compliance with normal on-site parking requirements? Parking is already a long-standing problem in this area during peak beach-going periods. Further development will only worsen the situation.
• Strain on water resources – Potable water supply is limited and already being supplemented from the aquifer.
• Sewerage overload – The current system already needs regular pumping. This is just with one restaurant on site; additional development will only exacerbate the issue.
• Noise pollution – Generators and late-night revelry (liquor service until midnight) will disturb the peace of this residential and natural space.
• Environmental concerns – The high-water mark has not been scientifically reassessed since the 2015 Basic Environmental Impact Assessment.
8.
My details below:

• my full name:
Birgitt SKOPELITIS
• my street address:

12/234

212 8th street. Voelklip.
• my Erf number :
3326

Have done !
Kind regards
Birgitt SKOPELITIS

Please BCC us in or let us know you have submitted so that we can track objections.
Let's stand together to protect what makes Hermanus and Grotto Beach so special.

Kind regards,
Anthony Armstrong (antsarmstrong@gmail.com) 082 789 3000
Martin Louw (martinL@marketexpert.co.za)
Niel Hoogenhout (dmhoogenhout@gmail.com) 082 646 9044

AND Below:

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Birgitt SKOPELITIS
212 8th Street
Voelklip, Hermanus
ERF Number: 3326

13|234

Kind regards
Birgitt Skopelitis
Certified Financial Planner
FSP: 15824



TP-A Theart (H Olivier)

REKORDBEHEER
14/28
06 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Francois Botes <francois@lhw.co.za>
**Sent:** Friday, 03 October 2025 15:24
**To:** Alida Conradie
**Cc:** antsarmstrong@gmail.com; Martin@marketexpert.co.za; dmhoogenhout@gmail.com; Francois Botes
**Subject:** FW: OBJECTION TO APPLICATION FOR CONSENT USE Remainder of Erf.4771 Old Nautilus Site app Dutchies DUE DATE 03 October 2025

Dear Alida,

I hereby object to the proposed Consent Use for the **remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus**.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
**Francois Christiaan Botes**
**33 Contour Road, Fernkloof**
**Erf 4783**
**On behalf of: Neosho Trading 159 (Pty) Ltd.**

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FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO.
2876824



TP

TP-A Theart (H Olivier)

REKORDBEHEER
06 OCT 2025
15/234
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Francois Botes <francois@lhw.co.za>
**Sent:** Friday, 03 October 2025 15:25
**To:** Alida Conradie
**Cc:** Martin@marketexpert.co.za; dmhoogenhout@gmail.com; antsarmstrong@gmail.com; Francois Botes
**Subject:** RE: OBJECTION TO APPLICATION FOR CONSENT USE Remainder of Erf.4771 Old Nautilus Site app Dutchies DUE DATE 03 October 2025

Dear Alida,

I hereby object to the proposed Consent Use for the **remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus**.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
**Francois Christiaan Botes**
**Milford Haven 1, Luyt Street/cnr Lord Roberts Street**
**Eastcliff**
**082 331 2296**
**Erf 915/ST002**
**On behalf of: Milford Haven Trust**

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FILE NO. Erf 4771 - HVK
SCAN NO.
COLLABORATOR NO. 2876833

TP - A Theart (H Olivier)

REKORDBEHEER
06 OCT 2025 16/234
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Charles Lloys Ellis <charles@lloysellis.co.za>
**Sent:** Friday, 03 October 2025 15:34
**To:** Alida Conradie
**Subject:** RE ERF 4771 VOELKLIP:OBJECTION TO CONSENT USE APPLICATION:MUNICIPAL NOTICE 149/2025

REMAINDER OF ERF 4771 VOELKLIP HERMANUS;APPLICATION FOR CONSENT USE;MSSRS WRAP PROJECT OFFICE ON BEHALF OF OVERSTRAND MUNICIPALITY AND CAPE TOWN FISH MARKET. CONSENT USE FOR A TOURIST FACILITY(RESTAURANT) ON THE PROPERTY.

OBJECTION.

As a property developer with 50 years of experience I hereby object to the above mentioned application on the following grounds:

1.The application is fatally flawed as it is based on a gross overestimation of the size of the previous restaurants which had been erected on the property in the past. Temporary outdoor chairs and tables sitting on beach sand cannot be translated into a motivation for a massive warehouse style restaurant totally out of keeping with the Grotto Beach environment. The last built structure on the site ,The Nautilus ,had less than half the indoor seating which is currently proposed and the building only covered part of the site. The Municipality's mistake in this regard was taken up in the Tender Document for the site which was advertised in 2022.This tender also included a plan for a massive restaurant very similar to Cape Town Fish Market's plan which forms part of the current application.
As stated in the application the Municipality has been working closely with Cape Town Fish Market on this project and they are joint applicants in this matter. As a result I do not believe that the Municipality is in a position to fairly process this application any further.

2.The starting point for any application such as this is a detailed Traffic Impact Study as the findings of such e study would inform whether a project is viable or not. Reference to a Traffic Study was made in the motivation however the study did not form part of the documents which had been uploaded for public information.
I visited the Town Planning Department and was provided with a copy of a document titled "Cape Town Fish Market Restaurant, Grotto Beach, Traffic Statement July 2025".This document is in my opinion, very superficial as it is based on one site visit in the middle of Winter. It does not constitute a detailed study of on-peak and off-peak traffic volumes at different times during the year which is necessary for the proper consideration of the application .
The author of the report clearly had no idea of the traffic flow around the site as evidenced by the incorrect arrows indicating traffic movement on Diagram 1.This fundamental mistake undermines the integrity of the entire report and its findings .

3.The introduction of a massive restaurant ,serving alcohol until midnight every night ,onto a BLUE FLAG beach situated in a residential area is highly undesirable and portrays the Overstrand Municipality in a very poor light. The matter needs to be reconsidered in its entirety.

CHARLES LLOYS ELLIS
HERMANUS RESIDENT
3 October 2025
Erf 1277
250 Main Road, Eastcliff.
Cell 0832751952

FILE NO. Erf 4771 - HNK
SCAN NO.
COLLABORATOR NO. 2876840

OVERSTRAND MUNISIPALITEIT
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17/23
06 OCT 2025
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OVERSTRAND MUNICIPALITY

TP - A Theart (H Olivier)

**Alida Conradie**

**From:** Gideon Serfontein <gideon@bdtcc.co.za>
**Sent:** Friday, 03 October 2025 17:01
**To:** Alida Conradie
**Subject:** Objection Erf 4771, Grotto, Voelklip, Hermanus

>
> Subject: Objection to Consent Use Application – Erf 4771, Grotto
> Street, Voëlklip, Hermanus
>
> Dear Alida,
>
> I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.
>
> My concerns include:
> 1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
> 2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
> 3. Sewerage – The area already requires frequent pumping; this development will make it worse.
> 4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
> 5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
> 6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this with additional vehicles late at night tontake staff home.
> 7. Environmental impact – The high-water mark and environmental assessments are outdated and need review. Waste management will be challenge in an environmentally sensitive area with wild existing bird and other wild life life - the Voëlklip Baboons top of mind.
> 8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.
9. Restaurants in Hermanus are already struggling to keep the doors open and staff employed during especially Winter season. Another restaurant will just dillute the current offerings in the CBD area and aggrevate the situation where people are underemployed during the quieter months.
>
> I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.
>
> Regards,
> Gideon Serfontein 229 Sixth Street, Voëlklip, Hermanus, 7200 Erf 3619
>
> Gideon Serfontein
> Sent from my iPhone

FILE NO. Erf 4771 - HNK
SCAN NO.
COLLABORATOR NO. 2876809

TP – A Theart (H Olivier)

REKORDBEHEER
06 OCT 2025 18|284
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OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Frank Hallet <halle@iafrica.com>
**Sent:** Friday, 03 October 2025 16:45
**To:** Alida Conradie
**Subject:** Objection to Application for Consent Use: Remainder of Erf.4771, Grotto Street, Voelklip

Dear Alida,

I hereby wish to object to the proposed Consent Use for the above: Erf 4771 at Grotto St., Voelklip.

There are many reasons for opposing this Consent Use Application

1 Environmental pollution from a building site right on the beach front, where protected Milkwood trees abound and sea birds
and marine fauna and flora will suffer.
2 Increased traffic pollution and huge parking chaos will happen, as already there is a parking problem during peak seasons – why
ruin a wonderful sea scape with a monster building on the beach, which is there for the recreation of all, for the sake of more revenue
for the Overstrand Municipality.
3 Water is already almost at its limits in Hermanus and any more demand on its resources is unsustainable.
4 There will be a greater demand on the sewerage system
5 This will only serve a very small percentage of the general population of the Overstrand and there are already many restaurants
in Hermanus that cater for both the local residents and the many tourists who visit Hermanus and surrounds, and we really don't need
anything to turn away our tourists from such a peaceful place as Grotto beach as it is today.

I would like the Municipality to take these objections seriously as we could ruin our natural resources and chase away our many visitors who
come to enjoy Hermanus for its wide open spaces and our peaceful amenities!

Yours faithfully,
Janet Hallett
10 Second Street
Voelklip
Erf No. 4815

FILE NO. Erf 4771-HYK
SCAN NO.
COLLABORATOR NO. 2876816



TP

340

TP – A Theart (H Olivier)

REKORDBEHEER
06 OCT 2025
19/284
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OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** aelloyd@global.co.za
**Sent:** Friday, 03 October 2025 15:09
**To:** Alida Conradie
**Subject:** Objection to Consent use application -Erf 4771, Grotto Street, Voelklip, Hermanus.

Dear Alida

We hereby object to the proposed Consent use for the remainder of Erf 4771, Grotto Street, Voelklip, Hermanus.

Our concerns are as follows:-

1.Parking-the present facilities are already completely inadequate and most definitely not able to support additional traffic, especially during holiday seasons.

2.Sewerage-pumping is already done frequently and any further development of Erf 4771 will only make it much worse and required much more frequently.

3.Water supply -this is already supplemented from aquifers,more commercial demand is unsustainable.

4.Noise- late night activities will most certainly cause excessive noise pollution, disturbing both the environment and the residents.

5.Another development will impact the traffic congestion hugely, seasonal pressure and one direction system are already a huge issue.

6.The environmental impact needs to be thoroughly assessed as this is very outdated and all results fully considered.

Due to the facts mentioned above we strongly and respectfully request that this Consent use application be declined now and forever in the interest of the community and especially the environmental preservation.

Kind regards

Anne Lloyd
6 Vygeboom Close
Vermont

FILE NO. Erf 4771-HVK
SCAN NO.
COLLABORATOR NO. 2876821

TP

20/234
OVERSTRAND MUNISIPALITEIT
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03 OCT 2025
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OVERSTRAND MUNICIPALITY
TP- A Theart
(H Olivier)

Erika van der Westhuizen
227 9th Street
Voëlklip
HERMANUS
7200

082 771 0906

Oubos18@gmail.com

2 October 2025

The Municipal Manager
Overstrand Municipality
Hermanus
7200

Attention: Alida Conradie (alida@overstrand.gov.za)

Dear Madam

Objection: APPLICATION FOR CONSENT USE ERF R/4771.

I, Erika van der Westhuizen, owner of Erf 3549, 227 9th Street, Voëlklip, Hermanus, hereby object to the application for consent use on Erf 4771. My objection is based on the following:

1. ENVIRONMENTAL IMPACT ASSESSMENT – EXTENSION OF APPROVAL WITHOUT COMMUNITY PARTICIPATION
2. LIMITED PARKING AVAILABLE
3. ALTERNATIVE AREAS IN SURROUNDING AREA.

1. EIA EXTENSION OF APPROVAL WITHOUT COMMUNITY PARTICIPATION

The Basic Assessment was approved in 2013 based on the then applicable circumstances. 12 Years down the line (2025) an extension has been granted on the same grounds without any further investigations or the invite of new public participation.

In the last 12 years, the Hermanus area and surroundings have changed drastically with the area being influx with permanent and non-permanent residents from all over. This influx has a servere impact on the limited water resources in the area and surrounding communities. Whereas Hermanus was previously (before Covid 19) only a holiday destination, this has changed as more people now resides permanently and works remotely.

Traffic has therefore increased with higher demands, particularly during high peak season, for parking. This has also increased the number of beach goers and thus the demand for additional parking at the beach. With

FILE NO. Erf 4771- HYK
SCAN NO.
COLLABORATOR NO.
2876588

21/234

all these recent changes in the landscape of the area, the status quo of the then findings and analysis of the basic assessment cannot be the same as in 2013. I am therefore of the opinion that the granting of an extension of the EIA approval is irresponsible and that a re-evaluation of the current affairs should have been taken into consideration. It should have been re-advertised for public input and not purely been awarded an extension approval.

2. LIMITED PARKING AVAILABLE
   The limited number of parking bays available in direct vicinity of the proposed new site is of great concern to me as local resident. Already we are experiencing high traffic congestion during peak holiday times with holiday goers seeking parking close to the beach areas resulting in excess /overflow of cars making use of curb side parking in the surrounding smaller streets. This results in people being parked in at their own yards or that 2-way traffic are totally impassible in some cases where cars have been parked on the kerb side.

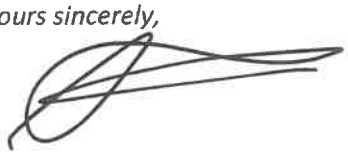
   The parking bays closest to the proposed restaurant are already very limited and hardly serve Dutchies clients, necessitating patrons to use the far-right (eastern) parking bays across the braai facilities. These are parking areas for beach goers or people using the communal braai areas. As people are lazy and do not want to walk that far, they will rather prefer to park closer in the neighborhood and this contributes to illegal parking and traffic congestion. With the limited parking bays available adding a destination-based use like a restaurant will increase the demand even more as it will not only be used by beach goers but rather by people from all over the area. It will thus result in less parking being available for beach goers who uses the blue flag beach (as a tourist attraction). It will also inconvenience beach goers who usually carries a lot of beach equipment or have small children with prams, etc. and thus need parking closer. As a result, the people who needs to utilize the open space, will be deterred to use it and ultimately it will be a loss of community space.
3. ALTERNATIVER AREAS IN SURROUDING AREA
   To put a restaurant so close to the beach where its impact on the environment is far more reaching than further away from the sensitive dune landscape would be more advisable and to everyone's benefit. I have not seen any alternative sites being investigated with the application and therefore strongly object that this is the

22|234

only site available for the development. To my knowledge there is a few open areas in the close vicinity like the old caravan park which is not as sensitive and could have been investigated as an alternative site. I therefore do not agree to the proposed development of erf 4771 for purposes of erecting a restaurant.

Trust that you find the above in order.

*Yours sincerely,*



***Erika van der Westhuizen***

23/234

## Alida Conradie

**From:** Martin L <MartinL@marketexpert.co.za>
**Sent:** Friday, 03 October 2025 08:51
**To:** Alida Conradie
**Subject:** Fwd: CTFM Application
**Attachments:** CTFM TRAFFIC IMPACT ASSESSMENT.pdf

OVERSTRAND MUNISIPALITEIT
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0 3 OCT 2025
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TP- A Theart (H Olivier)

Beste Alida
Hiermee n goed gemotiveerde beswaar wat nog nie by julle geliaseer is nie.

Groete

Martin Louw Pr Eng
martinl@marketexpert.co.za
0829017559

Begin forwarded message:

**From:** Charles Lloys Ellis <charles@lloysellis.co.za>
**Subject: CTFM Application**
**Date:** October 2, 2025 at 12:20:20 PM GMT+2
**To:** "antsarmstrong@gmail.com" <antsarmstrong@gmail.com>
**Cc:** "martinL@marketexpert.co.za" <martinL@marketexpert.co.za>, "dmhoogenhout@gmail.com" <dmhoogenhout@gmail.com>

Good Morning Anthony,
Our telephone conversation refers.
As a property developer with 50 years of experience I know that a Traffic Impact Assessment is one of the most important considerations used to evaluate the viability of any project---if the traffic flows and parking do not work it is pointless to pursue a project any further.
In the motivation for the consent use for the CTFM at Grotto Beach reference was made to the positive findings of the Traffic Study, however this study was not part of the documents which had been uploaded for public information.
I consequently visited the Town Planning Office at the Municipality who provided me with the attached document.
This document titled " Cape Town Fish Market Restaurant, Grotto Beach, Traffic Statement July 2025" is extremely superficial and does not constitute an in depth Traffic Impact Study which is vitally necessary for the consideration of the CTFM Consent Use application .
The author of the report clearly did not have any idea of the traffic flows around the site as can be seen from the incorrect traffic flow arrows on Diagram ! .This fundamental mistake undermines the whole integrity of the report and its findings.
I believe that the Overstrand Municipality cannot proceed with the processing of this application until such time as an comprehensive Traffic Study has been completed and that the application, together with such Traffic Impact Study has been readvertised for public comment.
I will be addressing an objection to them with such a request.
Kind Regards,
Charles Lloys Ellis
Cell 0832751952.

FILE NO. Erf 4771-HVK
SCAN NO.
COLLABORATOR NO. 2875765

TP

24/234

OVERSTRAND

# DIRECTORATE: PLANNING & DEVELOPMENT
## TOWN & SPATIAL PLANNING
### LAND USE PLANNING APPLICATION RESPONSE FORM

E-mail to relevant person stipulated on the notice: loretta@overstrand.gov.za / alida@overstrand.gov.za

*16 Paterson Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 8900*

**APPLICATION DETAILS**

**Application erf number:** 4771 Voelklip

**How did you receive notice of the application?**

OVERSTRAND MUNISIPALITEIT
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0 3 OCT 2025
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**STATE YOUR INTEREST IN THE APPLICATION:**

Concerned friend

| TICK RELEVANT BOX | ✓ | OBJECTION | | COMMENT | | SUPPORT | |
|---|---|---|---|---|---|---|---|

**REASONS FOR OBJECTION / COMMENT / SUPPORT:**

Too Many Unnecacarry things happining around our Beaches Building is all We need at Grabo.

TP-A Theart (H Olivier)

FILE NO. Erf 4771-HVK

SCAN NO.

COLLABORATOR NO. 2875786

*Feel free to continue on separate page(s)...*

**PERSONAL INFORMATION** *(To be completed in full – Compulsory)*

**Name & surname** (PRINT): Theo Krynauw

Your erf number: 24 2nd St -

**Company/Trust details:**

**Postal address:** 24 2nd St - Voelklip

**Contact details:** Cell: 082 674 4924

E-mail address: theo.sparkle1952@gmail.com

**Signature:**

Date: 3/10/25

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.

The Krynauw theo.sparkle1952@gmail.com

TP - A Theart (H Olivier)

REKORDBEHEER
03 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Alexia Lawson <lawson.lexi@gmail.com>
**Sent:** Friday, 03 October 2025 09:32
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Alexia Lawson
232 Onrus Manor, Chanteclair Avenue, Onrus River
Erf Number 4286

FILE NO. Erf 4771 - HVK
SCAN NO.
COLLABORATOR NO. 2875791

REKORDBEHEER
26/234
0 3 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP- A Theart
(H Olivier)

**Alida Conradie**

**From:** Barbara Pretorius <abarbara@mweb.co.za>
**Sent:** Friday, 03 October 2025 09:36
**To:** Alida Conradie
**Cc:** antsarmstrong@gmail.com; martinL@marketexpert.co.za; dmhoogenhout@gmail.com
**Subject:** Objection to consent use ; application - Erf 4771, Grotto Street, Voelklip, Hermanus

Dear Alida

We hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

Our concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support the additional traffic.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – the Overstrand is already supplemented from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. An additional restaurant will worsen this.
7. Environmental impact- The high-water mark and environmental assessments are outdated and need review.
8. Sense of place – predicted noise pollution, traffic congestion and parking shortages will destroy the unique beauty of the area and the 'sense of place'.

I respectfully request that this Consent Use application be denied in the interest of the community and the preservation of the unique beauty of this area.

Kind regards
Stephanus Johannes Pretorius and Anna Barbara Pretorius
9 Contour Street
Fernkloof
Hermanus
Erf 8014

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2875804

TP- A Theart (H Olivier)

OVERSTRAND MUNICIPALITY
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DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY
FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO.
2875862

**Alida Conradie**

**From:** Martin L <MartinL@marketexpert.co.za>
**Sent:** Friday, 03 October 2025 11:12
**To:** Alida Conradie
**Subject:** Fwd: ERF 4771 GROTTO : OBJECTION
**Attachments:** comment erf 4771 grotto street.docx

**Importance:** High

Beste Alida

Hiermee my verdere persoonlike beswaar bo en behalwe die volledige beswaar ingedien deur ons Prokureurs ( DHM , Johan du Plesis ) namens N Hoogenhout , A Armstrong en M T Louw.

**Spesific aspects regarding traffic and parking aspects of the proposed Cape Town Fish Market development.**

- Grotto Street is effectively a one way passage only. Two way traffic reaches only to the intersection of 11th Street and from beyond Piet se Bos
- traffic is extremely seasonal : summer months and peak during December and January as well as Easter is far more critical
- logical deduction from the data is that it represents minimum traffic and parking demand from only one (smaller) restaurant
- according to the Traffic Statement at least 60 parking bays are used by one restaurant only in mid winter; summer months plus beach goers will extend well beyond availability
- parking area behind the ablution building is used mainly by beach goers
- beach walkers are minimal in mid winter, that means the measured traffic represents mainly restaurant use
- the balance of parking further along Grotto Street is too far away for restaurant use ( about 600m )

Finally, I would reiterate the extremely well motivated objection of Prof Pierre du Toit as already submitted.

"The Proposal goes on at length about how a restaurant will benefit the broader community of the Overstrand, directly through employment opportunities and indirectly through "wider economic ripple effects".

This is unconvincing. What the Proposal amounts to in essence, ***is to convert a public space with access for all, into a site for private consumption only for those who can afford to pay.*** The primary beneficiary here is the Cape Town Fish Market, who gain exclusive access to public land for private profit. The vast number of lesser advantaged families who can and do use this site for picnics during hot summer days will now be excluded from those deep shady spots under the magnificent Milkwood trees that have been available to them for so many years. Should this exclusion transpire it would be a disgrace.

28|234

Pierre du Toit. 198 Tenth Street Voëlklip Hermanus.
ERF 5443."

Kind regards

Martin Louw Pr Eng
martinl@marketexpert.co.za
0829017559

Begin forwarded message:

**From:** "Du Toit, PVDP, Prof [pdt@sun.ac.za]" <pdt@sun.ac.za>
**Subject: ERF 4771 Grotto**
**Date:** September 15, 2025 at 6:40:10 PM GMT+2
**To:** "alida@overstrand.gov.za" <alida@overstrand.gov.za>
**Cc:** "antarmstrong@gmail.com" <antarmstrong@gmail.com>,
"martinL@marketexpert.co.za" <martinL@marketexpert.co.za>,
"'dmhoogenhout@gmail.com'" <dmhoogenhout@gmail.com>

Hi Alida,

Hiermee bygevoeg is my besware teen die voorgenome ontwikkeling op ERF 4771, Grotto Straat, Voëlklip, Hermanus.

Baie Dankie.

Pierre du Toit.

The integrity and confidentiality of this email are governed by these terms. Disclaimer
Die integriteit en vertroulikheid van hierdie e-pos word deur die volgende bepalings bereël. Vrywaringsklousule

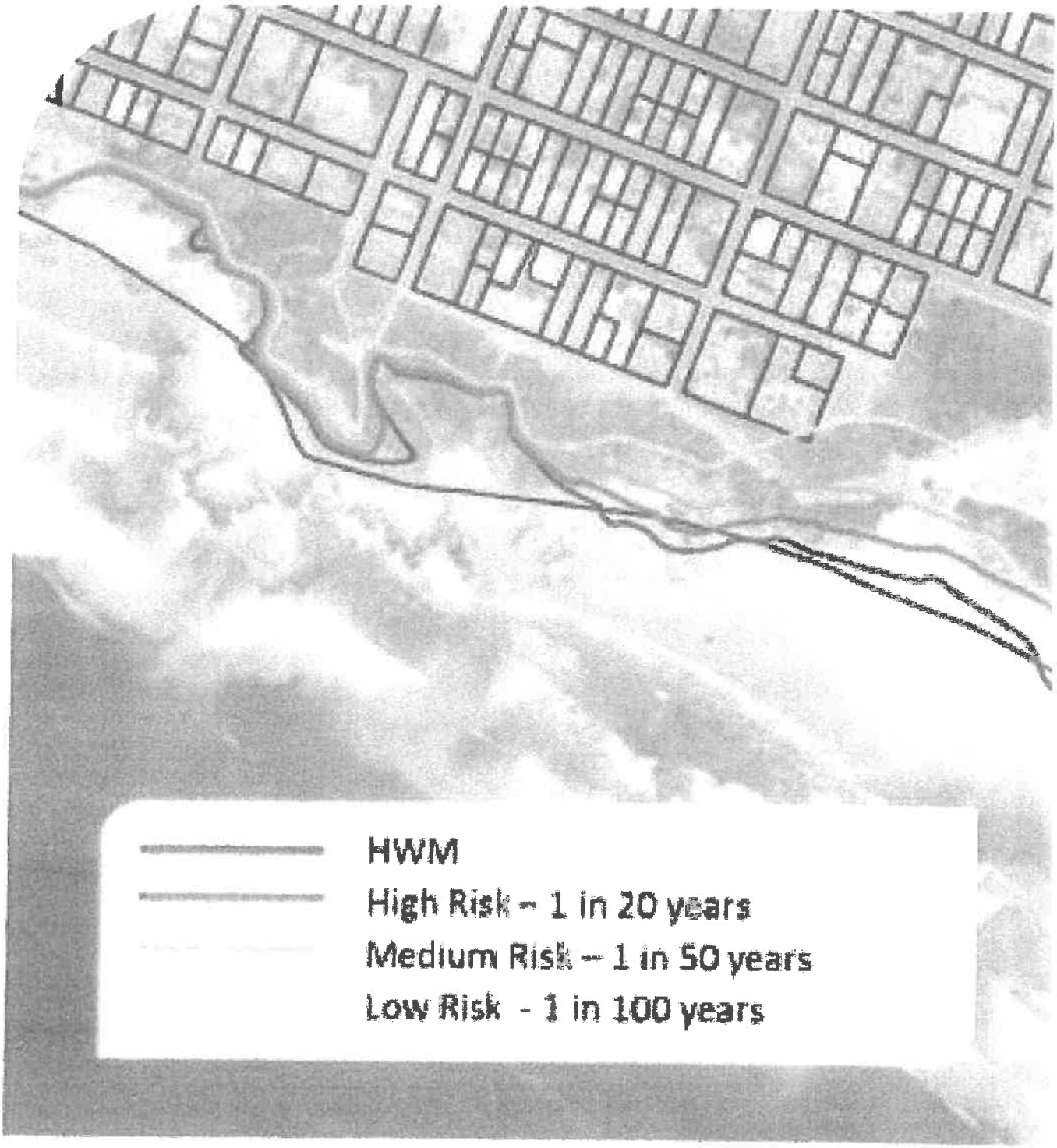
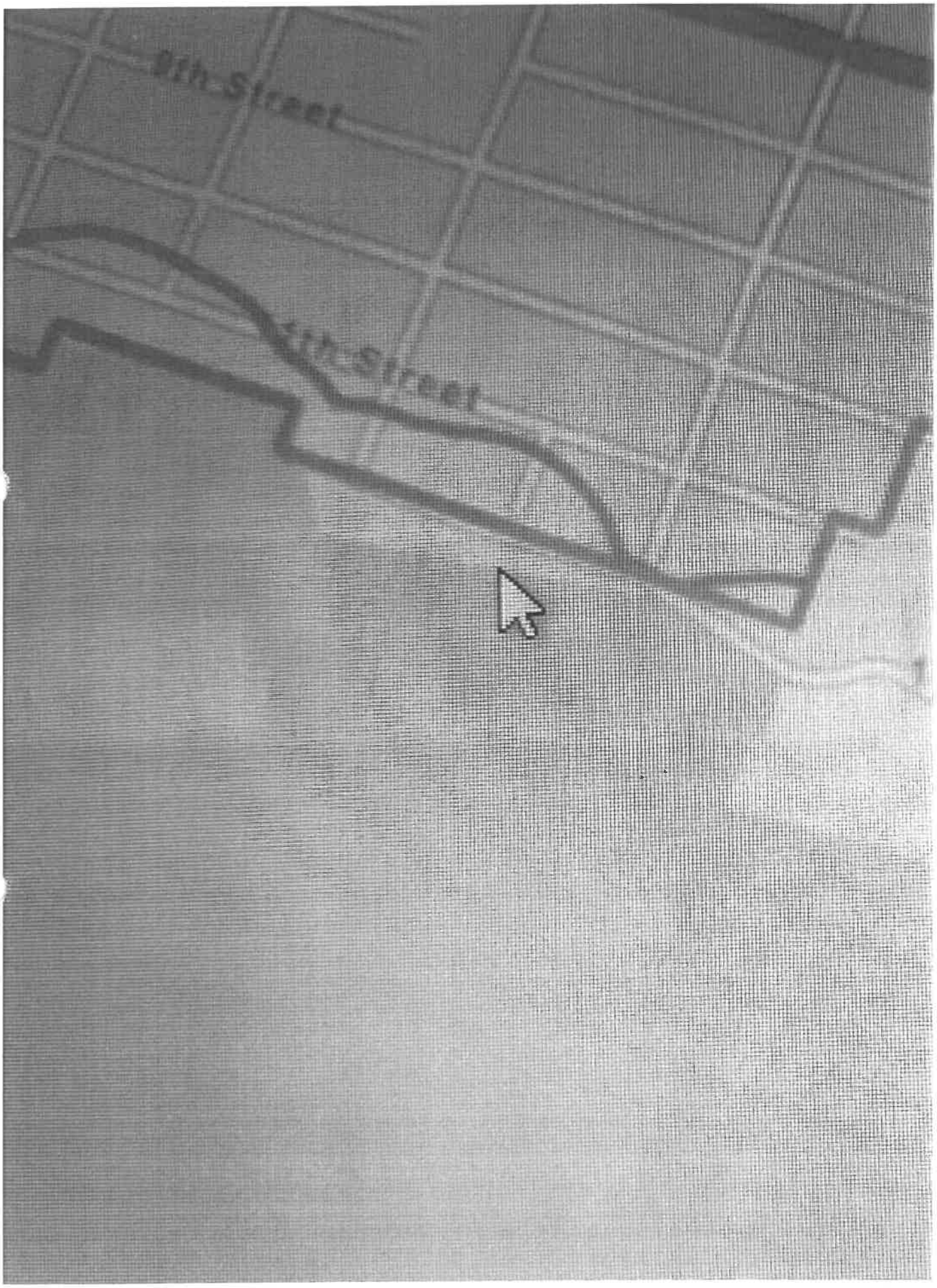



**Figure 3: Example of modelled risk projections**

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# COMMENT on and OBJECTIONS to the proposed restaurant development on the remainder of Erf 4771 Grotto street, Voëlklip, Hermanus.

I hereby object to the proposed development on the remainder of Erf 4771 Grotto street, Voëlklip, Hermanus, for the following reasons.

- Coastal Management Line for the Overberg District.

The Application for Consent Use for the remainder of Erf 4771 Grotto Street,Voëlklip, Hermanus does not address the requirement of compliance with the Coastal Management Line for the Overberg District. These setback lines are drawn in terms of section 25 of the National Environmental Management: Integrated Coastal Management Act (act no. 24 of 2008). See

https://gis.westerncape.gov.za/portal/home/webscene/viewer.html?layers=c35f03a013a943a48da9b229b6b77abe&viewpoint=cam:19.28876137,-34.4101907,5984.44;0.008,0.5
updated 7 January 2025.

When consulting the map (see Appendix with filename "setback line") it can be seen clearly that the **purple line** indicating the Coastal Management line goes eastward along 12th street until the street slopes into the Grotto beach area. Then the line veers northwards to 10th street and continues eastwardly until it is east of the relevant Grotto beach area. Erf 4771 is located to the south of 12 street towards the ocean, and thus exceeds the boundary lines of the Coastal Management line in its entirety.

I found no reference to the lack of meeting this requirement in this Application, or evidence of permission sought and granted to exceed the Coastal Management Line. The Application as it stands is therefore incomplete and invalid.

- Risk

In addition the current High Water Mark assessment and attendant floodline projections are outdated as the Grotto is adjacent to the Keinrivier Estuary which is a highly dynamic ecological entity, with continually shifting dunes, estuary exits and waterlines, exacerbated by rising sea levels.

A modelling of the risk level for the South African Coastline due to projected shifts in coastlines published by the Western Cape governement in 2015 titled *Coastal Management (Set-Back) Lines for the Overberg District (Draft Project Report, February 2015)* is of note here. In the report ( see

Apendix with filename "risk lines") an example) of the modelling results (Figure3) is presented to the reader, fortuitously taking the Grotto beach area were Erf 4771 is located as a case study.

In the figure 4 lines are drawn to indicate possible waterlines with the accopanying risk levels associated with such rising waters. The **dark brown** is the (then) High Water Mark, the **red** line indicates the High Risk level of water, which could occur within a 1-20 years time slot, the **Orange** line represents the level of Medium Risk, possible in 1-50 years, and the **Yellow** line the Low Risk level possible within the 1-100 years time frame.

Most relevant here is the Red line, which incorporates conceivable levels of water level rise within 1-20 years. It can be seen from the figure that this line moves right up to the southern boundary of Erf 4771, cuts through the ablution block adjacent to the Erf, and crosses Grotto beach road slightly east of the parking space next to the ablution block.

The Medium Risk levels (1-50 years), shown in the orange line, submerges the entire Erf 4771 under water, threatens Dutchies, and crosses Grotto beach road for a considerable distance.

https://www.rhdhv.co.za/media/20%20February%202015/Overberg%20Coastal%20Management%20Lines%20Refinement/Overberg%20CML%20Draft%20Report_PPP.pdf

I could find nothing in the Application that addresses the question of risk, as outlined above. This is matter of urgency, as the lease for the proposed restaurant is for 25 years, deep into the projected time frames of the Risk Assessment referred to here. Without a very persuasive account of how such risks are to be managed, this Proposal cannot be adequate.

- Parking

The proposal for parking facilities is wholly unconvincing (see p. 9 of the Proposal). The relevant paragraph starts with the statement that "public parking along Grotto Road may be uitilised by visitors to the restaurant", to be shared with other visitors to Grotto Beach and to Dutchies restaurant.

Yet the closing paragraph of this section claims that "parking is located on-site (within the subject property)". As I could not detect any parking bays in the visual presentation of the building on the site of Erf 4771, or any other parking bays (the building will cover the entire floor space (100%) of the Erf) it is clear that the claim that parking bays will be on-site is contradictory with the previous quoted statement about public parking along Grotto Road.

What is required for a convincing argument for parking is the following:

1. A clear statement about exactly how many seats will be available for patrons in the planned restaurant, plus how many personnel wil be present at peak times to operate the restaurant.
2. Using a standardized gauge of measurement it will then be possible to assess how many parking bays will be needed if and when the restaurant is fully occupied.
3. Then the existing number of parking bays in 12th Street/Grotto Road needs to be counted; and the present occupation rate of visitors to the beach area in peak season times should be added;

4. from which then can be calculated whether parking is adequate or insufficient for the proposed restaurant to function without invasive negative effects on surrounding streets in Voëlklip.

It also needs to be taken into account that the degraded wetland (the "Grotto") behind Dutchies can not be made available for additional parking, as the applicants in this Proposal commit themselves to "the rehabilitation of the adjacent wetland and the implementation of environmentally sensitive building practices", as required by the Basic Assessment Report and Environmental Authorisation.

- Noise Control and Law Enforcement

The Proposal sets out the technicalities of measuring noise levels and repeatedly assures the relevant Ratepayers that the CTFM (Cape Town Fish Market) will comply with relevant regulations.

These devices are then supposed to be used to restrain loud noise making. Measuring the precise decibels of the level of noise is one thing, but who is going to confront such noise makers? This is a matter of maintaining **law and order**, which is the function of the Overstrand Municipality and the South African Police Service.

The Proposal wrongly puts the ball entirely into the court of CTFM so to speak, with no commitment, or even a mention of the obligations of the Overstrand Municipality in this matter.

What is absent is an exposition of how compliance will be obtained from **rowdy customers**, especially once they have left the restaurant, not from CTFM. The Proposal needs to present, in writing, a commitment from the Overstrand Municipality on how they and other public order officials of the State are going to enforce these noise control measures, *within all business hours* of the proposed restaurant.

CTFM is also involved in this matter. The proposed hours of operation (08h00 to 24h00) and of liqour sales (10h00 to 24h00) *every day of the year* may be favourable for reasons of profitmaking by a private company, but are outrageously insensitive to the context and location of the proposed restaurant. The proposed restaurant is to be located within a resedential area, not in the central business district of the town of Hermanus.

While other firms had previously used these premises for restaurants, the scale of the project (100% cover of the area of 500sq m.) presented in the Proposal and the hours of business is completely foreign to the activities of the Voëlklip residential area.

For purposes of clarity the above needs to be re-stated**. It is quite inconceivable that the Overstrand Municipality is prepared to allow a Business outlet that sells liquor up till midnight every day of the year to operate, without a single statement of how law and order is going to maintained against rowdy elements, every day of the year up to midnight and even later**. To submit this Proposal in this form is an outrage, as the premises (Erf 4771) is located within the middle of a residential neighbourhood, with ratepayers many of whom are families.

Should the Proposal be allowed to succeed, the CTFM and surroundings will inevitably become a magnet for late-night drinkers is search of one more swig of alcohol. In the absence of any social controls and ***comprehensive security guarantees*** every single night then holds the potential of unravelling into social upheaval, completely at odds with the surrounding family oriented neighbourhood of Voëlklip.

This Proposal as it stands is an audacious and brazen disregard of and assault on the Constutional Right to Freedom and Security of the Person (Chapter 2, Bill of Rights, section 12(1) (c)), and is intolerable to all.

There are additional sources of noise pollution, primarily from generators used during power outages, and for cooling systems. How to control the noise levels of these machines, critical to the effective operation of the restaurant, also needs to be explained.

- Exclusivity

The Proposal goes on at length about how a restaurant will benefit the broader community of the Overstrand, directly through employment opportunities and indirectly through "wider economic ripple effects".

This is unconvincing. What the Proposal amounts to in essence, *is to convert a public space with access for all, into a site for private consumption only for those who can afford to pay.* The primary beneficiary here is the Cape Town Fish Market, who gain exclusive access to public land for private profit. The vast number of lesser advantaged families who can and do use this site for picnics during hot summer days will now be excluded from those deep shady spots under the magnificent Milkwood trees that have been available to them for so many years. Should this exclusion transpire it would be a disgrace.

Pierre du Toit.

198 Tenth Street

Voëlklip

Hermanus.

ERF 5443.

TP- A Theart (Holivier)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
35/234
03 OCT 2025
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OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Fran Jordaan <fran.jordaan@gmail.com>
**Sent:** Friday, 03 October 2025 11:28
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards

Frances Lydia Jordaan
185,5th Street, Voelklip, Hermanus
Erf no 3140

FILE NO. Erf 4771- HNK
SCAN NO.
COLLABORATOR NO. 2875867

TP

TP-A Theart (H Olivier)

OVERSTRAND MUNISIPALITEIT
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**Alida Conradie**

**From:** jonkark@mweb.co.za
**Sent:** Friday, 03 October 2025 11:19
**To:** Alida Conradie
**Cc:** antsarmstrong@gmail.com; martinL@marketexpert.co.za; dmhoogenhout@gmail.com; jonkark@mweb.co.za
**Subject:** RE: Objection to Consent Use Application - Remainder of Erf 4771 (Grotto Street, Voelklip, Hermanus)

Dear Alida

I wish to formally object to the Consent Use Application in respect of the Old Nautilus Site (remainder of Erf 4771, Voelklip) on the following grounds (refer Overstrand Municipal's Amendment Land Use Planning Bylaw 2020):

1. If the intended use is not consistent with 'Public Open Space' zoning, the lessee must submit a land use application:
   - Consent use (for minor activities like refreshment kiosks, parking).
   - **Rezoning** (for more permanent or exclusive uses, e.g. a restaurant or housing).

   **This triggers a separate public participation process under the Land Use Planning By-law.**

2. Such a consent use may only be granted for land that is **not** required as public open space ( If the land is still required for open space purposes, only short-term compatible uses (like community events or kiosks) may be allowed.)

3. We believe that that the advertising of the consent use application was not transparent in the way the proposed development was framed, specifically in relation to the size of the development and the potential impact it may have on the public and the environment

4. Parking and traffic congestion – the current parking availability in high season is completely over-extended without the proposed new development The following issues are of serious concern, the **traffic impact assessment** is clearly incompetent and requires an independent re-evaluation.

5. **Environmental Impact Assessment** : This is obsolete and not compliant with current legislation .The proposal is non compliant with Nema and ICMA regulations specifically with reference to

   a. Construction in the dune areas

   b. Interference with the sand movement of the coastal dunes – refer current case of a house at Pringle Bay re dune management.

   c. Removal of sand from within the coastal reserve area ( required to access foundations)

   d. The high-water mark and environmental assessments are outdated and need review. In this regard, the recent case where the Surveyor General redetermined the high water marks on the properties adjoining the cliff path extension should be noted.

**We respectfully request that the Consent Use application be declined in the interest of the community and environmental preservation.**

**For further reference** we wish to draw your attention to the Legal Framework in Overstrand:

FILE NO. Erf 4771-HVK
SCAN NO. 2875876

TP

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- MFMA (s14) & Municipal Asset Transfer Regulations (2008) – must be followed when leasing/disposal of municipal land.
- Overstrand Municipality Administration of Immovable Property Policy (most recent revision around 2022) – this is their main policy document governing the sale and lease of municipal land.
- Land Use Planning By-law (Overstrand) – regulates zoning, rezoning, consent use, departures.
- 'Public Open Space' zoning means the land is for communal benefit (parks, playgrounds, greenbelts).
- ICMA (2008)
- National Environmental Management Act

**Kindly acknowledge receipt of this objection.**

Yours faithfully

*Dr J C Kark*
*Trustee for the Lorna Vivian Trust*
*Erf 10273 Hermanus*
*45 Fernkloof Village*
*Hermanus 7200*

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 28755889

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TP-A Theart (H Olivier)

19 Fernkloof Village
Fir Avenue
Hermanus
7200

2 October 2025

Dear Alida,

**Re: Objection to Consent Use Application – Erf 4771, Grotto Street, Voelklip, Hermanus**

I wish to register my objection to the proposed Consent Use for the remainer of Erf 4771, Grotto street, Voelklip, Hermanus

My main concerns include the following:

1. The impact of climate change on sea levels around the Walker Bay coast has not been taken into consideration. A presentation in February 2023 to Ward 3 committee members in the Preekstoel boardroom by costal engineer Laurie Barwell, indicated that with increased frequency and severity of storms, waves will be a threat to structures on the coastline. The proposed 250 seat restaurant will be located where it will be most vulnerable to such damage. Mitigation measures in phases leading to 2050 were proposed
2. . These are extensive construction measures that will be costly and will change the current 'sense of place' of Grotto beach
3. Grotto has been awarded Blue Flag status which it has retained over a number of years. There is no indication that the infrastructure to deal with waste has been adequately prepared for. Sewage leaks have required emergency action in high season when the population of Hermanus, and Voelklip in particular, increases significantly. This development will make the situation much worse. The Blue Flag status of the beach will be at risk.

4. During the high season in December 2024 and January 2025, water outages were experienced from Voelkip to Fernkloof and Hermanus Heights. According to the Water Department of Overstrand Municipality, this was caused by water usage far exceeding normal levels in Voelklip, due to the seasonal population increase. Potable water resources are likely to be placed under further strain with this development.

5. Traffic congestion entering Grotto Street from Main Road is heavy during peak season with parking facilities inadequate before this development takes place. No provision has been made for the additional parking to cater for 250 clients and

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the staff required to run the restaurant. This is unacceptable and is likely to result in downgrading the area as a major tourist attraction. It will also place the Blue Flag status at risk.

6. An entertainment facility of this size is likely to generate significant noise pollution, affecting residents in the adjacent areas and destroying Grotto's 'sense of place'. This is not the way to go if tourism of the kind currently attracted to the beaches of Hermanus is a priority for Overstrand Municipality.

7. This site is on the border of Fernkloof Nature Reserve. No provision is made for an environmental buffer zone and the proposed development has not been raised with the Fernkloof Advisory Board, which should have been the procedure to follow.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Mary Ann Verster
19 Fernkloof Village, Fir Avenue, Hermanus. Erf 10197

TP - A Theart (H Olivier)

REKORDBEHEER
40/234
03 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
C. BRADLEY
225 4TH STREET
VOELKLIP
HERMANUS
7200
ERF NO. 6986

FILE NO. Erf 4771 - HVK
SCAN NO.
COLLABORATOR NO. 2875668

TP

TP- A Theart
(H olivier)

REKORDBEHEER
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OVERSTRAND MUNICIPALITY

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
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7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
W. Petterson
225 4TH STREET
VOELKLIP
HERMANUS
7200

FILE NO. Erf 4771- HYK
SCAN NO.
COLLABORATOR NO.
28756661

FILE NO. Erf 4771-HUK
SCAN NO. 2875673
OVERSTRAND MUNISIPALITEIT
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03 OCT 2025
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**Alida Conradie**

**From:** Carly Huck <carlyhuck@gmail.com>
**Sent:** Thursday, 02 October 2025 18:27
**To:** Alida Conradie
**Subject:** Objection to Proposed Consent Use – Erf 4771, Grotto Street, Voëlklip, Hermanus

TP - A Theart (H Oliver)

Dear Alida

**RE: Objection to Proposed Consent Use – Erf 4771, Grotto Street, Voëlklip, Hermanus**

I'm writing to raise my concerns and formally object to the proposed Consent Use for the remainder of Erf 4771 in Grotto Street, Voëlklip.

As someone who first came to Hermanus as a tourist many years ago and has since chosen to make it my permanent home, I hold a deep love and respect for this unique area – particularly the untouched, natural beauty of Grotto Beach and its surroundings. One of the greatest charms of this place is the fact that areas like Grotto Beach have remained relatively untouched and open to everyone. It's one of the things that makes this part of the world so unique and special.

My biggest concern is the environmental impact that further development on this land could cause. The beach and surrounding area form part of a fragile ecosystem and we can't afford to compromise such a sensitive natural area for commercial gain.

I also have practical concerns about what another commercial development – especially a second restaurant – could mean for the area:

Parking is already a serious issue, especially during peak season. Grotto Beach faces significant congestion during peak seasons. Existing parking facilities are inadequate, and adding another restaurant will only worsen the situation. Public parking must be a key part of any proposed use of this land, not an afterthought.

Sewerage and water infrastructure are already under pressure. The area already suffers from sewage overflow and depends on supplementary water from aquifers. Increased commercial activity will put further strain on these fragile systems.

Noise and late night traffic are also likely to increase, especially if the business operates late or uses generators, which could disturb both residents and the environment.

And lastly, I worry about the growing sense of exclusivity – how public spaces are being taken over in ways that limit free and equal access for the whole community.

I believe the public should be more widely consulted on this matter. It's a shared space, and decisions like this should reflect the views of the broader community. Any future development, if considered at all, needs to be approached with care – and should add value to the whole of Hermanus, not just a select few.

I love this town and feel strongly about protecting what makes it so special. I hope the municipality will take all the necessary steps to review this thoroughly and make the right decision – not just for now, but for the long term.



TP

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Kind regards,
Carlene Huck
228 10th Street, Voelklip, Hermanus
Erf: 6922 (rental)

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02 OCT 2025
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TP- A Theart (H Olivier)

To: Alida Conradie
Overstrand Municipality
alida@overstrand.gov.za

From: Karen Lydia Kruger
Erf 5344, 189 Tenth Street, Voelklip, Hermanus

Date: 2 October 2025

Subject: Objection to Consent Use Application — Remainder Erf 4771, Grotto Street, Voelklip, Hermanus

## 1. Introduction

I, Karen Lydia Kruger, am the registered owner of Erf 5344, situated at 189 Tenth Street, Voelklip, Hermanus which is in close proximity to the beachfront affected by the proposed development of a 500 square metre single storey restaurant on remainder erf 4771, Grotto Street, Voelklip Hermanus. I hereby lodge a formal objection to the consent use application as described above.

## 2. History

I arrived in Hermanus on the weekend of 20 September 2025 for a short break and during the following week various of my neighbours visited to enquire whether I had objected to the application for a consent use on remainder erf 4771, Grotto Street, Voelklip for the development of a Cape Town Fish Market franchised restaurant. I knew nothing of this development and on Monday 29 September, the day I had to return to my Cape Town residence I spent time with various Overstrand municipal officials making enquiries regarding this matter. I was furnished with a number of documents by these officials and together with the information regarding High Court proceedings and municipal applications to renew a 2015 Basic EIA with regard to this application I got from my neighbours, and the municipal documents, I realised that this was an extremely confusing and complex matter which the municipality had neglected to inform me of as an affected party.

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2875604

TP 02 OCT 2025

## 3. Procedural Objections – Invalid Service of Notice

### 3.1 Incorrect Address Used

3.1.1 The municipality has now formally confirmed in writing that the notice was sent to the wrong email address. Instead of being sent to my correct address (mmk@mweb.co.za), it was incorrectly addressed to mnk@mweb.co.za.

3.1.2 As a result, I never received the notice and was deprived of the opportunity to participate within the 30-day objection period.

3.1.3 This constitutes a complete failure of service in terms of Section 115 of the Municipal Systems Act.

### 3.2 Effect of Defective Service

3.2.1 Even if service by email were otherwise lawful (which is disputed), the notice was never in fact served on me.

3.2.2 The 30-day objection period in Section 49 of the By-Law has therefore not yet lawfully commenced in respect of my property.

3.2.3 Proceeding on the basis of defective service would amount to material procedural unfairness under the Promotion of Administrative Justice Act, 2000 (PAJA).

### 3.3 Additional Defects

3.3.1 Section 47 of the By-Law read with Section 115 of the Municipal Systems Act requires notice by hand, registered post, or by electronic means only if the addressee has consented in writing. I have never consented to electronic service.

3.3.2 The municipality's reliance on a council resolution to use email cannot override the By-Law. By-laws may only be amended through due legislative process and gazetting, not by resolution.

3.3.3 Reliance on the Electronic Communications and Transactions Act, 2002 (ECTA) is also misplaced:

- ECTA allows electronic communications only where the recipient has designated or consented in writing.
- It does not authorise municipalities to unilaterally replace statutory methods of service.

## 4. Substantive Grounds of Objection

4.1 Zoning and Land-Use Compatibility

4.1.1 The beachfront is zoned for public open space and recreation, not for large-scale commercial operations.

4.1.2 A 500 square metre restaurant is inconsistent with the residential and recreational character of Voelklip. Most of the franchise holders of the proposed restaurant, the Cape Town Fish Market, have situated their restaurants in a shopping precinct or mall.

4.2 Environmental and Coastal Law Compliance

4.2.1 The proposal falls within the coastal zone and may contravene the Integrated Coastal Management Act, 2008.

4.2.2 The high-water mark has not been scientifically reassessed since the 2015 Basic Environmental Impact Assessment.

4.3 Traffic, Noise, Disturbance and Municipal Service Disruptions

4.3.1 A development of this scale will introduce substantial traffic congestion and parking shortages, as well as possible sewage overload and potable water problems in the area during the high season.

4.3.2 Late-night trading will harm the quiet nature of the area.

4.4 Socio-Economic Considerations

4.4.1 The community is already adequately served by the four restaurants nearby: Lizette's, Hopside Down, De Vette Mossel and Dutchies.

4.4.2 The proposed facility is not a proven community need and may depress property values and quality of life.

## 5. Broader Legal and Constitutional Principles

5.1 The Consumer Protection Act, 2008 (CPA): Municipalities are service providers, and residents are entitled to fairness, equity and protection against unjust or unreasonable practices. A process based on defective notice offends these principles.

5.2 PAJA (Promotion of Administrative Justice Act, 2000): The municipality's decision is "administrative action". Failure to provide lawful, procedurally fair notice renders the process reviewable.

5.3 Constitution:

5.3.1 Section 24: Right to an environment not harmful to health and well-being.

5.3.2 Section 33: Right to just administrative action.

5.3.3 Section 152: Duty of municipalities to ensure democratic, accountable governance and encourage community participation.

## 6. Conclusion

For the reasons above:

1. The notice has not been validly served, and my 30-day objection period has not lawfully commenced.
2. Even if the municipality insists on proceeding, I formally record my objection on both procedural and substantive grounds.
3. I request that the proposed development be rejected, alternatively that the process be halted until proper notice has been given and lawful consultation undertaken.

I expressly reserve all my rights to pursue remedies, including review in the High Court under PAJA, should the municipality disregard these defects and any remedies I may have after I have taken advice and apprised myself of all facts.

Yours faithfully

Karen Lydia Kruger

Erf 5344,189 Tenth Street, Voelklip, Hermanus

Residential Address: 12 Barmbeck Avenue, Hiddingh, Newlands

Cellphone: 0835168466

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SEQUOIA
INVESTMENTS
(PTY) LTD

**Subject**: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
JMS Laubscher
91 Fernkloof Village Drive
Erf 11071

FILE NO. Erf 4771 - HYK
SCAN NO.
COLLABORATOR NO. 2875610

OVERSTRAND MUNISIPALITEIT
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TP - A Theart (H Olivier)

+27 83 324 3246 | 10 ABELIA AVE, WELGEDACHT, 7530 | STEYN@JMSSA.CO.ZA
DIRECTORS: JMS LAUBSCHER | H LAUBSCHER

370 TP - A Theart (Holivier)

OVERSTRAND MUNISIPAL
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OVERSTRAND

# DIRECTORATE: PLANNING & DEVELOPMENT
## TOWN & SPATIAL PLANNING
### LAND USE PLANNING APPLICATION RESPONSE FORM

E-mail to relevant person stipulated on the notice: loretta@overstrand.gov.za / aida@overstrand.gov.za
16 Paterson Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 8900

## APPLICATION DETAILS

**Application erf number:** ~~2584~~ 4771 VOELKLIP

**APP ID:**

**How did you receive notice of the application?**

## STATE YOUR INTEREST IN THE APPLICATION:

LIVE IN NEIGHBOURHOOD & VISIT AREA REGULARLY

| TICK RELEVANT BOX | ✓ | OBJECTION | | COMMENT | | SUPPORT | |
|---|---|---|---|---|---|---|---|

## REASONS FOR OBJECTION / COMMENT / SUPPORT:

This area is perfect as it is and any further building of any sort let alone another restaurant would be absolutely foolish! Not only will 'Duchies' lose its view of the sea but the parking would be disastrous (already a very real problem). Noise & activity would increase to the detriment of the customers at either venue. The problem of catering for suitable sewage disposal at both restaurants & the normal beach goers will be a major issue. The low key area in front of Duchies used in summer is the limit this beach area can take. Anything more will be a total disaster. A 200 seater restaurant is not to be allowed!

*Feel free to continue on separate page(s)...*

## PERSONAL INFORMATION *(To be completed in full – Compulsory)*

**Name & surname** (PRINT): Dr & MRS V.P. DE VILLIERS

**Your erf number:** 2584

**Company/Trust details:**

**Postal address:** 9 EIGHTH AVE, VOELKLIP

**Contact details:**
Cell: 0837022382
E-mail address: angeladevilliers@me.com

**Signature:** dvilliers

**Date:** 2/10/25

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.

FILE NO. Erf 4771-HYK

SCAN NO. 2875598

REKORDBEHEER
50/234
02 OCT 2025
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OVERSTRAND MUNICIPALITY

TP - A Theart (Olivier)

**Alida Conradie**

**From:** Berthold Alheit <alheitb@outlook.com>
**Sent:** Thursday, 02 October 2025 14:08
**To:** Alida Conradie
**Cc:** Karin Alheit
**Subject:** OBJECTION TO APPLICATION FOR CONSENT USE Remainder of Erf.4771 Old Nautilus Site app Dutchies DUE DATE 03 October 2025

FILE NO. Erf 4771-HVK
SCAN NO.
COLLABORATOR NO. 2875600

**Date:** **2 October 2025**
**Owners:** **Karin** and Berthold Alheit,
**Address:** 32 Tenth Street, Voëlklip, Hermanus
**Erf:** 1932 HVK

**Subject:**
**OBJECTION TO APPLICATION FOR CONSENT USE Remainder of Erf.4771 Old Nautilus Site app Dutchies DUE DATE 03 October 2025**

Having been away for quite a while it is disconcerting that we seem to have to repeat exactly what was done in front of Duchies some 2 years ago which ended up being declined. In principle nothing has changes, so why should the decision not be an obvious **NO** this time around.

The Overstrand Municipality has issued a formal notice regarding a Consent Use application to permit the use of a portion of the Remainder Erf 4771, Grotto Street, Voëlklip for restaurant purposes. (Real Deja Vue) If approved, the structure (which the municipality has already approved) will irreversibly change the Grotto Beach sense of place and exclude the majority of Hermanus residents from using that portion of Coastal Protected Zone land. See Site Plan attached for clearer understanding of position of requested Consent Use as marked Site A in blue.

The Municipality must still decide whether the proposal lacks desirability - but has in fact already awarded a tender for a long-term lease of the land to a private company and approved the building plans concerned! Deja Vue again!

Unfortunately, I am late in the process this time around, so will use some of the comments we have received to **motivate our NO:**

1. **Please now once and for all** - "Stop public open spaces intended for use by the general public being converted into exclusive use areas and irreversibly changing the Grotto Bay sense of place".

2. The exclusive use of public spaces divides us and threaten democracy. It benefits the few at the expense of the many and reduce the ability of citizens to act together to promote the well-being common to all of us. Democracies thrive when people opt in for the common good; i.e. for public spaces that serve the majority of residents rather than the exclusive few at the top of an economic and social hierarchy.

3. Public open spaces are not just physical locations; they are integral to the social and environmental fabric of communities. These spaces play a central role in fostering social interaction, inclusivity, connectivity and building a sense of community. They can help bridge gaps between different groups within a community. Grotto Beach is an example where various strata and groups are currently regular users – why mess up a working social system?



TP 02 OCT 2025

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4. The Municipality is required to promote social inclusion and spatial justice, inter alia through improved access to and utilisation of land. Currently even the poorest of the poor have free access to and may, and do in practise, use this portion of land. If the proposal should be implemented, only the small minority of affluent people that can afford the luxury of using the restaurant facility, will directly benefit. The price to be paid (exclusion of the majority from use) cannot be justified based on the job creation potential of the proposed restaurant. Again – why mess up a loved and working social system at present?

5. The proposed development threatens to put significant pressure on an already strained area — environmentally, logistically, and socially. If approved, this CONSENT USE would lead to:
   - Congestion and access concerns –Grotto beach area is already under significant seasonal pressure. More commercial activity will add to traffic issues and affect everyone's access to the beach.
   - Increased traffic and parking issues – The developer is not required to provide any public parking on the leased area ("on-site") but will entirely depend on existing public parking in the area. Why this preferential treatment by waiving compliance with normal on-site parking requirements? Parking is already a long-standing problem in this area during peak beach-going periods. Further development will only worsen the situation.
   - Strain on water resources – Potable water supply is limited and already being supplemented from the aquifer.
   - Sewerage overload – The current system already needs regular pumping. This is just with one restaurant on site; additional development will only exacerbate the issue.
   - Noise pollution – Generators and late-night revelry (liquor service until midnight) will disturb the peace of this residential and natural space.
   - Environmental concerns – The high-water mark has not been scientifically reassessed since the 2015 Basic Environmental Impact Assessment.

We hear some people have been working since May 2024 to bring transparency to this issue and have already secured a court order halting earlier proposed construction. I am perplexed why the Municipality keeps redoing things at huge own (taxpaying homeowner provided) cost and then expect individuals to fund umpteen court cases to halt it again – where is the logical reasoning in all of this? I feel a bit traumatised by the Municipality's continuous repeating this virtually identical actions time and again.

I apologise for an irritated response but given the lack of my time this time around it is all I can manage.

Regards,
Berthold and Karin (homeowner) Alheit

**Karin Alheit**
**Email:** Alheitkar@gmail.com
**Mobile: 082 9090204**

**Berthold Alheit**
**Email:** Alheitb@outlook.com
**Mobile: 082 8066121**

TP - A Theart (H Olivier)

OVERSTRAND MUNISIPALITEIT
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0 3 OCT 2025
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**Alida Conradie**

**From:** Jane Beattie <janebeattie1@gmail.com>
**Sent:** Thursday, 02 October 2025 18:04
**To:** Alida Conradie
**Cc:** Janebeattie1@gmail.com
**Subject:** Objection to Consent Use Application - Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Jane Beattie
2 Mossel River Drive, Kwaaiwater, Hermanus
Erf No.: Eastcliff 1378

FILE NO. Erf 4771-HVK
SCAN NO.
COLLABORATOR NO. 2875589

TP

TP- A Theart (H Olivier)

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53/234
0 3 OCT 2025
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**Alida Conradie**

**From:** Andrew G <andrewg@frankvos.co.za>
**Sent:** Thursday, 02 October 2025 22:26
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application Erf 4771, Grotto Street, Voëlklip, Hermanus.

Dear Alida
I hereby wish to object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voelklip, Hermanus on the following grounds.
As a property owner in the immediate neighbourhood (227 11th Street) and having experienced having a restaurant in that location (Driftwood) I know the negative impact that late night activities can have on the surrounding area as regards noise. The properties adjacent to site have received premium municipal valuations ( and therefor pay premium rates) as a result of being in a quiet, unspoilt area bordering on the Fernkloof Nature Reserve. A restaurant, particularly if part of a commercial chain as the proposed development is, will risk destroying this ambiance, cause frustration, annoyance and potential conflict with residents and thereby risk property values.

Parking for Grotto Beach is under increasing pressure with the overflow being pushed up into the adjoining residential areas. This too creates friction as residents are constantly parked into or out of their properties by vehicles parking on curbs and in front of garages in roads not designed for this. This is dangerous for both traffic and pedestrians. Adding to the commercial appeal of the area without having the responsibility of providing extra parking is going to exacerbate this matter exponentially.
These issues will also have a huge impact on the sense of place of this beautiful area and the OM is in the responsible position of making decisions that will either, preserve for future generations or destroy forever, this unique area.
It is for these reasons that I implore that this consent of use application be declined.

Kind regards

Andrew Grieve
227 11th Street
Voelklip
Hermanus
Erf 9903

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FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2875585

TP

54/234

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TP-A Theart (H Olivier)

For the attention of: Alida Conradie

Email : alida@overstrand.gov.za

2 October 2025

Subject: Objection to Consent Use Application – Remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus

Due Date: 03 October 2025

Dear Alida

I am writing to formally object to the proposed Consent Use application for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus (Old Nautilus Site, Dutchies).

The proposed development poses significant environmental, logistical, and social challenges to an already strained area, and I urge the authorities to decline this application in the interest of the community and the preservation of this sensitive coastal environment.

My objections are as follows:

1. Exclusivity and Public Access: The proposed development risks excluding the majority of the public from freely accessing and enjoying the leased land. This area is a cherished public space, and prioritizing commercial interests over community access undermines its value to residents and visitors.
2. Parking Shortages: The current parking facilities in the Grotto Beach area are already inadequate, particularly during peak seasons. The developer's exemption from providing on-site public parking, relying instead on existing public parking, is unjustifiable and will exacerbate long-standing parking issues. This preferential treatment raises concerns about fairness and the impact on public access to the beach.
3. Sewerage Overload: The existing sewerage infrastructure is already under strain, requiring regular pumping to accommodate just one restaurant on the site. Additional commercial development will significantly worsen this issue, potentially leading to environmental and health hazards. The previous Mayor stated during her time in office that the sewerage system "would not be fixed during her lifetime"
4. Strain on Water Resources: The Overstrand region's potable water supply is limited and supplemented by aquifers. Increased commercial activity will place unsustainable pressure on these scarce resources, threatening the area's long-term water security.

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO.
2875533

TP

5. Noise Pollution: The proposed late-night operations, including liquor service until midnight and the use of generators, will introduce significant noise pollution. This will disrupt the peace and tranquility of the surrounding residential and natural environment, diminishing the quality of life for residents and visitors.
6. Traffic Congestion: The Grotto Beach area already experiences significant seasonal traffic pressure, compounded by the existing one-way system. Additional commercial activity, such as a new restaurant, will intensify congestion, further hindering access to the beach and surrounding areas.
7. Environmental Concerns: The high-water mark for this area has not been scientifically reassessed since the 2015 Basic Environmental Impact Assessment. Given the environmental sensitivity of this coastal zone, an updated and comprehensive environmental impact assessment is essential before any development is considered.
8. Loss of Sense of Place: The cumulative impact of increased noise, traffic congestion, and parking shortages will irreparably harm the unique character and serene 'sense of place' that defines Grotto Beach. This area is valued for its natural beauty and tranquility, which must be preserved for current and future generations.

In light of these concerns, I respectfully request that the Consent Use application for Erf 4771 be declined. Approving this development would prioritize short-term commercial gain over the long-term well-being of the community and the preservation of this environmentally sensitive area.

Thank you for considering my objection. I trust that the authorities will prioritize the interests of the public and the protection of our natural heritage in their decision-making process.

Regards

James Thom
13 Thirteenth Avenue
Voelklip, Hermanus
ERF 4889

TP - A Theart (H Olivier)

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56/234
0 2 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** lawrenceguy@gmail.com
**Sent:** Thursday, 02 October 2025 16:19
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I wish to lodge a formal objection to the Consent Use application concerning Erf 4771, Grotto Street, Voëlklip, Hermanus.

The proposal raises several serious concerns:

- Traffic and road capacity – The area already struggles with congestion during holiday periods, and the narrow one-way system will likely strain under further restaurant-related traffic
- Parking – The existing parking area is already limited. Without new public parking provided on-site, local residents and visitors will face additional strain - accommodating more traffic will come at the sacrifice of the natural environment
- Water resources – With the Overstrand increasingly reliant on aquifers, additional commercial demand will likely have a detrimental impact on water supplies
- Sewerage management – The sewer system already requires frequent pumping; further development will only exacerbate this problem
- Noise impacts – Evening activity and generator use is likely to disrupt wildlife and residents
- Environmental oversight – Assessments regarding the high-water mark and other environmental factors are outdated and require a thorough review
- Loss of public access – The development would restrict an area that has long been open to the broader community, creating both economic and social exclusion
- Character of the area – The combined effects of noise, congestion, and parking shortages threaten to damage the unique atmosphere and charm of the area

Many of these issues can be addressed by infrastructure upgrades, but all of the upgrades would come at the cost of the environment and the animals that rely on it. The benefit that a private company may gain would come at the cost of the lives of species co-habiting with us in an ever dwindling habitat; they cannot speak for themselves, they cannot defend themselves from financially-driven motives.

For these reasons, I respectfully request that the municipality reject the application in order to protect primarily the ecology and wildlife of the area, but also the community's wellbeing.

Sincerely,
Lawrence Botha
14A Arc Street, Fernkloof

FILE NO. Erf 4771 - HVK
SCAN NO. 06
COLLABORATOR NO. 2875575



TP

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57/234

TP- A Theart (H Olivier)

**Alida Conradie**

**From:** Gabrielle M <shungile1234@gmail.com>
**Sent:** Thursday, 02 October 2025 13:58
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application- Erf 4771, Grotto Street,Voëlklip,Hermanus.

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community.

Gabrielle Miller
Nr.16 Leisure Park
Bergsig Road
Sandbaai
Hermanus
Erf number 1932

FILE NO. Erf 4771 - HNK
SCAN NO. 05
COLLABORATOR NO. 2875573

TP

TP- A Theart (H Olivier)

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**Alida Conradie**

**From:** David Alston <alston@global.co.za>
**Sent:** Thursday, 02 October 2025 14:21
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application ERF 4771 Grotto Street, Voelklip Hermanus

Dear Alida,

We hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

Our concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

We respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
David and Ann Alston
ERF Number 8206
Hemel & Aarde Estate
Hermanus 7200

FILE NO. Erf 4771 - HVK
SCAN NO. 04
COLLABORATOR NO. 2875568

TP

TP - A Theart (H Olivier)

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59/234
0 2 OCT 2025
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OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** margiestephen@gmail.com
**Sent:** Thursday, 02 October 2025 15:23
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Margaret Ann Stephen
30 Reservoir Road, Voelklip.
ERF 1769

FILE NO. Erf 4771 - HvK
SCAN NO. 03
COLLABORATOR NO. 2875555



TP 0 2 OCT 2025

TP- A Theart (Holivier)

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0 2 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** davemca@wol.co.za
**Sent:** Thursday, 02 October 2025 15:29
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application - Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards
Ian David McAlpin
Owner : 34 Chiappini Street, Onrustrivier
Erf 3760

FILE NO. Erf 4771- HVK
SCAN NO. 02
COLLABORATOR NO. 2875544

TP - A Theart (Olivier)

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61/234
0 2 OCT 2025
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**Alida Conradie**

**From:** Alison Hugo <alijhugo@gmail.com>
**Sent:** Thursday, 02 October 2025 15:55
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I am writing to raise my objection to the proposed Consent Use application for Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns fall into three main areas:

**1. Environmental sustainability**
The region already faces significant challenges in managing natural resources. Sewerage infrastructure is under strain and requires regular pumping; further development would only worsen this. Similarly, our water supply is being supplemented from aquifers, which is not a sustainable long-term solution. Outdated environmental assessments and high-water mark studies must also be re-evaluated before any new approvals can be considered.

**2. Infrastructure and public access**
The local road system and parking facilities cannot absorb additional pressure. During peak seasons, traffic congestion on the one-way system is already severe, and existing parking is inadequate. Without provision for accessible public parking on the site, residents and visitors alike will be negatively affected. Moreover, this development risks turning a space that has always been freely enjoyed by the community into one of restricted access, effectively excluding the majority.

**3. Community character and quality of life**
Voëlklip is valued for its unique atmosphere, which is closely tied to its sense of place. A commercial operation of this kind would bring late-night noise, generator disturbance, and an overall level of activity that would undermine the peace of the neighbourhood. Taken together with traffic and parking pressures, this development would significantly erode the character and identity of the area.

In light of these issues, I respectfully urge the municipality to decline this application in the interest of safeguarding both the environment and the community's long-term wellbeing.

Sincerely,
Alison Hugo
14A Arc Street, Fernkloof

FILE NO. Erf 4771 - HVK
SCAN NO. 01
COLLABORATOR NO.
2875539

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TP-A Theart
(H olivier)

**Alida Conradie**

**From:** Colleen & Steve Maas 1 <colleenmaas2@gmail.com>
**Sent:** Thursday, 02 October 2025 11:27
**To:** Alida Conradie
**Cc:** antsarmstrong@gmail.com; martinL@marketexpert.co.za; dmhoogenhout@gmail.com
**Subject:** Objection to consent use application ERF 4771 Grotto street Voelklip Hermanus.

Dear Alida,
I hereby object to the proposed development of any sorts on ERF 4771 Grotto Street Voelklip Hermanus.
Stephanus Maas and Colleen Maas.
316, 6th Street.
Voelklip.
Erf 4255.
Regards.

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2875456

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63/234
02 OCT 2025
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TP - A Theart (H Olivier)

**Alida Conradie**

**From:** Cheryl Gordon <cheryljgordon@gmail.com>
**Sent:** Thursday, 02 October 2025 13:13
**To:** Alida Conradie
**Subject:** Grotto Beach Commercial Development Objection

I, Cheryl Gordon, Erg 623, Sandbaai, strongly object to any more development on or near Grotto Beach for commercial purposes and gain.
Parking is an issue yes but environmental responsibility is an even more important issue.
There's so very many good reasons not to grant this but I will run out of time and space.
My respectful answer is a very clear resounding NO TO COMMERCIAL DEVELOPMENT.
Yours faithfully,
Mrs.Cheryl Gordon.
I.D. 5311030010082

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2875458



TP

385

TP- A Theart (H Olivier)

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**Alida Conradie**

**From:** Jennie Boyes <jennieboyes@eject.co.za>
**Sent:** Thursday, 02 October 2025 11:18
**To:** Alida Conradie
**Subject:** Subject: Objection to Consent Use Application - Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Jennifer Susan Boyes
142 Tenth Street - Voelklip]
Erf no 4851

Mobile +27 832855927

FILE NO. Erf 4771-HVK ✓
SCAN NO.
COLLABORATOR NO. 2875460

TP

65/234

OVERSTRAND

# DIRECTORATE: PLANNING & DEVELOPMENT
## TOWN & SPATIAL PLANNING
### LAND USE PLANNING APPLICATION RESPONSE FORM

E-mail to relevant person stipulated on the notice: loretta@overstrand.gov.za / alida@overstrand.gov.za

*16 Paterson Street / PO Box 20 HERMANUS, 7200 / Tel: 028 313 8900*

## APPLICATION DETAILS

**Application erf number:** 4771

**How did you receive notice of the application?** WHATSAP

APP ID: ~~4771010055~~ 087

**STATE YOUR INTEREST IN THE APPLICATION:** Citizen of Hermanus for 32yrs.

I do not feel it is necessary & will exclude this area from the general public & also there is so little parking at the moment & there is a good restaurant already there.

| TICK RELEVANT BOX | ✓ | OBJECTION | | COMMENT | | SUPPORT | |
|---|---|---|---|---|---|---|---|

## REASONS FOR OBJECTION / COMMENT / SUPPORT:

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TP - A Theart (H Olivier)

FILE NO. Erf 4771-HNK ✓

SCAN NO.

COLLABORATOR NO. 2875463

*Feel free to continue on separate page(s)...*

## PERSONAL INFORMATION *(To be completed in full – Compulsory)*

**Name & surname** (PRINT): CORNELIA LUCAS

Your erf number:

**Company/Trust details:** PRIVATE

**Postal address:** 57 KIDBROOKS PLACE

**Contact details:** Cell: 0726012628

E-mail address: Corrie47hermanus@outlook.com

**Signature:** CA Lucas

Date: 2/10/25

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed/used in the application process. Any objection, comment or representation received as a result of a public notice process must be in writing and addressed to the person mentioned in the notice within the time period stated in the notice.

TP

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TP - A Theart (H Olivier)

**Alida Conradie**

**From:** Heidi Bruggemans <heidi.nina101@gmail.com>
**Sent:** Thursday, 02 October 2025 10:44
**To:** Alida Conradie; dmhoogenhout@gmail.com; martinl@marketexpert.co.za
**Subject:** Objection to proposed development of Erf 4771 Voëlklip Hermanus

Dear Alida

Please take cognizance of my objection as a property owner in the greater Hermanus area to the development of an expansive restaurant on the beach at Grotto Bay..

There currently exists a restaurant to serve clients on the beach. A further development is uncalled for. The simple unspoilt natural beauty of the beach will be impacted as well as causing a late night nuisance for residents in the area.A liquor license will allow for liquor sales up until midnight. Furthermore an added sewage demand will impact on the already strained infrastructure. And... yet furthermore,.. parking becomes a problem as the area becomes inundated with visitors.

Please give cognizance of my objection and that of other concerned citizens.

Kind regards
Heidi Human
078 3232196

2 Kwartel Close
Fraaigelegen
1496 Lynx Road
ERF no2588 Vermont

FILE NO. Erf 4771-HVK
SCAN NO.
COLLABORATOR NO. 2875476

388

TP- A Theart (H Olivier)

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**Alida Conradie**

**From:** laureen rossouw <laureen.rossouw@gmail.com>
**Sent:** Thursday, 02 October 2025 09:59
**To:** Alida Conradie
**Subject:** Fwd: Objection to application for Consent Use: Remainder of Erf 4771. Old Nautilus Site opposite Dutchies

---------- Forwarded message ---------
From: **Koos Rossouw** <koos.rossouw@stonehagefleming.com>
Date: Thu, 02 Oct 2025 at 09:32
Subject: RE: Objection to application for Consent Use: Remainder of Erf 4771. Old Nautilus Site opposite Dutchies
To: laureen.rossouw@gmail.com <laureen.rossouw@gmail.com>

FILE NO. Erf 4771 - HVK
SCAN NO.
COLLABORATOR NO.
2875486

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards

LAUREEN ROSSOUW

251 AND 253 8TH STREET, VOELKLIP, HERMANUS 7200



TP 07 OCT 2025

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02 OCT 2025
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**Alida Conradie**

TP- A Theart (H Olivier)

**From:** lotharziehm@ecotec.co.za
**Sent:** Thursday, 02 October 2025 09:55
**To:** Alida Conradie
**Cc:** antsarmstrong@gmail.com; martinL@marketexpert.co.za; dmhoogenhout@gmail.com
**Subject:** Objection to application for Consent Use - Erf. 4771 / remainder

Dear Alida Conradie,
I hereby object to the proposed Consent Use for the remainder of Erf. 4771 – Grotto Street, Voelklip, Hermanus.

It appears that the Municipality is not value the public opinion, as the previously seasonal operation of the "Summer Lounge" operation on the property in question, was

- well received by the Hermanus residents
- generated taxable income
- generated employment
- did not impact negatively on the environment / obstructed not the beachfront
- did not require Municipality infrastructure

For the Municipality to have apparently already approved Building Plans & awarded a Tender for the long-term Lease and then ask for the public participation, is a charade / absurd!!

Are we heading the same way as other Municipalities, were few connected people getting it their way without concern of the public?

I / we respectfully request that this consent use application be declined in the interest of community & environmental preservation!!

Best Regards
Lothar Ziehm / for Kadee Investments CC
No. 31 Hillside Village, Fernkloof, Hermanus
Erf. 10180

FILE NO. Erf 4771 - HVK
SCAN NO.
COLLABORATOR NO. 2875496

TP

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69/234

7 Ocean Breeze Private Estate
79 End Street
Sandbaai
7200

TP - A Theart (H Olivier)

Directorate: Planning & Development
Town and Spatial Planning
Overstrand Municipality

**Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus**

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

As avid outdoor enthusiasts, some of our favourite past times include body boarding at Grotto Beach, as well as regular walks along our beautiful coastline - we always show off the beautiful natural splendour to our guests. My partner also enjoys metal detecting on the beach areas.

The natural, open character of this beachfront is central to its charm and appeal, and this plot is part of a shared public landscape. Allowing it to be commercialised, will undermine the area's unique sense of place. It also risks prioritising private profit over the collective right of residents and visitors to enjoy an accessible, natural, and non-commercial beachfront.

Furthermore, it is also my opinion that supporting local vendors and small businesses aligns far better with sustainable tourism and local development goals, than awarding tenders to commercial franchises.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

I consider myself to be an Interested and Affected Party in this matter.

FILE NO. Erf 4771 - HNK
SCAN NO.
COLLABORATOR NO. 2875503

TP

70/234

Regards,
Yolandi de Wet
7 Ocean Breeze Estate, 79 End End Street (Erf 2760)
Co-owner Sandbaai (Erf 2791)

TP- A Theart (H Olivier)

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71/234
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**Alida Conradie**

**From:** Vanessa Thom <vthom@ptrust.co.za>
**Sent:** Thursday, 02 October 2025 12:00
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Remainder of Erf 4771, Grotto Street




Dear Alida

I am writing to formally object to the proposed Consent Use application for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus (Old Nautilus Site, Dutchies).
The proposed development poses significant environmental, logistical, and social challenges to an already strained area, and I urge the authorities to decline this
application in the interest of the community and the preservation of this sensitive coastal environment.

My objections are as follows:

1. **Exclusivity and Public Access**: The proposed development risks excluding the majority of the public from freely accessing and enjoying the leased land. This area
is a cherished public space, and prioritizing commercial interests over community access undermines its value to residents and visitors.

**2. Parking Shortages**: The current parking facilities in the Grotto Beach area are already inadequate, particularly during peak seasons. The developer's exemption
from providing on-site public parking, relying instead on existing public parking, is unjustifiable and will exacerbate long-standing parking issues. This preferential
treatment raises concerns about fairness and the impact on public access to the beach.

**3. Sewerage Overload:** The existing sewerage infrastructure is already under strain, requiring regular pumping to accommodate just one restaurant on the site.
Additional commercial development will significantly worsen this issue, potentially leading to environmental and health hazards. The previous Mayor stated during
her time in office that the sewerage system "would not be fixed during her lifetime"

**4. Strain on Water Resources:** The Overstrand region's potable water supply is limited and supplemented by aquifers. Increased commercial activity will place
unsustainable pressure on these scarce resources, threatening the area's long term water security.

**5. Noise Pollution:** The proposed late-night operations, including liquor service until midnight and the use of generators, will introduce significant noise pollution. This
will disrupt the peace and tranquility of the surrounding residential and natural environment, diminishing the quality of life for residents and visitors.

**6. Traffic Congestion:** The Grotto Beach area already experiences significant seasonal traffic pressure, compounded by the existing one-way system. Additional

FILE NO. Erf 4771-HYK
SCAN NO. 2875510

commercial activity, such as a new restaurant, will intensify congestion, further hindering access to the beach and surrounding areas.

**7. Environmental Concerns:** The high-water mark for this area has not been scientifically reassessed since the 2015 Basic Environmental Impact Assessment.
Given the environmental sensitivity of this coastal zone, an updated and comprehensive environmental impact assessment is essential before any development is considered.

**8. Loss of Sense of Place:** The cumulative impact of increased noise, traffic congestion, and parking shortages will irreparably harm the unique character and serene 'sense of place' that defines Grotto Beach. This area is valued for its natural beauty and tranquillity, which must be preserved for current and future generations.

In light of these concerns, I respectfully request that the Consent Use application for Erf 4771 be declined. Approving this development would prioritize short-term commercial
gain over the long-term well-being of the community and the preservation of this environmentally sensitive area.

Thank you for considering my objection.

trust that the authorities will prioritize the interests of the public and the protection of our natural heritage in their decision-making process.

Regards

Vanessa Thom
13 Thirteenth Avenue
Voelklip, Hermanus
ERF 4889

Vanessa Thom
Email: vthom@ptrust.co.za

Vanessa Thom
Trust Officer Assistant

T: 021 689 8975
E: vthom@ptrust.co.za
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TP-A Theart (H Olivier)

**Hermanus Botanical Society** Established in 1960

**Hermanus Botaniese Vereniging** Gestig in 1960

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FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2875518

2 October 2025

Dear Alida

**Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voelklip, Hermanus**

I wish to register the objection of Hermanus Botanical Society to the proposed Consent Use for the remainder of Erf 4771, Grotto street, Voelklip, Hermanus

Our main concerns include the following:

1. This site is on the border of Fernkloof Nature Reserve. No provision is made for an environmental buffer zone to protect the flora in the adjacent Nature Reserve and the biodiversity it represents. The proposed development has not been raised with the Fernkloof Advisory Board, which should have been the procedure to follow.

2. The impact of climate change on sea levels around the Walker Bay coast has not been taken into consideration. With increased frequency and severity of storms, waves will reach further up the beach causing flooding and damage to built structures. The proposed 250 seat restaurant will be located where it will be most vulnerable to such damage.

3. Grotto has been awarded Blue Flag status which it has retained over a number of years. There is no indication that the infrastructure to deal with waste has been adequately prepared for. Sewage leaks have required emergency action in high season when the population of Hermanus, and Voelklip in particular, increases significantly. This development will make the situation much worse. The Blue Flag status of the beach will be at risk.

4. During the high season in December 2024 and January 2025, water outages were experienced from Voelkip to Fernkloof and Hermanus Heights. According to the Water Department of Overstrand Municipality, this was caused by water usage far exceeding normal levels in Voelklip, due to the seasonal population increase. Potable water resources are likely to be placed under further strain with this development.

5. Traffic congestion entering Grotto Street from Main Road is heavy during peak season with parking facilities inadequate before this development takes place. No provision has been made for the additional parking to cater for 250 clients and the staff required to run the restaurant. This is unacceptable and is likely to result in downgrading the area as a major tourist attraction. It will also place the Blue Flag status at risk.

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6. An entertainment facility of this size is likely to generate significant noise pollution, affecting residents in the adjacent areas and destroying Grotto's 'sense of place'. This is not the way to go if tourism of the kind currently attracted to the beaches of Hermanus is a priority for Overstrand Municipality.

I respectfully request on behalf of Hermanus Botanical Society, that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

*Mary Ann Verster*
*Chairperson: Hermanus Botanical Society*
*Fernkloof Nature Reserve, Erf 1253*

TP - A Theart (H Olivier)

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**Alida Conradie**

**From:** Wayne Reed <wayne.reed@mweb.co.za>
**Sent:** Thursday, 02 October 2025 08:25
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place – Predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards
Wayne Reed
281 4th Street, Voelklip, Hermanus
ERF: 4022

FILE NO. Erf 4771-HvK
SCAN NO.
COLLABORATOR NO. 2875009



TP

TP - A Theart (H Olivier)

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**Alida Conradie**

**From:** Tracey Linnell <traclinnell@gmail.com>
**Sent:** Thursday, 02 October 2025 08:19
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Tracey Linnell
281 4th Street, Voelklip, Hermanus
ERF: 4022

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2875001



TP

TP-A Theart (H Olivier)

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**Alida Conradie**

**From:** Jacqui Bothwell <jacquibothwell@outlook.com>
**Sent:** Thursday, 02 October 2025 08:56
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida

We object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

Our concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

We respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards

Jacqui and David Bothwell

10 Francolin Close, Vermont

Erf 2169

FILE NO. Erf 4771 - HNK
SCAN NO.
COLLABORATOR NO. 2874992

TP- A Theart (H Olivier)

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**Alida Conradie**

**From:** Ronelle Viktor <Ronelle.Viktor@gijima.com>
**Sent:** Thursday, 02 October 2025 08:13
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus



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Dear Alida,
I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus. My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.
Regards,
Ronelle Viktor
164 10th Street
Erf Number 2850

FILE NO. Erf 4771-HVK
SCAN NO.
COLLABORATOR NO.
2874979

**Ronelle Viktor**
Security Administrator Mainframe

M: +27 82 497 2634
T: +27 21 974 3166
E: Ronelle.Viktor@gijima.com
Midrand International Business Gateway | No 1 Pioneer Avenue | South Wing
P O Box 10629, Centurion, 0046

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**Alida Conradie**

4771 HNK

**From:** Anita Mathews <anita@bmit.africa>
**Sent:** Thursday, 02 October 2025 07:21
**To:** Alida Conradie
**Subject:** Proposed development of Grotto beach

TP - A Theart (H Olivier)

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this by far
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review. Global warming and the rise of tides world wide.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Anita Mathews
196 Second Street,
Voelklip
ERF 5417

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 28748998

TP - A Theart (Holivier)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
80/234
02 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Ina-Marie Van der Spuy <inamarie01@icloud.com>
**Sent:** Thursday, 02 October 2025 07:15
**To:** Alida Conradie
**Cc:** antsarmstrong@gmail.com; martinL@marketexpert.co.za; dmhoogenhout@gmail.com; JonkerAJ
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Alida Conradie
Email: alida@overstrand.gov.za

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Ina-Marie Van der Spuy
261 9th Street, Voëlklip
Erf Number:7616


# Ina-Marie Van der Spuy
0824910812


FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2874910

TP

TP - A Theart (Holivier)

REKORDBEHEER
81/234
0 2 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Harriet Deacon <harriet@conjunction.me.uk>
**Sent:** Wednesday, 01 October 2025 21:05
**To:** Alida Conradie
**Subject:** objection to the proposed development of erf 4771 at Grotto Beach.

Dear Alida Conradie

I wish to register my objection to the proposed development of erf 4771 at Grotto Beach.

I have been coming to Hermanus since I was a child in the 1970s as my family owns a property at 3 Protea Road, Hermanus. In all that time, we have frequented the beach at Grotto and have enjoyed the facilities being improved there over time in a sensitive way.

Unfortunately the new proposal for the restaurant on erf 4771 involves the introduction of an overly large and inappropriate structure in a sensitive ecological site which encroaches on the milkwood forest.

This will cause construction related damage to the beach area, increase traffic and noise and not add value to the site. The peacefulness of the beach is precious to residents and visitors alike, and there are plenty of restaurants in other parts of the town. The cliff path and beach areas of Hermanus are what makes it special, why put up an ugly food warehouse on the beach?

Thank you for listening to our objections on this issue.

Dr Harriet Deacon
3 Protea Road
Hermanus

FILE NO. Erf 4771 - HvK
SCAN NO.
COLLABORATOR NO. 2874917

TP

TP- A Theart (H Olivier)

REKORDBEHEER
82/234
0 2 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Terry Levin <terry@offtheshelf.co.za>
**Sent:** Wednesday, 01 October 2025 20:50
**To:** Terry Levin; Andre Rademan; Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus Old Nautilus Site app Dutchies

Dear Alida,

It has been brought to our attention that there is still time for concerned residents to object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

Dutchies Restaurant and its iconic position at the end of Grotto beach is one of the biggest tourism assets in Hermanus. It also has charrm nd a low impact design and material suitable to a beach restaurant.

I strongly object to the proposal to develop the site in front of it, which will be indefinitely disruptive to the character of the existing facilities, as well as a public violation of the natural environment of the beach, vegetation and environment.

It is a terrible idea which may be of short term gain, but irreplaceable long term loss. The concerns raised by many are itemised below and I agree:

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
[Terry le Vin]
[ 309 6th Street Voelklip]
[4227]

Kind Regards

FILE NO. Erf 4771-HVK
SCAN NO.
COLLABORATOR NO.
2874920

VISIT ALL BIZ PRODUCTS & RATES 2025

TP - A Theart (H Olivier)

REKORDBEHEER
83/234
0 2 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Dorothy Southey <southeydorothy@gmail.com>
**Sent:** Wednesday, 01 October 2025 20:13
**To:** Alida Conradie
**Subject:** OBJECTION TO CONSENT USE APPLICATION - ERF 4771, GROTTO STREET, VOELKLIP, HERMANUS

Dear Alida

I hereby object to the proposed Consent use for the remainder of Erf 4771, Grotto Street, Voelklip, Hermanus.

My concerns include:

1 Parking - current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.

2 Sewerage - the area already requires frequent pumping; this development will make it worse.

3 Water supply -The Overstrand is already supplementing from aquifers; more commercial demand is not sustainable.

4 Traffic congestion - seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this situation.

5 The charm of the area will be destroyed by the predicted noise pollution, traffic congestion and parking shortages.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards

Dorothy Southey
7 Selkirk Street
Hermanus Heights
Hermanus
Erf No: 5749

FILE NO. Erf 4771-HVK
SCAN NO.
COLLABORATOR NO. 2874935

TP - A Theart (LH Olivier)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
84/234
0 2 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Ann Wright <annw6942@gmail.com>
**Sent:** Wednesday, 01 October 2025 17:07
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application Erff 4771

**Importance:** High

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I object , in the strongest terms, to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I chose to relocate to Hermanus eleven years ago because of its perceived approach to protecting its natural environment and
its appreciation of the historical value of the town as a 'small town.' Sadly, the above 8 points indicate a total disregard of
what Hermanus residents value.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Mrs Ann Wright
7 Fynbos Street
Hermanus Heights
Erf Number: 6013

FILE NO. Erf 4771 - HVK
SCAN NO.
COLLABORATOR NO. 2874938

REKORDBEHEER
85/284
0 2 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP – A Theart
(H Olivier)

**Alida Conradie**

**From:** Janet Hacking <janhacking@gmail.com>
**Sent:** Wednesday, 01 October 2025 16:42
**To:** Alida Conradie
**Subject:** Objection

Dear Madam

I hereby wish to add my objection to the proposed building on Erf 4771 at Grotto Beach

It will be a huge strain on the infrastructure of the area. The sewage system is already under strain and there is no plan for improvement

Increased traffic will be a huge problem ,which will lead to major congestion in such a small area, particularly in high season

. Parking restrictions will definitely be a problem as there is no provision for more parking bays

Kind regards

Janet Hacking
11 2nd St, Hermanus, 7200
Erf 6859

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2874942

TP - A Theart (H Olivier)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
86/234
0 2 OCT 2025
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OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Lynn Melliar <physiodon@gmail.com>
**Sent:** Wednesday, 01 October 2025 15:47
**To:** Alida Conradie
**Subject:** Objection to Consent use application -Erf 4771,Grotto Street, Voelklip, Hermanus.

Dear Alida

We hereby object to the proposed Consent use for the remainder of Erf 4771, Grotto Street, Voelklip, Hermanus.

Our concerns are as follows:-

1.Parking-the present facilities are already completely inadequate and most definitely not able to support additional traffic, especially during holiday seasons.

2.Sewerage-pumping is already done frequently and any further development of Erf 4771 will only make it much worse and required much more frequently.

3.Water supply -this is already supplemented from aquifers,more commercial demand is unsustainable.

4.Noise- late night activities will most certainly cause excessive noise pollution, disturbing both the environment and the residents.

5.Another development will impact the traffic congestion hugely, seasonal pressure and one direction system are already a huge issue.

6.The environmental impact needs to be thoroughly assessed as this is very outdated and all results fully considered.

Due to the facts mentioned above we strongly and respectfully request that this Consent use application be declined now and forever in the interest of the community and especially the environmental preservation.

Kind regards
Lynn and Hazel Melliar
170 Seventh Street,Voelklip,Hermanus.
Erf no - 2931

FILE NO. Erf 4771-HVK
SCAN NO.
COLLABORATOR NO. 2874949

TP - A Theart (H Olivier)

REKORDBEHEER
37/234
0 2 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Paula Venter <paulaventer52@gmail.com>
**Sent:** Wednesday, 01 October 2025 15:49
**To:** Alida Conradie
**Subject:** Rejection of the granting of rights to develop a restaurant by ape Town Fish Market

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Paula Jean Venter
27 Chanteclair Drive
305 Onrus Manor
Onrus-North

FILE NO. Erf 4771-HVK
SCAN NO.
COLLABORATOR NO. 2874953

TP - A theart
(H Olivier)

RECORDS OFFICE
02 OCT 2025
88234
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OVERSTRAND MUNICIPALITY

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.

2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.

3. Sewerage – The area already requires frequent pumping; this development will make it worse.

4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.

5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.

6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.

7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.

8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Georges Bucher

No 5 Wagtail
Hemel en Aarde Estate
Hermanus
7200

[Erf Number]
8158

FILE NO. Erf 4771-HVK ✓
SCAN NO.
COLLABORATOR NO. 2874962

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
89/234
0 2 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart (H Olivier)

**Alida Conradie**

**From:** Chris Helme <chelme@iafrica.com>
**Sent:** Wednesday, 01 October 2025 15:51
**To:** Alida Conradie
**Subject:** Proposed development of Grotto beach

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this by far
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review. Global warming and the rise of tides world wide.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Chris Helme
196 Second Street,
Voelklip
ERF 5417

FILE NO. Erf 4771 - HVK
SCAN NO.
COLLABORATOR NO. 2874957

Best regards,

Chris Helme

Mobile: 082-9023950
email: chelme@iafrica.com

TP

OVERSTRAND MUNISIPALITEIT
411
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0 1 OCT 2025
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90|234

7 Ocean Breeze Private Estate
79 End Street
Sandbaai
7200

01/10/2025

Directorate: Planning & Development
Town and Spatial Planning
Overstrand Municipality

TP- A Theart
(H Olivier)

**Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus**

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

As avid outdoor enthusiasts, some of our favourite past times include body boarding at Grotto Beach, as well as regular walks along our beautiful coastline. I also enjoy metal detecting the beach areas.

The natural, open character of this beachfront is central to its charm and appeal, and this plot is part of a shared public landscape. Allowing it to be commercialised, will undermine the area's unique sense of place. It also risks prioritising private profit over the collective right of residents and visitors to enjoy an accessible, natural, and non-commercial beachfront.

Furthermore, it is also my opinion that supporting local vendors and small businesses aligns far better with sustainable tourism and local development goals, than awarding tenders to commercial franchises.

Therefore, my concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

I consider myself to be an Interested and Affected Party in this matter.

Regards,
Dr Louise Krüger
Owner Sandbaai Erf 2760
Co-owner Sandbaai Erf 2791

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 28714784

OVERSTRAND MUNISIPALITEIT
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0 1 OCT 2025
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OVERSTRAND MUNICIPALITY

TP - A Theart (H Olivier)

91/234

21 16th Avenue
Voelklip
Hermanus (erf no. 4270)
1 October 2025

Alida Conradie: alida@overstrand.gov.za
Overstrand Municipality

Dear Ms Conradie

**APPLICATION FOR CONSENT USE: REMAINDER OF ERF 4771 (GROTTO BEACH)**

I have been a resident of Hermanus since 2004, and am increasingly concerned about the environmental situation in Hermanus in general and at the Grotto beach area in particular regarding this application.

I write to object to the implementation of a consent use application submitted to the Overstrand Municipality (OM) for the construction and operation of a large restaurant on the erstwhile Nautilus site. No building on this area should take place for reasons that include the following:

- The Grotto beach area is immediately adjacent to the southernmost portion of Fernkloof Nature Reserve. Any further development of this area should be discouraged because of the hazards posed by noise and light pollution and increased traffic to the fauna and flora of the reserve.
- The traffic and people congestion particularly during peak tourism season is attenable. Drunkenness and litter is excessive on high days and very unwelcome social and environmental abuse.
- Since this development at Grotto was first proposed in 2015 the Hermanus area has experienced extreme changes in our environment; modelling clearly shows that these already predicted changes will continue. If anything, it shows us that building in environmentally sensitive areas like in a dynamic ecosystem like the dune zone of a beach near the high-water mark is very shortsighted and should not occur. We need to re-align our thinking to respect the space nature needs to function rather than continue blindly building in places we should not. The old Nautilus Restaurant site is one such site that should not be built on.
- Storm surges are predicted to become more severe and thus it is particularly important to note that the high-water mark has not been scientifically reassessed since the 2015 Environmental Impact Assessment (EIA) was done. This opinion is outdated and must be revised.
- Building on this area poses clear potential environmental risks that have not been properly evaluated as well as risks to the proposed building as well. This could easily become a mirror of the Old Brass Bell restaurant site in Kalk Bay. If this should occur, further storm control measures will no doubt be put in place to safeguard the building to the further detriment of the environment.
- The provision of basic services for this proposed development may prove inadequate; these include power, water and sewage. Regular problems have been experienced

FILE NO. Erf 4771 - HNK
SCAN NO. 2874760

TP

92/034

with the local sewage pumping station causing pollution of the estuary, and increasing its load is clearly unadvisable. Not only this but such infrastructure will carry a high risk of storm damage being in a dynamic dune zone area of the beach. Under no circumstances can another building be allowed here which can potentially contribute sewage spills etc due to severe storm damage.

To build on this site is shortsighted and unwise. More appropriate would be the full restoration, through the removal of all remaining building material from the demolition of the Old Nautilus restaurant, of this site. The site should be returned to its natural state through allowing and encouraging the milkwood forest to expand onto it.

The consent use application should be declined.

Yours sincerely

**Mrs SM van Wyk**
Cell: 083 484 0202
Sheraine.wcc@gmail.com

93/234

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
01 OCT 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart (H Olivier)

Alida Conradie
C/O. Overstrand Municipality
1 October 2025

**Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus**

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Megan Michaelides
58 Fernkloof Village
Fir Ave Hermanus
7200

FILE NO. Erf 4771 - HYK
SCAN NO.
COLLABORATOR NO. 2873936

TP

01 OCT 2025

TP: A. Theart
94/234

## Alida Conradie

**From:** cloetek@yahoo.co.uk
**Sent:** Tuesday, 30 September 2025 22:59
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida

Please note my objection to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

As residents, old and new, we have come to know Grotto Beach as a beautiful and peaceful place. The great appeal of Grotto Beach and the current land where the development is proposed, is that it is unspoilt by development. That is why it is special. The predicted noise pollution, traffic congestion and parking shortages will destroy this 'sense of place'.

I am also concerned about the following:

1. Exclusivity – The earmarking of the leased land will change the whole nature of the Grotto Beach area. It will economically and otherwise exclude the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. This kind of congestion, traffic and inability to find sufficient parking will put pressure on this space and the people who use it.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb and impact many residents living close to Grotto Beach. It will also impact the sensitive environment in which it has been proposed.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review. The ecosystem is sensitive.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Kind regards

Kim Catherine Cloete
218 Tenth Street, Voëlklip, Hermanus
Erf No 3280

*Kim Cloete*
*Journalist & Media Specialist*
*+27 82 4150736*

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
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OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
2873667



TP

TP: A-Theart 95/234

## Alida Conradie

**From:** Margaret Platt <plattys@hotmail.com>
**Sent:** Tuesday, 30 September 2025 13:42
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application - Erf 4771, Grotto Street, Voelklip, Hermanus

Dear Alida,
I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voelklip, Hermanus.
My concerns include :-
1. Exclusivity - Economically & otherwise excluding the majority from the free use of the leased land.
2. Parking - Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage - The area requires frequent pumping : this development will make it worse.
4. Water supply - The Overstrand is already supplementing from aquifers : more commercial demand is unsustainable.
5. Noise pollution - Late night activities & generator noise will disturb residents & the environment.
6. Traffic congestion -Seasonal pressure & the one-way system are already problematic. A new restaurant will make this situation worse.
7. Environmental impact - The high-water mark & environmental assessments are outdated & require review.
8. Sense of place - predicted noise pollution, traffic congestion & parking shortages will totally destroy the "sense of place".
I would request that this Consent Use application be declined in the interest of the community & environmental preservation.
Regards,
Margaret Anne Platt
52 Musson Street ( 50 Moffat Street ), Hermanus Erf 1026 Sent from my iPad

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
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DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
2873592

TP

TP: A-Theart
96/234

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
[Your Full Name] Jessica Boers
[Street Address] Lagoon Rd, off R43 Hermanus.
[Erf Number] 633

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
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DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
2873650



19/09/2025, 14:29

TP

TP : A. Theart
97/234

## Alida Conradie

**From:** Koos Rossouw <koos.rossouw@stonehagefleming.com>
**Sent:** Tuesday, 30 September 2025 12:20
**To:** Alida Conradie
**Subject:** Objection to application for Consent Use: Remainder of Erf 4771. Old Nautilus Site opposite Dutchies

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards

JACOBUS PETRUS ROSSOUW

252 9TH STREET, VOELKLIP, HERMANUS 7200

ERF 12912 HERMANUS

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
30 SEP 2025
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FILE NO. Rem ERF 4771
Voëlklip ✓
SCAN NO.
COLLABORATOR NO.
2873116

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TP: A-Theart 98/234

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30 SEP 2025
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FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2872894

Macrey Cottage
186 11th Street
Voelklip
7800
29 September 2025

Dear Alida Conradie,

RE WRITTEN OBJECTIONS TO PLANS FOR REMAINDER OF ERF 4771 IN VOELKLIP

I am writing on behalf of my family who owns one of the houses above ERF 4771 in Voelklip. We are against ERF4771 being leased and the proposed building and Fish Market business of for the following reasons:

1) Parking and overcrowding
Grotto Beach does not have enough parking for more than 1 restaurant. Dutchies is already on Grotto Beach and has a 10-year lease. Dutchies is a good restaurant, whose owner is VERY community minded. She does a good job providing visitors and residents with excellent food. During busy times of the year there is already not enough parking at Grotto beach. This restaurant will put immense pressure on area that does not have enough parking. The restaurant has capacity for about 300 people, which translates to a lot more cars needing parking. It will be a major problem for anyone else wanting to visit the beach as well as those trying to get to Dutchies. It will make visiting the beach difficult and unpleasant for everyone.

2) Building design
The design for the new restaurant is for a huge warehouse type building- an ugly block design- that is totally out of keeping with the beach and previous structures. This structure is NOT in keeping with the heritage of Voelklip suburb or Grotto Beach, as it is claims to be. The company who plans to build this structure is an impersonal chain. They clearly do not have any idea what kind of design would fit with the suburb. We completely disagree that the design aligns with the historic use of the site (The Goldfish Café, Driftwood Den and Nautilus were all similar traditional structures with character- nothing like this warehouse) and we do not believe it respects the local coastal village atmosphere of Grotto beach. The proposal claims the building will not dominate, whereas the sheer size of it will ensure it does indeed dominate the landscape. We feel it will permanently ruin the look and feel of Grotto beach completely.

3) Noise
With a huge restaurant with a license to run to midnight, the noise pollution will be awful for both humans and wildlife.
The noise of generators, cars and large amounts of people will ruin the tranquil environment.

4.) Spatial Justice

99/234

The vast majority of the local population will be not be able to afford to use this space. So anybody thinking that it would be a place most local residents would be going to is sorely mistaken.
We believe that the municipality will be ruining Grotto beach by
allowing this structure to be built on this iconic site for all the reasons mentioned above.
I hope that the municipality will think about this issue with wisdom and not just consider financial gain.

Yours sincerely,

LD Boynton

Dr. Lorin D Boynton

TP: A-Theart
1001234

421

overstrand conservation foundation, trading as

# whale coast CONSERVATION

Caring for your environment

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
30 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

28 September 2025

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
28727S6

Alida Conradie
Overstrand Municipality

Dear Ms Conradie

**OPPOSITION TO APPLICATION FOR CONSENT USE: REMAINDER OF ERF 4771 (GROTTO BEACH)**

Whale Coast Conservation (WCC) is an environmental NPO based at the Whale Coast Nature Reserve between Hawston and Vermont on the outskirts of Hermanus.

WCC has long been concerned about environmental protection at the very popular Grotto Beach area in Hermanus.

The Overstrand Municipality (OM) has received a consent use application for the development of a large restaurant in the Grotto beach area – on the small beach area south of the current Dutchies restaurant, used in recent years as a seasonal and temporary light meals/sundowners area. This proposal has been suggested for a decade.

WCC understands that building plans have already been approved and a long-term lease signed for this enterprise. If this is so, this would indicate a concerning perversion of the governance process.

Whether approval has already been given or whether the OM's approval is contingent on determining through due process whether the proposal is desirable (as should be the case), WCC objects strongly to the proposal, for reasons which include:

a. Building on this area poses clear potential environmental risks that have not been properly evaluated.
b. The Grotto beach area is immediately adjacent to the southernmost portion of Fernkloof Nature Reserve. Development of this area should be discouraged because of the hazards posed by noise and light pollution and increased traffic to the fauna and flora of the reserve.
c. In this regard it should be noted that the area under consideration is situated on an overlap of two Environmental Management Overlay Zones (EMOZs) – namely the Coastal Protection EMOZ and the Protected Areas Buffer EMOZ.
d. The original Environmental Authorisation (EA) for development at Grotto was granted in 2015. Since then, it has been extended twice – In 2020 and most recently on 4 July 2025 - without any thorough, updated assessment of the potential environmental impact or inputs from the community.
e. It is particularly important to note that the high-water mark has not been scientifically reassessed since the 2015 Environmental Impact Assessment (EIA) was done.

TEL +27 28 316 2527 FAX 086 695 0046 CELL +27 72 185 5726

E-MAIL wcc.greenhouse@gmail.com WEBSITE www.whalecoastconservation.org.za

Green House, R43 Vermont, Hermanus PO Box 1949 Hermanus South Africa 7200

PBO 130004541 NPO 020-771

TP

whale coast CONSERVATION

f. We have experienced extreme changes in the Hermanus area's environment in recent years and modelling clearly shows that these will continue apace. Of particular interest is the increased risk of storm surges. In this context it makes no sense to rely on an outdated authorisation. A new EIA process – one that includes public participation and takes the effects of climate change into account – is essential if the OM decides to pursue this application.
g. If this is not done and the results taken into account before a decision on the proposal's desirability, the OM may well find itself liable for damages should the inevitable and predictable occur.
h. WCC is also concerned that the provision of basic services will be inadequate; these include power, water and sewage. Regular problems have been experienced with the local sewage pumping station, causing pollution of the estuary; increasing its load is clearly unadvisable.

WCC therefore recommends that:

1. The application for consent use is refused.
2. The area under consideration is restored. Any residual material from the previous long defunct Nautilus Restaurant on this site should be removed and the site should be returned to its natural state. The milkwood forest should be protected and replanted in order to allow it to expand onto the site.

Yours sincerely

**Dr PK Miller**

**Chair: Whale Coast Conservation**

Tel: (028) 313-0093

Cell: 082 374-9729

pat.miller7@outlook.com

TP: A-Theart
102/284

**Alida Conradie**

**From:** Wendy Button <wendybutton@mweb.co.za>
**Sent:** Tuesday, 30 September 2025 10:31
**To:** Alida Conradie
**Cc:** 'Mathias Witte-Riding via Change.org'
**Subject:** Objection to Consent Use Application - Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Wendy Button
Mariners Village, No. 18 The Quarterdeck, 140 Church Street, Westcliff, Hermanus, 7200
ERF no: 10364

OVERSTRAND MUNISIPALITEIT
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30 SEP 2025
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FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
28772682



TP

103/284

TP: A-Theart

**Alida Conradie**

**From:** danjvr@telkomsa.net
**Sent:** Monday, 29 September 2025 11:26
**To:** Alida Conradie
**Subject:** objection to consent use application-erf 4771 Grotto Str Voelklip Hermanus

Goeiedag Alida,
Ek rig my besware in Afrikaans aangesien dit my huistaal is en ek meer tuis is daarin as in Engels.
Ek woon nou 25 jaar in Voelklip baie naby aan Grotto strand en het ondervinding van laat aand lawaai en musiek van Grotto af.
Ek noem enkele van my besware:
1) Laat aand geraas en doef doef musiek wat weergalm teen die rotse en inwoners se rus versteur 2)Parkering is beperk en ek ondervind alreeds seisoen tyd dat besoekers in systrate soos Elfde Laan parkeer, dikwels wat lei tot n versperring.
3)Daar is oorgenoeg restaurante in die dorp om van te kies en keur.
4) Riolering sal ook n probleem skep,aangesien die area reeds gebuk gaan onder gereelde pomp aksies.
5)Die een rigting verkeer skep alreeds seisoen tyd n probleem en sal vererger met n restaurant op genoemde perseel.
Ek hoop van harte my bydrae tot beswaardes sal in u besluit in ag geneem word.
Baie dankie,
D.P.Janse van Rensburg,
Eureka Trust,
Elfde Laan,5,
Erf 5442,
Voelklip,
Hermanus.

OVERSTRAND MUNISIPALITEIT
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29 SEP 2025
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FILE NO. Rem ERF 4771 Voëlklip
SCAN NO.
COLLABORATOR NO. 2872586

TP

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
29 SEP 2025
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TP: A. Theart
104/234

21 Luyt Street
Hermanus (erf no. 5518)
29 September 2025

Alida Conradie: alida@overstrand.gov.za
Overstrand Municipality

Dear Ms Conradie

**APPLICATION FOR CONSENT USE: REMAINDER OF ERF 4771 (GROTTO BEACH)**

I have been a resident of Hermanus for some 25 years, and am increasingly concerned about the environmental situation at the Grotto beach area.

I write to object to the implementation of a consent use application submitted to the Overstrand Municipality (OM) for the construction and operation of a large restaurant on the erstwhile Nautilus site. No building on this area should take place for reasons that include the following:

- The Grotto beach area is immediately adjacent to the southernmost portion of Fernkloof Nature Reserve. Any further development of this area should be discouraged because of the hazards posed by noise and light pollution and increased traffic to the fauna and flora of the reserve.
- Since this development at Grotto was first proposed in 2015 the Hermanus area has experienced extreme changes in our environment; modelling clearly shows that these already predicted changes will continue apace.
- Storm surges are predicted to become more severe and thus it is particularly important to note that the high-water mark has not been scientifically reassessed since the 2015 Environmental Impact Assessment (EIA) was done.
- Building on this area poses clear potential environmental risks that have not been properly evaluated.
- The provision of basic services for this proposed development may prove inadequate; these include power, water and sewage. Regular problems have been experienced with the local sewage pumping station causing pollution of the estuary, and increasing its load is clearly unadvisable.

It is very clear from the aerial view of the site that rather than being built on, the area under consideration for the restaurant should be restored. Any residual material from past development on this site should be removed and the site should be returned to its natural state through allowing and encouraging the milkwood forest to expand onto it.

The consent use application should be declined.

Yours sincerely

**Dr PK Miller**
Tel: (028) 313-0093
Cell: 082 374-9729
pat.miller7@outlook.com

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
2872580

TP

TP: A Theart
105/234

**Alida Conradie**

**From:** Sander van den Broek <sander.vanden.broek@outlook.com>
**Sent:** Monday, 29 September 2025 22:52
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Kind regards,

Sander van den Broek
Egmonderstaat 5
1815 DL Alkmaar
The Netherlands

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
30 SEP 2025
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OVERSTRAND MUNICIPALITY

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2872876

TP: A Theart
106/034

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
30 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Vincenzo Colatruglio <vincenzo.colatruglio@gmail.com>
**Sent:** Monday, 29 September 2025 20:07
**To:** Alida Conradie
**Subject:** Objection erf 4771 Grotto street

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2872863

Dear Alida

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

If you sell the soul of this beautiful beach for a flashy /copy n paste , Camps Bay lookalike (still no taste). You will erode this natural/grounding gift for future generations.

Like all beautiful/ nature/ naturally inspired places, people flock to it. Why?, because we want to connect to nature, because we want to see what all the fuss is about.

Like Bali, it was THE place to go for a harmonious / connect with beautiful nature at a reasonable price. They now have overcrowding and the coast lines and rice paddies have been sold for big developers to put down another retreat, another resort.

I add an extract from CNN https://bbc.com/news/articles/c07vxdny178o
'Instagram vs Reality: Bali is becoming a victim of its own success '.

Millions flock to Bali every year in search of the spiritual Shangri-La promised in the noughties memoir and film Eat, Pray, Love.

What they're greeted by instead are crowds, traffic and the cacophony of construction, which has ramped up alongside a post-pandemic boom in tourism.

'When tourists said they are disappointed with Bali being more crowded, they are also part of the crowd," says I Made Vikannanda, a Balinese researcher who advocates for the protection of the island's nature and people.

Now Canggu has some of the worst traffic on the island. And residents say their authentic routes to their work along paddy fields a few years ago is now lined with villas and cafes, and impatient honks follow them all the way.

I, Vincenzo Colatruglio, owner of Erf 1495 Vermont, do not want to increase the anxiety and frustration of Decembers for locals or especially tourists who come here looking to connect with nature and add to the coffers of locals an businesses. I do not want Hermanus to be a victim of its own success.

There should be a re-doubled effort to keep this space open for beach goers, not to push more people into an already congested area.

Regards



TP

Vincenzo Colatruglio

TP: A Theart
108/034

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
30 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Helene Stephan <helenestephan4@gmail.com>
**Sent:** Monday, 29 September 2025 17:04
**To:** Alida Conradie
**Subject:** Objection Erf 4771 - Grotto Street

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2872884

Dear Alida

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

These are my concerns.

1. Traffic - The proposed sight is right in the middle of the suburb of Voëlklip, a family neighbourhood for walking, including the world famous Cliff path trial an environmental beacon for overseas and local guests, mountain trials, children ride their bikes, people including many retirees walk their dogs and the quiet neighbourhood is used for many fitness activities. To access Grotto beach vehicles have to drive on these neighbourhood roads where community activities take place.
Experience showed that the neighbourhood watches, law enforcement agencies and private security companies are already stretched to the max during these high volume visits to the area. How will the municipality deal with the increased traffic to our neighbourhood?

2. Safety: An influx of people unfamiliar to the community will pose a big risk to the general safety in the community - our children on the beaches and streets walking to other homes to play with friends, unwanted intruders on our properties, retired residents going for sunset walks -,how will the OM manage the alcohol abuse that will result in safety issues and in drinking and driving ?

3. Parking is an issue as these areas are already stretched to the max during holidays and long week-ends, exactly at the time a "new restaurant" will draw the most customers - where will they park? It has shown that visitors to this area will park anywhere they see an open spot - private driveways, open lawns, halfway on the roads. Where will the municipality provide extra parking?

4. Noise pollution
General noise and late night entertainment at the new facility which purpose is to make as much money as they can during peak times and will drive activities long into the night to make up for the lack of business during the quiet winter months - will have cars racing on 10th street and no amount of speed bumps will stop these late night revellers. It will create a big disturbance to the whole neighbourhood.
Are we interested in the environment and maintaining our "label" of "best landbased whale watching destination in the world"? International research has shown that general noise and noise from the sea(boats) air(planes and and low flying helicopters), construction and other high intensity noise from maintenance of buildings and gardens have a very negative impact on stress in whales - they communicate with sounds and all this activity eventually drive them away as can already be seen in certain areas on Grotto beach where we no longer se whales surfacing above the water - at this rate, will there even be land based whale watching from the Cliff Path and Klein River mouth 5 years from now ? The indications are that these whales are already migrating to neighbouring bays where development and noise close to the sea is kept to a minimum. (Construction should only take place



TP

109/234

during the off whale watching months - eg like the completion of the Cliff path ) Walker Bay should be free of power driven boats.

5. Sewerage and water supply- our infrastructure is inadequate and further development is not sustainable

6. Futher environmental impact - high water levels are rapidly increasing every year- is it even legal to build on that property, especially to the size that will make such a development viable?

7. Sustainable tourism. Do we want mass tourism, crowded facilities, day visitors, cheap prices, overcrowding in the busiest times (summer and easter week-end) or do we want sustainable tourism driven by land based whale watching from August to November and other eco tourism initiative's throughout the year where visitors stay a few nights in short term rentals and other accommodation in our own neighbourhoods and blend in with the locals?
It is my experience that the majority of guests that is prepared to spend money in the community on good accommodation, restaurants and other tourist activities focus on AUTHENTICITY as a tourist destination - they appreciate character, quaint local restaurants, non crowded beaches and trials and OPEN spaces where everybody including locals can congregate after a walk on the beach, some NGO function that serves the community, catching the sunset and bathroom facilities,buy a coffee, cooldrink or ice cream, - exactly the recipe we now have on Grotto Beach and makes this space a place where everyone likes
to visit. An addition to that open space will change the character forever.... and not for the better. Once that open space that has served the community so well over the years is gone, we can never get it back !!!

I request that this consent use application be declined in the interest of the community and to preserve the environment.

Regards
Aletta Heléne Stephan
244 - 10th Street
Erf no: 3741
September 29, 2025

TP: A. Theart
110/234

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
29 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
2872303

La Gratitude

185 on 11th Street

Voelklip

7800

26 September 2025

Dear Alida Conradie

RE WRITTEN OBJECTIONS TO PLANS FOR REMAINDER OF ERF 4771 IN VOELKLIP

I am writing on behalf of the Simon Pickstone Trust which owns ERF 10314 and ERF 6275 in Voelklip, which are the 2 closest residential plots to ERF 4771. These plots are on 11th street just above the Grotto Beach Road ( numbers 185 and 183 on 11th Street)

My Great Grandfather, Harry Pickstone, bought 6 of the original plots and built La Gratitude in 1917. The house was the first built along this stretch and was designed by Sir Herbert Baker. We have maintained La Gratitude as an historic house ever since. We have enjoyed the Gold Fish Café and other successive restaurants and of ERF 4771 over the years. We are against ERF4771 being leased and the proposed building and Fish Market business of for the following reasons:

1.) **Parking and overcrowding**

Grotto Beach does not have enough parking for more than 1 restaurant. Dutchies is already on Grotto Beach and has a 10-year lease. This restaurant does a good job providing visitors and residents with restaurant facilities.

In more popular times, there is already not enough parking at Grotto beach. This restaurant will put immense pressure on an already parking scarce spot. The restaurant has capacity for 300 odd people, which is way to many more people to add in terms of cars. It will be a major problem for anyone else wanting to visit the beach as well as those trying to get to the restaurant at booked times. This will make visiting the beach difficult and unpleasant for everyone.

1.) **Building design**

We object to the building design in the strongest possible way. It is huge a blockish like a warehouse and totally out of keeping with the beach and previous structures. It is clearly designed to get maximum people dining and maximum returns for the business. The huge internal space will be noisy and unpleasant and difficult for hearing impaired to hear. We do not believe this structure is in keeping with the heritage of Voelklip suburb or Grotto Beach, as it is claims to be. The company who plans to build this structure is an impersonal chain and this design ensures that the space will be characterless and could be any-where in the world. We completely disagree that the design aligns with the historic use of the site (Goldfish Café, Driftwood Den and Nautilus were all similar low key traditional structures nothing like this warehouse) and we do not believe it respects the local coastal village atmosphere of Grotto beach, instead it is a large money making utilitarian building. The

proposal claims the building will not dominate, whereas the sheer size of it will ensure it does indeed dominate the landscape. We feel it will permanently ruin the look and feel of Grotto beach for the rest of our lives and perhaps permanently.

2.) **Restaurant scale**

This restaurant is designed as a huge eatery more like a cafeteria, as opposed to something with character, in keeping with Grotto Beach. Huge eateries like this were fashionable in big cities in Europe at the end of last century, but no longer. They are completely out of place on Grotto Beach. This huge restaurant will permanently ruin the local charm and character of Grotto beach and turn it into a busy eatery like parts of the waterfront in Cape Town, commercial and unpleasant.

Dutchies is far more low key and tasteful and in keeping with local needs. It has done a wonderful job over the years in looking after local visitors to Groot Beach and is line with previous restaurants at the site.

3.) **Noise**

Our house IS affected by noise on Grotto Beach. There was a time when Dutchies allowed functions at their restaurant and this noise DID all travel up to our house and was very unpleasant and disruptive. I informed them and they kindly stopped doing this, as people staying at La Gratitude could not sleep. Since limiting their activities to dining and being on a small scale, we have not been significantly impacted by Dutchies in terms of noise. With a huge restaurant with a licence to run to midnight, the noise pollution and disturbance will be huge. I do not accept the noise evaluation report paid for by the Fish Market. The noise of generators, cars and large amounts of people will ruin the tranquil environment.

The proposed restaurant will operate until 24;00. Given the huge echoing space, it is highly likely to cause disturbance to people staying at La Gratitude, including late into the night. Once built there will be nothing that can be done to address this.

4.) **Spatial Justice**

It is completely false to think that the majority of the local population will be able to use this space. The vast majority of local residents (previously disadvantaged populations) will not be able to afford to eat at this restaurant. In addition, a large percentage of the resident population are retirees who will not find eating in a noisy large eatery appealing. Thus, the plan actually excludes the vast majority of local residents.

There used to be a shop selling ice-creams, sunscreen, and some food items and other useful items needed by visitors to the beach in previous businesses on the beach, this restaurant will not provide any such shop or facility. If the municipality does ever allow building on this site, we propose the municipality insist on part of the premises being made into a shop to allow people less well-off to buy useful items and some affordable food basics, while down at Grotto beach, as was the case in the past.

Our family has loved Grotto Beach and the area for over 100 years. We pay over R40,000 a month just in municipal rates for our property, by renting out the house to people who love the tranquillity and beauty of the area. We believe that the municipality will be ruining Grotto beach for ever by allowing this structure to be built on this iconic site for all the reasons mentioned above.

Yours sincerely,

S.D. Pickstone-Taylor.

Dr Simon Pickstone-Taylor

TP-A Theart (H Olivier)

REKORDBEHEER
113/234
12 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Jim Sweet <jimsweet@hermanus.co.za>
**Sent:** Thursday, 11 September 2025 11:49
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application - Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Richard James Sweet
250 7th Street
Voelklip
Hermanus 7200
Erf 3810

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 28627730

114/234

**Alida Conradie**

4771 HVK

**From:** sandy b herman <sandy6969@icloud.com>
**Sent:** Wednesday, 10 September 2025 20:23
**To:** Alida Conradie
**Subject:** Fully support application

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

To: alida@overstrand.gov.za
Date: 10 September 2025
Subject: Application for Consent Use – Remainder Erf 4771, Grotto Street, Voëlklip, Hermanus (App ID 5037/2025)
Dear Ms. Conradie,
I write in the strongest possible support of Dutchies and the continued operation of their establishment in its current form.

A Beacon of Service and Tourism

Dutchies has, over many years, demonstrated an outstanding commitment to both residents and visitors. It is not simply a restaurant–it is a community hub and a tourism driver, providing world-class service in one of Hermanus' most iconic coastal locations. Their presence contributes directly to the region's reputation as a premier destination, with knock-on benefits to accommodation providers, tour operators, retail, and ultimately the municipal economy.

Public Interest vs. Private Discontent

It is important to distinguish between genuine public interest and the narrow voices of individuals who appear determined to obstruct progress under the guise of "community protection." Too often, objections are rooted not in legitimate concerns but in personal dissatisfaction or a misplaced sense of entitlement. Such negativity should not be allowed to outweigh demonstrable, measurable benefits to the broader community and to Hermanus as a whole.

Alignment with Municipal Objectives

Overstrand Municipality has long recognized that sustainable tourism and economic vitality are lifeblood priorities for this region. Dutchies embodies these objectives by:
- Creating local employment opportunities.
- Attracting and accommodating visitors.
- Upholding high operational standards that reflect positively on Hermanus.
- Contributing to the financial well-being of the town through rates, taxes, and indirect revenue streams.

The Cost of Undermining Success

To restrict or hinder Dutchies at the behest of a minority of habitual objectors would be to cut directly against the interests of Hermanus. It risks eroding confidence in the municipality's commitment to supporting enterprise, innovation, and excellence. Worse still, it risks sending a message that Hermanus punishes those who succeed in elevating the town's reputation.

Conclusion

Dutchies deserves the municipality's full backing, not only for what they have already achieved, but for the ongoing contribution they continue to make to community cohesion and to the economic vitality of the region. I therefore urge the Overstrand Municipality to dismiss any spurious or self-serving objections and to approve the application without hesitation.Yours faithfully,
Sandy Herman

A. Theart
(H. Olivier)

Sent from my IPAD

Sandy B Herman
PRESIDENT OF ASAKF

www.asakf.org
www.hermanusdojo.com
https://www.ikyf.org

+27832598181
12 Sunbird Crescent
Leopard Rock Mountain estate
ONRUSRIVIER 7201

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
28643611

TP

115/234

**Alida Conradie**

| | |
|---|---|
| **From:** | Anina Lee <anina.wcc@gmail.com> |
| **Sent:** | Thursday, 11 September 2025 07:07 |
| **To:** | Alida Conradie |
| **Subject:** | Objection to application of consent use |

OVERSTRAND MUNISIPALITEIT
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11 SEP 2025
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OVERSTRAND MUNICIPALITY

TP-A Theart (H Olivier)

alida@overstrand.gov.za

2025-09-11

**Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus**

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Sense of place - noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'. Grotto beach is not Blackpool. It must remain true to its nature
2. Environmental impact – The high-water mark and environmental assessments are outdated and need review. The sensitive beach ecology will be severely impacted both during building operations and subsequent use. Protected milkwood trees will be harmed/destroyed during building operations and subsequently by restaurant activities under the trees that will compact the soil to the detriment of the trees
3. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
4. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
5. Sewerage – The area already requires frequent pumping; this development will make it worse.
6. Water supply –where will the water come from???
7. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
8. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Anina Renee Lee
29B Onrus Manor
Onrus

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2862254

TP

A. Theart 116/234
(H. Olivier)

**Alida Conradie**

**From:** Tiaan Bezuidenhout <tiaan@oaktreerentals.com>
**Sent:** Friday, 12 September 2025 18:57
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.
My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Tiaan Bezuidenhout
16 Tenth Avenue, Voelklip
Erf No. 3073

Tiaan Bezuidenhout
CEO - OakTree Trading LLC
Cell: (415) 717 1620
tiaan@oaktreerentals.com
www.oaktreerentals.com

OVERSTRAND MUNISIPALITEIT
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15 SEP 2025
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FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863948

TT

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER 17/234
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** amanda.filocha@gmail.com
**Sent:** Friday, 12 September 2025 15:16
**To:** Alida Conradie
**Cc:** vogelgat@gmail.com
**Subject:** RE: OBJECTION TO APPLICATION FOR CONSENT USE Remainder of Erf.4771 Old Nautilus Site app Dutchies DUE DATE 03 October 2025

Dear Alida

I strongly object to the proposed change of the use of the sandy area in front of Dutchies from a public area to an exclusive use area and a restaurant with seating for 250 people.

There is not enough parking for such a change.
It will cause more congestion especially in the peak season.
It will put a strain on water resources.
It will cause noise pollution.
It will be detrimental to the natural environment in the area

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
28639/4

A. Theart
(H. Olivier)

Name: Amanda Filocha
Address: 17, 8th Avenue, Voëlklip, Hermanus.
Erf No: 2618 HVK

Kind Regards
Amanda Filocha
+27829039848

**From:** Vogelgat Nature Reserve <vogelgat@gmail.com>
**Sent:** Friday, 12 September 2025 08:45
**To:** Vogelgat Nature Reserve <vogelgat@gmail.com>
**Subject:** Fwd: OBJECTION TO APPLICATION FOR CONSENT USE Remainder of Erf.4771 Old Nautilus Site app Dutchies DUE DATE 03 October 2025

Dear Members,

Vogelgat Nature Reserve occasionally shares information on broader community issues that may be of interest to our members. While our main focus remains matters directly relating to Vogelgat, from time to time we may forward notices such as the one below.

We respect your privacy and do not wish to send you unwanted emails. If you would prefer **not** to receive information of this kind (i.e. notices not directly related to Vogelgat), please reply to this email and let me know, and I will make sure to remove you from this part of the mailing list.

Below, please find information shared with us about the development of a ~250-seat restaurant at Grotto Beach. The notice explains how members of the public may submit objections or comments before **3 October 2025**.

In short, the Overstrand Municipality has received a **Consent Use application** for part of Erf 4771 at Grotto Beach. This would allow the development of a **~250-seat restaurant** on land that is currently

public open space within the Coastal Protection Zone. While the land has already been leased and building plans approved, the community still has an opportunity to comment on whether this proposed use is desirable. Concerns raised include loss of public access, parking and traffic issues, strain on water and sewerage systems, noise, and the adequacy of earlier environmental impact assessments.

Kind regards,

Jeannine

0828645297

---------- Forwarded message ---------
Date: Wed, 10 Sept 2025 at 19:12
Subject: OBJECTION TO APPLICATION FOR CONSENT USE Remainder of Erf.4771 Old Nautilus Site app Dutchies DUE DATE 03 October 2025

***"Stop public open spaces intended for use by the general public being converted into exclusive use areas and irreversibly changing the Grotto Bay sense of place"***

Dear fellow residents and all who care for Grotto Beach and social inclusivity.

The exclusive use of public spaces divides us and threaten democracy. It benefits the few at the expense of the many and reduce the ability of citizens to act together to promote the well-being common to all of us. Democracies thrive when people *opt in for the common good*; i.e. for public spaces that serve the majority of residents rather than the exclusive few at the top of an economic and social hierarchy.

The Overstrand Municipality has issued a formal notice (attached) regarding a *Consent Use* application to permit the use of a portion of the Remainder Erf 4771, Grotto Street, Voëlklip for restaurant purposes. If approved, the structure (which the municipality has already approved) will irreversibly change the Grotto Beach sense of place and exclude the majority of Hermanus residents from using that portion of Coastal Protected Zone land. See Site Plan attached for clearer understanding of position of requested Consent Use as marked Site A in blue.

The Municipality *must still decide whether the proposal lacks desirability* - but has in fact already awarded a tender for a long-term lease of the land to a private company and approved the building plans concerned!

Your input in this regard is essential. Comments on the proposal must be submitted and be received on or **before 3 October 2025** to be valid. We are reaching out to you to voice your opposition to the proposal and to help protect the natural beauty and environmental integrity of the Grotto Beach area.

Public open spaces are not just physical locations; they are integral to the social and environmental fabric of communities. These spaces play a central role in fostering social interaction, inclusivity, connectivity and building a sense of community. They can help bridge gaps between different groups within a community.

The Municipality is required to promote social inclusion and spatial justice, *inter alia* through improved access to and utilisation of land. Currently even the poorest of the poor have free access to and may use this portion of land. If the proposal should be implemented, only the small minority of affluent people that can afford the luxury of using the restaurant facility, will directly benefit. The price to be paid (exclusion of the majority from use) cannot be justified based on the job creation potential of the proposed restaurant.

The proposed development threatens to put significant pressure on an already strained area — environmentally, logistically, and socially. If approved, this CONSENT USE would lead to:

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- **Congestion and access concerns** –Grotto beach area is already under significant seasonal pressure. More commercial activity will add to traffic issues and affect everyone's access to the beach.
- **Increased traffic and parking issues** – The developer is not required to provide any public parking on the leased area ("on-site") but will entirely depend on existing public parking in the area. Why this preferential treatment by waiving compliance with normal on-site parking requirements? Parking is already a long-standing problem in this area during peak beach-going periods. Further development will only worsen the situation.
- **Strain on water resources** – Potable water supply is limited and already being supplemented from the aquifer.
- **Sewerage overload** – The current system already needs regular pumping. This is just with one restaurant on site; additional development will only exacerbate the issue.
- **Noise pollution** – Generators and late-night revelry (liquor service until midnight) will disturb the peace of this residential and natural space.
- **Environmental concerns** – The high-water mark has not been scientifically reassessed since the 2015 Basic Environmental Impact Assessment.

We've been working since May 2024 to bring transparency to this issue and have already secured a court order halting earlier proposed construction. Your voice can make a difference and help ensure the municipality respects proper processes and community concerns.

**How You Can Help (Deadline: on or before 03 October 2025)**
Send a written objection via email to: Alida Conradie
Email: alida@overstrand.gov.za
Please include the following in your email:

- Your full name
- Your street address
- Your Erf number (if you own property in Hermanus)

**Need help writing your objection?** You may copy or adapt the sample letter as seen below.

Please BCC us in or let us know you have submitted so that we can track objections.
Let's stand together to protect what makes Hermanus and Grotto Beach so special.

Kind regards,
Anthony Armstrong (antsarmstrong@gmail.com) 082 789 3000
Martin Louw (martinL@marketexpert.co.za)
Niel Hoogenhout (dmhoogenhout@gmail.com) 082 646 9044

***Sample Objection Letter : You can find this attached as a Word document for ease of use***

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.

120 /234

5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
[Your Full Name]
[Street Address]
[Erf Number]

442

A-Ineart (H. Olivier)

OVERSTRAND MUNISIPALITEIT
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12 SEP 2025
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OVERSTRAND MUNICIPALITY

1234

**Alida Conradie**

**From:** Ciara Louw <ciara.louw@gmail.com>
**Sent:** Friday, 12 September 2025 11:19
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

**As a public open space, it is an asset to the community and visitors, generally enhancing the positive experience of Grotto as an important Blue Flag beach in Hermanus:**

- A sense of arrival and views
- Activating the site and providing a sense of connection from the road to the beach
- Free-flow of movement
- Enabling easy access to the beach and cliff path from numerous directions
- Access for those in wheelchairs and with disabilities
- Providing space to occupy and enjoy a different aspect of the beach
- Much-needed overflow space for relaxing and gathering, particularly in season
- Flexibility for temporary seasonal pop-up food and beverage ventures or any other public benefit use
- Inclusive - freely available to all

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
**Ciara Louw**

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863525

122 | 234

**307 10th Street**
**Erf 4068**

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*""An open heart is an open mind." ~ Dalai Lama*

A. Theart (H. Olivier)



**Alida Conradie**

**From:** Nicola Ann Eckstein <nicky@windowash.co.za>
**Sent:** Friday, 12 September 2025 11:37
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land. There is already such a large divide in Hermanus and it does need to be addressed.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Nicky & Jill Eckstein
29 Raed na Gael Street, Hermanus Heights
Erf 5791

OVERSTRAND MUNISIPALITEIT
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12 SEP 2025
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OVERSTRAND MUNICIPALITY

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863644

A. Theart 124/234
(H. Olivier)

**Alida Conradie**

**From:** annsweet1949@gmail.com
**Sent:** Saturday, 13 September 2025 10:56
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application - Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Ann Valerie Sweet
250 7th Street
Voelklip
Hermanus 7200
Erf 3810

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863953

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
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OVERSTRAND MUNICIPALITY

**Overstrand Municipality**
**A:** 1 Magnolia Street, Hermanus, 7200
**P:** P.O Box 20, Hermanus, 7200
**T:** +27 (0)28 313 8000 | **F:** +27 (0)28 312 1894</span<>
**E:** enquiries@overstrand.gov.za
**W:** www.overstrand.gov.za

*Vision Statement: "To be a centre of excellence for the community"*
***PRIVACY AND CONFIDENTIALITY DISCLAIMER:*** *The Overstrand Municipality and Staff are committed to ensuring that it safeguards personal/private information of data subjects and to respect their right to privacy in accordance with the provisions of the South African Constitution, the Protection of Personal Information Act, 2013 (POIPA) and the Promotion of Access to Information Act, 2000 (PAIA).*

A. Theart 125/234
(H. Olivier)

**Alida Conradie**

**From:** Andre Coetzee <acoetzee@prosus.com>
**Sent:** Saturday, 13 September 2025 14:19
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Me Alida Conradie,
I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus. My concerns include:

1. Exclusivity – The proposed use will economically and otherwise exclude the majority of the people from the free use of the leased land.

2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking will have to be provided on the leased land.

3. Sewerage – The area already requires frequent pumping; this development will make it worse.

4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.

5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.

6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A

new restaurant will worsen this.

7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.

8. Sense of place - The predicted noise pollution, traffic congestion, additional building and parking shortages will totally destroy the 'sense of place' and the natural environment of the beach.

I respectfully request that this consent use application be declined in the interests of the community and environmental preservation.

Regards,

Abraham Andre Coetzee

21 Duiker Street, Vermont.

Erf Number 571, Vermont

OVERSTRAND MUNISIPALITEIT
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15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863895

126/234

## Alida Conradie

**From:** Petro Steere <petro.steere@ymail.com>
**Sent:** Saturday, 13 September 2025 10:29
**To:** Alida Conradie
**Subject:** Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

A. Theart
(H. Olivier)

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Petro Steere
Corner Lynx Ave and Malmok Cres. Vermont
[Erf Number 1498

Yahoo Mail: Search, organise, conquer

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863960

A. Theart 127/234
(H. Olivier)

**Alida Conradie**

| | |
|---|---|
| **From:** | mcpearce@mweb.co.za |
| **Sent:** | Sunday, 14 September 2025 20:20 |
| **To:** | Alida Conradie |
| **Cc:** | antsarmstrong@gmail.com; martinL@marketexpert.co.za; dmhoogenhout@gmail.com |
| **Subject:** | Objection to Consent Use Application - Erf 4771, Grotto Street, Voëlklip, Hermanus |

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

It has been of concern to me for years how Hermanus is growing and growing and the congestion is getting infinitely worse. It's not just about 'my' privacy but we keep building more and more and the water is always going to be a problem. Hermanus will eventually lose its character and become almost a city.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Fiona McLennan
160, 8th Street, Voelklip
Erf 2897

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864246

OVERSTRAND MUNISIPALITEIT
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15 SEP 2025
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108 | 234
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Jens | Cape Studies <jens@capestudies.com>
**Sent:** Sunday, 14 September 2025 09:01
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

A. Theart
(H. Olivier)

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

Cape Studies, Cape Town's oldest language school, was planning to extend to Hermanus, bringing Foreign investment and tourists to the town - we will reconsider our plans seeing that one of the main tourist attractions of Hermanus will be, destroyed.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Kind regards
Jens von Wichtingen
34 Main Road, Onrus

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863826

Jens v. Wichtingen

E: jens@capestudies.com | W: capestudies.com

129/234

Cell +27(0) 79 889 5283

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130 | 234
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Julian Ardagh <jpardagh@gmail.com>
**Sent:** Sunday, 14 September 2025 09:41
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

A. Theart
(H. Olivier)

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.Essentially you are giving a general commercial chain an exclusive site on a beach, even though it may be above the high tide line. This is not an owner managed operation, which removes much of the personal character and greater accountability of such operations.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking must be provided on the leased land or, if their application goes ahead, then drop the requirement for any new businesses in Hermanus to provide parking at their own expense and on their own/leased land. In the peak season there is already significant insufficient parking, so it does seem that this application is receiving special consideration. The question is why?
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already very problematic. A new restaurant will worsen this, especially at night as there is inadequate lighting and pavements for pedestrians to safely walk from the further parking areas to the planned application site.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863813

Regards,
Julian Philip Ardagh
41 Lobelia Rd, Berghof Estate, Onrus, 7201.

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
131/224
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Jane Lardner-Burke <jane.wdt@gmail.com>
**Sent:** Sunday, 14 September 2025 09:24
**To:** Alida Conradie
**Cc:** antsarmstrong@gmail.com
**Subject:** Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

A. The art
(H. Olivier)

Dear Alida,

Though I don't live in Hermanus, I I support this objection 100%. My property in Kzn is on a dead end, in front of the ocean with a strip of restricted land between the property and the sea.
I can only imagine how, if you allow this, Grotto Beach will change. You'll be taking away it's beauty and availability to others, locals & tourists who frequent The Grotto.

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863836

Regards,
Jane Lardner-Burke
Lot 228 14th Avenue, Pumula
KZN

132 | 234

Thanks....

**Jane**
083 416 0262
jane.wdt@gmail.com

A. Theart 1331234
(H. Olivier)

**Alida Conradie**

**From:** Victor Fish \ M+F <victor@welovefurniture.co.za>
**Sent:** Sunday, 14 September 2025 20:20
**To:** Alida Conradie
**Subject:** OBJECTION TO CONSENT USE APPLICATION - ERF 4771, GROTTO STREET, VOELKLIP, HERMANUS

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voelklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voelklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Victor Bernard Fish
219 4th Street Voelklip Hermanus
Erf Number 3399

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863965

Regards,

Victor Fish
+27 82 445 6117
victor@welovefurniture.co.za

A. Theart 134/234
(H. Olivier)

**Alida Conradie**

**From:** Dinah louw <dilouw3@gmail.com>
**Sent:** Sunday, 14 September 2025 08:57
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Dinah Louw
35 Raed Na Gael st
Hermanus Heights
7200

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863846

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Sent from my iPhone

135/234

**Alida Conradie**

**From:** Julie Hellqvist <juliehellqvist70@gmail.com>
**Sent:** Sunday, 14 September 2025 08:46
**To:** Alida Conradie
**Subject:** Objection to consent erf 4771

A. Theart
(H. Olivier)

Dear Alida,

We hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

Our concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

We respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Steven and Julie Hellqvist
1 Villa Anadia
Bergsig street
Sandbaai
Cell 0825617173

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863856

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

136/234

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** hanri vermeulen <allurehaircouture1@gmail.com>
**Sent:** Sunday, 14 September 2025 07:59
**To:** Alida Conradie; antsarmstrong@gmail.com
**Subject:** Objecttion

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.

I swim at Grotto daily and allready struggle to get Parking in Holiday times and weekends. Of great concern also is the fact that the public bathrooms are locked up as early as 4 pm depending on staffing.

3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

in short Grotto does not need another commercial Restaurant!!!!!!!

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Rather make Piet se bos a safe and accessible community space like we had when growing up . No drunken parties to be allowed by certain elements of our community who then goes for a swim ( ask the lifeguards they will confirm my observations).

Regards,

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863862

A. Theart
(H. Olivier)

137/234

H Vermeulen
8 Human str Onrusrivier
And business owner of Allure Hair Couture
Hemel en Aarde village.

138 | 234

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

15 September 2025

**Objection Letter**

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
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7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Talita Engelbrecht
Hamilton Russell Vineyards, Farm 585/13, Hermanus, 7200
082 927 9464

A. Theart
(H. Olivier)

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864332

TP

139 / 234

**Alida Conradie** 4771 HMC

**From:** Dinniel Leppan <dinniel@whale.co.za>
**Sent:** Monday, 15 September 2025 14:16
**To:** Alida Conradie
**Subject:** Restaurant at Grotto Beach

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Good afternoon Alida

Herewith my objections to the new restaurant on Grotto beach.

- How come no parking is required from the new owners (Lessees)? Any business has to supply parking in Hermanus.
- That is already a congested area during holiday times with little to NO parking.
- There is always a sewage issue, how is the municipality going to cope with another restaurant.
- Why do we need a restaurant literally ON THE BEACH. Can't we just leave nature as is?
- Grotto is a Blue Flag beach. Putting a restaurant there is going to culminate in litter and glass on the beach.

The beach bar was not an eyesore, blended with the environment and was only used for a few months a year. In my opinion a far better suit than a restaurant!

Kindest regards
Dinniel Leppan
Erf 10223
Fernkloof Village

A. Theart
(H. Olivier)

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864350

HP

140|234

## Alida Conradie

4771 HVK

**From:** Anél Steenkamp <sixteen@hermanus.co.za>
**Sent:** Monday, 15 September 2025 14:29
**To:** Alida Conradie
**Subject:** Objection

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
AE Steenkamp
16 Main Road, Westcliff
Erf 340

A. Theart
(H. Olivier)

Anel Steenkamp
http://www.sixteenhermanus.co.za/




FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864375

141/234

4771 HVK

## Alida Conradie

**From:** Calla Leeuwner <callakite@gmail.com>
**Sent:** Monday, 15 September 2025 14:31
**To:** Alida Conradie
**Subject:** Objection

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
CA Leeuwner
16 Main Road, Westcliff
Erf 340

A. Theart
(H. Olivier)

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864386

Mobile: +27 838750398

Kite Surf Hermanus
KSH
16 Main Road
Hermanus
7200
South Africa

Web: www.kitesurfhermanus.co.za
Face Book: www.facebook.com/KitesurfHermanus
Instagram: www.instagram.com/kitesurfhermanus




TP

140/234

**Alida Conradie**

4771 HMC

**From:** Louise Strydom <jurieandlouise@gmail.com>
**Sent:** Monday, 15 September 2025 13:07
**To:** Alida Conradie
**Subject:** Objection to development on Grotto Street

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus. It would be a tragedy to see it become an upmarket restaurant which will change the nature of the entire beachfront.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Kind regards

A. Theart
(H. Olivier)

Louise Strydom
(annual renter of 278 9th Street, Voelklip)

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864408

TP

143/284

A. Theart
(H. Olivier)

**Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus**

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.
9. Spatial justice – Considering the fact that there is an existing restaurant on the adjacent site as well as a substantial picnic area also adjacent, the potential disruption to the current orderly conduct of both personal and commercial activity is unjustified. There will be just too much activity in a restricted space.
10. Economic development – The operator of the planned restaurant is not technically located in Hermanus. Other than the provision of some relatively low paying jobs the economic benefits generated will leave the Overstrand. There does not appear to be any indication to the contrary.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Brian Wridgway
13 Fynbos Street
Hermanus heights
wridgways@gmail.com
15th September 2025

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864412

TP

A. Theart 144/234
(H. Olivier)

**Alida Conradie**

**From:** Eben Potgieter <ebenpotgieter1@gmail.com>
**Sent:** Monday, 15 September 2025 11:46
**To:** Alida Conradie; antsarmstrong@gmail.com; martinL@marketexpert.co.zart.co.za; dmhoogenhout@gmail.com
**Subject:** Consent Use Application : Remainder Erf4771, Grotto Str, Voelklip, Hermanus.

Good day Alida,
I hereby object to the proposed Consent Use Application iro the above property, for the establishment of a 250- seater restaurant adjacent to Grotto beach.
I particularly object to the following :
1: The intended position of the proposed buildings in the very near proximity of the beach, which in all likelihood is below or at best very close to the high water mark. I understand that an assessment in that regard was last made in 2015, which is of course outdated.
2: The proposal will exclude the free use and access to the land by the broader public public.
3: My property is in close proximity to Grotto beach and the increase in traffic congestion and traffic noise will be unacceptable. A proper traffic impact assessment will in all likelihood confirm the undesirable impact on the surrounding properties.
4: Parking will also be a huge problem and the inflow of vehicles and noise will impact negatively on a Blue Flag beach such as Grotto beach.
5: Sewerage management, which already requires regular pumping in the area, will become problematic.
6: With the growth of the town and influx of inhabitants, water usage will become problematic. It was not long ago that the water levels of our dams were around 18% and severe restrictions had to be implemented. That can happen again in future.
7 : The noise of both the traffic and restaurant customers, especially late at night, will be unacceptable to rate paying owners like myself who live in close proximity.
8: As mentioned above, an EIA was last done in 2015 and is outdated. The Nema Act is most probably applicable in this matter, which prohibits buildings so close to the high water mark.
9: A building of the proposed magnitude will result in visual pollution so close to a pristine beach. It is also not as if there isn't a restaurant in close proximity already, as Dutchies has established itself over many years and is unobtrusive and not invasive of the environment, being on the other side of the road .
10: Sense of place is a very important factor to be taken into consideration and the impact of a modern 250 - seater restaurant will destroy and negatively impact on the sense of place.
Based on the above I submit that the application for Consent Use of the relevant Erf should be rejected.
Regards,
Eben Potgieter
165 9th Street,
ERF 6069,Voelkip, Hermanus.

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Erf 4771 HVK
SCAN NO.
COLLABORATOR NO. 2864250

TP

A. Theart 145/284
(H. Olivier)

**Alida Conradie**

**From:** Cathy Kenyon-Owens <catowens@gmail.com>
**Sent:** Monday, 15 September 2025 10:18
**To:** Alida Conradie
**Cc:** antsarmstrong@gmail.com; martinL@marketexpert.co.za; dmhoogenhout@gmail.com
**Subject:** Grotto

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Cathryn Kenyon-Owens
2 Talana St
Erf number 4450

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864255

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A. Theart
(H. Olivier)

FILE NO.
Erf 4771 HVK
SCAN NO. 146/24
COLLABORATOR NO.
2863963

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Juliet Johnson
15 12th Ave
Voëlklip
Erf 6144

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
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OVERSTRAND MUNICIPALITY

TP

A. Theart 14/1/234
(H. Olivier)

**Alida Conradie**

**From:** Jane Stevens <janestevens@live.co.za>
**Sent:** Monday, 15 September 2025 08:49
**To:** Alida Conradie
**Subject:** Objection to consent erf 4771

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864252

Dear Alida,

We hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

Our concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

We respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Randal and Jane Dicke

5 Assegaai
Hemel en Aarde Estate
Hermanus
0825796473
9836000391

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP

A. Theart 148 | 234
(H. Olivier)

**Alida Conradie**

**From:** Lielie Kotze <kotzelielie@gmail.com>
**Sent:** Sunday, 14 September 2025 20:07
**To:** Alida Conradie
**Cc:** dmhoogenhout@gmail.com
**Subject:** Save Grotto Please

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Mrs M Kotze
166 9th Street
Erf2872

Sent from my iPad

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863980

149/24
OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
15 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Attention: Alida Conradie

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Gera Naude
28 Musson Street,
Eastcliff, Hermanus.
Erf 999

A. Theart
(H. Olivier)

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2863985

A. Theart
(H. Olivier)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
16 SEP 2025
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80/234

**31 Contour Street**
**Fernkloof**
**Hermanus**
**7200**

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Grahame Lindop

31 Contour Street
Fernkloof
Hermanus

Erf 9829
Hermanus

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864390

TP

151/234

To whom it may concern:

**Objection to application for consent use - Remainder of Erf.4771 Old Nautilus Site app Dutchies (due date 03 October 2025)**

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers: more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution. traffic congestion and parking shortages will totally destroy the 'sense of place'.

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
16 SEP 2025
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I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

A. Theart
(H. Olivier)

Amanda Horne
290 Eight street
Voëlklip
Hermanus
Erf 4191
Cell: 0712766899

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864410

TP

152/234

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Paul Jonathan Buley
38 Fernkloof Village, Fir Avenue, Eastcliff Hermanus 7200
Erf 10257

A. Theart
(H. Olivier)

OVERSTRAND MUNISIPALITEIT
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153/234

1

**COMMENT on and OBJECTIONS to the proposed restaurant development on the remainder of Erf 4771 Grotto street, Voëlklip, Hermanus.**

I hereby object to the proposed development on the remainder of Erf 4771 Grotto street, Voëlklip, Hermanus, for the following reasons.

- Coastal Management Line for the Overberg District.

The Application for Consent Use for the remainder of Erf 4771 Grotto Street,Voëlklip, Hermanus does not address the requirement of compliance with the Coastal Management Line for the Overberg District. These setback lines are drawn in terms of section 25 of the National Environmental Management: Integrated Coastal Management Act (act no. 24 of 2008). See

https://gis.westerncape.gov.za/portal/home/webscene/viewer.html?layers=c35f03a013a943a48da9b229b6b77abe&viewpoint=cam:19.28876137,-34.4101907,5984.44;0.008,0.5
updated 7 January 2025.

When consulting the map (see Appendix with filename "setback line") it can be seen clearly that the **purple line** indicating the Coastal Management line goes eastward along 12th street until the street slopes into the Grotto beach area. Then the line veers northwards to 10th street and continues eastwardly until it is east of the relevant Grotto beach area. Erf 4771 is located to the south of 12 street towards the ocean, and thus exceeds the boundary lines of the Coastal Management line in its entirety.

I found no reference to the lack of meeting this requirement in this Application, or evidence of permission sought and granted to exceed the Coastal Management Line. The Application as it stands is therefore incomplete and invalid.

- Risk

In addition the current High Water Mark assessment and attendant floodline projections are outdated as the Grotto is adjacent to the Keinrivier Estuary which is a highly dynamic ecological entity, with continually shifting dunes, estuary exits and waterlines, exacerbated by rising sea levels.

A modelling of the risk level for the South African Coastline due to projected shifts in coastlines published by the Western Cape governement in 2015 titled *Coastal Management (Set-Back) Lines for the Overberg District (Draft Project Report, February 2015)* is of note here. In the report ( see

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864383

Apendix with filename "risk lines") an example) of the modelling results (Figure3) is presented to the reader, fortuitously taking the Grotto beach area were Erf 4771 is located as a case study.

In the figure 4 lines are drawn to indicate possible waterlines with the accopanying risk levels associated with such rising waters. The **dark brown** is the (then) High Water Mark, the **red** line indicates the High Risk level of water, which could occur within a 1-20 years time slot, the **Orange** line represents the level of Medium Risk, possible in 1-50 years, and the **Yellow** line the Low Risk level possible within the 1-100 years time frame.

Most relevant here is the Red line, which incorporates conceivable levels of water level rise within 1-20 years. It can be seen from the figure that this line moves right up to the southern boundary of Erf 4771, cuts through the ablution block adjacent to the Erf, and crosses Grotto beach road slightly east of the parking space next to the ablution block.

The Medium Risk levels (1-50 years), shown in the orange line, submerges the entire Erf 4771 under water, threatens Dutchies, and crosses Grotto beach road for a considerable distance.

https://www.rhdhv.co.za/media/20%20February%202015/Overberg%20Coastal%20Management%20Lines%20Refinement/Overberg%20CML%20Draft%20Report_PPP.pdf

I could find nothing in the Application that addresses the question of risk, as outlined above. This is matter of urgency, as the lease for the proposed restaurant is for 25 years, deep into the projected time frames of the Risk Assessment referred to here. Without a very persuasive account of how such risks are to be managed, this Proposal cannot be adequate.

- Parking

The proposal for parking facilities is wholly unconvincing (see p. 9 of the Proposal). The relevant paragraph starts with the statement that "public parking along Grotto Road may be uitilised by visitors to the restaurant", to be shared with other visitors to Grotto Beach and to Dutchies restaurant.

Yet the closing paragraph of this section claims that "parking is located on-site (within the subject property)". As I could not detect any parking bays in the visual presentation of the building on the site of Erf 4771, or any other parking bays (the building will cover the entire floor space (100%) of the Erf) it is clear that the claim that parking bays will be on-site is contradictory with the previous quoted statement about public parking along Grotto Road.

What is required for a convincing argument for parking is the following:

1. A clear statement about exactly how many seats will be available for patrons in the planned restaurant, plus how many personnel wil be present at peak times to operate the restaurant.
2. Using a standardized gauge of measurement it will then be possible to assess how many parking bays will be needed if and when the restaurant is fully occupied.
3. Then the existing number of parking bays in 12th Street/Grotto Road needs to be counted; and the present occupation rate of visitors to the beach area in peak season times should be added;

4. from which then can be calculated whether parking is adequate or insufficient for the proposed restaurant to function without invasive negative effects on surrounding streets in Voëlklip.

It also needs to be taken into account that the degraded wetland (the "Grotto") behind Dutchies can not be made available for additional parking, as the applicants in this Proposal commit themselves to "the rehabilitation of the adjacent wetland and the implementation of environmentally sensitive building practices", as required by the Basic Assessment Report and Environmental Authorisation.

- Noise Control and Law Enforcement

The Proposal sets out the technicalities of measuring noise levels and repeatedly assures the relevant Ratepayers that the CTFM (Cape Town Fish Market) will comply with relevant regulations.

These devices are then supposed to be used to restrain loud noise making. Measuring the precise decibels of the level of noise is one thing, but who is going to confront such noise makers? This is a matter of maintaining **law and order**, which is the function of the Overstrand Municipality and the South African Police Service.

The Proposal wrongly puts the ball entirely into the court of CTFM so to speak, with no commitment, or even a mention of the obligations of the Overstrand Municipality in this matter.

What is absent is an exposition of how compliance will be obtained from **rowdy customers**, especially once they have left the restaurant, not from CTFM. The Proposal needs to present, in writing, a commitment from the Overstrand Municipality on how they and other public order officials of the State are going to enforce these noise control measures, *within all business hours* of the proposed restaurant.

CTFM is also involved in this matter. The proposed hours of operation (08h00 to 24h00) and of liqour sales (10h00 to 24h00) *every day of the year* may be favourable for reasons of profitmaking by a private company, but are outrageously insensitive to the context and location of the proposed restaurant. The proposed restaurant is to be located within a resedential area, not in the central business district of the town of Hermanus.

While other firms had previously used these premises for restaurants, the scale of the project (100% cover of the area of 500sq m.) presented in the Proposal and the hours of business is completely foreign to the activities of the Voëlklip residential area.

For purposes of clarity the above needs to be re-stated. **It is quite inconceivable that the Overstrand Municipality is prepared to allow a Business outlet that sells liquor up till midnight every day of the year to operate, without a single statement of how law and order is going to maintained against rowdy elements, every day of the year up to midnight and even later**. To submit this Proposal in this form is an outrage, as the premises (Erf 4771) is located within the middle of a residential neighbourhood, with ratepayers many of whom are families.

Should the Proposal be allowed to succeed, the CTFM and surroundings will inevitably become a magnet for late-night drinkers is search of one more swig of alcohol. In the absence of any social controls and ***comprehensive security guarantees*** every single night then holds the potential of unravelling into social upheaval, completely at odds with the surrounding family oriented neighbourhood of Voëlklip.

This Proposal as it stands is an audacious and brazen disregard of and assault on the Constutional Right to Freedom and Security of the Person (Chapter 2, Bill of Rights, section 12(1) (c)), and is intolerable to all.

There are additional sources of noise pollution, primarily from generators used during power outages, and for cooling systems. How to control the noise levels of these machines, critical to the effective operation of the restaurant, also needs to be explained.

- Exclusivity

The Proposal goes on at length about how a restaurant will benefit the broader community of the Overstrand, directly through employment opportunities and indirectly through "wider economic ripple effects".

This is unconvincing. What the Proposal amounts to in essence, *is to convert a public space with access for all, into a site for private consumption only for those who can afford to pay.* The primary beneficiary here is the Cape Town Fish Market, who gain exclusive access to public land for private profit. The vast number of lesser advantaged families who can and do use this site for picnics during hot summer days will now be excluded from those deep shady spots under the magnificent Milkwood trees that have been available to them for so many years. Should this exclusion transpire it would be a disgrace.

Pierre du Toit.

198 Tenth Street

Voëlklip

Hermanus.

ERF 5443.

ure 3: Example of modelled risk projections

158/234



159/234

**Alida Conradie** 4771 HVK

**From:** Corinne Golding <corinnegolding1@gmail.com>
**Sent:** Tuesday, 16 September 2025 10:58
**To:** Alida Conradie
**Subject:** Objection to consent use proposal at Grotto Beach, Hermanus

Dear Alida

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. The erection of a large building/fancy restaurant in that site will detract from the natural environmental beauty of the beach. Before agreeing to this proposal, I would like to see the proposed development plans. These should be circulated for public viewing.
2. Sewerage – The area already requires frequent pumping; an extensive development here will make it worse.
3. Parking – Current facilities are inadequate and cannot support additional traffic.
4. Noise pollution – Late-night activities will disturb residents and the environment.
5. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
6. Environmental impact – The high-water mark and environmental assessments are outdated and need review.

Alternative development ideas could be more desirable at that site - like a play park for children, perhaps accompanied by a small restaurant.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation. We need greater assurances that sufficient care is being taken to provide balanced, inclusive, aesthetically pleasing and environmentally sensitive development of this public space.

A-Theart
(H. Olivier)

Regards,
Corinne Golding

179 9th Street, Voëlklip. Hermanus.
Erf Number: 3057

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FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864584



TP

160 /234

**Alida Conradie**

4771 HVK

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**From:** Denise Jeffery <djeffery@mweb.co.za>
**Sent:** Tuesday, 16 September 2025 10:08
**To:** Alida Conradie
**Subject:** FW: Grotto Beach destruction!

Sorry I forgot to put all my details on

Erf 5127
28 Negester Noord
Off Chanteclair Avenue
Onrus North 7201

djeffery@mweb.co.za
0027 (0)82 852 7731 cell

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864649

A. Theart
(H. Olivier)

**From:** Denise Jeffery <djeffery@mweb.co.za>
**Sent:** Tuesday, 16 September 2025 10:06
**To:** 'alida@overstrand.gov.za' <alida@overstrand.gov.za>
**Subject:** Grotto Beach destruction!

Dear Alida

Apart from being so horrified that our Municipality cares little about the beautiful landscapes of Hermanus, mountains, sea and beaches...I just cannot believe it is even in any one's mind to destroy Grotto Beach by Dutchies and the facilities for swimmers...

It is these pristine natural environments that bring people here....to get away from the hectic towns and cities What will be left....but a shocking deterioration of Hermanus, leading to more poverty as people turn to other pristine areas (the few that are left) for their time out to heal from the increasing stresses of daily life Already the townships are at bursting point with little to no work yet you allow more to arrive.... And more will if they see more greedy development going ahead..... it's a short term work solution, with so many still without work leading to more crime and in turn will turn away the very people this town needs.....visitors and tourists to name but two.

I seriously question your ability to consider the whole picture and do what is best for this once beautiful town and for the residents that pay the taxes to support you.

161 | 234

A very disappointed sad resident!
Denise Jeffery

djeffery@mweb.co.za
0027 (0)82 852 7731 cell

162 /234

**Alida Conradie**

**From:** Sue Ralph <susieralph@hermanus.co.za>
**Sent:** Tuesday, 16 September 2025 09:27
**To:** Alida Conradie
**Subject:** Remainder of Erf 4771

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Susan Frances Ralph
179 2nd St, Voelklip
Erf 10692

A. Theart
(H. Olivier)

OVERSTRAND MUNISIPALITEIT
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16 SEP 2025
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OVERSTRAND MUNICIPALITY

FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864682

TP

163 /234

**Alida Conradie**

**From:** Mathias Witte-Riding <witte.riding@gmail.com>
**Sent:** Tuesday, 16 September 2025 08:47
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Ms Conradie

I object to the proposed development at the Nautilus site, Grotto Beach. The area's existing **infrastructure is already under strain** and cannot support another large commercial operation.

Concerns include:

- **Sewerage** – Current systems require regular pumping with only one restaurant in place. A second venue would further overload limited capacity.
- **Water Supply** – Hermanus is already supplementing with aquifer water. Adding new demand is unsustainable.
- **Traffic and Parking** – Seasonal congestion and insufficient parking already affect residents and visitors. Additional commercial activity will worsen access and safety issues.

Infrastructure must be addressed **before** new development is considered. Approving this project risks both environmental degradation and social frustration.

Respectfully,

Mathias Witte-Riding
285 Main Road
7200 Hermanus

A. Theart
( H. Olivier)

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16 SEP 2025
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FILE NO.
Erf 4771 HVK
SCAN NO.
COLLABORATOR NO.
2864706

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
164/234
16 SEP 2025
DOCUMENT CONTROL
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TP-A Theart
(H Olivier)

To: Ms Alida Conradie, Overstrand Municipality

Email: alida@overstrand.gov.za

Date: 16 September 2025

**Subject: Support for Consent Use – Remainder Erf 4771, Grotto Street, Voëlklip (Old Nautilus Site) – due 03 October 2025**

Dear Ms Conradie,

**Re: Application for Consent Use – Portion of the Remainder of Erf 4771, Grotto Street, Voëlklip (Old Nautilus Site)**

I write to place on record my full support for the above Consent Use application. I welcome the proposed activation of this site for restaurant purposes and urge the Municipality to approve the application.

My particulars are:

- Full name: Kobus van Niekerk for Marko Properties Pty Ltd
- Residential address: 184 10th Street, Voëlklip, Hermanus 7200
- Erf number (if applicable): 3053 & 10564
- Contact: +27 82 886 6581; lavendermanor@hermanus.co.za

**Reasons for my support**

- Economic uplift & jobs: The proposal will create direct and indirect employment, skills development for local staff, and sustained spend with local suppliers—benefits felt well beyond peak season.
- Safety, cleanliness & management: A responsibly operated venue typically improves passive surveillance, litter control and maintenance around heavily used public nodes.
- Quality public experience: A well-run coastal restaurant enhances the visitor and resident experience at Grotto Beach and helps extend activity into shoulder/winter months, supporting the broader Hermanus economy.
- Good use of an existing node: The site is already a focal point for beach access and recreation; a professionally managed hospitality use is, in my view, compatible with that role and the character of the area.

I am confident that the Municipality's standard approval conditions and compliance monitoring (covering matters such as traffic/parking management, environmental safeguards, water/sewer capacity, and reasonable operating parameters) will adequately address operational details while allowing the community to enjoy the clear benefits of this investment.

Please acknowledge receipt of this submission and kindly keep me informed of the outcome.

Yours faithfully,

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO.
2865183

Kobus van Niekerk

Owner of Lavender Manor Guest House & Marko Properties Pty Ltd

166 | 234

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
16 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
(H olivier)

Mr BASIL EDWARD HERSOV

232 MAIN ROAD

EASTCLIFF

HERMANUS

ERF NO: 1249/1250

16 September 2025

**RE: OBJECTION TO CONSENT USE APPLICATION – ERF 4771 – GROTTO STREET, VOËLKLIP, HERMANUS**

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen it.
7. Environment impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place – predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application de declined in the interest of the community and environmental preservation.

Regards,

Basil Edward Hersov

232 Main Road

Eastcliff

Hermanus

Erf Number: 1249/1250

FILE NO. Erf 4771 - HVK
SCAN NO.
COLLABORATOR NO. 286173

TP - A Theart (H Olivier)

REKORDBEHEER
167/234
16 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Melize van der Merwe <melize@melize.co.za>
**Sent:** Tuesday, 16 September 2025 14:09
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
MELIZE VAN DER MERWE
164 EIGHTH STREET
ERF 6140 HERMANUS

MELIZE VAN DER MERWE & ASSOCIATES
Attorneys and Conveyancers
Telephone: +27 0 82 557 14 57
E-mail: melize@melize.co.za
P O Box 15673, Vlaeberg, 8018
31 Leeuwenhof Road, Gardens,
Cape Town, 8001

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO.
2865132

TP

TP- A Theart
(H Olivier)

REKORDBEHEER
168/234
16 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Erf 4771- HNK
SCAN NO.
COLLABORATOR NO.
286514

Bernhard Vogts
Erf 3284
No. 5 12th Avenue
Voëlklip
Hermanus

16 September 2025

Per email:
E-mail: alida@overstrand.gov.za

Dear Mrs. Alida Conradie,

IN RE: OBJECTION TO APPLICATION FOR CONSENT USE REMAINDER OF ERF 4771, GROTTO STREET, VOËLKLIP, HERMANUS

I refer to the above matter and confirm that I am writing to you as a concerned and potentially affected member of the Hermanus community in order to formally object to the proposed application for consent use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus. The application, if approved, would have significant negative impacts on our community, the local environment, and the Overstrand's reputation as a world-class tourism destination. As more fully set out hereunder, my concerns are as follows:

1. Environmental and Resource Strain

The proposed development poses a direct threat to our local ecosystem and already-strained resources.

- sewerage and water supply: The current sewerage system is already inadequate and requires frequent pump-outs. A new commercial development will generate a substantial increase in wastewater, placing an unsustainable burden on this fragile infrastructure. Similarly, the Overstrand region is under significant water stress and relies on supplementing our supply from local aquifers. Introducing a new high-demand commercial entity is irresponsible and unsustainable, especially in a region prone to drought.
- threat to blue flag status: The proposed development threatens Grotto Beach's prestigious blue flag status. This coveted international eco-label is awarded to beaches that meet strict criteria related to water quality, environmental management, environmental education, and safety services. A new commercial development could jeopardize these standards in several ways:

- environmental management: The development's potential for increased litter, waste, and sewerage overflow directly contradicts the criteria for proper environmental management.
- water quality: Runoff from increased parking and the potential for sewerage system failure poses a direct threat to the water quality, which is a core component of the Blue Flag criteria.
- safety and services: The added traffic and congestion could impede access for emergency vehicles, threatening public safety and the ability to meet the required safety standards.

2. Ecological Impact on Protected Flora and Sensitive Systems

The proposed development will have a disastrous impact on the indigenous flora and the sensitive dune ecosystem.

- compromising of protected trees: The site is home to mature, generations-old Melkhout (or Witmelkhout) trees (*Sideroxylon inerme*). This species is a protected, hardy evergreen tree in South Africa under the National Forests Act of 1998. Any development in the affected area would invariably damage these trees is in direct violation of the law. These trees are not only a part of the local heritage but also play a critical role in stabilizing the soil and providing a habitat for local fauna.
- impact on dune system: The proposed development encroaches on a sensitive coastal dune area. The dunes are a dynamic system where sand must be allowed to travel freely to maintain the natural profile of the beach and protect the coastline from erosion. Construction, paving, and the introduction of artificial barriers will interrupt this natural process, leading to accelerated dune erosion and potential long-term damage to the coastal environment.

3. Traffic, Parking, and Public Access

The proposed development would worsen existing problems and create a new precedent for privatizing public space.

- traffic and parking congestion: Grotto Street is a one-way street that already experiences severe traffic congestion during peak seasons. The addition of a new commercial establishment will inevitably exacerbate this dangerous situation. Furthermore, the public parking facilities are already inadequate for existing demand, and this development will only intensify the parking shortage.
- exclusion of the public: The proposed development represents the privatization of a public space for the benefit of a few, which goes against the principles of community-oriented public planning. There are numerous

examples in South Africa, such as the initial attempts to deny public access to Clifton's Fourth Beach in Cape Town, where communities were forced to fight for their right to enjoy previously open public spaces. We cannot allow a similar precedent to be set here.

4. Impact on Local Economy and Sense of community

The proposed development, instead of enhancing our community, threatens its unique character and a significant portion of our tourism economy.

- noise pollution and sense of community: The potential for late-night activities and generator noise will disrupt the tranquillity that defines Voëlklip. This noise pollution will not only disturb residents but also destroy the sense of community that attracts people to this area.
- threat to tourism: Hermanus is a world-renowned destination for international traveling kite-surfers, who are drawn by the unique wind and sea conditions. These visitors spend significant foreign exchange in our community. However, this development and its potential to cause traffic congestion and environmental degradation threaten the very attributes that attract this valuable demographic. By degrading the environment and making access more difficult, the valuable addition of international travellers and locals alike, is threatened.

I fully support the development needs of a town, its inhabitants and broader stakeholders. However, such development should not be at the expense of the natural environment, local, informed inhabitants and the greater public.

For the reasons set out above, I respectfully request that this consent use application be declined in the interest of community welfare, environmental preservation, and the sustained economic health of our region.

Yours faithfully,

BV

Bernhard Vogts
Erf 3284
No. 5 12th Avenue
Hermanus

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
171/284
16 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP- A Theart (H Olivier)

**Alida Conradie**

**From:** Pierre-Phillippe Pitlo <pierre@africansafariexperts.com>
**Sent:** Tuesday, 16 September 2025 15:25
**To:** Alida Conradie
**Subject:** OBJECTION TO APPLICATION FOR CONSENT USE Remainder of Erf.4771 Old Nautilus Site

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

It is **gross mismanagement** by the municipality to issue any sort of permission to anyone without consulting the community and especially when it concerns rich people wanting to develop public spaces to line their own pockets and to cater to only other rich people.
This **racist** and **inconsiderate** in the extreme.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application **be declined** in the interest of the community and environmental preservation.

Pierre Pitlo
Erf 165
11 Arundel Street, Westcliff



Pierre Pitlo
New Journey Designer and Owner
African Safari Experts
c 079 232 8580
pierre@africansafariexperts.com
www.africansafariexperts.com

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2865135

Virus-free.www.avast.com

TP

TP- A Theart (H Olivier)

REKORDBEHEER
172/234
17 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Marc van de Pol <info@park99.nl>
**Sent:** Tuesday, 16 September 2025 18:29
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby **object** to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Robert Broeren and Marc van de Pol
76 Tobago Bay
Whale Rock Estate
7200 Hermanus

Erf Number: 7529

FILE NO. Erf 4771 - HVK
SCAN NO.
COLLABORATOR NO. 2865435

TP - A Theart (Holivier)

REKORDBEHEER
173/234
17 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Russel Witte-Riding <russel.witte.riding@icloud.com>
**Sent:** Tuesday, 16 September 2025 16:35
**To:** Alida Conradie
**Subject:** Objection to consent use application - Erf4771, Grotto Street, Voelklip, Hermanus

Dear Ms Conradie

I object to the proposed development at the Nautilus site, Grotto Beach. The area's existing **infrastructure is already under strain** and cannot support another large commercial operation.

Concerns include:

- **Sewerage** – Current systems require regular pumping with only one restaurant in place. A second venue would further overload limited capacity.
- **Water Supply** – Hermanus is already supplementing with aquifer water. Adding new demand is unsustainable.
- **Traffic and Parking** – Seasonal congestion and insufficient parking already affect residents and visitors. Additional commercial activity will worsen access and safety issues.

Infrastructure must be addressed **before** new development is considered. Approving this project risks both environmental degradation and social frustration.

Respectfully,

Russel Witte-Riding
285 Main Road
Hermanus
7200

FILE NO. Erf 4771 - HNK
SCAN NO.
COLLABORATOR NO. 2865438

TP

TP-A Theart (H olivier)

REKORDBEHEER
174/234
17 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** justin Gonggrijp <justingonggrijp@gmail.com>
**Sent:** Wednesday, 17 September 2025 12:31
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
   During 6 months per year it is impossible to park hand have a walk on our beach
3. Sewerage – The area already requires frequent pumping; this development will make it worse. More often than not you can smell the sewerage. How will this be resolved???
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Just R Gonggrijp
13 Cliff Road
7200 Hermanus
ERF 285

FILE NO. Erf 4771-HYK
SCAN NO.
COLLABORATOR NO. 2865446

TP

175/234

**Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus**

Mrs Arlene Hennessy
23 4th Street
Voëlklip
Hermanus 7200

TP- A Theart (H Olivier)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
17 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Via Email: alida@overstrand.gov.za

Dear Alida,

I wish to formally object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus. My objection is based on a number of concerns which I believe will negatively affect both the local community and the environment.

1. **Exclusivity** – The proposed development will in effect privatise and restrict an area that has always been freely accessible to the wider community. This creates both economic and social exclusion, limiting enjoyment of the land to a select few rather than preserving it as a shared resource.
2. **Parking** – The current parking facilities are already stretched to capacity during peak times. Adding a new commercial activity without adequate on-site parking will exacerbate the problem. It would be more appropriate that sufficient public parking be provided within the leased land itself.
3. **Sewerage** – This part of Voëlklip already requires frequent pumping to manage the existing sewerage system. Additional commercial use would place a further strain on this fragile infrastructure and could create health and environmental risks.
4. **Water supply** – The Overstrand is already supplementing water from underground aquifers to meet current demand. Placing further pressure on this limited resource for commercial purposes is simply not sustainable in the long term.
5. **Noise pollution** – The likelihood of late-night activity, together with generator noise during load shedding, will directly disturb nearby residents and disrupt the natural environment. The quiet character of the area is one of its most valued features.
6. **Traffic congestion** – Voëlklip already struggles with seasonal traffic and the complications of the one-way system. Introducing a new restaurant will inevitably add to congestion, making access for residents and visitors more difficult and unsafe.
7. **Environmental impact** – The high-water mark and existing environmental assessments appear outdated. These should be reviewed carefully before any further development is considered, as the ecological sensitivity of this coastal area is well established.
8. **Sense of place** – Taken together, the anticipated noise, traffic, parking shortages and commercial intrusion will erode the unique sense of place that makes Voëlklip so special. The identity of the area is strongly tied to its tranquillity and natural setting, both of which would be compromised.

In light of the above, I respectfully request that the consent use application be declined in order to safeguard the character of Voëlklip, protect its environment, and preserve community access for the benefit of all.

Yours sincerely

Arlene Hennessy
Erf No 1819

FILE NO. Erf 4771 - HNK
SCAN NO.
COLLABORATOR NO.
2865405

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
17 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
(H Olivier)

176/234

267 5th Street
Voelklip
Hermanus
7200

Dear Alida,

**Re: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus**

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the natural environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review. The proposed restaurant borders right onto a natural Milkwood Forest which is home to many small animals and birds. Builders are often not respectful or mindful of their impact on the surrounding area, and their litter and rubble will encroach into this beautiful forest.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Nicola Proudlock
267 5th Street
Voelklip
Hermanus
ERF 3986

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2865431

TP - A Theart (H Olivier)

REKORDBEHEER
177/284
17 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** adrianne Louw <adlouw@gmail.com>
**Sent:** Wednesday, 17 September 2025 11:18
**To:** Alida Conradie; antsarmstrong@gmail.com
**Subject:** Fwd: Consent Use Application : Remainder Erf4771, Grotto Str, Voelklip, Hermanus.

Good day,
I am the life partner of Eben Potgieter of 165 9th street Voelklip Hermanus and fully support his objection to the above application as forwarded herewith.
Regards
Adrianne Louw
ID 5611290085082

---------- Forwarded message ---------
From: **Eben Potgieter** <ebenpotgieter1@gmail.com>
Date: Wed, 17 Sept 2025, 10:57
Subject: Fwd: Consent Use Application : Remainder Erf4771, Grotto Str, Voelklip, Hermanus.
To: EBEN <adlouw@gmail.com>

FILE NO. Erf 4771 - HYK
SCAN NO.
COLLABORATOR NO. 2865411

---------- Forwarded message ---------
From: **Eben Potgieter** <ebenpotgieter1@gmail.com>
Date: Mon, Sep 15, 2025, 11:45 AM
Subject: Consent Use Application : Remainder Erf4771, Grotto Str, Voelklip, Hermanus.
To: <alida@overstrand.gov.za>, antsarmstrong@gmail.com <antsarmstrong@gmail.com>, <martinL@marketexpert.co.zart.co.za>, <dmhoogenhout@gmail.com>

Good day Alida,
I hereby object to the proposed Consent Use Application iro the above property, for the establishment of a 250- seater restaurant adjacent to Grotto beach.
I particularly object to the following :
1: The intended position of the proposed buildings in the very near proximity of the beach, which in all likelihood is below or at best very close to the high water mark. I understand that an assessment in that regard was last made in 2015, which is of course outdated.
2: The proposal will exclude the free use and access to the land by the broader public public.
3: My property is in close proximity to Grotto beach and the increase in traffic congestion and traffic noise will be unacceptable. A proper traffic impact assessment will in all likelihood confirm the undesirable impact on the surrounding properties.
4: Parking will also be a huge problem and the inflow of vehicles and noise will impact negatively on a Blue Flag beach such as Grotto beach.
5: Sewerage management, which already requires regular pumping in the area, will become problematic.
6: With the growth of the town and influx of inhabitants, water usage will become problematic. It was not long ago that the water levels of our dams were around 18% and severe restrictions had to be implemented. That can happen again in future.
7 : The noise of both the traffic and restaurant customers, especially late at night, will be unacceptable to rate paying owners like myself who live in close proximity.

178/234

8: As mentioned above, an EIA was last done in 2015 and is outdated. The Nema Act is most probably applicable in this matter, which prohibits buildings so close to the high water mark.
9: A building of the proposed magnitude will result in visual pollution so close to a pristine beach. It is also not as if there isn't a restaurant in close proximity already, as Dutchies has established itself over many years and is unobtrusive and not invasive of the environment, being on the other side of the road .
10: Sense of place is a very important factor to be taken into consideration and the impact of a modern 250 - seater restaurant will destroy and negatively impact on the sense of place.
Based on the above I submit that the application for Consent Use of the relevant Erf should be rejected.
Regards,
Eben Potgieter
165 9th Street,
ERF 6069,Voelkip, Hermanus.

500

TP-A Theart (H Olivier)

REKORDBEHEER
179 /234
17 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Penny Robartes <probartes@gmail.com>
**Sent:** Wednesday, 17 September 2025 17:01
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Penny Robartes
2 Shearwater Crescent, Vermont, 7201

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2865709

Kind regards,

Penny Robartes
www.pennyrobartes.com

501

TP - A Theart (H Olivier)

REKORDBEHEER
180/234
17 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Marguerite Van Zuylen <vanzuylen@euronet.nl>
**Sent:** Wednesday, 17 September 2025 16:02
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Reinier van Zuylen

148 9th Street
Hermanus

FILE NO. Erf 4771
HVK
SCAN NO.
COLLABORATOR NO.
2865716

TP

OVERSTRAND MUNICIPALITY
REKORDBEHEER
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17 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

4771 HNK

**From:** Adrian Fowler <adifowlerdrums@icloud.com>
**Sent:** Wednesday, 17 September 2025 17:01
**To:** Alida Conradie
**Subject:** OPPOSED TO GROTTO DEVELOPMENT!

TP - A Theart (H Olivier)

Surely this cannot go ahead! SURELY HERMANUS' natural beauty IS NOT BEING destroyed by chain developments and greedy municipality receiving rent.

OUR concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Adrian Fowler
105 8th Street Voelklip Hermanus

Sent from my iPhone

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2865713

TP

TP- A Theart (H Olivier)

REKORDBEHEER
17 SEP 2025/82/2814
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Adrian Webster Frank Buckland
3 Protea Road Hermanus
Erf 6032

FILE NO. Erf 4771
HVK
SCAN NO.
COLLABORATOR NO.
2865729

TP

504
TP - A Theart (Holivier)

REKORDBEHEER
17 SEP 2025 183/234
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Les Aupiais <les@lesaupiais.com>
**Sent:** Wednesday, 17 September 2025 14:34
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,Consent Use Application - ERF 4771 Voelklip

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Lesley Ann Glenn
21 Kandelaar St

Vermont

ERF 1029

FILE NO. Erf 4771
HVK
SCAN NO.
COLLABORATOR NO.
2865734

TP

505

TP- A Theart (H Olivier)

REKORDBEHEER
18 SEP 2025 184 | 234
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Elbie Louw <elbielouw@yahoo.com>
**Sent:** Thursday, 18 September 2025 13:10
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Maria Elizabeth Louw
5th Street 266
Voëlklip
Hermanus
Erf Nr 4005

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2866040

TP

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OVERSTRAND MUNICIPALITY

TP- A Theart (H Olivier)

PROKUREUR • ATTORNEY
land law specialist

18 September 2025

FILE NO. Erf 4771-HVK
SCAN NO.
COLLABORATOR NO. 2865912

The Municipal Manager
Overstrand Municipality

alida@overstrand.gov.za

Good day

**OBJECTION TO PROPOSED CONSENT USE TO PERMIT THE USE OF A PORTION OF PUBLIC OPEN SPACE REMAINDER ERF 4771, VOëLKLIP, HERMANUS FOR PURPOSES OF A RESTAURANT: APPLICATION ID 5037/2025**

1. Municipal Notice No. 149/2025, has reference.

2. I shall refer to the portion of the abovementioned public open space that Cape Town Fish Market V & A Waterfront (Pty) Ltd ("CTFM") leases from the Municipality and which is proposed to be used for the development of a restaurant, as "the Site".

*Objection*

3. The application for a Consent Use that WRAP Project Office submitted on behalf of CTFM for approval in terms of the Overstrand Land Use Scheme (the "Zoning Scheme") to permit the use of the Site for purposes of a Tourist Facility (a restaurant), refers.

4. In accordance with my instructions, I hereby strongly object on behalf of Messrs J A Armstrong, M T Louw and D M Hoogenhout (for The Seetuin Trust and Seetuin Beleggings (Pty) Ltd) to approval of the said application.

*Section 52 MPBL requirements*

5. For purposes of section 52 of the Overstrand Municipal Land Use Planning By-Law (the "MPBL"), I confirm the following:

   5.1. I act on behalf of Messrs J A Armstrong, M T Louw and D M Hoogenhout (for The Seetuin Trust and Seetuin Beleggings (Pty) Ltd).

   5.2. I shall accept notice or service of documents at jp@jpprojects.co.za or at 25 Lourensford Road Somerset West.

**SOLE PROPRIETOR**: JP du Plessis B Iuris, LLB (UNISA), BPhil & MPhil Sustainability (US)

25 Lourensford Road, Somerset West, 7130 • PO Box 1044, Somerset Mall, 7137
Tel: 021 851 0359 • Email: jp@jpprojects.co.za

5.3. My clients are the registered owners of erven situated in close proximity of the abovementioned public open space and have a self-evident interest in the proposed utilisation of the Site.

5.4. The reasons for the objection, indicating the facts and circumstances which explain the objection and demonstrate the undesirable effect that implementation of the proposal will have on the area and the rights and legitimate expectations of residents, are set out below.

## *The development proposal*

6. The Site on which it is proposed to construct a restaurant previously *inter alia* accommodated the "*Nautilus Restaurant*", which operated until it was destroyed by fire in 2000. For the last 25 years the Site has been undeveloped.

7. The proposal is to construct a single storey pitched roof building, not exceeding the erstwhile Nautilus restaurant footprint (500 m²) and limited to a maximum height of 6,7m from the existing ground level, with allowance for an elevated finished floor level to accommodate possible storm surges.

8. The proposal is that, in lieu of CTFM providing parking on the leased Site ("on-site") which is the normal municipal requirement, CTFM will not be providing any off-street parking for visitors or staff on the Site but will be permitted to use existing public parking facilities in the vicinity (i.e. in Grotto Road).

## *The Consent Use application*

9. The Site is zoned as "*Open Space Zone 2: Public Open Space*". The Zoning Scheme provides that land with such a zoning may, with prior municipal approval of a "Consent Use", *inter alia* be used for restaurant purposes (i.e. a Tourist Facility) if found to be desirable and in the public interest.

10. The application under discussion aims to obtain the required municipal Consent Use approval for such a facility.

11. The manner in which the Municipality has to date acted in this matter, i.e. with total disregard of my clients' fundamental constitutional right to lawful administrative action, already necessitated a successful High Court application.

12. I shall motivate further below why the Municipality is reasonably perceived to be so biased and partial to approving the current Consent Use application, that a "fair hearing" seems highly unlikely. I shall therefore include below information relating to action leading up to the current application for a Consent Use.

## *The structure of this memorandum*

13. The structure of this memorandum is as follows:

13.1. First I discuss the environmental authorisation that the Municipality obtained during 2015 to redevelop the portion of Erf 4771 known as Piet se Bos, Grotto Beach, which includes the Site.

13.2. Secondly I discuss the two tenders that the Municipality invited and awarded respectively during 2022 and 2024 for the lease, management and maintenance of two restaurants on Remainder erf 4771.

13.3. Thirdly I discuss the municipal approval of a building plan for the restaurant and the lease agreement for the Site that the Municipality has concluded with CTFM.

13.4. Fourthly I briefly provide background information relating to the Court Order that my clients were compelled to obtain.

13.5. I then turn to discuss the fact that public places are a foundation of democracy, pointing to the central role of public open space in fostering social interaction, inclusivity, connectivity and building a sense of community. [1]

13.6. Next I deal with submissions made in the WRAP Motivation Report, including *inter alia* alleged "vested rights", "Need and Desirability" considerations and municipal "on-site" parking requirements.

13.7. This is followed by a discussion of the significant pressure that the proposed land use will have environmentally, logistically and socially. It *inter alia* includes traffic concerns and strain on water sources and sewerage infrastructure.

13.8. Next I consider the legislative framework within which an application for Consent Use approval must be considered. I *inter alia* discuss key decision-making criteria that a decision-maker is by law required to consider when deciding a Consent Use application, some of the applicable "*planning principles*", the concept of "*desirability*", the duty to find the "*best practicable environmental option*" and the requirement to weigh disadvantages and benefits of proposals.

13.9. I then proceed to assess the application for Consent Use approval in the context of the benefits and disadvantages which may flow from the proposed land use, conclude that the proposed land use will give rise to unacceptable opportunity costs (i.e. social exclusion) and will not serve the best interests of the local communities,

13.10. Lastly I submit that objectively viewed, the considerable disadvantages to flow from the proposed land use will clearly outweigh any potential benefits to be derived from it, that it lacks desirability and therefore that the Consent Use application should be refused.

*Environmental authorisation*

14. The genesis of the current application stems from an application for environmental authorisation (an "EA") by the Municipality for the redevelopment of portion of Remainder Erf 4771 which included the rehabilitation of the wetland, the construction of an amphitheatre and a restaurant on the Nautilus site (the "Site").

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1 See comments in paragraph 41 of the *See Front for All* judgment 2011 (3) SA 55 on p. 65 (WCC)

15. On 14 December **2015** the Municipality obtained an EA from the Department of Environmental Affairs and Development Planning ("DEA&DP") to commence with listed activities that will be triggered by *inter alia* the proposed development of a restaurant on the Site. It allowed for a single storey restaurant (singular) at Grotto Beach and had a validity period of 5 years. DEA&DP approved a 5-year extension of the validity period on 6 July 2020 and again on 4 July 2025. The appeal that I lodged on behalf of my clients against the last approval is yet undecided.

16. Applicants for EAs are required, as part of the environmental process, to consider *alternatives* in relation to a proposed activity.

    16.1. "Alternatives" means different means of meeting the general purposes and requirements of the activity, which may include alternatives to the property on which, or location where, it is proposed to undertake the activity.

    16.2. As the Municipality's 2014 EA application primarily focussed on the proposed rehabilitation of the Erf 4771 wetland, no consideration was given to locating the proposed restaurant on an alternative property within the municipal area.

17. It is noteworthy that the 2015 EA dealt with the preferred alternative 3, which involved a single storey restaurant. It is quite apparent that two restaurants were never contemplated for the Piet se Bos, Grotto Beach portion of Remainder Erf 4771. As we will point out below, the Municipality nevertheless published a 2nd tender for the lease, management and maintenance of a portion of the property, known as Dutchies Restaurant, in March 2024.

18. The application for a Consent Use of the Site does not address the requirement of compliance with the Coastal Management Line for the Overberg District. These setback lines are drawn in terms of section 25 of the Integrated Coastal Management Act 24 of 2008.

    18.1. When consulting the relevant map, it can be seen clearly that the purple line indicating the Coastal Management Line goes eastwards along 12th street until the street slopes into the Grotto beach area, Then the line veer northwards to 10th street and continuous eastwardly until it is east of the relevant Grotto beach area.

    18.2. Erf 4771 is located to the south of 12th street towards the sea and thus exceeds the boundary lines of the Coastal Management line in its entirety. There is no indication in the application that permission was sought and granted to exceed the coastal management line.

19. it would be wrong to rely on the current EA, which is based on more than 10 years old outdated information, in deciding the Consent Use application. The current High Water Mark assessment and attendant flood line projections are outdated as the Grotto Beach is adjacent to the Kleinrivier estuary which is a highly dynamic ecological entity, with continually shifting dunes, estuary exits and waterlines, exacerbated by rising sea levels.

20. The fact that an EA was granted in 2015 does not absolve the Municipality from considering and assessing all relevant facts and forming its own opinion in the matter independently. I submit that the information provided in the application falls far short as a basis for forming a rational opinion concerning the safe utilisation of land by taking into consideration factors such as sea-level rise, storm surges and flooding.

*The municipal tenders*

21. The Municipality during October 2022 published a Tender for the lease, development and maintenance of a restaurant on the Site ("the Nautilus tender").

    21.1. To facilitate this development, it provided for an agreement wherein an area is leased to the successful bidder for a duration of 25 years, who will be responsible for developing and operating the restaurant.

    21.2. The Municipality holds the EA and the selected bidder will act as the implementing agent for the project.

    21.3. The bid specifications correctly indicated that Remainder Erf 4771 is zoned as Public Open Space but further stated (incorrectly so) that the Site has vested rights to be developed as a restaurant. The Nautilus tender was awarded to CTFM in March 2023.

22. During March 2024 the Municipality published a second tender for the lease, management and maintenance of a portion of remainder Erf 4771 Hermanus, known as Dutchies Restaurant ("the Dutchies tender"). The Municipality subsequently awarded the Dutchies tender.

*Building Plan & Lease Agreement*

23. It is necessary to refer to the municipal approval of the building plan of the proposed restaurant because it, too, was unlawful, in circumstances where the Site is not zoned to permit such use in the absence of Special Consent. It confirms the Municipality's predisposition to the Consent Use decision to be taken.

24. The Zoning Scheme stipulates off-street parking requirements that apply to development proposals and *inter alia* provides that, subject to the Municipality's approval, "off-street" parking may be provided in public parking facilities, The use of parking bays in public streets is of course not "off-street" parking.

25. As regards "municipal approval" that "off-street" parking may be provided in public parking facilities, there is no indication that such approval was granted, yet the building plans were approved although, as far as I could ascertain, the site development plan does not provide for on-site parking bays according to the Zoning Scheme's "Minimum Off-Street Parking Requirements".

25.1. It will be interesting to know how many (if any) developers the Municipality permitted over say the last three decades to develop land without providing any off-street parking on site.

25.2. A relevant question is whether different rules apply when municipal land is effectively privatised?

## *Court Order*

26. As no evidence could be found and the Municipality was unable to produce any evidence that a valid Special Consent existed to use the Site for restaurant purposes, my clients were obliged to judicially challenge the Municipality's allegation that the Site had Vested *Rights to develop a restaurant*.

27. In their High Court application, my clients *inter alia* applied for orders declaring that:

27.1. the zoning of the "*Old Nautilus restaurant site*" does not permit the development and maintenance of a restaurant thereon;

27.2. there is no extant or vested right or consent use permitting the development and maintenance of a restaurant on the site;

27.3. the Municipality's decision to approve the CTFM's building plan application for the development of a restaurant on the site, is unlawful.

28. A High Court order has since been obtained. Effectively it is an acknowledgement that the proposed use was not permitted as at date of:

28.1. the application for environmental authorisation and its approval in 2015;

28.2. the 2020 and 2025 applications for and approvals of the EA amendments.

The proposed use without the required Special Consent will be unlawful.

## *Role of Public Open Spaces*

29. Public open spaces are not just physical locations; they are a foundation of democracy and integral to the social and environmental fabric of communities. These spaces play a central role in fostering social interaction, inclusivity, connectivity and building a sense of community. They can help bridge gaps between different groups within a community.

30. Public open spaces are generally freely accessible to both the rich and the poor. Spatial justice requires no less.

31. The exclusive use of public spaces divides us and threaten democracy. It benefits the few at the expense of the many and reduce the ability of citizens to act together to promote the well-being common to all of us.

32. Democracies thrive when people *opt in for the common good*; i.e. for public spaces that

serve the majority of residents rather than the exclusive few at the top of an economic and social hierarchy.

*The WRAP Motivation Report*

33. I do not find it necessary to deal with each and every shortcoming in the applicant's motivation report. I shall restrict a discussion of the motivation report to four topics only, namely "vested rights", "need and desirability" considerations, "socio-economic" considerations and municipal "off-street" parking requirements.

"Vested rights"

34. For the purpose of determining the lawful use of the Site, its historical use as a restaurant is not decisive. For example, it is highly relevant that the historic Nautilus restaurant burnt down some 25 years ago and, since then, no restaurant has been operated on the Site.

35. The so-called "vested rights" on which the Municipality relied in the Nautilus tender, for its claim that the proposed use of the Site as a restaurant is legally permissible, is misplaced. The proposed development will conflict with the provisions of the municipal Zoning Scheme if the Special Consent Use application is not approved. Suffice it to say that it was convincingly shown in the Court papers why the Muncipality's purported reliance on a "vested right" is legally untenable.

36. The fact that three, four or five decades ago the Site was used for restaurant purposes, is legally irrelevant. The historic documents are legally irrelevant. Things have changed dramatically in this country over the last three and more decades. The decision-maker must have regard to the situation that exists now and what is now required of local government.

37. CTFM and the Municipality will no doubt derive substantial financial benefit from the proposed land use, but that will be at the expense of the poor majority. A 25-year lease period means that inequality will be entrenched for a very long time.

38. A major omission in the motivation report is that it fails to deal with the crucial questions (a) whether the land should not be retained as public open space for benefit of all residents (and not only the rich that can afford to frequent restaurants); and (b) whether approving the Consent Use will make any contribution whatsoever towards social equity as sought by democracy or whether it will materially detract from it?

"Need and desirability"

39. The concept of desirability relates to the type of development being proposed. Essentially it can be explained in terms of the general meaning of that component in which desirability refers to place – i.e. is it the right place for locating the type of land use/ activity being proposed. "Desirability" or "placement" refers specifically to the best practicable environmental option for the Site, a topic which is dealt with further below.

40. A major omission in the motivation report is that it does not engage with the questions whether the Site is the right place for locating the type of proposed land use and whether it is the best practicable environmental option. I shall return to this topic further below.

"Socio-economic considerations"

41. The Municipality must indeed promote justifiable social and economic development. However, whether development is justifiable or not, depends on whether the positive impact that it will have outweighs its disadvantages.

42. The socio-economic benefits that the proposed development will give rise to, can be achieved on many other sites within the municipal area. There is no compelling reason why sound planning principles (e.g. social justice) should be thrown overboard and the proposed land use, which is contextually inappropriate and not inclusionary in nature, should be permitted on the Site. It can be accommodated elsewhere in the municipal area where it is contextually more appropriate, sensitive to the natural environment, generally compatible with surrounding land uses and development and where the same socio-economic benefits can be generated. The question therefore remains whether the Site is the right place for locating the restaurant?

"Off-street" parking

43. Regarding parking, the applicant alleges that "*the proposal includes sufficient on-site parking bays to accommodate the anticipated visitor demand in accordance with municipal standards*". According to the motivation report "*the parking is located on-site (within the subject property)*".

44. Although the Site forms part of the Remainder Erf 4771, the Zoning Scheme requires "off-street" parking to be provided on the Site (i.e. the area being leased to CTFM). Suffice it to re-iterate that, using street parking on Remainder Erf 4771 is not providing "off-street" parking as contemplated in the Zoning Scheme and does not satisfy the Zoning Scheme minimum parking requirements.

## *Significant Pressures*

45. The proposed development threatens to put significant pressure on an already strained area — environmentally, logistically, and socially. If approved, this Consent Use would probably lead to:

45.1. Congestion and access concerns – Grotto beach area is already under significant seasonal pressure. More commercial activity will add to traffic issues and affect everyone's access to the beach.

45.2. Increased traffic and parking issues – The developer is not required to provide any public parking on the leased area ("on-site") but will entirely depend on existing public street parking in the area. Why this preferential treatment by waiving compliance with normal on-site parking requirements? Parking is already a long-standing problem in this area during peak beach-going periods. Further development will only worsen the situation.

45.3. Strain on water resources – Potable water supply is limited and already being supplemented from the aquifer.

45.4. Sewerage overload – The current system already needs regular pumping. This is

just with one restaurant on site; additional development will only exacerbate the issue.

45.5. Noise pollution – Generators and late-night revelry (liquor service until midnight) will disturb the peace of this residential and natural space.

45.6. Environmental concerns – The high-water mark has not been scientifically reassessed since the 2015 Basic Environmental Impact Assessment.

*Legislative framework*

46. It is a legal requirement that the decision-maker should consider all matters relevant to his decision. The matters to be considered when evaluating the application for a Consent Use, are all those factors which the legislator envisaged as properly bearing on the decision of the local authority.

Key decision-making criteria

47. I now turn to consider the legislative framework within which an application for Special Consent must be considered. It falls to be determined with regard to the provisions of the Constitution, Overstrand By-Law on Municipal Land Use Planning (the "MPBL"), the Spatial Planning and Land Use Management Act 16 of 2013 ("SPLUMA") and the Western Cape Land Use Planning Act 3 of 2014 ("LUPA").

48. The Constitution should inform the decision. It was adopted *inter alia* to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights. It is particularly noteworthy that section 25(5) of the Constitution requires that the State *must* take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.

49. Section 66 of the MPBL sets out the general criteria for consideration of applications. It stipulates that the Authorised Official or Municipal Planning Tribunal, when considering an application, must have regard to *inter alia* the following:

49.1. the desirability of the proposed utilisation of land;

49.2. the principles, planning and development norms and criteria set by national and provincial government;

49.3. the matters referred to in Section 42 of SPLUMA;

49.4. the principles referred to in Chapter VI of LUPA; and

49.5. the relevant provisions of the land use (zoning) scheme.

50. In terms of section 42 of SPLUMA a Municipal Planning Tribunal must, in considering and deciding an application, *inter alia* be guided by the development principles set out in section 7 thereof and must take into account the public interest; the constitutional transformation imperatives and the related duties of the State; and the respective rights and obligations of all those affected.

50.1. Section 42(2) of SPLUMA requires that when considering an application affecting the environment, the Municipal Planning Tribunal must ensure compliance with environmental legislation.

50.2. Section 2(1) of the National Environmental Management Act 107 of 1998 ("NEMA") sets out principles that apply throughout the Republic to the actions of all organs of state that may significantly affect the environment. Those principles

50.2.1. shall apply alongside all other appropriate and relevant considerations; and

50.2.2. serve as guidelines by reference to which any organ of state must exercise any function when taking any decision in terms of this Act or any statutory provision concerning the protection of the environment.

50.3. In terms thereof, sustainable development requires the consideration of all relevant factors including that a risk-averse and cautious approach is applied, which takes into account the limits of current knowledge about the consequences of decisions and actions.

51. Section 49 of LUPA provides that when a municipality considers and decides on a land use application, it must *inter alia* have regard to at least the relevant principles and the desirability of the proposed land use.

Development/ Planning Principles

52. Both SPLUMA and LUPA provide that the development and land use planning principles set out in those Acts apply to all organs of state responsible for the implementation of legislation regulating the utilisation and development of land.

52.1. According to those Acts those principles *inter alia* guide the consideration by a competent authority of an application that impacts on the utilisation and development of land.

52.2. Both Acts stipulate that land use planning must be guided by the principles of spatial justice, that past spatial and other development imbalances should be redressed through improved access to, and utilisation of, land; that municipal policy should address the inclusion of persons; and that zoning schemes, should incorporate provisions that enable redress in access to land by disadvantaged communities.

52.3. In terms of section 59(2)(e) of LUPA (which deals with the principles of spatial sustainability), the safe utilisation of land should be ensured by taking into consideration factors such as sea-level rise, storm surges and flooding.

Desirability

53. In terms of LUPA and the MPBL the Municipality is required, when it considers and decides a Consent Use application, to have regard (amongst other things) to at least the desirability of the proposed land use. LUPA and the MPBL do not define the word "desirability".

54. The High Court has, however, pronounced authoritatively on the meaning to be attached to the word as used in the now repealed Land Use Planning Ordinance, 15 of 1985 ("LUPO"). [2] Erasmus AJ that handed down the Hayes judgment, inter alia had the following to say:

> *"The test of desirability is conclusive – in terms of s 36(1) a departure application 'shall be refused solely on the basis of a lack of desirability'. Though the test is phrased in the negative, it lays down a positive test: the test is the presence of a positive advantage which will be served by granting the application".*

55. What is clear from that judgment is that the granting of the application should hold a positive advantage for the broader community and not only for the applicant.

56. In a more recent Booth decision [3] the Western Cape High Court had occasion to consider (and confirm) the two bases under section 36(1) of LUPO (prior to its repeal by LUPA) on which applications can be refused. These considerations are equally apposite to the consideration of desirability of the proposed uses under LUPO's successor, LUPA.

56.1. At paragraph [47] of the Booth judgment, Rogers, J says the following:

> *"The function of Section 36(1), in my view, is to make lack of desirability and effect on existing rights the only bases on which a decision maker may refuse an application."*

56.2. The Booth judgement confirms that it is incumbent on the applicant to make substantive submissions that show (objectively viewed) that the proposed use (and by implication we submit any associated structures), if approved, will not impact adversely on existing rights.

56.3. Self-evidently, the "*positive advantage*" or "*acceptability*" of the proposed land uses contemplated in the application must be for the area or community at large and not only for the applicant at the expense of existing rights and the sense of place of the surrounding area. Such rights include the right to have the sense of place of the area protected through the strict enforcement of the laws and spatial planning guidelines that were adopted for this very purpose.

56.4. The aim should be to ensure that the development will be socially, economically and environmentally sustainable. Specific broader societal needs, and the public interest must be considered together with the distributional consequences in order to determine whether or not the development is "justified", will contribute to environmental and social justice, and will result in the "best practicable environmental option".

57. The application fails to convincingly indicate that the use of the Site for restaurant purposes will be in the interest of most of the people of Hermanus or in the public interest. The proposed land use will not be sympathetic to nor compatible with the character of the

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2 See Hayes and Another v Minister of Finance and Development Planning, Western Cape 2003 (4) SA 598 (C).

3 Booth NNO v Minister of Local Government 2013 (4) SA 519 (WCC),

surrounding area but will detrimentally affect the existing character and sense of place of the area.

57.1. The proposed structure will be unreasonably intrusive, overbearing, otherwise unsightly and objectionable. It will be of such nature or appearance that the area in which it is to be erected will be disfigured thereby.

57.2. The proposed structure will make a significant change to the fabric and visual character of the area (i.e. the receiving environment), with a significant intrusion on scenic resources. It will be of such a scale or form that it will not fit in with the context of the landscape and will have an inappropriate visual impact on the scenic landscape and sense of place.

58. The proposed land use will materially and adversely impact on the basic right of normal use and enjoyment of the Site for recreational purposes that our clients and other Hermanus residents enjoyed over the last 25 years. Not only is the structure undesirable (when viewed objectively and in the context of the sense of place and the impact of the proposed uses on existing rights) but the purported motivation of desirability in the application is with respect, entirely superficial.

Best practical environmental option

59. Applying the "*opportunity cost*" principle would change the question being asked, by placing a positive duty to consider if the proposed development will constitute the best use of the available resources (i.e. the best practicable environmental option).

60. In terms of the National Environmental Management Principles, environmental management must take into account the effects of decisions on all aspects of the environment and all people in the environment by pursuing the selection of the best practicable environmental option.

61. The applicant has a positive duty to find the "best practicable environmental option", which is defined in NEMA as "*the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term*".

62. The societal costs of a development may *inter alia* be caused by the loss of access to public property or visual intrusion (the impact on sense of place which also relates to heritage or the cultural landscape).

63. The need to consider the opportunity costs of different options are particularly relevant in instances where resources are limited. An example where the consideration of opportunity cost is relevant, includes the option of redeveloping a public open space into a restaurant area.

64. In terms of my understanding the best practicable environmental option should address *inter alia* the following:

64.1. Ensure that the scale, density and nature of activities or developments are harmonious and in keeping with the sense of place and character of the area.

64.2. It must also ensure that development must be located to prevent structures from being a visual intrusion (i.e. to retain open views and vistas) and minimisation of visual intrusion in scenic areas.

64.3. Responsiveness to the area's uniqueness, or sense of place.

65. It is clear from the renderings of the proposed restaurant included in the motivation report that they do not address the above requirements. The proposed structure will be unreasonably intrusive, overbearing and otherwise unsightly or objectionable. Space has not even been left on Site for complying with standard off-street parking requirements.

Zoning Scheme

66. According to SPLUMA the object of a Land Use Management Scheme includes to ensure that the system of land use management provide social and economic inclusion. Section 25 (1)(b) of SPLUMA dealing with the purpose of such a scheme, requires that it must determine the use of land in order to promote social inclusion.

67. According to LUPA the purpose of a Zoning Scheme includes to make provision for the welfare of the community. The "community" includes the poor and disadvantaged Hermanus residents.

68. It will be inconsistent with the objectives of SPLUMA and LUPA to approve a Consent Use application which, if implemented, will effectively exclude a large proportion of Hermanus residents from using the Site which for the last 25 years were accessible to all.

Weighing of various considerations

69. The Municipality must consider and weigh all relevant factors against each other. It should ensure that all the impacts are evaluated, considered and assessed in the context of the benefits *that* the project potentially offer to our society in general (the public interest) and disadvantages (the costs, which *inter alia* relates to the impact that exclusion of the disadvantaged members from use of the Site will have on attempts to promote spatial justice) which will flow from approval of the Consent Use application.

70. In assessing the desirability of the proposed use, the decision maker must consider whether a "*positive advantage*" will accrue to the area and community by approving the application at hand. We submit for the reasons expressed herein, that the proposed restaurant use is patently undesirable, that the application fails '*the positive test*' laid down in *Hayes* and does not satisfy the bases required for approval as confirmed in *Booth* nor the additional bases set out under section 49 of LUPA and the MPBL.

71. The question therefore is whether the price to be paid (i.e. the negative impact that the development will have on *inter alia* the rights of others) can be justified, based on the positive impact/ benefits (direct or indirect) that the proposed activities hold for the broader community. This is the question with which the decision-maker must grapple.

*Benefits & Disadvantages*

72. The decision-maker is required to ensure that all impacts arising from the proposed use are evaluated, considered and assessed in the context of both the benefits and disadvantages which may flow from the proposed development.

73. The principles guiding organs of state in making decisions that may affect the environment *inter alia* require the authorities to consider the social, economic and environmental impact of a proposed activity including its "*disadvantages and benefits*" and that any decision made, must be appropriate in light of such consideration and assessment.

74. It is the duty of the authorities to integrate those factors into decision-making and to make decisions that are informed by those considerations. This process requires a balanced approach, and that the decision-maker considers the impact of the proposed land use on the environment and socio-economic conditions.

*Lack of desirability*

75. It necessarily follows that any objection against an application for Consent Use falls to be considered with regard to the originally vested rights of all the affected parties. I submit that in the evaluation of the desirability of the proposed departure, the Municipality must take into consideration *inter alia* the following relevant factors:

75.1. The Municipality is required to promote *social inclusion and spatial justice*, *inter alia* through improved access to and utilisation of land.

75.2. Currently even the poorest of the poor have free access to and use of enjoyment of the Site.

75.3. If the proposal should be implemented, only the small minority of affluent people that can afford the luxury of using the restaurant facility, CTFM and its few staff members, will directly benefit.

76. The extreme price to be paid (discriminatory exclusion of most residents from use) cannot be justified based on the job creation and additional municipal income potential of the proposed restaurant. I respectfully submit that the proposed land use will give rise to unacceptable opportunity costs (i.e. entrenchment of social injustice), will undermine the sense of place and therefore will not serve the best interests of the local communities or the public interest.

77. The proposal lacks desirability and objectively viewed, the considerable disadvantages to flow from the proposed land use will clearly outweigh all potential benefits to be derived from the proposed land use.

*Concluding Comments*

78. If the Consent Use is approved, the approved structure will irreversibly change the Grotto Bay sense of place and exclude most of the Hermanus residents from using and enjoying that portion of Coastal Protected Zone land.

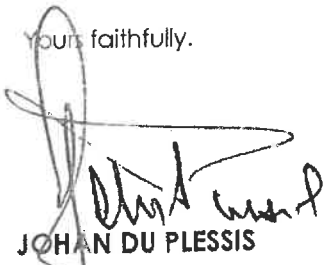
79. The "alienation" by way of a long-term lease agreement of the "*people's land*", that the Municipality holds as custodian, to promote privatisation and social injustice, is regarded as a breach of the Municipality's fiduciary duty towards the members of the local community.

PROKUREUR • ATTORNEY
land law specialist

80. If the rights of free access to and enjoyment of public open spaces by community members must be sacrificed in the municipal pursuit of additional income, certainly no good reason exists why the very same approach should not be adopted in respect of all of the remaining municipal public open spaces? What is sauce for the geese is sauce for the gander. Where will it all end?

81. I submit that, for the reasons provided, approval of the Consent Use application is highly undesirable and should be refused.

Yours faithfully.



**JOHAN DU PLESSIS**
B Iuris LLB (Unisa)
B Phil & MPhil Sustainable Development (US)

DU PLESSIS
PROKUREUR • ATTORNEY
land law specialist

200/234

## Alida Conradie

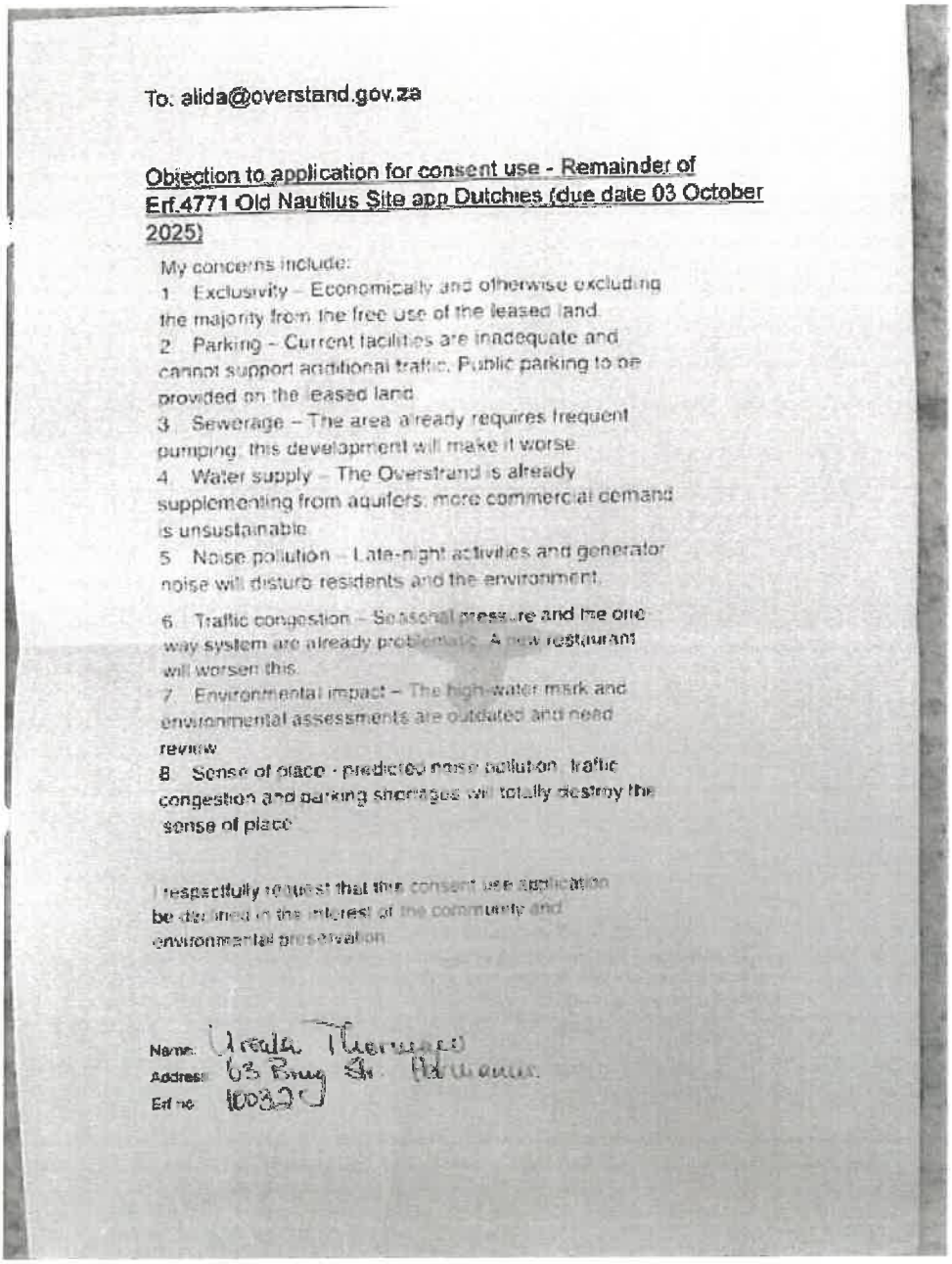
**From:** Ursula Thormeyer <thormeyer@earthlink.co.za>
**Sent:** Friday, 19 September 2025 11:37
**To:** Alida Conradie
**Subject:** OBJECTION

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
19 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP-A Theart (H Olivier)

Please find my objection below.

Kind regards
Ursula



To: alida@overstand.gov.za

Objection to application for consent use - Remainder of Erf.4771 Old Nautilus Site app Dutchies (due date 03 October 2025)

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the sense of place.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Name: Ursula Thormeyer
Address: 63 Brug St Hermanus
Erf no: 10032

FILE NO. Erf 4771
HVK
SCAN NO.
COLLABORATOR NO.
2866593

U.Thormeyer

522

TP- A Theart (Holivier)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
19 SEP 2025
201/230
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** admin@mapstone.co.za
**Sent:** Friday, 19 September 2025 06:40
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Janet Mapstone
55 Lakewood Village
Theron Street
Hermanus 7200
Erf no: 10136

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO.
2866510

TP- A Theart (H Olivier)

OVERSTRAND MUNISI
REKORDBEHEE
202 /234
19 SEP 2025
DOCUMENT CONT
OVERSTRAND MUNIC

**Alida Conradie**

**From:** Van Wyk, Andreas, Prof [ahvw@sun.ac.za] <AHVW@sun.ac.za>
**Sent:** Friday, 19 September 2025 11:01
**To:** Alida Conradie
**Cc:** Riaan Kuchar
**Subject:** Van Andreas van Wyk: Beswaar teen aansoek vir grondgebruiksaanwending -- erf 4771, Grottostraat, Voëlklip, Hermanus

Geagte mnr Kuchar,

Ingevolge par 49 van die Overstrand Munisipaliteit se Munisipale Grondgebruiksbeplanningverordening van 2020 maak ek namens die Andreas van Wyk Familietrust, eienaar van erf 2831 in Voëlklip (Tiende Straat 167), beswaar teen bogenoemde aansoek.

As eienaar van genoemde erf sedert 1996 is ons huis na aan Tiende Laan in Voëlklip, die toegangspad na Grottostrand. Ons is ook gereelde gebruikers van Grottostrand en van die kuspaadjie wat daar begin.

My beswaar berus op die volgende gronde:

1.Nog 'n restaurant aan daardie kant van Grottostrand, langs die bestaande Dutchies, sal verdere motorvervoer en voetgangerverkeer in veral Tiende Laan, maar ook in Tiende Straat, veroorsaak. Veral in vakansietye en in die "Groot Dae" lei dit reeds tot ernstige oorlas vir die inwoners van daardie omgewing.
2. Dié oorlas sluit in beduidende parkeerprobleme, geraasbesoedeling en die besoedeling deur papier, plastiek en allerlei ander materiale.
3. Die afwesigheid van 'n behoefte aan nog 'n eetplek op die betrokke plek. Dutchies is 'n ou gevestigde en suksesvolle informele restaurant wat goed deur die buurt, ander inwoners van Hermanus, en binnelandse en buitelandse toeriste ondersteun word. Daar is geen nodigheid om 'n mooi stuk oop strand wat deur talle besoekers bewonder word, deur nog 'n restaurant te besoedel nie. Dit maak nie ekonomiese sin nie.
4. Nog 'n restaurant sal die reeds beperkte waterhulpbron in Voëlklip onder verdere druk plaas. Dit geld ook vir die rioolstelsel wat in elk geval onstabiel is.
5. Die negatiewe visuele impak van 'n nuwe opvallende gebou op een van ons land se mees treffende sandstrande, wat nog deur 'n verdere toestroming van motorvoertuie vererger sal word.

Met vriendelike agting,

Andreas van Wyk

Prof Andreas van Wyk BA LLB BPhil (Stell) LLD (Leiden) LLD hc (Leuven) LLD hc (Stell)

Rektor en visekanselier emeritus, afgetrede professor in Handelsreg
Rector and vice-chancellor emeritus, retired professor in Mercantile Law
Universiteit Stellenbosch/University of Stellenbosch

*Mankadanstraat 3*
*Mostertsdrift*
*7600 STELLENBOSCH*
*SUID-AFRIKA SOUTH AFRICA*

FILE NO. Erf 4771
HVK
SCAN NO.
COLLABORATOR NO.
286587



TP

TP-A Theart (H Olivier)

REKORDBEHEER
22 SEP 2025
203/2024
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OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Johann <johann@slazus.co.za>
**Sent:** Saturday, 20 September 2025 10:52
**To:** Alida Conradie
**Cc:** Riaan Kuchar
**Subject:** Erf 4771, Grottostraat, Voelklip, Hermanus. Beswaar teen Grondgebruiksaanwending

Geagte mnr Kuchar,

Hiermee maak ek, Joseph Johannes Slazus namens Corwin Trust van Negendestraat 205, Voelklip, Hermanus beswaar teen die bogenoemde aansoek.

Voelklip en Grottastrand is tradisioneel 'n stil area wat op die oomblik voldoende gediens word deur die bestaande Dutchies en Hopside Down restaurant wat die rustige omgewing, veral saans, handhaaf. Die klankvolume van 'n kommersiele kettingrestaurant sal potensieel steurend wees.

Bedags is die bestaande parkering by Grotto-strand alreeds maksimaal gebruik gedurende naweke en vakansie-tye. 'n Addisionele nuwe restaurant gaan onnodige druk op die verkeersvloei en parkering veroorsaak wat die unieke karakter van die strand gaan benadeel. Daar is selfs die gevaar dat die huidige "groen" ontspanningsarea agter Dutchies in die slag gaan bly om additionele parkering te skep.

Ons huis is direk bo Grotto-strand sedert 1992 en die stil atmosfeer saans is 'n besonderse eienskap die woonarea wat in die slag kan bly.

Groete,

Dr Johann Slazus.

FILE NO. Erf 4771-Hyk
SCAN NO.
COLLABORATOR NO. 2867775

TP

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
20/1234
22 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie** 4771 HNK

**From:** andrewhpjones@aol.com
**Sent:** Saturday, 20 September 2025 14:25
**To:** Alida Conradie
**Subject:** Grotto Development

TP- A Theart (H Olivier)

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Andrew HP Jones & Denise A Jones
7 Waboom St, Hermanus Heights
Erf 6357

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 286 7756

TP - A Theart (H Olivier)

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
205/234
22 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Georgina Rawden <georginarawden@gmail.com>
**Sent:** Sunday, 21 September 2025 16:42
**To:** Alida Conradie
**Cc:** Jeanne Rawden; Luce Big Brother
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip,

Dear Alida,

As a family member of Voelklip property owners (including my family and extended family: grandparents, Aunts & Uncles, cousins and siblings) and who have been residents of Voelklip since the 1950's. I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

9. *Changing the natural beauty and charm of Hermanus that residents, visitors and tourists appreciate most.*
*10. Lost revenue for small businesses and locals.*

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
[Georgina Rawden]
[82, 10th St, Hermanus]

FILE NO. Erf 4771 - HNK
SCAN NO.
COLLABORATOR NO. 2867743

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
206/234
22 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP- A Theart (H Olivier)

**Alida Conradie**

**From:** Janine van Stolk <vanstolkj@outlook.com>
**Sent:** Sunday, 21 September 2025 19:30
**To:** Alida Conradie
**Subject:** Objection to Consent Use Erf 4771 / JA van Stolk

Dear Alida,

Please accept my objection to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

I have been coming to Hermanus for over 55 years and have observed the increasing popularity of this lovely town - evidenced by the growth of home-owners and visitors throughout the year. It's all wonderful, but if not managed properly, the charm and uniqueness of the town is in danger of being destroyed. In particular, the idea of hyper-commercialising the Grotto beach-front is unthinkable in its absurdity. Grotto beach is one of THE exceptional highlights of Hermanus, and to diminish these beachfront amenities and ambience as planned, seems to be something of scoring an own goal.

I have a number of concerns that include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Janine van Stolk
205 Ruwenzori, 19 Quarry Hill Road, Tamboerskloof, 8001 Cape Town

JANINE VAN STOLK
vanstolkj@gmail.com or vanstolkj@outlook.com
(m) +27 82 0449600

FILE NO. Erf 4771-HVK
SCAN NO.
COLLABORATOR NO.
2867732

TP- A Theart (H Olivier)

REKORDBEHEER
207/234
2 2 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Jeanne Rawden <lizzierawden@gmail.com>
**Sent:** Monday, 22 September 2025 10:40
**To:** Alida Conradie
**Subject:** FW: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip,

FILE NO. Erf 4771
HHK
SCAN NO.
COLLABORATOR NO. 2867837

**From:** Georgina Rawden <georginarawden@gmail.com>
**Sent:** Sunday, 21 September 2025 16:42
**To:** alida@overstrand.gov.za
**Cc:** Jeanne Rawden <lizzierawden@gmail.com>; Luce Big Brother <lucienrawden@gmail.com>
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip,

Dear Alida,

As a Voelklip property owner(including my family and extended family: grandparents, Aunts & Uncles, cousins and siblings) and who have been residents of Voelklip since the 1940's. I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

9. *Changing the natural beauty and charm of Hermanus that residents, visitors and tourists appreciate most.*
*10. Lost revenue for small businesses and locals.*

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation. We have so little left of our coastal footprint

from development and Grotto Beach is not for sale.

Regards,
Jeanne Rawden
[82, 10th St, Hermanus]

TP- A Theart
LHolivier

REKORDBEHEER
209/234
2 3 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Alida Conradie**

**From:** Michael Walker <mikejwalk@gmail.com>
**Sent:** Monday, 22 September 2025 22:25
**To:** Alida Conradie
**Subject:** Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,
I wish to register my objection to the above plan for erf 4771
* Grotto Beach is a popular local beach and the proposed use of site A would reduce and spoil the use of this area.
* Parking is already a restraint and an additional facility would further reduce the feeling of space and make the beach less accessible.
* The open space behind Dutchies also requires significant parking.
* Music and celebratory noises from the proposed amenities will further spoil the beach going experience.
* The proposed facilities will further make this area one for a privileged sector of the community.
* The milkwoods in the area would be impacted by the building work, the sewerage systems that would have to be put in and access for emptying such sewerage systems deliveries of goods, staff parking, staff transportations, security staff etc.
* You have already encroached on the tranquility of our coast with Ficks pool and Bitangs cave,

Mike Walker
6 Third Street,
Voelklip
Erf number 1773.

FILE NO. Erf 4771-HNK
SCAN NO.
COLLABORATOR NO. 2868359

TP

210/234

Dear Alida,

I wish to register my objection to the above plan for erf 4771

* Grotto Beach is a popular local beach and the proposed use of site A would reduce and spoil the use of this area. * Parking is already a restraint and an additional facility would further reduce the feeling of space and make the beach less accessible.

* The open space behind Dutchies also requires significant parking.

* Music and celebratory noises from the proposed amenities will further spoil the beach going experience.

* The proposed facilities will further make this area one for a privileged sector of the community.

* The milkwoods in the area would be impacted by the building work, the sewerage systems that would have to be put in and access for emptying such sewerage systems deliveries of goods, staff parking, staff transportations, security staff etc.

* You have already encroached on the tranquility of our coast with Ficks pool and Bitangs cave,

Mike Walker
6 Third Street,
Voelklip
Erf number 1773.

REKORDBEHEER
22 SEP 2025 211 1234
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP- A Theart (H Olivier)

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Mrs Sally Ann Carter.
Gigil, 319 10th Street, Voelklip.
Erven No's 4071/2

FILE NO. Erf 4771
HVK
SCAN NO.
COLLABORATOR NO.
2867834

TP - A Theart (Holivier)

REKORDBEHEER
22 SEP 2025 212 /2364
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus**

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Mr David Edward Marius Carter,
51 Berg 'n See, Brug Street, Eastcliff, Hermanus
Erf No 6695/ST037

FILE NO. Erf 4771
HVK
SCAN NO.
COLLABORATOR NO.
2867828

213/234

**Alida Conradie**

**From:** Beulah Berchtold <beubee101@gmail.com>
**Sent:** Monday, 22 September 2025 07:13
**To:** Alida Conradie
**Subject:** Objection to proposed Restaurant on Grotto Beach Erf 4771
**Attachments:** IMG-20250914-WA0006.jpg

Dear Erica, I am happy to include my objection for all the included reasons.
Best regards,
Beulah Berchtold
Erf 4112
287 8th street
Voelklip.

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
22 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP - A Theart
(H Olivier)

FILE NO. Erf 4771-
HYK
SCAN NO.
COLLABORATOR NO.
286734 6

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
[Your Full Name]
[Street Address]
[Erf Number]

TP: A-Theart
215/234

## Alida Conradie

**From:** Judes A <judesarmstrong@gmail.com>
**Sent:** Tuesday, 23 September 2025 19:49
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Hi Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

I'm a Hermanus resident and frequent visitor to Grotto beach – I go there to walk, swim, bodyboard, and take photographs. I love the naturalness of the area and the lack of commercialisation. I also love that the untouched nature of the area means that there's a chance I can see wildlife – like genets, porcupines, otters, owls and more – when I walk or drive past the beach. I think there are very few beaches left in the world that are still as untouched as Grotto, and I believe it's important, for both the environment and people's wellbeing, that we keep it like this.

I also have lots of foreign friends, many of whom have recently visited us in Hermanus. They all comment on how much they love Grotto beach for the reasons I mentioned above; as such it, in its current state, forms an essential part of the Overstrand's appeal for tourists.

My other concerns include:
1. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
2. Parking – Current facilities are inadequate and cannot support additional traffic, particularly during peak periods.
3. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
4. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
5. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
6. Sewerage – The area already requires frequent pumping; this development will make it worse.
7. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

Please can this consent use application be declined in the interest of the community, to preserve the environment, and to preserve Hermanus's reputation on the tourist map.

Regards,
Judy Armstrong
228 10th street, Voelklip
Erf 6922

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
25 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771 ✓
Voëlklip
SCAN NO.
COLLABORATOR NO.
2869013

TP: A-Theart
216/234

## Alida Conradie

**From:** martha@salu.co.za
**Sent:** Tuesday, 23 September 2025 11:40
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application - Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Martha Groger-Bimmel
2 Glenfruin Meadows // Erf 4343
Onrus Rivier / Hermanus

SALU
Martha Groger-Bimmel
Tel: +27 82 770 6955
martha@salu.co.za
Hermanus, South Africa
www.salu.co.za

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25 SEP 2025
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OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771 ✓
Voëlklip
SCAN NO.
COLLABORATOR NO.
2868993

TP

TP: A. Theart
217/284

## Alida Conradie

**From:** Johann Stander <johannstander79@gmail.com>
**Sent:** Wednesday, 24 September 2025 23:37
**To:** Alida Conradie
**Subject:** Erf 2146, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Johann Stander
69 6st Street, Voelklip, Hermanus
Erf 2146

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
25 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771 Voëlklip
SCAN NO.
COLLABORATOR NO. 2869545

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
25 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP: A Theart
218/234

MS ALIDA CONRADIE
TOWN PLANNER
OVERSTRAND MUNICIPALITY
HERMANUS
7200
alida@overstrand.gov.za

FILE NO. Rem ERF 4771 ✓
Voëlklip
SCAN NO.
COLLABORATOR NO.
28690 20

Dear Ms Conradie,

**RE: FORMAL OBJECTION TO CONSENT USE APPLICATION - REMAINDER OF ERF 4771, HERMANUS - CAPE TOWN FISH MARKET RESTAURANT DEVELOPMENT**

1. I hereby formally object to the above-mentioned consent use application for the proposed Cape Town Fish Market restaurant development on the Remainder of Erf 4771, opposite my existing restaurant operation at Grotto Beach, Hermanus.
2. I submit this objection as the owner and operator of Dutchies Restaurant located on the adjacent Erf 4711, 1 Grotto Street, Hermanus. I have direct standing to object to this application as the proposed development will have immediate operational, environmental, and economic impacts on my established business operations.
3. I have operated Dutchies Restaurant at this location for several years and have intimate knowledge of the infrastructure limitations and environmental sensitivities of this coastal area that make the proposed development unfeasible and potentially harmful.

**SEWAGE INFRASTRUCTURE INADEQUACY**

4. The most critical and immediate concern regarding this development relates to the demonstrable inadequacy of the existing sewage infrastructure to accommodate any additional commercial load in this area.
5. As the owner and operator of the adjacent restaurant facility, I have direct and ongoing experience with severe sewage infrastructure limitations at Grotto Beach. My current restaurant operation already requires emergency sewage pump assistance twice weekly during peak season due to system inadequacy. This is not an occasional problem but a documented operational reality that I deal with consistently.
6. The existing sewage system cannot adequately service even my single restaurant operation, requiring frequent emergency interventions by municipal services. Municipal records will confirm the frequency and regularity of these emergency callouts to address sewage system failures at Grotto Beach.
7. The cumulative impact of adding a second large restaurant facility will create a sewage load that will completely overwhelm the existing pump system. Based on my direct experience with current system failures, the inevitable consequences will include:

7.1. Raw sewage backups into both restaurant facilities, creating immediate public health hazards;

7.2. Environmental contamination of the sensitive coastal area, potentially compromising marine ecosystems and beach water quality;

7.3. Direct operational disruption to my established business, causing financial losses and reputational damage;

7.4. Increased burden on municipal emergency services that are already strained by current infrastructure failures.

8. The application documentation fails to include any technical assessment of sewage system capacity or any proposal for infrastructure upgrades to address these documented deficiencies. This represents a fundamental failure to assess the feasibility of the proposed development.

**ENVIRONMENTAL AND CLIMATE CONCERNS**

9. The Environmental Authorisation referenced in the application documentation fails to adequately address current understanding of climate change impacts on coastal developments.

10. Grotto Beach holds international Blue Flag certification, which requires strict adherence to environmental and water quality standards. The documented sewage infrastructure failures that I experience regularly, and the risk of additional overflows from increased development, directly threaten this internationally recognised environmental status.

11. The application fails to address storm surge vulnerability and long-term coastal sustainability in the context of accelerating sea-level rise and increased frequency of extreme weather events that I have observed affecting this coastal location.

12. No current assessment has been conducted regarding the cumulative environmental impact of two large restaurant operations in this sensitive coastal location, particularly regarding wastewater management and potential marine pollution.

**MUNICIPAL CAPACITY AND SERVICE DELIVERY LIMITATIONS**

13. Hermanus already faces significant water supply constraints and supplements municipal supply with aquifer water during peak periods. From my operational experience, I know that additional commercial demand from a second large restaurant operation is unsustainable given existing resource limitations.

14. The Grotto Beach area already experiences severe seasonal traffic congestion and parking shortages that directly affect my business operations. The proposed development will exacerbate these problems without any adequate mitigation measures proposed in the application.

15. Municipal emergency services are already strained by current sewage system failures in the area that affect my business. Additional commercial development will place further burden on services that are demonstrably inadequate to meet current demand.

**IMPACT ON MY EXISTING BUSINESS OPERATIONS**

16. My business operations will be directly and adversely affected by the proposed development through:

220/24

16.1. Increased frequency and severity of sewage system failures affecting my operational capacity;

16.2. Environmental contamination risks that could force temporary business closures;

16.3. Reputational damage associated with sewage-related incidents in the immediate vicinity of my restaurant;

16.4. Additional operational costs related to managing infrastructure failures that I already face twice weekly during peak season; and

16.5. Severe exacerbation of existing parking shortages that already constrain my business operations, particularly during peak season when parking spaces in the Grotto Beach area are extremely limited and customers frequently struggle to find adequate parking to access my restaurant. A second large restaurant facility will create direct competition for the already insufficient parking resources, potentially driving customers away from my establishment and causing significant loss of revenue during the critical peak season periods upon which my business depends.

17. These impacts represent a direct interference with my existing lawful land use rights and established business operations that I have invested in and developed over several years.

**REQUEST FOR REFUSAL**

18. Based on the grounds set out above, I respectfully request that the application be refused until such time as:

18.1. A comprehensive sewage infrastructure capacity study is completed by qualified engineers and/or other relevant persons demonstrating adequate capacity for additional commercial development;

18.2. Sewage system upgrades are implemented and tested to address current documented failures before any additional load is imposed;

18.3. Updated environmental impact assessments are conducted addressing current climate science and coastal vulnerability;

18.4. Adequate traffic management and parking solutions are provided to address existing congestion problems that already affect my business.

**CONCLUSION**

19. This objection is submitted in the interests of environmental protection, public health, infrastructure adequacy, and responsible coastal development. The documented sewage infrastructure failures that I experience regularly represent an insurmountable obstacle to additional commercial development in this location.

20. I urge the Municipality to prioritise infrastructure adequacy and environmental sustainability over development pressure, particularly in sensitive coastal areas that are critical to the region's tourism economy and my livelihood.

21. Please note that the address/ contact details where we will accept service of all documents herein are set out below.

221/234

Respectfully submitted,

Adriana Gonggrijp

Owner, Dutchies Restaurant

13 Cliff Road, Westcliff, Hermanus

065 932 4241

j.gonggrijp@xs4all.nl

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
2025/234
25 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

**Directorate: Planning and Development – Town & Spatial Planning**

**Attention: Alida Conradie**

**Tuesday 23rd September 2025**

TP: A Theart

**Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus**

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

1. **Adequacy of Previous EIA** – I contend that the previous EIA is inadequate and has not taken in to account the most current environmental and socio-economic conditions measured over an appropriate span of time.
2. **Parking** – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. **Damage to and Loss of Protected Trees** – The site and surrounding site has extensive mature Milkwood trees that would be either removed or damaged.
4. **Water supply** – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. **Sewerage** – The area already requires frequent pumping; this development will make it worse.
6. **Noise pollution** – Late-night activities and generator noise will disturb residents and the environment.
7. **Traffic congestion** – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
8. **Environmental impact** – The high-water mark and environmental assessments are outdated and need review.
9. **Sense of place** - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.
10. **Exclusivity** – Economically and otherwise excluding the majority from the free use of the leased land and surrounding perimeter.

I respectfully request that this consent use application be declined in the interest of the broader community and environmental preservation.

Regards,

Michael Murray
7 Sepia Avenue, Vermont, Hermanus. 7201
ERF: 2355 (HVM)

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
2869002

TP: A-Theart

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER 223/234
25 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

## Alida Conradie

**From:** errol@ocan.co.za
**Sent:** Wednesday, 24 September 2025 14:56
**To:** Alida Conradie
**Cc:** antongailhartman@gmail.com; mike@inspiredphotoscapes.com; simon@sovcap.co.za; 'Jonathan Kark'
**Subject:** Objection to Consent Use Application - Remainder of Erf 4771 (Grotto Street, Voelklip, Hermanus)

**Importance:** High

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
2869033

Dear Alida

Acting on behalf of several concerned citizens, the **Overstrand Community Action Network (OCAN)** wishes to formally object to the Consent Use Application in respect of the Old Nautilus Site (remainder of Erf 4771, Voelklip).

We object on the following grounds (refer Overstrand Municipal's Amendment Land Use Planning Bylaw 2020):

1. If the intended use is not consistent with 'Public Open Space' zoning, the lessee must submit a land use application:

    - Consent use (for minor activities like refreshment kiosks, parking).
    - Rezoning (for more permanent or exclusive uses, e.g. a restaurant or housing).

**This triggers a separate public participation process under the Land Use Planning By-law.**

2. Such a consent use may only be granted for land that is **not** required as public open space

3. Such an application requires Council-level approval (not delegated )

4. We believe that that the advertising of the consent use application was not transparent in the way the proposed development was framed, specifically in relation to the size of the development and the potential impact it may have on the public and the environment

5. The following issues are of serious concern:

    a. Parking – the current parking availability in high season is completely over-extended without the proposed new development.
    b. Existing infrastructure, specifically water and sewerage, are inadequate to cope with the increased volumes.
    c. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this. No traffic study has to our knowledge been undertaken nor submitted.
    d. Environmental impact – The high-water mark and environmental assessments are outdated and need review. In this regard, the recent case where the Surveyor General redetermined the high water marks on the properties adjoining the cliff path extension should be noted.

**We respectfully request that the Consent Use application be declined in the interest of the community and environmental preservation.**

For further reference we wish to draw your attention to the Legal Framework in Overstrand:

- MFMA (s14) & Municipal Asset Transfer Regulations (2008) – must be followed when leasing/disposal of municipal land.

- Overstrand Municipality Administration of Immovable Property Policy (most recent revision around 2022) – this is their main policy document governing the sale and lease of municipal land.
- Land Use Planning By-law (Overstrand) – regulates zoning, rezoning, consent use, departures.
- 'Public Open Space' zoning means the land is for communal benefit (parks, playgrounds, greenbelts).

**We also wish to draw your attention to the Process for the Leasing of Public Open Space in the Overstrand:**

1. Internal Check
    - The relevant department confirms the land is not needed for municipal service delivery.
    - **If the land is still required for open space purposes, only short-term compatible uses (like community events or kiosks) may be allowed.**

2. Council Resolution
    - The Municipal Council must adopt a resolution to lease the land.
    - Delegated authority may allow the Executive Mayor / Municipal Manager to approve small leases, but public open space always requires Council-level approval.

3. Public Participation
    - As per the Policy & MFMA:
        - The intention to lease must be advertised (local newspapers, municipal website, notice boards).
        - The public has at least 30 days to object or make representations.
        - Objections are considered by Council before a final decision is made.

4. Valuation
    - The rental value must be determined by an independent professional valuer (unless Council approves a nominal rental for community purposes).

5. Tender / Competitive Process
    - Standard rule: Land must be leased via a competitive bidding process (tender or request for proposals).
    - Exceptions: Direct negotiation may be allowed for small encroachments (e.g. a strip of open space adjoining a private erf) or leases to non-profit/community organisations.
    - In such cases, reasons must be recorded in writing and approved by Council.

7. Lease Agreement
    - Once all approvals are in place, the municipality enters into a formal lease agreement, usually:
        - Maximum 9 years 11 months (to avoid triggering additional MFMA requirements).
        - **Longer leases (10+ years) require stricter Council approval and sometimes provincial concurrence.**

Kindly acknowledge receipt of this objection.

Yours faithfully

Errol van Staden (Erf 1655, Fernkloof, Hermanus)

ocan Overstrand Community Action Network

Errol van Staden
Chairperson

Mobile: +27 83 637 0700
E-mail: errol@ocan.co.za
Website: www.ocan.co.za

TP: A-Theart
225/234

## Alida Conradie

**From:** tgardiner54@gmail.com
**Sent:** Thursday, 25 September 2025 14:29
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application - Erf 4771, Grotto Street, Voëlklip, Hermanus

Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I wish to register my objection to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:

Environmental impact – The site borders the Fernkloof Nature Reserve. I do not believe any consideration of an environmental buffer zone is included in proposal. I do not believe this proposal has been considered by the Fernkloof Advisory Board. Surely that would be a requirement?

The high-water mark and environmental assessments are outdated and most definitely need review. A building in that position and of that size would also have a major aesthetic impact on the environmental value of the area.

Business case – I believe the restaurant will devolve into a mass fast food business in summer and a mausoleum in the winter months as a result of the normal volumes of consumers in these months. It is unlikely this business will remain profitable in the long term. There are many comparable case studies along the south African coast.

In addition the following need to be considered and resolved –

Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
Sewerage – The area already requires frequent pumping; this development will make it worse.
Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.

Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,
Dr Anthony John Campbell Gardiner and Mrs Geraldine Gardiner
103 Fernkloof Drive

Hermanus Heights

[Erf Number - 5821]

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
25 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
2869884



TP

TP : A-Theart
226/234

## Alida Conradie

**From:** lauradt <lauradt@telkomsa.net>
**Sent:** Thursday, 25 September 2025 17:58
**To:** Alida Conradie
**Cc:** pdt@sun.ac.za
**Subject:** [CAUTION: SUSPECT SENDER] FW: Erf 4771 Grotto Beach
**Attachments:** Grotto Beach 25 September 2025.jpg; Notification at Grotto Beach 25 September 2025.jpg

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
26 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Dear Me Conradie

Herewith my comments and objections concerning the proposed Consent Use for the remainder of Erf 4771 at Grotto Beach, Voëlklip, Hermanus.

Grotto Beach is a totally unique coastal treasure. Ancient Milkwood trees form a green backdrop and an established dune lower down on the sandy area completes the picture of this beautiful unspoilt beach. Fortunately this area is situated in and bordering the famous Nature Reserve Piet Se Bos. It would be, therefore, unthinkable, insensitive and a serious mistake to erect a huge restaurant here and this section of the precious Piet Se Bos will be altered and thus destroyed irreversibly.

**Environment**
This part of Erf 4771 has been open to the public for decades. In the holiday season the highly sought after Grotto Beach becomes a busy and exciting area for holiday goers who flock to this place. Many of them come from far.
After the busy season when the area has been overused, it becomes quiet again which creates the opportunity for this place to regenerate the natural environment in a normal way to the status it should always remain. An attractive, unique, hard to find area. In the event of constant high traffic that a restaurant will bring this opportunity for rejuvenation will be lost.

**Noise**
Grotto Beach is situated below the residential neighbourhood Voëlklip. The sounds we hear in the high season are of people enjoying themselves in the waves and on the beach. Happy pleasant sounds.
Noise will become a huge problem in the event of the proposed restaurant. It cannot be expected of Overstrand Municipality Law Enforcement to control noise pollution on a regular basis.
Two notices of NO MUSIC is in place at present i.e. at Grotto Beach as well as The Grotto. (see photo 1 and 2)
In the past there has occasionally been problems with loud music coming from the braai area. The bass sounds reverberate upwards to the surrounding homes which is totally unacceptable. The low frequency of bass notes carry for miles. It reminds me of how the beating of drums were/are used to communicate messages over big distances.

**Water , Sewage, Electricity**
A restaurant is *per se* a high consumer of these 3 elements. High daily additional human traffic will create too much demand on these services. It is not a business area.

There are quite a sufficient offer of restaurants in town.

**Traffic**

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
2870008

TP

227|234

Parking bays are already fully occupied every day in the high season. There is no space for additional parking bays. This may lead to people parking in the surrounding neighbourhood, which will create even further congestion. This would be totally unfair and unacceptable to rate paying residents.

I do have to mention that we have found that several home owners in our neighbourhood did not know about this proposal at all. Home owners who use their property for holiday times only, may have never seen the small notice that was placed on the area in question for a short while. They also did not receive a notification by email.

Imagine a home owner arriving at their valuable home, then seeing that a development of this scale could take place. A thought too terrible to even contemplate.

This is not why people bought a property here. It is not a business area.

Let this remain a unique precious beach place.

Thank you.

Laura du Toit

198 10th Street

Voëlklip
Hermanus
Erf 5443

Munisipaliteit • U-Masipala • Municipality

OVERSTRAND

# HERMANUS
## GROTTO WEST



**TRESPASSERS WILL BE PROSECUTED**
**OORTREDERS SAL VERVOLG WORD**

☒ VERBODE/PROHIBITED/AKUVUMELEKANGA
☒ GEVAARLIK DANGEROUS/KUYINGOZI

**EMERGENCY NUMBER / NOODNOMMER:**

# 028 - 313 8111

ORDER MUNICIPAL MANAGER - OPLAS: MUNISIPALE BESTUURDER
NGOKOMYALELO U-MASIPALA OFFICE

550

TP: A-Theart 230/234

25 September 2025

# Subject: Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

We hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

Our concerns include:

1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will destroy the 'sense of place'.

We respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

We consider ourselves to be an Interested and Affected Party in this matter.

Best Regards,

Anna Catharina Elizabeth de Klerk and Philip John Sturgess
96 Fernkloof Village, Fir Avenue, Hermanus
10217

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
25 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771 Voëlklip
SCAN NO.
COLLABORATOR NO. 287000

TP

TP: A-Theart
231 | 234

## Alida Conradie

**From:** Fleur van Zuylen <fleurvanzuylen@gmail.com>
**Sent:** Friday, 26 September 2025 15:25
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Regards,

Fleur van Zuylen
Gasthuislaan 170
2013 TE
The Netherlands

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
29 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
28711272



TP

TP: A-Theart
232/234

## Alida Conradie

**From:** Bridget Duncan <bjduncan@iafrica.com>
**Sent:** Sunday, 28 September 2025 12:32
**To:** Alida Conradie
**Cc:** antsarmstrong@gmail.com
**Subject:** Protect Grotto Beach : Erf 4771, Grotto Street, Voelklip

Good Day Alida,

This email serves to express my objection to the development of the above mentioned property for the reasons listed below :-

Increased Traffic/Parking issues
Congestion/ Access concerns
Strain on Water Resources
Sewerage Overload
Noise Pollution
Environmental concerns

Yours faithfully,

B.J. Duncan (Mrs)
33 Musson Street
Eastcliff.
Erf 990.

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
29 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
287/245

TP

TP: A-Theart
233 | 234

**Alida Conradie**

**From:** Deborah Odendaal <deb12jan@gmail.com>
**Sent:** Sunday, 28 September 2025 22:31
**To:** Alida Conradie
**Subject:** Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus

Dear Alida,

We moved to Hermanus in 1938 and lived here until my early twenties and returned to Hermanus for all our annual December holidays. In this time we supported the Goldfish/Nautilus/Driftwood Den Restaurants. However having a restaurant on the site in years gone by does not justify building one on the same site in this day and age! The invironmental concerns and stresses we have today weren't a consideration or concern in those days!

I hereby object to the proposed Consent Use for the remainder of Erf 4771, Grotto Street, Voëlklip, Hermanus.

My concerns include:
1. Exclusivity – Economically and otherwise excluding the majority from the free use of the leased land.
2. Parking – Current facilities are inadequate and cannot support additional traffic. Public parking to be provided on the leased land.
3. Sewerage – The area already requires frequent pumping; this development will make it worse.
4. Water supply – The Overstrand is already supplementing from aquifers; more commercial demand is unsustainable.
5. Noise pollution – Late-night activities and generator noise will disturb residents and the environment.
6. Traffic congestion – Seasonal pressure and the one-way system are already problematic. A new restaurant will worsen this.
7. Environmental impact – The high-water mark and environmental assessments are outdated and need review.
8. Sense of place - predicted noise pollution, traffic congestion and parking shortages will totally destroy the 'sense of place'.

I respectfully request that this consent use application be declined in the interest of the community and environmental preservation.

Kind Regards

Wessel Odendaal
20 Seventh Street
Voëlklip
Erf 1700

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
29 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771
Voëlklip ✓
SCAN NO.
COLLABORATOR NO.
2871230

TP

TP: A Theart
234/234

AM Somerville
17 4th Street
Voelklip, 7200

29th September 2025

Dear Madam,

**Objection to Consent Use Application – Erf 4771, Grotto Street, Voëlklip, Hermanus**

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Yours faithfully

AM Somerville
17 4th Street, Voelklip
ERF : 1740 Voelklip

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
29 SEP 2025
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

FILE NO. Rem ERF 4771
Voëlklip
SCAN NO.
COLLABORATOR NO.
2871275

10

Annexure E1|32

Project Office
Town Planning & Project Management

Our Reference: 25/94
Your Reference: 4771 HVK – 5037/2025

7 November 2025

The Municipal Manager
Overstrand Municipality
PO Box 20
**Hermanus**
7200

Attention: Mr P Roux

**RESPONSE TO OBEJCTIONS FOR REMAINDER OF ERF 4771 HERMANUS: APPLICATION FOR CONSENT USE**

A number of objections were received during the public participation process to the proposed consent use application on Remainder Erf 4771, Grotto Beach, Voëlklip, Hermanus. The objections have been carefully reviewed and grouped according to their main category.

This document provides a structured and comprehensive response to each category of objection. The purpose of the response is to clarify factual inaccuracies, address legitimate concerns, and demonstrate that the proposed development complies with all applicable legislation, planning policy frameworks, and environmental conditions.

The objections received largely relate to concerns regarding traffic congestion, the adequacy of parking, and the perceived absence of a detailed traffic study. These concerns are noted; however, they are not substantiated by the findings of the Traffic Impact Statement (TIS) by a Professional Traffic Engineer commissioned by Cape Town Fish Market (CTFM) and reviewed by the Municipality.

- Traffic Impact and Road Capacity

The Grotto Beach precinct already functions as one of Hermanus's primary recreational destinations and therefore experiences seasonal traffic fluctuations, particularly during December and Easter holiday periods. It is important to note that this is not a result of the proposed restaurant, but rather a reflection of the area's popularity as a Blue Flag beach.

A qualified traffic engineer was appointed at the request of the Overstrand Municipality to undertake a formal Traffic Impact Statement (July 2025). The assessment reviewed access, road capacity, circulation, and pedestrian movement within the area. The study concluded that the existing road network, including Grotto Road and its one-way configuration, is adequate to accommodate the limited increase in traffic associated with the restaurant. The volume of traffic generated by the proposed restaurant will be marginal in relation to the overall seasonal fluctuations already experienced in the area.

The traffic statement was reviewed by the Municipality's Engineering Department, and no additional study was requested, confirming that the information submitted was sufficient for land-use decision-making purposes.

- Parking Provision

The proposed restaurant will make use of existing municipal parking facilities located along Grotto Road and within the immediate Grotto Beach area. These public parking areas were historically established to serve both beach users and visitors to the restaurants that previously operated on this exact site where CTFM is proposed. The objection that no parking has been provided is therefore inaccurate. The lease area itself is situated within a broader public precinct where the parking infrastructure forms part of the municipal property, and as such, any parking associated with the restaurant remains public and municipally managed.

It should also be noted that the Overstrand Land Use Scheme does not prescribe private on-site parking for facilities operating on municipal land where public parking already exists and is managed by the Municipality. In this case, the lease agreement specifically provides for the use of the adjacent public parking, which the Municipality has confirmed as sufficient to support the restaurant.

The TIS further confirmed that the expected number of parking bays in the vicinity of the site is adequate to cater for the operational demand of the restaurant, given that not all patrons will arrive simultaneously and a portion of clientele will comprise beach visitors already parked in the area. Seasonal management of parking remains under the Municipality's control and is not affected by the proposed consent use.

- Seasonal Congestion

Seasonal congestion along Grotto Road is acknowledged; however, this condition is not unique to the proposed development or the Grotto Beach precinct. It occurs for a limited

period each year and is characteristic of all major beach destinations within coastal towns, including central Hermanus, Onrus, and other popular public amenities across the Overstrand region. Peak-season congestion in Hermanus is a well-documented and recurring phenomenon that arises primarily from the town's attractiveness as a premier holiday destination rather than from individual land uses.

The Municipality has long recognised this pattern and has implemented effective seasonal management measures, including one-way traffic systems, enforcement personnel, temporary marshals, and directional signage to regulate traffic flow and parking availability. These measures have successfully maintained accessibility and safety during periods of heightened visitor activity. The addition of a single restaurant within an established recreational node such as Grotto Beach will therefore not materially worsen existing traffic conditions but rather contribute to an improved visitor experience by providing an organised and managed facility.

It is important to note that the proposal seeks only to reintroduce a restaurant use that has existed on this site for over 60 years without any historical evidence of unacceptable traffic or parking impacts. Previous establishments such as The Nautilus and Driftwood Café operated successfully within the same local road network and under similar seasonal pressures. Dutchies, located adjacent to the proposed site, continues to operate within these same conditions without incident. Furthermore, the seasonal "summer lounge" previously operated by Dutchies on the lease area functioned without complaint or measurable disruption, demonstrating that restaurant activity of this scale can coexist harmoniously with existing traffic and parking arrangements.

In this context, it is clear that while Hermanus experiences temporary congestion during peak holiday periods, this is a town-wide phenomenon unrelated to the proposed development. The re-establishment of a historically compatible restaurant use at Grotto Beach will not introduce new or disproportionate traffic impacts and remains consistent with the operational and spatial character of the area.

Conclusion

The professional traffic analysis, municipal review, and design of the proposal confirm that the development will not result in unacceptable traffic congestion or parking shortages. The restaurant will operate within an existing public precinct supported by established infrastructure designed for high visitor volumes.

Concerns regarding traffic, parking, and seasonal congestion are acknowledged but not sufficient to justify refusal of the application. The development reinstates a historic, compatible land use that will function within the capacity of existing infrastructure and under the Municipality's ongoing management of the Grotto Beach area.

Accordingly, the objections relating to traffic and parking are unfounded and should not impact on the desirability or approval of the proposed consent use.

## RESPONSE TO OBJECTIONS: INFRASTRUCTURE

Several objections raised concerns about the adequacy of existing municipal infrastructure, particularly relating to water supply, sewerage management, and service capacity within the Grotto Beach precinct. These issues have been carefully considered, and technical evidence confirms that the proposed restaurant will not place undue pressure on the municipal systems or compromise environmental integrity.

- Water Supply

Concerns have been expressed about the Overstrand Municipality's water supply, particularly during high-demand periods such as December and January. It is acknowledged that temporary supply pressures occur during peak tourism seasons due to increased residential occupancy and visitor influx. These pressures are however seasonal and short-term in nature and do not reflect an absence of capacity.

As part of the application process, the Municipality's Engineering Department was formally consulted. Their assessment confirmed that sufficient water capacity exists to accommodate the proposed restaurant within the existing network, without any need for infrastructure upgrades. This confirmation is supported by written correspondence included in Annexure H of the application document – AVDM Services Report.

The proposed restaurant's demand will be modest and manageable, especially when compared to the broader seasonal consumption patterns of the area. The operational demand of a single restaurant, serving approximately 50 staff and its patrons, is minimal in relation to the total daily water usage experienced during peak periods.
Furthermore, modern water-saving measures will be implemented in accordance with the National Building Regulations and SANS 10400-XA, including low-flow fixtures, dual-flush systems, and water-efficient appliances.

It is also noted that the restaurant will operate year-round, which distributes water usage evenly over the year, unlike short-term tourism spikes. Therefore, the development does not represent an unsustainable or exceptional strain on potable water resources.

- Sewerage Management

The Grotto Beach area is serviced by a municipal small-bore sewage system that has been tested and confirmed to have adequate capacity for the proposed restaurant's operations. The restaurant will connect to this existing system, ensuring that sewage is managed appropriately on site.

No new private sewage infrastructure will be constructed as part of this development. Only link services will be installed. The Municipality's Engineering Department has confirmed the connection to the existing municipal system. A capacity assessment verified that the existing conservancy tank is adequate to be converted to connect to the small-bore system. When the tank needs to be pumped for sludge removal annually the pumping schedule is sufficient to accommodate the additional wastewater load generated by the restaurant.

The Environmental Authorisation (EA) and Environmental Management Plan (EMP) assessed potential risks associated with sewage management and require precautionary measures to prevent leakage, overflows, or contamination of the adjacent coastal environment.

Compliance with these conditions is mandatory, and CTFM, as lessee, remains fully accountable for operational compliance.

Accordingly, objections suggesting sewage overflow or pollution risks are not supported by any evidence. Regular maintenance, consistent with all municipal coastal facilities, will continue under the supervision of the Overstrand Municipality, and the EMP includes specific protocols to ensure no contamination of the wetland or beach environment occurs.

- Electricity Supply

Electricity for the restaurant will be sourced from the existing Overstrand municipal network, which has been confirmed to have adequate capacity for the proposed development. The demand associated with the restaurant is minor compared to residential consumption patterns and has been verified through the Electrical Capacity Confirmation issued by the Municipality (refer to Annexure G of the motivation document).

The restaurant will incorporate energy-efficient systems, such as LED lighting, CTFM is also exploring the option of solar-assisted heating where feasible, and energy management controls. These measures align with both municipal sustainability goals and national energy conservation standards. The inclusion of solar is also currently being explored which will also alleviate the dependence on the existing electricity network.

- Stormwater and Environmental Safeguards

The design of the building has been informed by the approved Dune and Beach Management Plan, compiled as part of the EA process. Portions of the building will be elevated above the natural beach level, allowing for natural stormwater filtration and infiltration, thereby reducing runoff. The design ensures that stormwater is directed away from sensitive areas and dissipated naturally, preventing erosion and sedimentation.

Additionally, the EMP prescribes construction and operational protocols to prevent contamination or surface runoff into any sensitive environmental areas. These measures, combined with natural dune rehabilitation, ensure long-term protection of the coastal environment.

- Municipal Infrastructure Responsibility

It must be emphasised that the Grotto Beach precinct forms part of a municipally managed public area, with the Municipality responsible for maintaining and upgrading all core infrastructure. The consent use application does not transfer this responsibility to CTFM. The Municipality, as both the landowner and the service provider, reviewed all infrastructure considerations before advertising the lease and has confirmed that the development is technically feasible within existing service capacity.

The lease agreement explicitly requires CTFM to comply with all service regulations and to bear the operational costs of its usage (water, sewerage disposal, and electricity). This ensures that the restaurant's operation will not impose any financial or logistical burden on surrounding residents or the Municipality.

Conclusion

The concerns raised regarding infrastructure capacity are acknowledged. They are however not supported by the available evidence. Confirmations obtained from the

Overstrand Municipality demonstrate that adequate water-, sewerage-, and electrical capacity exist to support the proposed development. The restaurant's scale and operational demand are modest relative to the area's overall seasonal activity, and its design incorporates environmentally responsible measures to ensure sustainability.

All service connections will be undertaken in compliance with municipal standards and under the oversight of the relevant departments. Consequently, the objections regarding infrastructure limitations do not present valid grounds for refusal of the application, as the proposal fully complies with technical, environmental, and planning requirements.

## RESPONSE TO OBJECTIONS: NOISE-RELATED

Several objections raised concerns regarding potential noise pollution from the proposed restaurant, particularly relating to late-night operations, generator use, and the impact on the tranquillity and environmental quality of the Grotto Beach and Voëlklip area. These concerns are noted, but they are not supported by the findings of the independent Noise Impact Assessment (NIA) conducted by Machoy Consulting (July 2025), nor by the applicable legislation governing noise control and enforcement.

- Professional Noise Impact Assessment Findings

A formal Noise Impact Assessment (NIA) was undertaken by Machoy Consulting (Pty) Ltd in July 2025, in accordance with SANS 10103:2008, SANS 10328, and the Western Cape Noise Control Regulations (PN 200/2013). The assessment modelled and measured potential noise emissions from all mechanical and operational components of the proposed restaurant, including:

- Heating, Ventilation, and Air Conditioning (HVAC) systems;
- Refrigeration units; and
- The emergency backup generator.

The study concluded the following:

The HVAC and refrigeration systems will be fully compliant with Regulation 4 of the Western Cape Noise Control Regulations for both daytime (50 dBA) and night-time (40 dBA) levels.

The generator, in its standard configuration, exceeds the permissible night-time levels but once fitted with the prescribed acoustic enclosures, silencers, and louvres, will be fully compliant with the Regulations.

With mitigation implemented, the predicted noise level at the nearest residential properties, located approximately 100m to the north-west and 200m to the north-east, will remain below 40 dBA, which is within the acceptable night-time threshold for suburban districts.

The NIA therefore concludes that, once the recommended noise control measures are installed, the Cape Town Fish Market, Hermanus will comply fully with Regulation 4 of the Western Cape Noise Control Regulations (PN 200/2013) during both day and night-time operation.

In addition, the restaurant will operate primarily as a family dining establishment rather than an entertainment venue. No outdoor amplified music, live performances, or late-night events will be permitted. The restaurant's trading hours and liquor sales hours are in strict accordance with the Overstrand Municipality Liquor Trading Hours By-Law (2011, as amended), and all noise must remain within the prescribed legal limits.

- Location and Acoustic Buffering

The site benefits from substantial natural acoustic buffering due to the 10m elevation difference and the dense milkwood forest vegetation between the restaurant and the nearest residential properties. Ambient sound levels in the area are already influenced by ocean wave noise, human activity, and vehicle movement along Grotto Road, which will naturally mask low-level operational sounds from the restaurant.

The NIA modelling confirms that the predicted operational noise will blend within existing ambient levels and will not produce a measurable increase above natural background sound. Accordingly, the development will not disturb the tranquillity of nearby residents or the coastal environment.

- Law Enforcement and Operational Controls

Enforcement of public behaviour and noise compliance will remain the responsibility of the Overstrand Municipality and the South African Police Service, as per statutory authority. CTFM will however maintain on-site management and security at all times to ensure compliance with trading hours, noise limits, and responsible serving of alcohol.

CTFM's operational model is designed around high-quality dining and hospitality, not late-night entertainment. The brand operates successfully in several mixed-use and coastal environments across South Africa, all under similar municipal and acoustic conditions.

- Noise Mitigation and Management Measures

CTFM has committed to a range of practical noise mitigation measures to ensure that the restaurant's operation does not create any nuisance to nearby residents or visitors. These include:

- The restaurant will operate primarily as a family dining establishment, not as an entertainment or nightlife venue. No outdoor amplified music or live entertainment will be permitted.

- The architectural design incorporates sound-dampening materials, including specific windows, solid structural walls, and internal ceiling insulation to reduce noise transmission.

- Outdoor seating will be orientated towards the beach and screened with natural vegetation and structural barriers to contain sound.

- Generators, used only during load shedding, will be installed within sound-attenuated enclosures to limit operational noise to within permissible levels as was recommended by the professional acoustic engineers.

These measures collectively will ensure that the restaurant's operation will remain within acceptable ambient noise levels and will not disturb the surrounding community or natural environment.

Conclusion

The independent Noise Impact Assessment, supported by municipal regulations and the EMP, demonstrates that the proposed restaurant will operate within all legal and environmental noise limits. Once the recommended mitigation measures are implemented, the development will not cause a nuisance to nearby residents, visitors, or wildlife.

The proposal re-establishes a historic and long-standing restaurant use on this site and introduces modern acoustic management practices far exceeding those of previous operators especially the last few years where an open concept beach lounge was operated. Concerns raised regarding noise are therefore unfounded and do not present valid grounds for refusal of the application.

## RESPONSE TO OBJECTIONS: BLUE FLAG / BEACH

A number of objections raised concerns regarding the potential impact of the proposed restaurant on the Blue Flag status of Grotto Beach, public access to the coastline, and the preservation of the area's environmental integrity. These concerns are noted but are not supported by factual evidence or by the findings of the Environmental Authorisation (EA), Environmental Management Plan (EMP), or the Municipality's own management framework for Blue Flag compliance.

- Blue Flag Status and Environmental Management

Grotto Beach has proudly maintained Blue Flag status for 24 consecutive years, a distinction that recognises excellence in environmental management, water quality, safety, and community involvement. The award is reviewed annually by the Wildlife and Environment Society of South Africa (WESSA) in partnership with the Foundation for Environmental Education (FEE), based on strict compliance with internationally recognised criteria.

The proposed restaurant does not conflict with any Blue Flag requirements. On the contrary, the facility will enhance the Municipality's ability to uphold and improve these standards through formal waste management, improved public facilities, and controlled activity within the beach precinct.

The Blue Flag criteria require:

- Excellent water quality – The EA confirmed that the restaurant will connect to an existing municipal sewerage system with sufficient capacity, eliminating any risk of contamination or overflow.

- Effective environmental management – An approved EMP is already in place for the site, containing strict conditions for construction and operation, including waste disposal, stormwater management, and erosion prevention.

- Environmental education and awareness – CTFM's presence at Grotto Beach will provide opportunities for environmental awareness through visible signage, sustainable practices, and potential collaboration with local conservation initiatives.

- Safety and services – The development will strengthen visitor safety and amenities by providing controlled access, lighting, and managed facilities within the existing Blue Flag operational area.

The Overstrand Municipality, as both the Blue Flag applicant and landowner, retains full authority and accountability for maintaining compliance with all Blue Flag conditions. The proposed restaurant therefore operates under municipal oversight, ensuring that all requirements remain continuously met.

- Sewage and Waste Management

The objections concerning sewage leaks and inadequate waste infrastructure are unfounded. The response above addresses sewage and how it will be managed. Regular maintenance, undertaken by the Municipality and CTFM, form part of the established Blue Flag management plan.

Additionally, the restaurant will introduce improved solid waste management infrastructure. A baboon-proof refuse storage area has been incorporated into the building design, constructed in accordance with Section 17.4 of the Overstrand Land Use Scheme (2020). Waste will be collected by the Municipality on scheduled days, with additional off-site disposal during peak seasons to prevent any build-up. Waste separation and recycling will also be implemented to promote environmental responsibility.

These measures exceed the current standards required under the Blue Flag criteria, ensuring that litter, refuse, or glass contamination cannot occur as a result of the development. CTFM has also committed to dispose of solid waste during peak times at their own costs as well.

- Public Access and Use of Coastal Land

The proposed restaurant is located on municipal property, within a designated Public Open Space zone, and forms part of the broader Grotto Beach area. The development will not restrict public access to the beach or surrounding facilities. All roads, pathways, and open spaces will remain freely accessible to residents and visitors alike.

The restaurant will occupy only a small lease area that has always been used for restaurant purposes for more than 60 years. The remainder of the beachfront and open spaces will continue to function as public amenities. The development therefore maintains the principle of spatial justice and equitable access to public land, as required under Section 7(a) of SPLUMA.

The perception that the restaurant will cater exclusively to an affluent segment of society is incorrect. The CTFM brand is designed as a family-friendly and accessible establishment, with a menu and pricing structure that appeals to a wide cross-section of the public. The restaurant's presence enhances the diversity of facilities available to all beach users, including local residents, day visitors, and tourists.

- Construction Management and Environmental Protection

Construction will be carried out in full compliance with the EMP, which includes measures for erosion control, dune protection, and rehabilitation of disturbed areas. All construction activities will be restricted to approved working hours and monitored by an Environmental Control Officer (ECO).

The EA specifically assessed potential construction-related risks and concluded that the development, with mitigation in place, will not cause harm to the dune system, vegetation, or marine environment. Any disturbance to vegetation will be rehabilitated immediately after construction, with emphasis on restoring indigenous fynbos species.

- Impact on Marine Life and Scenic Quality

Objections referring to potential disturbance to whales, fish, and general marine biodiversity are unsubstantiated. The EA process included specialist input confirming that the restaurant's construction and operation would not result in measurable impact on marine ecosystems. The structure is set back from the active beach zone and elevated above the dune line, ensuring no interference with coastal or marine processes.

The visual design of the building respects the surrounding natural landscape. The use of a low-pitched roof, natural colour palette, and limited height of 6.17 m ensures minimal visual intrusion from the beach or nearby residential areas. The milkwood forest and elevation differences provide natural screening, maintaining the scenic and environmental character of the Grotto Beach area.

Conclusion

The proposed restaurant aligns fully with the Blue Flag environmental and operational standards applicable to Grotto Beach. The development will enhance rather than threaten the area's Blue Flag status by improving waste management, public safety, visitor amenities, and long-term maintenance capacity.

The objections suggesting that the proposal will degrade the beach environment or restrict access are not supported by fact. All infrastructure, environmental safeguards, and municipal management systems are in place to ensure continued compliance with Blue Flag criteria and protection of Grotto Beach's ecological integrity.

Accordingly, the objections under this category are unfounded and do not provide grounds for refusal of the proposed consent use.

## RESPONSE TO OBJECTIONS: SEA LEVEL RISE AND CLIMATE CHANGE

Concerns were raised regarding the vulnerability of the proposed restaurant to the effects of climate change, sea-level rise, and storm surge events along the Walker Bay coastline. Specific reference was made to earlier risk modelling from the Western Cape Government's Coastal Management (Set-Back) Lines for the Overberg District (2015) and the dynamic nature of the Klein River Estuary. These concerns are acknowledged. The location, design, and environmental approvals for the development have however already taken these factors fully into account in the Environmental Authorisation (EA) and associated Dune and Beach Management Plan (refer to Annexure D of the motivation document).

- Environmental Authorisation and Specialist Coastal Input

The proposed restaurant was subject to an extensive Environmental Authorisation (EA) process in terms of the National Environmental Management Act (NEMA), which included specialist input from coastal engineers, environmental scientists, and dune management experts. The EA (and subsequent 2025 extension) specifically assessed coastal vulnerability, storm surge potential, and the impacts of long-term sea-level rise.

The findings confirmed that:

- The lease area is located outside the coastal high-water mark and behind the active dune line;
- The proposed building platform is positioned at an elevation that ensures no exposure to inundation under current or 1:100-year flood line scenarios;
- The design and placement of the structure are consistent with coastal setback principles established by the Western Cape Coastal Management Line Project; and
- The site falls within the "low-risk" coastal zone, based on both historic storm data and topographical elevation modelling.

These conclusions were accepted by the competent environmental authority (the Department of Environmental Affairs and Development Planning – DEADP), who issued a positive authorisation confirming that the development will not be at risk from sea-level rise or coastal flooding within the foreseeable timeframe of the 25-year lease.

- Recent Observations and Empirical Evidence

In 2023, severe storm events affected several parts of the Western Cape coastline, resulting in widespread flooding and coastal damage. During these events, the highest recorded waterline at Grotto Beach reached the 1-in-10-year high-water mark, which was significantly below the proposed restaurant platform. The area identified for development remained completely unaffected.

This real-world evidence supports the findings of the EA and confirms that the structure's placement provides sufficient elevation and natural dune protection to withstand projected sea-level changes and storm events well beyond the lease period.

- Coastal Setback and Dune Stability

The Dune and Beach Management Plan, compiled as part of the EA, incorporates specific guidelines for stabilisation, rehabilitation, and long-term monitoring of the coastal dune system. The plan includes:

- Restrictions on disturbance to primary dunes;
- Rehabilitation of disturbed areas with indigenous vegetation;
- Drainage controls to prevent erosion; and
- Ongoing monitoring by the Overstrand Municipality's Environmental Services Department.

The proposed restaurant's foundations are designed to minimise subsurface disturbance, using techniques suitable for coastal conditions. The development therefore complies with the Coastal Management Programme for the Overstrand Municipality (2019), which supports limited, environmentally managed development in existing coastal nodes such as Grotto Beach.

- Climate Change Adaptation and Risk Management

The restaurant's design integrates climate-resilient building principles, including:

- Elevated floor levels that are raised off the ground to accommodate extreme weather events;

- Stormwater infiltration and erosion control measures to prevent runoff and dune destabilisation; and

- Use of durable, weather-resistant materials to withstand coastal exposure.

Furthermore, the Overstrand Municipality remains responsible for the management of all coastal infrastructure within the Blue Flag precinct and has existing disaster risk management protocols to address storm damage and coastal erosion. The addition of a well-engineered, compliant structure does not increase municipal risk exposure but instead enhances oversight and management capacity in the area.

- Relevance of 2015 Risk Line Mapping

The 2015 Western Cape Coastal Setback Line Project provides a useful regional framework, but the modelling is not site-specific and was never intended to represent precise cadastral boundaries or building footprints. The methodology relies on broad elevation bands and predicts scenarios for the entire Overberg coastline, not refined local topography.

By contrast, the EA and Dune Management Plan relied on site-specific surveys, LiDAR elevation data, and geotechnical verification, providing a far more accurate and locally relevant assessment. The competent authority, having reviewed this information, found no risk that would preclude the development within the approved footprint.

Conclusion

The potential effects of climate change, sea-level rise, and coastal storms were comprehensively assessed and incorporated into the Environmental Authorisation and design of the proposed restaurant. The development lies outside all identified high-risk flood zones, adheres to approved setback principles, and integrates resilient design measures to ensure safety and sustainability throughout its operational lifespan.

The objections asserting that the development will be at risk of inundation or compromise coastal stability are therefore unfounded and not supported by the scientific evidence or the approved environmental documentation.

The proposal represents a responsible, environmentally sound, and future-resilient redevelopment of a long-established restaurant site within a managed coastal environment.

## RESPONSE TO OBJECTIONS: COMPLIANCE WITH THE COASTAL MANAGEMENT ACT AND COASTAL SETBACK LINE

The objection asserting that the application fails to comply with the National Environmental Management: Integrated Coastal Management Act, 2008 (ICMA) and the designated Coastal Management (Setback) Line for the Overberg District is noted but incorrect. The environmental and coastal compliance aspects of this development were

comprehensively assessed through the EA process and approved by the then DEADP, which is the competent authority under both the NEMA and the ICMA.

- Compliance with Section 25 of the ICMA

Section 25 of the ICMA empowers the provincial environmental authority to establish and enforce coastal management setback lines to protect coastal public property, sensitive ecosystems, and human life and property from dynamic coastal processes such as erosion and storm surges. The relevant setback line for the Overberg District was formally adopted and implemented by the Western Cape Government. Any development proposed within or near this line is subject to environmental assessment and specific authorisation by the competent authority.

In this case, the environmental consultants appointed for the Grotto Beach site undertook a Basic Assessment (BA) under the NEMA Regulations, which specifically addressed the requirements of the ICMA and the applicable Coastal Management Line. The Basic Assessment and the supporting EMP included detailed coastal risk, dune stability, and hydrological assessments to ensure that the proposed development is located outside the functional dynamic coastal zone and that no natural dune or hydrological processes are compromised.

The resultant EA, which remains valid and was extended on 4 July 2025, was issued with the explicit concurrence of the DEADP coastal management division, confirming that the proposal meets the requirements of both NEMA and ICMA Section 25. The EA therefore constitutes the formal permission required to allow development within the defined setback line area, subject to the mitigation and monitoring measures set out in the EA and the accompanying EMP (refer to Annexure D of the motivation document).

- Environmental Authorisation and Compliance Confirmation

The EA (refer to Annexure D of the motivation document) directly considered coastal processes, flood lines, the high-water mark (HWM), and the coastal management line. The Department's review included input from coastal engineers and environmental specialists who confirmed that the proposed restaurant is positioned outside the active beach zone and at a safe elevation above the 1-in-100-year coastal flood level.

Furthermore, the 2023 storm event demonstrated the practical validity of this assessment and despite significant storm surges along the coastline, the proposed restaurant platform area remained unaffected. The most recent modelling confirms that the structure is located safely inland from the dynamic coastal processes that the setback line seeks to manage.

- Setback Line Context and Environmental Oversight

While the Overberg Coastal Management Line is a precautionary planning tool, it is not an absolute prohibition on development. The ICMA allows development within the line were justified by environmental studies and where authorisation is granted by the competent authority. This was the process followed at Grotto Beach. The EA and subsequent EMP were both approved and contain detailed mitigation measures to protect the coastal environment during construction and operation.

- Municipal Role and Land Use Alignment

The consent use land use application currently under consideration does not override or duplicate the environmental authorisation process. It merely aligns the use of the property with the zoning scheme and municipal planning instruments, ensuring that the development has both environmental legitimacy and planning compliance.

The Overstrand Municipality is not empowered to determine coastal management lines or to authorise deviations therefrom. This mandate rests with the provincial environmental authority. The Municipality's role is to ensure that any approved development is consistent with the valid environmental authorisations, which in this case it is.

## RESPONSE TO OBJECTIONS: NATURE RESERVE AND ENVIRONMENTAL SENSITIVITY

A number of objections expressed concern regarding the proposed restaurant's proximity to the Fernkloof Nature Reserve, potential impacts on the surrounding milkwood forest, and the absence of an environmental buffer zone. While these concerns are acknowledged, they are based on a misunderstanding of the site's actual location. The environmental approvals already in place, and the extensive mitigation measures incorporated into the proposal.

- Lease Location Relative to Fernkloof Nature Reserve

The subject lease area forms part of Remainder Erf 4771, Hermanus, which is part of the municipal comanage. This property contains all the roads, open space and other municipal areas in Voëlklip, part of which borders Fernkloof at the northern part of the property. The lease area does however not border the Fernkloof Nature Reserve or is in close vicinity of the reserve.

The Fernkloof Nature Reserve's southern boundary lies further inland, separated by public roads, open space, and natural vegetation that provide a substantial ecological buffer. This separation ensures that the restaurant development cannot have a direct ecological or visual impact on the reserve itself.

- Environmental Authorisation and Management Framework

The proposed development has already undergone a comprehensive Basic Assessment in terms of the National Environmental Management Act (NEMA), culminating in a formal EA issued by the Department of Environmental Affairs and Development Planning (DEADP).

As mentioned, the EA was supported by an EMP and a Dune and Beach Management Plan, both of which were developed specifically to manage potential construction and operational impacts on the surrounding natural environment. These include provisions for:

Protection of adjacent vegetation during construction;

Controlled access and no-go zones to prevent encroachment into natural areas; and

Post-construction rehabilitation with indigenous plant species.

All environmental conditions set out in the EA and EMP are binding on both the lessee (CTFM) and the Overstrand Municipality, ensuring continuous environmental oversight throughout construction and operation.

- Protection of Milkwood Trees and Coastal Vegetation

It is recognised that Milkwood trees (Sideroxylon inerme) are a protected species under Section 15(1) of the National Forests Act, 1998 (Act 84 of 1998). To ensure full compliance, an application was submitted to the Department of Forestry, Fisheries and the Environment (DFFE), and a formal permit was granted to prune four Milkwood trees located adjacent to the proposed development footprint ensuring they are out of the area of the proposed restaurant.

This permit was obtained as a precautionary environmental measure, not as an indication of extensive tree removal. The pruning is limited to canopy management to facilitate construction access and ensure the long-term health and structural integrity of the trees. No tree felling or root disturbance will occur. The permit and associated conditions are attached as Annexure K to the application.

In addition, the architectural design of the building was adapted around the existing vegetation, ensuring the preservation of the Milkwood canopy and the retention of the natural screening that defines the visual character of Grotto Beach.

- Biodiversity, Noise, and Light Considerations

Potential indirect impacts such as light spill, noise, or traffic disturbance on fauna were assessed during the environmental review process. The Environmental Assessment Practitioner (EAP) concluded that the scale and operational nature of the proposed restaurant will not generate significant ecological disturbance, provided that lighting, landscaping, and operational controls are implemented as specified in the EMP.

Specifically:

- Outdoor lighting will be downward-facing, shielded, and energy-efficient to reduce light pollution;
- No outdoor amplified sound will be permitted; and
- Plants that will used shall be indigenous vegetation to maintain natural habitat continuity.

- Consultation and Oversight

As part of the EA process, all relevant authorities, including the Overstrand Environmental Services Department and CapeNature, were consulted and provided input. The Fernkloof Advisory Board was not specifically required to comment because the development is not located within or immediately adjacent to the reserve boundary, but within a municipal recreation node already approved for such use.

Ongoing liaison between the Municipality's Environmental Section and reserve management is however standard practice in the area's broader environmental governance. Any additional advisory input from Fernkloof management will be welcomed during the implementation phase, consistent with cooperative governance principles.

Conclusion

The proposed restaurant does not infringe upon the Fernkloof Nature Reserve, nor will it compromise the ecological integrity of the surrounding environment. The site is located within a managed coastal recreation zone, underpinned by a valid EA, an EMP, and a DFFE-issued permit for limited tree pruning.

The design was guided by environmental specialists to ensure minimal disturbance to Milkwood trees, coastal vegetation, and wildlife. Compliance with the EMP, combined with municipal and provincial oversight, ensures the area's ecological sustainability and continued protection of its unique coastal biodiversity.

Accordingly, the objections relating to the Fernkloof Nature Reserve, Milkwood trees, and environmental sensitivity are unfounded and do not constitute valid grounds for refusal of the application.

## RESPONSE TO OBJECTIONS: 'SENSE OF PLACE'

Several objections relate to concerns that the proposed restaurant may erode the natural character and "sense of place" that define Grotto Beach. It has been suggested that the development represents commercial intrusion into a sensitive and tranquil environment and that this may diminish the area's identity as a natural and accessible public space. These concerns are noted, but they are not supported by the factual history of the site, the design philosophy of the proposal, or the findings of the EA process.

- Historical Continuity of Use and Cultural Identity

The site identified for the proposed restaurant has a longstanding cultural and functional association with Grotto Beach, dating back to the mid-20th century. Records indicate that a café was operated on the site since at least 1946, with formal approval for a restaurant granted in 1949 by the Provincial Administration of the Cape of Good Hope. Over the following decades, the site housed several well-known local establishments, including the Goldfish Café, Driftwood Den, and Nautilus Restaurant, all of which contributed to Grotto Beach's unique social and recreational identity.

This history demonstrates that restaurant activity has always formed part of the Grotto Beach experience. The proposed CTFM development therefore does not introduce a new or incompatible land use but rather reinstates a use that has been embedded in the area's social and spatial character for over 60 years. In this sense, the proposal represents continuity and restoration rather than transformation.

- Design Sensitivity and Integration into the Landscape

The architectural design of the proposed restaurant was informed by a strong commitment to contextual sensitivity and visual integration with the coastal environment. The building's height is limited to 6.17m, well below what could be considered intrusive, and the structure uses natural materials and coastal tones that blend with the dune and vegetation backdrop.

The orientation and massing of the building were guided by the EA and feedback from the Overstrand Municipality's Environmental Services Department, ensuring minimal visual intrusion and maintaining uninterrupted public views of the mountains and sea. Existing

Milkwood trees and indigenous vegetation provide further natural screening, softening the building's visual presence and maintaining the sense of enclosure and intimacy that characterises Grotto Beach. It is important to note that during this stage public participation also took place.

By employing natural textures, subdued lighting, and a modest scale, the proposed design reinforces the site's calm and natural atmosphere while providing an upgraded, functional facility that respects the surrounding landscape.

- Preservation of Public Access and Social Inclusivity

The perception that the proposal will "privatise" public space is unfounded. The lease area remains municipal land, and public access will continue unrestricted. All pathways, parking areas, and open spaces will remain open to the public, and the restaurant itself will be freely accessible to all visitors.

The Overstrand Municipality's tender specifically required that the development contribute to community and economic value, enhancing tourism and local employment while improving the quality of public amenities. CTFM's model as a family-friendly, accessible restaurant ensures that the facility serves a broad demographic, consistent with the spirit of inclusivity that defines Grotto Beach.

This approach preserves the area's social sense of place, a welcoming, communal beachfront environment that brings together residents and visitors from all walks of life.

- Environmental and Heritage Considerations

The proposal was guided by the EA, EMP, and consultation with the Overstrand Heritage and Aesthetics Committee (OHAC). The EA confirmed that the development's scale and footprint are appropriate for the site, that it will not compromise the coastal dune system or natural vegetation, and that all design elements align with environmental best practice.

OHAC further supported the proposal, recognising that the design respects the heritage and visual character of the surrounding area and re-establishes an historically significant local landmark in a refined and contemporary form.

- Maintaining Tranquillity and Character

The "sense of place" of Grotto Beach is defined by a combination of natural beauty, cultural history, and community activity. The proposed restaurant will coexist harmoniously within this framework, providing a controlled, well-managed, and environmentally responsible facility. Operational controls contained in the lease agreement and municipal by-laws, including restrictions on amplified music, lighting direction, and waste management, will ensure that tranquillity, cleanliness, and environmental integrity are maintained at all times.

Conclusion

Far from diminishing the "sense of place" of Grotto Beach, the proposed restaurant enhances and reinstates it. The site has accommodated restaurant activity for over six decades, and its proposed redevelopment has been undertaken with full environmental, heritage, and municipal oversight.

The proposal strengthens the cultural continuity, social accessibility, and environmental stewardship that define Grotto Beach as one of Hermanus's most valued public spaces. Through careful design, management, and sensitivity to its context, the development will celebrate and protect the area's unique character for future generations.

Accordingly, the objections raised under this category are not substantiated and do not provide valid grounds for the refusal of the consent use application.

## RESPONSE TO OBJECTIONS: ENVIRONMENTAL IMPACT ASSESSMENT (EIA), HIGH-WATER MARK (HWM) AND "OUTDATED STUDIES"

- Statutory status and scope of approvals

The proposal has been authorised in terms of NEMA via a Basic Assessment process with a positive EA, supported by a Dune and Beach Management Plan and an EMP. The EA was formally extended on 4 July 2025. The extension confirms that the competent authority reviewed the applicability of the original findings and mitigation to current conditions and found them adequate, subject to the EA/EMP controls. It should be noted an appeal was submitted against the extension and was not upheld by the Department of Environmental Affairs and Development Planning – **Refer to Annexure A attached.** The project therefore remains lawful, current, and regulated under NEMA and Integrated Coastal Management Act (ICMA).

- High-Water Mark, setback, and site position

The lease area lies landward of the active beach and outside the coastal high-water mark and primary dune toe identified in the approved documentation. As addressed above, the EA relied on site-specific survey and topography which carry greater weight for permitting decisions.

- "Outdated assessments" – why a new EIA is not required

Calls for a new, full EIA stem from the view that earlier work (2013–2015) is obsolete. Three points address this within the application:

- EA extension in 2025 (refer to Annexure D of the motivation document): The authority considered whether circumstances or science had changed to an extent that would invalidate the existing assessment and concluded they had not, provided the EMP and conditions are implemented.

- Scale and nature of activity: This is a reinstatement of a long-standing restaurant use within an existing, serviced coastal node, not greenfield urban expansion. The activity, footprint (±500 m²), and height (6.17 m) remain within the parameters assessed.

- Adaptive mitigation: The EMP is a living compliance document that binds construction and operation. If monitoring identifies any new risk, adaptive measures must be implemented without needing to restart the NEMA process.

- Climate change, storm surge and coastal risk

Climate risk (sea-level rise, surge, erosion) was explicitly addressed through platform elevation, avoidance of primary dune dynamics, stormwater infiltration and dissipation, and conservative construction detailing. The Dune and Beach Management Plan prescribe

dune protection, erosion control, and post-construction rehabilitation with indigenous species. Taken together, these measures meet ICMA objectives and municipal coastal management practice for existing recreation nodes.

- Waste, water quality and wildlife (incl. baboons)

The development connects to municipal sewer infrastructure and the capacity for the proposal has been confirmed.(refer to the response above). The EMP sets out spill prevention, pumping regimes, and incident protocols to avoid any discharge to the beach. Solid waste will be managed in a baboon-proof refuse room with scheduled collections and peak-season contingencies; on-site waste separation and recycling will be implemented. These controls exceed typical Blue Flag management requirements and directly answer concerns about litter, glass, and wildlife conflict.

- Cumulative effects and "two restaurants"

Cumulative effects were considered at precinct level. This coastal node has accommodated a restaurant on this site for over 60 years. The proposal reinstates that use with modern environmental controls that were not in place historically. Municipal services confirmations (water, electricity, sewer) and the approved operational controls (noise, lighting, waste) ensure that adding this facility does not create an unacceptable cumulative environmental impact.

Conclusion

The contention that the environmental work is "outdated" and that a new EIA is mandatory is not supported by the legal position or by the competent authority's 2025 EA extension. The site lies outside the HWM, the design responds to coastal risk and climate considerations, and the EMP provides enforceable construction and operational safeguards (including sewer, waste, dunes, vegetation and wildlife). On this basis, the objections under this heading do not present grounds for refusal.

## RESPONSE TO OBJECTIONS: ALLOWANCE OF A RESTAURANT

The objections regarding the need for another restaurant at Grotto Beach, its scale, and its impact on the character of the area are noted. The proposal to establish the Cape Town Fish Market (CTFM) restaurant on the identified municipal lease area must however be considered in light of its historical context, municipal objectives, and compliance with applicable planning and environmental frameworks.

The site has been used for restaurant and café purposes for over six decades, with formal approvals and leases dating back to 1949. The Goldfish Café, Driftwood Den, and later the Nautilus restaurant all operated successfully at this location until the latter's destruction by fire in 2000. The current proposal therefore does not introduce a new or unfamiliar land use but rather reinstates a long-established and historically accepted function that has formed part of the Grotto Beach identity for generations.

The Overstrand Municipality, as the custodian of public land, explicitly included in its 2022 tender that any development of the site must contribute to economic and community value, enhance the tourism offering of Grotto Beach, and generate municipal income to support the ongoing maintenance of the area and its Blue Flag status. The tender process was open, competitive, and transparent, and CTFM was the successful bidder based on its

ability to deliver a high-quality, sustainable facility that meets these objectives. It is also important to note that a full public participation process was included in the tender process.

CTFM's operational model supports local employment and enterprise development. Approximately 50 permanent jobs will be created, with additional seasonal employment during peak periods. Assuming an average household size of 3–5 individuals, between 150 and 250 people stand to benefit indirectly from this employment. This represents a meaningful socio-economic contribution in a town where seasonal employment fluctuations are a persistent challenge. Furthermore, local suppliers and service providers will be prioritised, ensuring that economic benefits remain within the Hermanus region.

Concerns regarding competition with existing restaurants are not supported by planning policy or market evidence. Land use planning processes do not regulate competition between businesses but rather assess the appropriateness of land uses in terms of zoning, policy alignment, and community benefit. The consent use being sought is for a tourism-related facility, a use that is encouraged within the spatial and economic strategies of the Overstrand Municipality and Western Cape Government. The SDF identifies Grotto Beach as a tourism node, where controlled commercial activity that enhances visitor experience is appropriate and desirable.

The proposal does not "privatise" public land nor restrict access. The restaurant will be accessible to the public, situated within the open public beach environment, and surrounded by municipal land that remains freely available to all. The facility's presence will enhance the visitor experience rather than detract from it, offering improved amenities, managed operations, and additional safety and maintenance presence on-site.

Regarding concerns that the structure will be out of character, the design was reviewed and supported by the OHAC, ensuring architectural harmony with the coastal setting. The proposed structure's scale, height (6.17 m), and footprint (500 m²) are proportionate to the historical buildings previously located on the site. The use of natural materials, subdued colours, and pitched roofs ensure the building complements the landscape rather than dominates it.

The EA, dune management plan, and EMP strictly regulate construction and operational activities to ensure the protection of surrounding sensitive areas, including the adjacent milkwood forest and wetland system. These documents remain valid and binding, and their extension in 2025 confirms that the proposal meets current environmental legislation and coastal management requirements.

It is also relevant that Grotto Beach already functions as a vibrant tourism node with existing facilities, including the adjacent Dutchies restaurant, public amenities, and recreational spaces. The proposed CTFM restaurant will operate in synergy with these, offering a complementary, family-oriented dining experience. Rather than "diluting" the market, the proposal diversifies the tourism economy and strengthens Hermanus's competitiveness as a coastal destination capable of accommodating varied visitor preferences.

In summary, the proposed restaurant is a continuation of a long-standing land use, fully aligned with municipal and provincial policy directives, and will deliver measurable socio-economic and tourism benefits. It has been designed and managed to respect the natural, visual, and social environment of Grotto Beach while upholding the principles of sustainable development and public accessibility.

## RESPONSE TO OBJECTIONS: EXCLUSIVITY

The objections regarding the alleged "exclusivity" of the proposed restaurant are noted. The concerns are however based on a misunderstanding of both the nature of the development and the legal status of the land. The proposed Cape Town Fish Market (CTFM) restaurant does not privatise public land, nor does it limit public access to Grotto Beach. On the contrary, it forms part of a broader municipal strategy to enhance the functionality, safety, and accessibility of this key public recreation area for the benefit of all users.

The lease area on which the restaurant is to be established remains municipal property and will continue to be publicly owned. The lease agreement between the Overstrand Municipality and CTFM is a standard commercial arrangement that allows a portion of municipal land to be utilised for a specific purpose while retaining full public ownership and oversight. The remainder of Grotto Beach, including the parking areas, picnic zones, cliff path, and beachfront, remains fully accessible to all members of the public, exactly as before. The development therefore does not diminish public access or enjoyment of the beach environment.

It is also important to emphasise that the restaurant will be open to the general public and not restricted to a particular group or income level. The CTFM brand operates as a family-oriented, mid-range restaurant that caters to a broad demographic, including local residents, day visitors, and tourists. Pricing and accessibility are consistent with comparable establishments in Hermanus and across South Africa, making the facility inclusive rather than exclusive. The design of the building, its pedestrian access points, and its integration with public pathways and open spaces have been intentionally planned to promote openness and connectivity rather than separation or exclusion.

The Overstrand Municipality's 2022 tender documentation explicitly required that the successful proposal must contribute to economic and community value and enhance tourism for the broader Hermanus area. The selection of CTFM was based on its proven capacity to deliver these outcomes while complying with environmental and design criteria. The restaurant will create approximately 50 local jobs and generate sustained economic benefits through procurement of local goods and services. These benefits will be distributed across the community, not confined to the operator, and will contribute to municipal revenue used for the maintenance of public amenities, including the Blue Flag status of Grotto Beach.

In terms of the principle of spatial justice under SPLUMA, the development directly supports the equitable use of public land by enhancing facilities for all users rather than reducing them. The restaurant will provide improved ablution access, safety presence, waste management, and visual enhancement to an area that has historically accommodated a restaurant use for over 60 years. The proposal does not replace community space but instead reinstates and upgrades an established, well-integrated facility that complements the recreational use of the beach.

The suggestion that the development represents "privatisation" or exclusion is therefore incorrect. The public retains full access to the surrounding open space, and the restaurant itself is publicly accessible. The project was initiated and approved through a transparent municipal process that included a competitive tender, public participation, and environmental assessment. All regulatory mechanisms have been followed to ensure that

the development aligns with the public interest and contributes to the sustainable management of municipal assets.

Finally, it should be recognised that developments such as this are essential to maintaining the viability and quality of public spaces. The Municipality incurs significant ongoing costs to maintain Grotto Beach and uphold its Blue Flag status, costs that are offset in part through responsible revenue-generating activities such as leasing a small portion of land for tourism-related uses. This approach ensures that Grotto Beach remains a safe, well-managed, and financially sustainable public asset that continues to serve the entire community.

In summary, the proposed restaurant does not exclude, privatise, or restrict public use of the site. It restores a historic land use, enhances public amenities, supports economic inclusion, and aligns with the principles of fairness, sustainability, and spatial justice that underpin contemporary municipal planning.

## RESPONSE TO OBJECTIONS: PROCEDURAL FAIRNESS AND ALLEGED FLAWS IN THE APPLICATION

The objections claiming that the application is "fatally flawed" or procedurally irregular are noted but unfounded. The process followed to date fully complies with the relevant provisions of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, the SPLUMA, and other applicable legislation. Each procedural step, from the awarding of the lease through a public tender process to the submission of the land use application, has been carried out transparently, with appropriate opportunity for public input.

- Tender and Lease Process

The lease of the municipal land to CTFM was not an arbitrary or private arrangement. The Overstrand Municipality advertised a public tender in accordance with the Municipal Finance Management Act, 2003 (MFMA), which governs the disposal or leasing of municipal assets. The tender specifically required that the proposed development demonstrates community and economic value, contribute to tourism enhancement, and comply with all planning, environmental, and legislative requirements before implementation.

CTFM was the successful bidder based on the strength of its proposal, operational record, and alignment with the Municipality's objectives for Grotto Beach as a Blue Flag destination. The lease agreement that followed does not in itself authorise land use, it merely grants the right to apply for the required approvals. The submission of this consent use application therefore forms part of fulfilling the lease conditions and ensuring full compliance with planning law. It does not pre-empt or undermine the Municipality's authority to assess the application objectively.

- Building Plan Approval

The building plans that were submitted and approved by the Municipality relate only to the architectural design and compliance with the National Building Regulations. The approval of building plans does not confer or confirm land use rights. It is also important to note on submission of the land use application the building plans were withdrawn and will be resubmitted. These rights are subject to this current land use application process, which includes public participation, review by the relevant municipal departments, and eventual consideration by the decision-maker under the By-Law.

The perception that building plan approval indicates a predetermined outcome is therefore incorrect. The plans were processed in accordance with the National Building Regulations and Building Standards Act, 1977, while the land use process is governed separately by SPLUMA and the By-Law. Both approvals are required and are complementary, not conflicting.

- Public Participation and Procedural Compliance

All affected property owners and relevant stakeholders were notified of the application in accordance with Sections 47–49 of the Overstrand By-Law on Municipal Land Use Planning. Notices were published, placed on site, and circulated to adjoining owners. The use of electronic service (email) as a notification method is consistent with the Municipality's approved communication procedures and in line with Section 115 of the Municipal Systems Act, 2000, which allows electronic service where appropriate.

While an individual notice delivery error (such as a mistyped email address) is regrettable, it does not invalidate the overall process provided that the statutory minimum methods of notification were observed, which they were. In this case, both on-site notices and newspaper advertisements ensured that the public was informed of the application. The volume and breadth of submissions received during the objection period further confirm that the process successfully reached the intended audience.

The objection that the process constitutes "a charade" or was undertaken after decisions had been made is therefore not supported by fact. Public participation remains an essential and genuine component of the process. All comments and objections are being formally considered before any final decision is made by the authorised decision-maker.

The objection alleges procedural unfairness and municipal bias, citing the prior lease tender process and a High Court order related to vested rights. It is essential to clarify that the current consent use application is a new and independent land use process, distinct from prior administrative or contractual procedures. The Municipality, as the competent authority under the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 (MPBL), is required by law to evaluate the application on its own merits, based on spatial, environmental, and policy considerations, and not on past approvals or contracts.

- Fairness and Objectivity of Municipal Assessment

The Overstrand Municipality acts as the administrative authority responsible for assessing the application, not as a co-applicant. While the Municipality is the owner of the land, it has delegated the evaluation of land use applications to the Municipal Planning Tribunal (MPT) or an authorised official under SPLUMA. This separation of ownership and decision-making ensures that the process remains objective and legally sound.

The Municipality's role as lessor does not disqualify it from processing an application on its own land, provided that statutory decision-making protocols are followed, a practice that is both lawful and common across South African municipalities.

- Historic Building Size and Design Context

The claim that the proposal is "based on a gross overestimation" of previous structures is incorrect. The design and footprint of the proposed restaurant were informed by the BA and EA previously issued by the environmental authorities. The environmental documentation clearly outlined permissible building parameters, including the location, orientation, height,

and size of the structure. The proposed 500m² footprint falls within these approved limits and complies with the environmental authorisation currently in effect.

Furthermore, the site has a continuous history of accommodating restaurant and café facilities for more than 60 years, under establishments such as the Goldfish Café, Driftwood Den, and Nautilus. The proposed structure therefore represents the renewal and modernisation of a long-established use that was lost to fire rather than the introduction of a new or oversized facility. The architectural design was refined in consultation with the Municipality and environmental specialists to ensure compatibility with the character of Grotto Beach.

- Conclusion

The allegations that the process is procedurally defective, biased, or unlawful are without merit. The Municipality has adhered to all legislative and administrative requirements, and the application is being processed in full compliance with SPLUMA, the Overstrand By-Law on Municipal Land Use Planning, and the principles of administrative fairness under Promotion of Administrative Justice Act (2000). The proposed development represents a continuation of historic land use, undertaken through transparent public procedures, and supported by valid environmental authorisation.

The procedural objections therefore do not affect the validity or desirability of the application and should not influence the outcome. The application remains lawful, technically sound, and consistent with the Municipality's mandate to balance sustainable development, public benefit, and responsible management of municipal land.

## RESPONSE TO OBJECTIONS: LAND USE, ZONING AND PROCEDURAL COMPLIANCE

- Zoning and Permissible Uses

The subject property forms part of the municipal landholding zoned as Public Open Space in terms of the Overstrand Municipality Land Use Scheme, 2020 (OMLUS). In terms of the Scheme, a restaurant or similar facility may be considered as a Consent Use under the "Tourist Facility" land use category, which is explicitly permissible within the Public Open Space Zone.

Accordingly, this application has been submitted not to rezone the property, but to obtain Consent Use approval for the proposed restaurant, as required by the Scheme. The land remains public land and will continue to serve a public function. The consent use merely allows for the establishment of a restaurant that supports tourism and enhances recreational use.

This process fully aligns with Section 42(1) of SPLUMA, which mandates that land development applications must be considered in light of the broader public interest, spatial justice, sustainability, and efficiency.

- Consistency with the Public Open Space Zoning Purpose

The purpose of Public Open Space zoning is to provide land for recreation, tourism, and social gathering for the benefit of the community. The introduction of a restaurant, designed to complement and serve visitors to Grotto Beach, is entirely consistent with this zoning intention.

This proposal does not remove or alienate public open space, nor does it preclude public access. The lease area remains within municipal ownership, and the beach, surrounding dunes, and greenbelt areas remain freely accessible to all members of the public. The restaurant is a supporting recreational amenity, not a competing use.

- Advertising and Public Participation

The application was advertised in strict compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

- A notice was published in the local press (Village News);
- Individual notices were circulated to all interested and affected parties); and
- The notice was also displayed on-site and uploaded to the municipal website for the duration of the 30-day objection period.

The application documents, including architectural plans, locality maps, and motivation report, were made available for public viewing at the municipal offices. Any perception that the public was not informed or that the proposal was misrepresented is therefore factually incorrect.

The application has undergone a transparent and lawful process, providing ample opportunity for community input, and the volume of objections received demonstrates that public participation has been extensive and effective.

- Scale and Character of the Development

The proposed restaurant building has a floor area of 500 $m^2$ and a maximum height of 6.17m, both of which are well within the development parameters permitted in terms of the OMLUS.

The design was developed in consultation with the Overstrand Municipality's Environmental Services Department and the OHAC to ensure that it fits harmoniously into the existing landscape.

- Alignment with Municipal Planning Objectives

The proposal is consistent with the SDF and the IDP, both of which encourage development that enhances tourism, supports local economic development, and strengthens the functionality of key coastal nodes such as Grotto Beach.

Allowing a well-designed, environmentally approved restaurant in this location gives effect to these policies by improving public amenities, attracting investment, and generating local employment opportunities, while still ensuring environmental protection and public access.

- Socio-Economic Considerations

The restaurant is not designed to replace public recreational use but to complement it by providing services to beachgoers and visitors. A wide range of menu items and price points will ensure that the facility is accessible to both residents and tourists. Furthermore, the development will provide approximately 50 local employment opportunities, benefitting

between 150 and 250 individuals indirectly, a meaningful socio-economic contribution to the local community.

Conclusion

The proposed restaurant represents a lawfully submitted, zoning-compliant, and environmentally authorised land use application. It falls squarely within the permissible uses of land zoned Public Open Space under the OMLUS and fully complies with SPLUMA's principles of sustainability, efficiency, and spatial justice.

The objections suggesting non-compliance with zoning provisions, inadequate participation, or procedural unfairness are therefore unfounded. The development has been designed and processed in accordance with all applicable legislation, and its approval will reinforce, rather than detract from, the social, environmental, and economic value of Grotto Beach.

## RESPONSE TO OBJECTIONS: LEGAL COMPLIANCE AND PROCEDURAL FAIRNESS

- Procedural Fairness and Public Participation

The consent use application for the proposed restaurant has been undertaken in strict accordance with the Overstrand Municipality By-Law on Municipal Land Use Planning (2020) and SPLUMA.

All statutory requirements for notification, public inspection, and comment were complied with:

- The application was advertised in the local press and placed on the Municipality's official website.
- Written notices were delivered to all registered adjacent property owners.
- A notice board was erected on site for the duration of the 30-day statutory comment period.
- All application documentation (including plans, motivation report, and supporting specialist studies) was made available at the municipal offices and on the digital platform for public review.

The volume and quality of submissions received from the public demonstrate that ample opportunity for engagement was afforded, and that no prejudice resulted from the process. The application therefore satisfies the procedural requirements of both Section 33 of the Constitution (right to just administrative action), which only requires that affected parties have a fair and reasonable opportunity to participate, a standard that has been fully met.

- SPLUMA and the Municipal Land Use By-Law

In terms of Section 42(1) of SPLUMA, municipal tribunals must consider applications against five decision-making criteria: spatial justice, sustainability, efficiency, resilience, and good administration. The proposed restaurant satisfies each of these principles, as discussed comprehensively in the motivation, by re-establishing a lawful, previously existing use on

public land in a manner that enhances accessibility, promotes tourism, creates employment, and supports local economic development.

The Overstrand Land Use Scheme allows a restaurant as a consent use within land zoned Public Open Space, making this application legally valid and procedurally correct. The Municipality's role is to adjudicate the desirability of the use, not to rezone or alienate the land. The land remains in public ownership and retains its open-space function.

- Municipal Finance Management Act (MFMA) and Lease Process

The leasing of the municipal land followed the Municipal Asset Transfer Regulations (GN R878 of 2008) and the Overstrand Municipality's Administration of Immovable Property Policy (2022).

The process included:

- A Council resolution authorising the lease;

- A public tender process (advertised in 2022), open to all interested bidders;

- A valuation of the lease area by an independent professional valuer;

The inclusion of conditions requiring that any development comply with all land-use and environmental legislation.

The tender process was competitive, transparent, and duly approved by Council, satisfying the procedural requirements of Section 14 of the MFMA. The lease agreement is subject to all statutory approvals, the land use application that was submitted for the proposed restaurant was to promote procedural transparency. This step also ensures CTFM's compliance as tenant with the requirements of the lease agreement with the Overstrand Municipality. The claim that the Municipality acted irregularly or "pre-approved" the proposal is therefore factually incorrect.

- Consumer Protection Act and Municipal Accountability

The Consumer Protection Act (Act 68 of 2008) governs commercial transactions between suppliers and consumers. It does not regulate municipal land-use processes. The Municipality's actions have however nonetheless been guided by principles of fairness, transparency, and accountability consistent with the Act's intent.

The application process has been fully transparent and open to scrutiny. Claims that residents were "denied fairness" are unfounded, given that the Municipality has followed the statutory process, allowed public submissions, and ensured the decision-making process remains subject to review and appeal under PAJA and the Overstrand By-Law.

- On Allegations of Prior Legal Action or Irregular Approvals

The objection's reference to "court orders halting construction" and "previous approvals" is misleading. No development activity has commenced, and building plan approval was granted. To ensure transparency, this application was submitted. The Municipality, as custodian of public land, is obligated to re-advertise and re-evaluate any application of this nature to ensure statutory compliance and procedural transparency, precisely the process currently underway.

The repetition of formal procedures does not constitute irregularity but rather demonstrates good administrative practice, as the Municipality is ensuring that any new or extended authorisations remain legally sound.

- Conclusion

All relevant legislative instruments, including SPLUMA, PAJA, MFMA, the Overstrand Land Use Scheme, and NEMA, have been duly observed. The process has been procedurally fair, legally compliant, and administratively transparent.

The objections claiming illegality or procedural defect are therefore without merit. The Municipality has lawfully exercised its administrative and custodial responsibilities in accordance with its constitutional mandate under Section 152 of the Constitution to promote democratic, accountable governance and sustainable development in the public interest. Accordingly, there is no legal basis upon which the application could be deemed invalid or procedurally defective.

## RESPONSE TO OBJECTIONS: PROPERTY VALUATIONS

Concerns regarding potential depreciation of surrounding property values are noted. Such claims are however speculative and unsupported by empirical evidence or professional valuation data. In contrast, experience from comparable coastal and tourism-based environments indicates that the introduction of high-quality, well-managed facilities such as restaurants, cafés and visitor amenities typically enhances local property values by improving area desirability, convenience, and public safety.

The proposed development is located on municipal-owned land, separated from surrounding residential properties by public roads, dune vegetation, and a significant elevation difference of approximately 10 m. The nearest residential property lies roughly 90m away and has no direct line-of-sight to the proposed restaurant. These physical buffers, together with the preservation of existing Milkwood vegetation and the architectural design measures adopted, ensure that the restaurant will not intrude visually, acoustically or operationally on neighbouring residential properties.

There is no credible basis to conclude that the proposed restaurant will result in property devaluation. To the contrary, the project introduces long-term investment, employment, and public-realm improvements consistent with the area's established character as a premier coastal destination.

The development respects the sensitive environmental setting, retains the tranquillity of the residential surroundings, and enhances the functionality and aesthetic quality of Grotto Beach. These factors collectively support the continued appreciation of property values rather than any decline.

## RESPONSE TO OBJECTIONS: LIQUOR LICENCE

Concerns regarding the sale of liquor and associated impacts on safety, noise, and public order are noted. It is important to clarify that the granting of a liquor licence is a separate statutory process governed by the Western Cape Liquor Act, 2008 (Act 4 of 2008) and the

Overstrand Municipality: Amendment of Liquor Trading Hours By-Law, 2011. The current land use application does not seek approval for liquor trading rights but only for Consent Use to operate a restaurant in accordance with the approved lease and planning framework.

Liquor licensing is subject to stringent procedural and operational requirements, including the submission of a detailed management plan, compliance with trading hours, and the ability of the operator to demonstrate that the sale of alcohol will not result in nuisance or public disturbance.

- Regulatory Context and Compliance

The Overstrand Liquor Trading Hours By-Law (2011) permits on-consumption sale of liquor (i.e. liquor consumed on the premises) between set hours, seven days a week. The proposed restaurant's operating hours align with this provision. These by-laws were established to regulate liquor sales uniformly across the municipality and to balance economic activity with community wellbeing.

Furthermore, the operator, Cape Town Fish Market (CTFM), has a proven national record of compliance with liquor licencing regulations and responsible trading practices in multiple coastal municipalities, including Cape Town, and in the future Mosselbay and George. CTFM's operational model focuses on family-friendly dining and seafood cuisine, not late-night entertainment or bar culture. The restaurant does not include a bar facility or dance floor and will not operate as a tavern, nightclub, or similar use.

- Public Safety and Enforcement

Concerns regarding potential unruly behaviour or late-night disturbances are speculative and unfounded within the context of this specific operation. All restaurants in the Overstrand Municipality that hold valid liquor licences operate under strict conditions of control and monitoring. Enforcement is shared between:

- The Western Cape Liquor Authority (WCLA);
- The Overstrand Municipal Law Enforcement Unit; and
- The South African Police Service (SAPS).

Each authority retains certain power to conduct unannounced inspections, issue fines, or revoke a licence if conditions are breached. The Municipality also reserves the right to impose additional operational conditions through the land use approval or lease agreement to prevent nuisance.

- Separation from Residential Areas

It should also be noted that the nearest residential dwelling is located approximately 90m away and 10m above the proposed site. The natural dune vegetation, including the Milkwood Forest buffer, provides an effective acoustic and visual barrier, further mitigating any potential disturbance.

The site is situated within a designated public recreation node, which has long hosted similar facilities (the previous restaurants Nautilus, Driftwood, and Dutchies). Therefore, liquor service at a seated restaurant within this precinct is not an unfamiliar or inappropriate activity.

The objection that the liquor licence will result in social disorder or public harm is unsupported by factual evidence and disregards the extensive regulatory and operational safeguards in place.

The proposed restaurant:

- Will comply fully with municipal and provincial liquor control regulations;
- Is located an adequate distance from residential dwellings;
- Will be professionally managed with responsible alcohol service policies; and
- Forms part of a long-standing tradition of restaurant use at Grotto Beach.

Accordingly, the sale of liquor within approved trading hours will not compromise the safety, tranquillity, or character of the Voëlklip area. Instead, it will enhance the dining and tourism offering at Grotto Beach in a controlled, lawful, and well-managed manner.

## RESPONSE TO OBJECTIONS: SAFETY

Concerns regarding safety and potential risks associated with increased visitors and alcohol consumption are noted. The proposed restaurant is however not expected to compromise public safety in any way. The facility will operate as a family-oriented, sit-down restaurant under strict management control and in full compliance with the Overstrand Municipality: Liquor Trading Hours By-Law, 2011. Alcohol service will be confined to the premises, and no takeaway sales or beach consumption will be permitted.

The restaurant's design and operational management will in fact enhance safety in the area by introducing better lighting, passive surveillance, and active staff presence throughout operating hours. These measures, together with law enforcement patrols already active in the Grotto Beach precinct during peak periods, will deter antisocial behaviour and improve the overall security of the area. The development therefore supports a safer and more controlled environment for both residents and visitors, rather than posing a risk to community wellbeing.

**Conclusion**

After careful consideration of all the objections and the planning, environmental, and operational information provided in support of this application, it is evident that the proposed establishment of the Cape Town Fish Market restaurant on the lease area at Grotto Beach represents a well-founded, desirable, and appropriately managed development that aligns with both municipal and national planning policy objectives.

The proposal has been shaped by extensive technical assessments, including environmental, heritage, noise, and traffic studies, all of which confirm that the development can occur without causing adverse impacts on the surrounding environment, infrastructure, or community wellbeing. The EA was granted following a rigorous Basic Assessment process that considered the full spectrum of environmental sensitivities, and an EMP was implemented to govern construction and operational management. The EA was subsequently extended in July 2025, demonstrating that the relevant authorities were satisfied with both the environmental integrity and continued validity of the approval.

From a land use and spatial planning perspective, the application is consistent with the OMLUS and SDF, which encourage the development of community and tourism-supporting facilities within identified recreational and tourism nodes such as Grotto Beach. The consent

use application for a restaurant is fully compatible with the underlying Public Open Space zoning, and the proposed building will occupy a lease area historically used for restaurant purposes for over six decades. This continuity reinforces the historical and functional character of the site rather than introducing an unfamiliar or incompatible use.

Concerns relating to traffic and parking have been addressed through a professionally prepared Traffic Impact Statement, which confirms that the restaurant will not adversely affect road safety, traffic flow, or parking availability. The existing public parking areas along Grotto Road are sufficient to accommodate visitors, and the proposal does not restrict or remove any existing public parking or access points. Seasonal congestion at Grotto Beach occurs irrespective of the proposal, being driven by tourism peaks rather than individual developments. Importantly, the proposed restaurant provides an opportunity to enhance visitor management, improve pedestrian movement, and strengthen the municipality's ability to maintain the area through lease revenue and controlled operations.

Objections relating to sewerage, water supply, and infrastructure have similarly been addressed. The Municipality's Engineering Department confirmed that existing capacity is adequate to accommodate the restaurant's daily operational requirements. No new private or informal systems are proposed. The restaurant will connect directly to the municipal networks under municipal oversight. The EA and EMP further ensure that strict environmental safeguards remain in place to prevent leaks, contamination, or overflows. As such, the claim that the proposal will overburden local services is not supported by factual evidence.

The noise and operating hour concerns raised by some residents are also unfounded. The Noise Impact Assessment (NIA) undertaken in 2025 concluded that the restaurant, as designed, will not exceed permissible noise levels as defined in SANS 10103:2008 and the Western Cape Noise Control Regulations. The restaurant will operate within regulated trading hours (08:00 to 24:00), and all activity will be confined within the lease area, with no outdoor entertainment, amplified music, or open-air bar areas proposed. As a family-oriented dining facility, the restaurant's operational model inherently promotes a calm, controlled environment aligned with the existing character of Grotto Beach.

From a socio-economic perspective, the project offers substantial local benefits. It will create approximately 50 direct jobs and numerous indirect opportunities using local suppliers, service providers, and maintenance contractors. This injection into the local economy will have measurable ripple effects on employment stability, local business growth, and tourism spending. The proposed development supports the Municipality's objective of using its land portfolio to generate income that can be reinvested into public amenities, particularly those necessary to maintain Grotto Beach's Blue Flag status, which entails significant annual municipal expenditure. The restaurant thus strengthens the Municipality's financial and operational capacity to sustain the area's high environmental and service standards.

Objections relating to exclusivity, loss of public access, and sense of place have been duly considered. The development does not restrict public movement or limit access to the beach, cliff path, or adjacent open spaces. The entire lease area remains publicly owned and publicly accessible. The restaurant's footprint represents a small portion of the broader Grotto Beach precinct and will serve the same diverse community of residents and visitors who already frequent the area. Rather than privatising public space, the proposal ensures its long-term care, oversight, and reinvestment, thereby enhancing accessibility, safety, and functionality for all.

In terms of climate resilience and coastal management, the restaurant platform was deliberately designed above the 1-in-100-year flood line, as confirmed in the Dune and Beach Management Plan approved during the EA process. The structure is located landward of the dynamic dune system, ensuring no interference with natural sand movement or coastal processes. The 2023 coastal storms demonstrated that the proposed restaurant site remained entirely unaffected, confirming the appropriateness of its siting and elevation.

Furthermore, the proposal respects the protected natural elements of the site, including the surrounding Milkwood Forest, which will be retained and protected under a valid Department of Forestry, Fisheries and the Environment (DFFE) permit. The environmental management measures incorporated into the EMP ensure that construction and operational phases occur with minimal disturbance to vegetation, fauna, or the broader dune ecosystem.

When assessed holistically, the proposed restaurant complies with the five development principles of SPLUMA:

- It advances spatial justice by ensuring public benefit through job creation, tourism growth, and reinvestment into community infrastructure.

- It promotes spatial sustainability by utilising already disturbed land for a compatible use within a defined tourism node.

- It supports efficiency by leveraging existing municipal infrastructure and public facilities without unnecessary duplication of services.

- It enhances spatial resilience through environmentally sensitive design that considers long-term coastal dynamics.

- It upholds good administration, having followed all required statutory processes including environmental authorisation, tendering, and public participation.

In conclusion, the objections raised, while noted, do not demonstrate that the proposal is undesirable as contemplated in Section 42(1) of SPLUMA. The proposed restaurant is compatible with its setting, environmentally compliant, economically beneficial, and consistent with the Municipality's long-term vision for Grotto Beach as a sustainable, vibrant, and inclusive public destination.

The application therefore meets all necessary statutory, spatial, and environmental requirements, and its approval would represent a balanced, responsible decision, one that preserves the unique character of Grotto Beach while enabling thoughtful economic and community growth. Approval of this application is therefore strongly supported.

Yours faithfully

**T JANSEN**
**PROFESSIONAL TOWN PLANNER (A/2858/2019)**

Annexure F

**FILE REF:** 4771 HVK
**APP ID:**5037/2025
Jeané Minnaar

# Internal Memorandum

**FROM:**

**TOWN & SPATIAL PLANNING**

**TOWN PLANNER:**
P Roux

**DATE:**
25 August 2025

**APPLICANT:**
WRAP PROJECT OFFICE. ON BEHALF OF OVERSTRAND MUNICIPALITY
**PROPERTY DETAILS:**
RE 4771, GROTTO STREET, VOËLKLIP, HERMANUS

**APPLICATION:**
CONSENT USE

| | | | |
|---|---|---|---|
| PUBLIC LIAISON MANAGER | BUILDING CONTROL | DISTRICT HEALTH | ELECTRICAL |
| ENVIRONMENTAL | ENGINEERING SERVICES | FIRE DEPARTMENT | LOCAL HERITAGE |
| OPERATIONAL | TRAFFIC | WASTE MANAGEMENT | WARD COUNCILLOR |

## INTERNAL DEPARTMENT COMMENTS

The fire department has no objection subjection to compliance with the

provisions of SANS 10400-A, 10400-T:2024 and the By-Law relating to fire safety.

**NOTES:**
Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. **If you require an extension of time for submission of comments, kindly request this in writing.** Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the MPT will be informed accordingly.

*Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.*

**SIGNATURE:**

**DATE:**

ASSISTANT CHIEF
FIRE SERVICES
HERMANUS
Tel: 028 313 8979
Fax: 028 313 1493
Date: 26 AUG 2025
Email: ...
Signature:

**CLOSING DATE:**
**3 October 2025**

*Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.*

Municipality • U-Masipala • Munisipaliteit
OVERSTRAND

Annexure G

**COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR: APPLICATION FOR CONSENT USE: REMAINDER ERF 4771, VOELKLIP (5037/2025)**

| | | |
|---|---|---|
| Stormwater (SW) | : | Refer to conditions |
| Electricity | : | Refer to conditions |
| Water | : | Refer to conditions |
| Sewer | : | Refer to conditions |
| Roads and traffic | : | Refer to conditions |

**Conditions:**

1. that the proposed development connects to the existing sewer and water network of Overstrand Municipality. Should a larger capacity be required, the upgrading will be for the owner's cost;

2. that the proposed development connects to the existing electrical network of Overstrand Municipality. The temporary electrical kiosk must be replaced with a permanent kiosk at the owner's cost. Any capacity upgrading required will be for the owner's cost;

3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;

4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Hermanus for written approval;

5. that any additional and/or extended vehicle entrances will be for the owner's account;

6. that no reservation of on-street parking be allowed without written approval from Overstrand Municipality;

7. that stormwater discharged from higher lying properties be allowed to drain through the property. Best management practices must be implemented to ensure that stormwater on the erf is properly managed.

8. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required;

9. that the solid waste generated by the proposed development will be contained ithin an approved refuse area designed in accordance with Section 17.4 of the OMLUS;

R Andrew

20/11/2025

**RICARDO ANDREW** **DATE**
PRINCIPAL TECHNOLOGIST: DEVELOPMENT CONTROL

Annexure H

**Alida Conradie**

| | |
|---|---|
| **From:** | Marlize Miller |
| **Sent:** | Monday, 01 September 2025 09:15 |
| **To:** | Alida Conradie |
| **Subject:** | FW: DEA&DP Comment : Remainder Erf 4771, Voëlklip, Hermanus |

**From:** Helene Janser <Helene.Janser@westerncape.gov.za>
**Sent:** Wednesday, 27 August 2025 07:15
**To:** Marlize Miller <mmiller@overstrand.gov.za>
**Cc:** Dalene Carstens <Dalene.Carstens@westerncape.gov.za>; Kobus Munro <Kobus.Munro@westerncape.gov.za>
**Subject:** DEA&DP Comment : Remainder Erf 4771, Voëlklip, Hermanus

Dear Marlize

Your request for planning comment, dated 25 August 2025, refers.

The proposed application is for a consent use to allow a tourist facility (restaurant) on the property. The Remainder of Erf 4771, Voëlklip forms part of the Hermanus commonage and is zoned as Public Open Space.

The Directorate Development Management Region 2 has no objection to the proposed consent use from a provincial planning perspective.

Kind Regards

Helene Janser
**Chief Town & Regional Planner: Development Management Region 2**
Department of Environmental Affairs and Development Planning
Western Cape Government

4th Floor, Utilitas Building, 1 Dorp Street, Cape Town, 8000

Tel: +27 (0)21 483 3544
Cell: +27 (0)84 585 2000
Email: Helene.Janser@westerncape.gov.za
Website: www.westerncape.gov.za/eadp

Western Cape Government
FOR YOU

Be 110% Green. Read from the screen.

Should you not be able to contact the numbers above, please call +27 (0)21 483 4091 between 7:30 -16:00.

Annexure I 12

CapeNature

**CONSERVATION INTELLIGENCE: SOUTH**

| | |
|---|---|
| **postal** | 16 17th Avenue, Voëlklip, Hermanus, 7200 |
| **physical** | 16 17th Avenue, Voëlklip, Hermanus, 7200 |
| **website** | www.capenature.co.za |
| **enquiries** | Rhett Smart |
| **telephone** | 087 087 8017 |
| **email** | rsmart@capenature.co.za |
| **reference** | LS14/2/6/1/7/2/4771_consent_Hermanus |
| **date** | **22 October 2025** |

Overstrand Municipality
P.O. Box 20
Hermanus
7200

Attention: Petrus Roux
By email: alida@overstrand.gov.za

Dear Mr Roux

**Application for Consent Use for a Restaurant on the Remainder of Erf 4771, Voëlklip, Hermanus**
**(Overstrand Municipality ref. no.: 4771 HVK; 5037/2025)**

CapeNature would like to thank you for the opportunity to comment on the application and would like to make the following comments.

The application is for a restaurant located adjacent to Grotto Beach on a footprint which was historically occupied by a restaurant. The footprint is mapped as Critical Biodiversity Area 2 (CBA) in the 2023 Western Cape Biodiversity Spatial Plan. The vegetation type is mapped as Agulhas Limestone Fynbos, listed as critically endangered and there are no freshwater features mapped in close proximity.

An environmental authorisation was issued in 2015 for the restaurant as part of a broader proposal for upgrading of the Grotto Beach precinct and amendments have been issued to extend the validity of the EA in 2020 and recently on 4 July 2025. Environmental impacts were taken into account in the initial EA process in which regard the footprint was previously developed and hence is a transformed footprint.

Section 25 of the National Environmental management: Integrated Coastal Management Act (Act 24 of 2008 as amended by Act 36 of 2014)) requires that Coastal Management Lines (CMLs) must be established to *inter alia* protect coastal property and the coastal protection zone and further prohibit or restrict structures seaward of the CML. CMLs have been established for the full length of the Western Cape coastline per district municipality. There

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Tom Blok, Ms Reyhana Gani, Dr Colin Johnson, Ms Ayanda Mvandaba, Prof Nicolaas Olivier, Ms Chwayita Shude-Mareka, Dr Razeena Omar

was no CML when the public participation for the EA process started in 2013 or when the EA was issued in 2015, There were further no other desktop informants to inform appropriate coastal setbacks for development. Although concerns related to coastal setbacks primary relate to protection of property from storm damage, it can impact on biodiversity through erosion during these events and alteration of coastal processes.

The CML at this location follows the edge of the residential erven of Voëlklip suburb and therefore the footprint is located in front of the CML. In terms of the storm surge risk lines that were developed as an informant to the CML, the footprint is located behind the high risk 1 in 20 year risk line, but is in front of the medium risk 1 in 50 year risk line.

Various mechanisms have been investigated by the Department of Environmental Affairs and Development Planning (DEA&DP): Coastal Management for the implementation of the CML, one of which is through municipal planning by-laws. We wish to recommend that this application is a good test case for the implementation of the CML, as a development proposal which has received EA prior to the CML, however approval in terms of municipal planning by-laws is still required. We therefore recommend that comment from DEA&DP Coastal Management must be obtained before considering this application for approval.

Apart from the CML, and taking into account the existing EA, confirmation is provided that the electricity, potable water and sewage services will connect to the existing network and no upgrades are required for additional capacity. The application states that the regulations for the environmental management overlay zones (EMOZs) of the municipal zoning scheme will be taken into account, of which the coastal protection, protected area buffer and urban conservation EMOZs are relevant for this footprint.

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

Regards

Rhett Smart

Digitally signed by Rhett Smart
Date: 2025.10.23 07:34:49 +02'00'

Rhett Smart
For: Manager: Landscape Conservation Intelligence South

cc. Pierre de Villiers, CapeNature
leptieshaam Bekko, DEA&DP Coastal Management

Annexure J14

Western Cape Government

**Ministry of Local Government, Environmental Affairs & Development Planning**

Tel: +27 21 483 3915
Fax: +27 21 483 6081

**REFERENCE NO: 14/3/1/E2/15/0684/25**

The Municipal Manager
Overstrand Municipality
P. O. Box 20
**HERMANUS**
7200

Attention: Mr. D. O' Neil

Tel.: 0723949841
Email: mm@overstrand.gov.za

Dear Sir,

**APPEAL LODGED AGAINST THE PART 1 AMENDMENT DECISION ISSUED IN TERMS OF THE *NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)* FOR THE PROPOSED UPGRADE OF PIET SE BOS AND GROTTO BEACH DEVELOPMENT ON ERF 4771, HERMANUS**

1. The appeal lodged in terms of section 43(2) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA") and the *National Appeal Regulations, 2025* (Government Notice No. R. 5985 of 13 March 2025) against the Part 1 Amendment decision issued in terms of NEMA by the Department of Environmental Affairs and Development Planning's ("Department") Director: Development Management (Region 1) ("Delegated Competent Authority") for the extension of the validity period of the Environmental Authorisation ("EA") by a period of five (5) years for the proposed upgrade of Piet se Bos and Grotto Beach Development on Erf 4771, Hermanus ("the site") refers.

2. Empowering Provisions -

2.1. In terms of section 43(6) of the NEMA:

*"The Minister or an MEC may, after considering such an appeal, confirm, set aside or vary the decision, provision, condition or directive or make any other appropriate decision, including a decision that the prescribed fee paid by the appellant, or any part thereof, be refunded."*

2.2. In terms of regulation 3 of the National Appeal Regulations, 2025 (Government Notice No. R. 5985 of 13 March 2025):

*"These regulations are applicable to an appeal against a decision taken in terms of the Act or a specific environmental management Act that is subject to an appeal to the appeal authority in terms of section 43 of the Act."*

3. I have decided in terms of section 43(11)(a) of the NEMA to **dismiss** the Appeal and **confirm** the abovementioned decision of the Delegated Competent Authority issued on 9 June 2025.

## 4. REASONS FOR THIS APPEAL DECISION:

The reasons for dismissing the Appeal and confirming the decision of the Delegated Competent Authority are as follows:

### 4.1. RESPONSE TO APPEAL GROUND 1: Relevant Considerations

It is concurred with the Delegated Competent Authority that the sole purpose of the Part 1 Amendment application was the extension of the validity period of the EA.

Regulation 28 (1) of the NEMA EIA Regulations, 2014 (as amended) states that *"[A]n application for the amendment of an environmental authorisation must be submitted to the relevant competent authority on condition that the environmental authorisation is valid on the date of receipt of such amendment application."* The Part 1 Amendment application complied with the aforesaid requirement.

Further, the application met the requirements of Regulation 29 and 30, in that it did not include a change in scope of the project and fell within the provisions of the Part 1 amendment process, as set out in Regulations 29 and 30 of the NEMA EIA Regulations, 2014.

No new listed activities will be triggered, the amendment application is thus not an opportunity to reconsider the merits of the original EA, and does not require a re-assessment of previously considered impacts unless there is credible evidence of material change.

### 4.2. RESPONSE TO APPEAL GROUND 2: Inadequate information for the purpose of a decision

The anticipated impacts of the proposed development were fully assessed and approved as part of the original EA issued on 14 December 2015.

The purpose of the Part 1 Amendment application was solely to extend the validity period of the EA and for this purpose the information which served before the Delegated Competent Authority was sufficient.

Should there be any evidence of material change in either the approved development or the approved site, these considerations would have to be taken into account and a Part 1 Amendment would not be the appropriate means by which to obtain such approval. Until such time however, the EA was valid and there is no indication that new listed activities will be triggered or that there is any material change to the approved development, thus the application is compliant with the Part 1 Amendment NEMA requirements.

4.3. **RESPONSE TO APPEAL GROUND 3: Outdated Information**

It is concurred with the Delegated Competent Authority that in considering the Part 1 amendment application in terms of Regulation 29 and 30 of the NEMA EIA Regulations, 2014, the competent authority reviewed the information submitted with the Part 1 application together with the original EA issued 14 December 2015, as well as the Amended EA issued on 5 August 2020. No appeals were received against the EA issued on 14 December 2015 nor the Amendment EA issued on 5 August 2020, arguing that the aforesaid decision were based on incomplete information. The information that was presented to the competent authority in respect of the Part 1 Amendment application, was relevant and sufficient for the purpose of extending the EA validity period.

It is clear from the application that the authorised activities, location, and environmental context remained materially unchanged and that the extension of the validity period would not, in itself, result in additional or unassessed impacts on the environment or the rights and interest of I&APs.

4.4. **RESPONSE TO APPEAL GROUND 4: New Specialist Studies Required**

As stated above, the sole purpose of the Part 1 Amendment application was the extension of the validity period of the EA.

Regulation 28 (1) of the NEMA EIA Regulations, 2014 states that "[A]n application for the amendment of an environmental authorisation must be submitted to the relevant competent authority on condition that the environmental authorisation is valid on the date of receipt of such amendment application." The Part 1 Amendment application complied with the aforesaid requirement.

Further, the application met the requirements of Regulation 29 and 30, in that it did not include a change in scope of the project and fell within the provisions of the Part 1 amendment process, as set out in Regulations 29 and 30 of the NEMA EIA Regulations, 2014.

No new listed activities will be triggered, the amendment application is thus not an opportunity to reconsider the merits of the original EA, and does not require a re-assessment of previously considered impacts unless there is credible evidence of material change.

5. In arriving at my decision on the Appeal, it should be noted that I have not responded to each and every statement set out in the grounds of Appeal and/ or Responding Statement, and where a particular statement is not directly addressed, the absence of any response should not be interpreted to mean that I agree with or abide by the statement made.

6. Since I have discharged my decision-making powers when making this decision and I am thus *functus officio* in this regard. My decision is final and your only recourse, should you still be aggrieved by my decision, is to apply to the Western Cape High Court to review my decision.

Your interest in the future of our environment is appreciated.

**Mr. ANTON BREDELL**

**WESTERN CAPE MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE:** 3/11/2025

Cc 1. Zaahir Toefy — Director: Development Management — Email: Zaahir.Toefy@westerncape.gov.za
2. Ms P Aplon — Overstrand Municipality — Email: paplon@overstrand.gov.za

Annexure K1/6

Western Cape Government

Department of Environmental Affairs and Development Planning
**Mercia Liddle**
Biodiversity and Coastal Management
Mercia.Liddle@westerncape.gov.za | Tel: 021 483 4627
CMU Reference: 17/8/1/ (CMU 021/2025)

The Office of the Director: Planning & Development
Town and Spatial Planning
Overstrand Municipality
P.O. Box 20
HERMANUS
7200

**Attention: Mr P Roux**

Tel: 028 313 8900
Email: mmiller@overstrand.gov.za
alida@overstrand.gov.za

**RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE APPLICATION FOR CONSENT USE ON THE REMAINDER OF ERF 4771, GROTTO STREET, VOËLKLIP, HERMANUS.**

Good day,

Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 25 August 2025, refers.

## 1. CONTEXT

1.1. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning ('the Department') is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations".

1.2. The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme ("PCMP"). The PCMP is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. The Department is in the process of finalising the next generation PCMP that includes priority objectives for the next 5 years. This PCMP was endorsed by the MEC on 27 March 2023 and available upon request.

1.3. A key priority of the PCMP is the Estuary Management Programme, which is predominantly implemented through the Estuary Management Framework and Implementation Strategy ("EMFIS") project. The Department is implementing estuary management in accordance with the NEM: ICMA and the National Estuarine Management Protocol ("NEMP"). Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone. The Department is in the process of approving a series of Estuarine Management Plans (EMPs).

1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 ("PCASP") and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available on upon request.

## 2. COMMENT

2.1 The sub-directorate: Coastal Management ("SD: CM") have reviewed the information as specified above and have the following commentary:

2.1.1. The Overstrand Municipality ("OSM") has received an application for consent use applicable to the Remainder of Erf 4771 in Hermanus, in terms of Section 16(2)9o) of their Municipal Amendment By-law on Municipal Land Use Planning, 2020. Furthermore, the OSM awarded a 25-year lease agreement to Cape Town Fish Market ("CTFM") in 2022 to develop, manage and maintain a restaurant on a portion of Erf RE/4771.

2.1.2. The SD: CM can confirm that the lease agreement area of Erf RE/4771 does not fall within any Critical Biodiversity Areas ("CBA") or Ecological Support Areas ("ESA") as per the Western Cape Biodiversity Spatial Plan (2023).

2.1.3. The SD: CM notes that on page 6-7 of the application, it is stated that environmental sustainability has been a key consideration in planning the development and was guided by the approved Basic Assessment Report and Environmental Authorisation. It should be noted that considering the location of the said property, coastal processes is a key consideration and as such Section 63 of the NEM: ICMA and the DEA&DP 0004/2021

Circular should have been considered. It would also have been pertinent to consult with the SD: CM. The SD:CM has no record of a request for comment on this matter and as such the proposal failed to specifically consider coastal risk information or the NEM: ICMA.

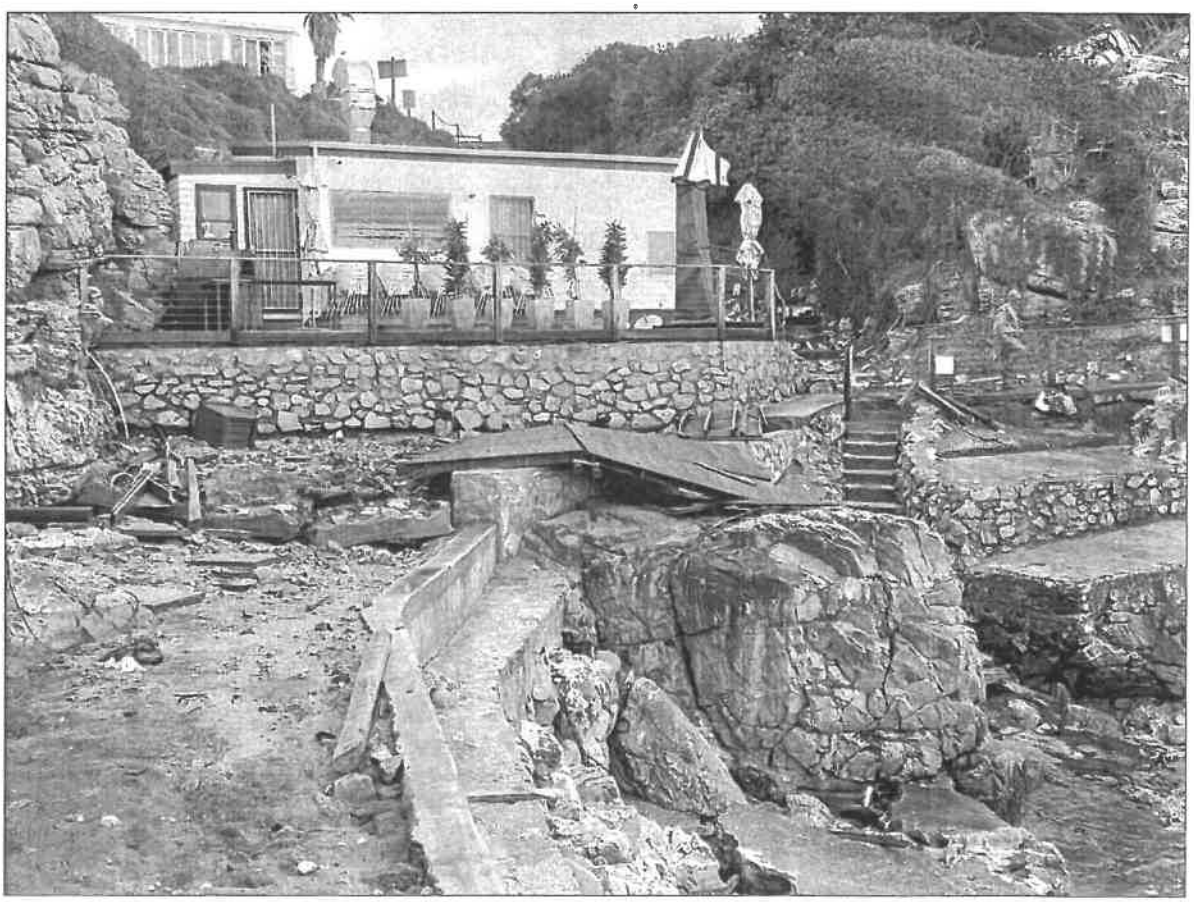
2.1.4. The subject property in its entirety is located within the Coastal Protection Zone ("CPZ") as defined in Section 16 of the NEM: ICMA and the purpose of the CPZ is to avoid increasing the effect or severity of natural hazards in the coastal zone and to protect people and properties from risks arising from dynamic coastal processes, including the risk of sea level risks. With the subject property being located within the CPZ, **Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA and Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ.**

2.1.5. In terms of coastal risk modelling commissioned by the Department, Erf RE/4771 in its entirety is also located seaward of the Overberg Coastal Management Line ("CML"). Furthermore, as per the figure below, the subject property also falls within the urban medium risk zone and given recent storm events the SD: CM is concerned that such an application was not considered in the context of the NEM: ICMA. The technical delineation of the CML was to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The CML was informed by various layers of information including biodiversity, estuarine functionality, risk flooding, wave run-up modelling, *inter alia* and was delineated in conjunction with and supported by other organs of state including Local and District municipalities as well as CapeNature and all other organs of state represented on the steering committee for the Garden Route District CML project. The principal purpose of the CML is to protect coastal public property, private property, and public safety; to protect the coastal protection zone; and to preserve the aesthetic value of the coastal zone. The use of CMLs is of particular importance in response to the effects of climate change, as it involves both the quantification of risks and pro-active planning for future development.



2.1.6. The Departmental Circular, DEA&DP 0004/2021, regarding '*The consideration of coastal risk in land use decisions as well as the way forward with respect to the establishment and implementation of Coastal Management Lines in terms of the NEM: ICMA*' specifically states that it is imperative that any development that is proposed along the coast, be scrutinised and that caution is applied when considering such proposals. Any further development that is at risk from coastal processes within both the high and medium risk areas, unless warranted, should be discouraged and/or prohibited. Furthermore, as per the Circular 0004/2021, the intention of the medium risk coastal urban area is to reduce public and private liability; minimise risk to human life; prevent intensification of development in medium risk area.

2.1.7. The September 2023 coastal storm surged destroyed the wooden decking of the Ficks Pool restaurant as per the image below. Ficks Pool restaurant is located on the western side of the Hermanus bay and it should be noted this particular restaurant is situated in a somewhat sheltered bay as opposed to Erf RE/4771 which is much more exposed to coastal processes and along a sandy shore and as such the SD: CM has to emphasise and proposal for structures along the coast has to consider coastal risk information.



2.1.8. The DEA&DP Circular 0004/2021 further suggests that a precautionary approach must be adopted with respect to land use decisions with risk areas. The Circular also suggests development parameters to be considered for general risk areas. This includes maintaining coastal quality; reducing public liability; reducing risk to human life; preventing intensification of development in general risk areas but allow the exercising of existing rights; prevention of encroachment that will impact the integrity of the shoreline ecology; and enables safe evacuation in an emergency.

2.1.9. On page 23-24 of the application it is stated that a comprehensive Dune and Beach Management Plan was compiled for Grotto Beach and the findings were reviewed and deemed satisfactory to the relevant authorities. The SD: CM is the lead agency for coastal management in the Western Cape it is concerning that, considering the subject property's position seaward of the CML and within the coastal risk zones, that the SD:CM have no record of any request for consultation on this matter. Furthermore, although reference is made to the 2023 storm events and the significant rise in sea level – it is stated that the proposed restaurant will remain unaffected. This contradicts the Departmental coastal risk information as well as the DEA&DP Circular that strongly suggests that structures within these areas should be avoided. There is no evidence that the DEA&DP coastal risk information was considered.

2.1.10. The SD: CM has no objections to upgrading the public amenities surrounding the proposed development as this is in the interest of the whole community, will enhance public access to the coast as well as ensure public safety. The SD: CM is satisfied that no parking bays will be reserved exclusively for patrons of the proposed restaurant. It is also noted that the proposed development aligns with the PSDF as well as OMSDF.

2.1.11. It is noted that the OSM already awarded the tender and subsequently entered into a lease agreement with the CTFM, however the proposal is located within the CPZ, seaward of the CML and within the medium risk zone. Furthermore, the applicant failed to specifically consider NEM: ICMA and consult the SD: CM as such the relevant Department coastal considerations were not taken into account. The SD: CM does note the socio-economic opportunities of the proposed development for the municipality, however the SD: CM must emphasize that a precautionary approach must be taken given the size of the proposed development. The SD:CM therefore suggests that consideration be given to set back the restaurant, inland of the medium risk zone, to reduce the risk of exposure to coastal processes.

3. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, 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...*" together with

Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.

4. The SD: CM reserves the right to revise or withdraw its comments and request further information from you based on any information that may be received.

Yours faithfully

Ieptieshaam Bekko

Digitally signed by Ieptieshaam Bekko
Date: 2025.10.20 09:05:14 +02'00'

**Ieptieshaam Bekko**
**CONTROL ENVIRONMENTAL OFFICER**
**SUB-DIRECTORATE: COASTAL MANAGEMENT**
**DATE: 20 October 2025**

Annexure L 1/4

# TPA-EMS-251027-01

## Town Planning Application on 27-10-2025

Generated on Uniti by Penelope Aplon on 28-01-2026

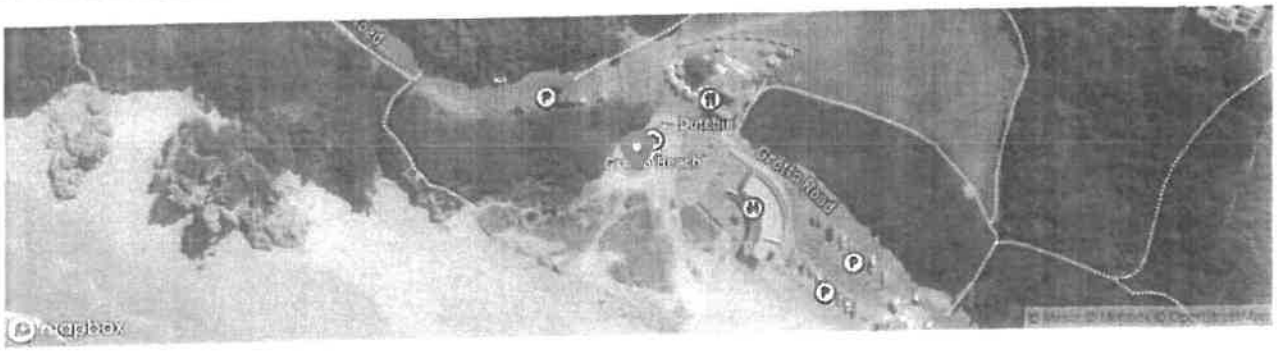
## Basic Information

| | | | | | |
|---|---|---|---|---|---|
| **Captured** | 27-10-2025 13:42 | **Call Time** | 27-10-2025 13:42 | **Captured By** | Penelope Aplon |
| **Reference** | TPA-EMS-251027-01 | | | **Office** | EMS |
| **District** | Overberg District Municipality | | | **Status** | Open |
| **Municipality** | Overstrand Local Municipality | | | | |

## Description

Erf 4771 VK: Consent-use CTFM

## Geographical Information




(-34.4131; 19.2871)

## Application Details

| | |
|---|---|
| **File Reference** | 4771 HVK |
| **Applicant** | WRAP PROJECT OFFICE. ON BEHALF OF OVERSTRAND MUNICIPALITY AND CTFM |
| **Property Details** | RE 4771, GROTTO STREET, VOËLKLIP, HERMANUS |

## Application Comments

Environmental Management Overlay Zones:

- In terms of the Coastal Protection Zone, this site falls within the Medium Risk Zone this equates to an estimated 500mm (0.5m) sea level rise, or 50 year horizon. In terms of the EMOZ construction is subject to development parameters which are addressed in attached table. Floor levels of the restaurant are placed at 6m and 6.2 m.
- The site falls within the Protected Areas Buffer Zone. The development of the site warranted an EIA process, and the applicant is bound the approved EMP for the construction phase.
- As part of this EA, rehabilitation work in the adjacent wetland area near Piet-se-Bos was also authorized.

Services:

The applicant has submitted confirmation from the engineer, that the existing conservancy tank can be converted to a small bore system, thereby making a connection between the sewerline and sewer pump station. From here sewerage is pumped via the main line to the WWTW.

Additional:

Comments related to construction activities and noise will be submitted upon submission of the building plans. (should Consent-use application be approved)

## Closing Comments

| Penelope Aplon | | 28/01/2026 |
|---|---|---|
| Name and Surname | Signature | Date |

**Medium Risk Zone development parameters:**

| EMOZ provision | EMS evaluation |
|---|---|
| Structures must preferably be elevated on pilings, posts, piers-and- joists, column or similar foundations | Proposed building plans indicate that portions of the structure will have strip foundations. Building will be raised on concrete stilts. Concrete floors will be suspended.<br>Ground floor level: 6.0m above sea level<br>Raised floor level: 6.2m above sea level |
| Lower floors of structures/buildings must be permeable – i.e. have openings to allow for the entry and exist of flood waters – to allow effective interior and exterior hydrostatic pressure equalisation during and post inundation | Proposed building plans indicate that portions of the structure will have strip foundations. Building will be raised on concrete stilts. Concrete floors will be suspended. |
| Consideration during conceptual building design must be given to issues of privacy, overshadowing and visual impact and the apportionment and positioning of higher risk site areas for parking, open space and recreational areas. | Development area was predetermined by lease area as per tender document. |
| Any new development must be designed and positioned within reason to limit potential flood damage and risk to human life, including but not limited to positioning buildings in suitably acceptable elevated portions of properties | Development area was predetermined by lease area as per tender. |
| Development must be designed and constructed, within the framework of applicable building controls, in such a way that buildings and structures are positioned furthest from the foreshore whether limited by rear space, side space or the building line (up to the maximum allowed in the applicable scheme). | Building design was guided by requirements of tender. |
| Building design must demonstrate reasonable risk reduction measures and should include innovative solutions (adaptable buildings, re- locatable buildings, flood-proofed buildings, flood resistant and resilient construction etc.) without increasing and transferring risks to adjacent properties | Proposed building plans indicate that portions of the structure will have strip foundations. Building will be raised on concrete stilts. Concrete floors will be suspended. |
| After construction, any exposed ground area must be stabilised by the use of ground covering plants or mulches to minimise the risk of erosion. | Proposed building plans indicates paving for access in terms of SANS requirements. |
| On request from the municipality, a storm water management plan might be required to be submitted along with building plans. | Stormwater will be managed to prevent coastal erosion. |
| Hardened surfaces to be minimised and suitable permeable alternative utilised to maximise natural infiltration and reduce overland flow and associated velocities with concomitant risk of erosion and damage | Proposed building plans indicate a paving apron for access to be in compliance with SANS. Material of these surfaces to be finalized as part of building plan application. |
| Only fully enclosed / self-contained effluent storage and treatment systems will be permitted if links to sewer mains are not possible. These must be located either on the landward side of structures or either side of | Existing conservancy tank to be converted to small-bore tank which will drain into sewer pumpstation. |

| | |
|---|---|
| structures, and recommended by Registered Engineer to ensure suitable sealing and safety. | |
| Where possible development should be sited to minimise the removal of trees and endemic vegetation. | Building design was guided by requirements of tender. DFFE permit indicates trimming of 4 protected trees to facilitate building. No removal of trees to take place. |
| Existing coastal processes, including dune migration and littoral drift should not be impeded and indigenous vegetation must be maintained | No indigenous vegetation will be removed. A permit was issued for pruning of milkwood trees. |
| Fencing or other barriers must preferably be permeable to accommodate storm events and limit structural damage and associated negative impacts on the environment | No fencing will be erected. |

Annexure M1/7

# CAPE TOWN FISH MARKET RESTAURANT, GROTTO BEACH

## TRAFFIC STATEMENT

**JULY 2025**

Liezl Stodart Pr Eng

# COVER PAGE

Certification

It is herewith certified that this Transport Impact Assessment has been prepared according to the requirements of the South African Traffic Impact and Site Traffic Assessment Manual.

**L. Stodart**
M. Eng Pr. Eng (2008 0316)
Tel: 082 338 6466
E-mail: liezlstodart@gmail.com

Application details:

a) Municipality name: Overstrand

b) Type of assessment: Transport Impact Assessment (Traffic Statement)

c) Particulars of the Site Development Plan: Proposed new restaurant (Cape Town Fish Market) on Lease Area No. 1 over Remainder Erf 4771 – Hermanus | Site Plan | 7Storeys Architects | Drawing No. CTFM-2024-01A CTFM-1.2 | 26 September 2024

d) Erf numbers and farm names: Remainder Erf 4771 Hermanus

e) Client details: Douw Krugmann, Cape Town Fish Market Clocktower V&A Waterfront (Pty) Ltd T/A CTFM Hermanus, Unit 2 The Edward, 113 Blaauwberg Road, Tableview

f) Date of report: July 2025

g) Name and address of the Assessor: Liezl Stodart Pr Eng, PO Box 359, Villiersdorp, 6848

CAPE TOWN FISH MARKET, GROTTO BEACH
TRAFFIC STATEMENT

## 1. BACKGROUND

This traffic statement accompanies the consent use application to allow a restaurant on the Remainder of Erf 4771 Hermanus. The property is located at the western end of the Grotto Beach parking area and pavilion, on the beach side of the road. The site obtains access off Grotto Street.

The property is currently zoned as Open Space 2: Public Open Space, which permits a tourist facility with consent from the municipality. The proposed development is in line with the current zoning.

## 2. DEVELOPMENT PROPOSAL

The developer, Cape Town Fish Market, has procured a 500m$^2$ site through a competitive bid process. The site will be leased from Overstrand Municipality for a 25-year period. A restaurant with 189 seats will be constructed on the site. The development site will remain part of the larger Erf 4771-RE and will share the public parking located elsewhere on Erf 4771-RE. The development proposal is shown in the attached ***Site Plan***.

## 3. EXISTING ROAD INFRASTRUCTURE

Information on transport infrastructure in the vicinity of the site was obtained through a site visit conducted on 19 June 2025.

The Grotto Beach area obtains access via Grotto Street, a crescent originating at 10th Avenue in the west and terminating in 11th Street in the east. Grotto Street gives access to the Dutchies restaurant, the public beach and associated amenities. The road is a two-way street from 10th Avenue down to the Beach Pavilion parking area, beyond which it becomes a one-way street in the eastbound direction down to the lagoon parking area. The layout is shown in ***Diagram 1***. Parking is provided along most of the road.

***Diagram 1: Grotto Street and roadside parking***



## 4. EXISTING TRAFFIC

Grotto Street carries fewer than 100 vehicles per day during the off-season, but volumes can increase to more than 100 vehicles per hour in the peak summer holiday period. Congestion has been observed in the peak summer period, but this is mostly due to motorists looking for parking or waiting for other vehicles to manoeuvre into or out of parking bays and not due to capacity constraints. The congestion occurs on only a few days each year and does not warrant intervention.

## 5. DEVELOPMENT TRIPS AND TRAFFIC IMPACT

The TMH17 Trip Data Manual trip generation rates for high-quality, sit-down restaurants was used to estimate the trip generation potential of the proposed Cape Town Fish Market restaurant. See ***Table 1.***

***Table 1: Grotto Beach Cape Town Fish Market restaurant trip generation potential***

| Land use | Size | Trip generation | | | Number of trips | | |
|---|---|---|---|---|---|---|---|
| | | Rate | In | Out | Total | In | Out |
| | | **Morning peak hour** | | | | | |
| Restaurant | 500 $m^2$ GLA | 0,75 | 0,7 | 0,3 | 4 | 3 | 1 |
| | | **Weekday midday peak hour** | | | | | |
| Restaurant | 500 $m^2$ GLA | 9,8 | 0,6 | 0,4 | 49 | 29 | 20 |
| | | **Afternoon peak hour** | | | | | |
| Restaurant | 500 $m^2$ GLA | 11,8 | 0,4 | 0,6 | 59 | 24 | 35 |
| | | **Saturday peak hour** | | | | | |
| Restaurant | 500 $m^2$ GLA | 11 | 0,6 | 0,4 | 55 | 33 | 22 |
| | | **Sunday peak hour** | | | | | |
| Restaurant | 500 $m^2$ GLA | 9 | 0,6 | 0,4 | 45 | 27 | 18 |

## 6. CURRENT PARKING UTILISATION

A parking survey was conducted on Sunday 15 June 2025. The day fell on a long weekend and it was also Father's Day. The weather was fair, with sunshine and little wind. The survey day is therefore deemed representative of a typical off-season day for beachgoers and above average for the Dutchies restaurant. The survey covered the parking on the hill to the west of the beach pavilion, as well as the multi-row parking areas to the east thereof. The survey areas, with number of bays in each, are shown in ***Diagram 2*** on the next page.

The parking occupation was plotted against the Dutchies restaurant table occupation rate. As shown in ***Diagram 3***, there was a positive correlation between parking and table occupation from 10:00 to about 11:00. The restaurant's brunch peak and people arriving at the beach probably coincided during this period. The parking occupation remained relatively steady at about 67% from 11:00 to 13:30, whereafter vehicles started to leave. The restaurant was at its busiest from 13:30 onwards.

***Diagram 2: Parking areas surveyed***

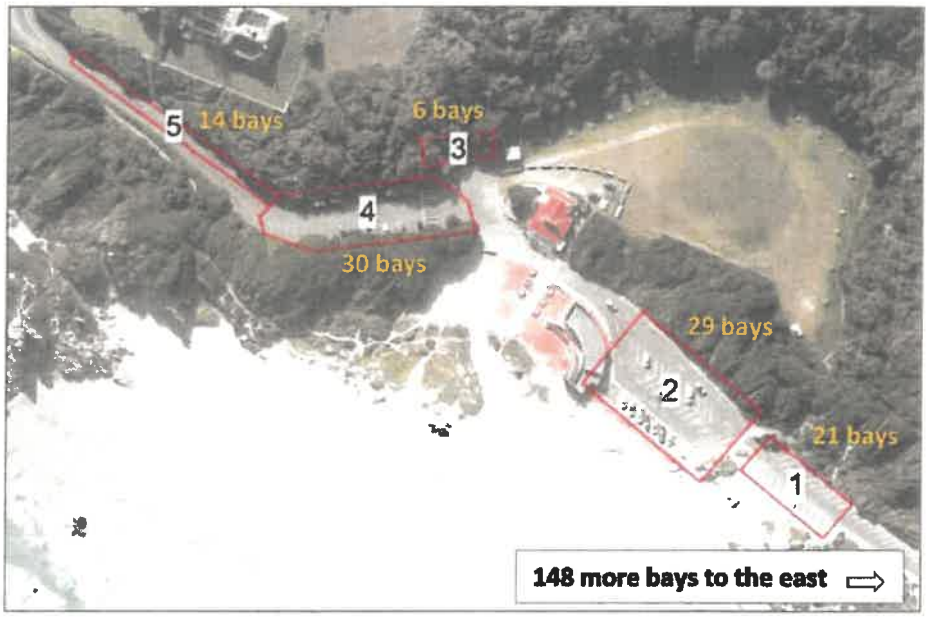
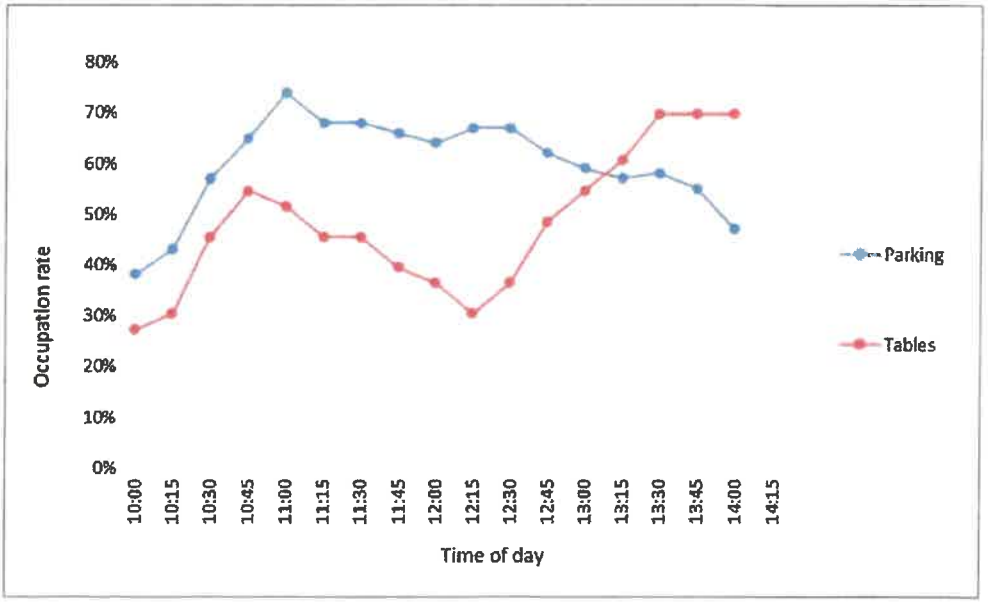


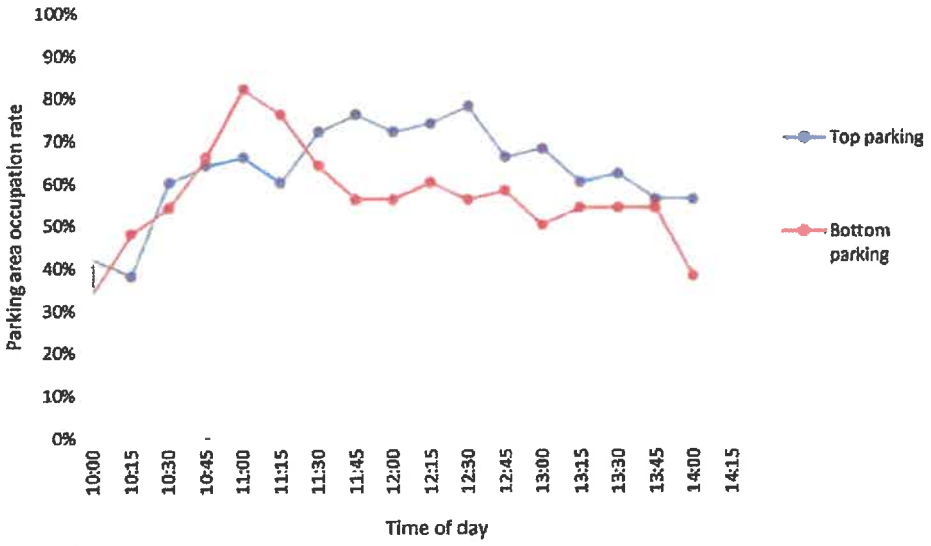

***Diagram 3: Parking area vs Dutchies restaurant table occupation rate***




**Although the restaurant and parking area filled up at the same rate during the morning, the graph shows that the peak periods for the restaurant and parking area did not coincide beyond 11:00. It can be concluded that restaurant customers arrived after beachgoers and would therefore not have taken parking opportunities away from the public during the peak beach period.**

Further possible patterns were investigated by comparing the utilisation of the parking closest to the restaurant (Areas 3, 4 and 5, labelled "Top parking") and the parking closest to the beach (Areas 1 and 2, labelled "Bottom parking"). The comparative utilisation is shown in ***Diagram 4***. The graph shows that the maximum utilisation of the Top Parking, which would be preferred by restaurant patrons, occurred from 11:30 onwards, whereas the occupation of the Bottom Parking decreased after 11:00. This reinforces the deduction made about the non-coincidental peak periods for the beach and restaurant, and also shows that restaurant patrons and beachgoers prefer to use different parts of the parking area.

***Diagram 4: Utilisation of Top Parking (preferred by restaurant customers) and Bottom Parking (preferred by beachgoers)***




## 7. CAPE TOWN FISH MARKET PARKING DEMAND

Although the parking survey was conducted during the off-season (given the deadlines associated with the tender), it is anticipated that the same trend - where beachgoers arrive before restaurant patrons and depart before the restaurant's peak period – would apply to the summer holiday period.

The Overstrand Municipal Zoning Scheme indicates that the parking requirement for restaurants is 4 bays per 100m² GLA, which implies a requirement of 20 bays for the Cape Town Fish Market Restaurant. CTFM customers are also likely to prefer parking in the Top Parking areas, which are closer to the restaurant. The Dutchies restaurant has a footprint of about 240m², which equates to a parking requirement of roughly 12 bays. The combined requirement of the two restaurants (32 bays) is far less than the combined number of bays in the Top Parking areas (50 bays).

## 8. CONCLUSIONS

**It can be concluded that the existing public parking on the Erf 4771 mother erf will sufficiently cater for the needs of the proposed Cape Town Fish Market development on Lease Area 1 of Erf 4771. Other conclusions are summarised below.**

- **The parking survey showed that beachgoers arrive earlier and prefer to utilise the parking areas closer to the beach (to the east of the restaurants). Restaurant customers would therefore not take parking opportunities away from the public during the peak beach period;**
- **The combined parking requirement for the planned Cape Town Fish Market and the existing Dutchies restaurant is 32 bays. This is much less than the 50 bays provided along the western section of Grotto Street, which is closest to the two restaurants.**

## 9. RECOMMENDATIONS

**Current Erf 4771 parking will be more than sufficient for the proposed Cape Town Fish Market Restaurant on all but the busiest summer holiday peaks. It is recommended that the development should be approved.**

Annexure N13

RAADGEWENDE INGENIEURS & PROJEK BESTUURDERS
AVDM

20 HOPE STREET
PO BOX 2056
HERMANUS
7200

CELL: 083 6508 103
TEL : 028 313 0741
E-MAIL: andre@cegela.co.za

1 July 2025

WRAP
PostNet Hermanus Suite 170
Private Bag x16
HERMANUS
7200

Attention: Mr. Richard Kotzé

Dear Sir

**DEVELOPMENT OF A CAPE TOWN FISH MARKET AT GROTTO HERMANUS**
**SEWER AND WATER CONNECTIONS**

The request by Mr. Richard Kotzé to investigate and comment on the sewer and water connections for the proposed Cape Town Fish Market building at Grotto Beach Hermanus, refers.

## 1. SEWER CONNECTION

There is an existing conservancy sewage tank situated next to the proposed position of the new building. A site investigation by us confirmed that the tank was still structurally sound with now apparent cracks. Ten thousand liters of water was pumped into the tank by the Municipality a couple of days before our visit. E-mail from Mr. Tiaan Marx dated 26 June 2025 confirmed this. During our inspection, we observed that the water level remained high, which verifies that the tank is not leaking.

We could also confirm that there is no outlet pipe in the tank and that it is indeed at least a 10 000l conservancy tank with the required suction point in place. We propose that this tank be modified to be able to act as a small bore sewage tank. A new chamber for the effluent only section should be added to the one side of the tank. The existing tank will remain as the solids section of the tank. Openings should be made in the existing wall between the two chambers as per typical detail of the Municipality's 5000l small bore tank drawing attached. The outlet pipe and filter should also be installed in accordance with this drawing.

There is an existing Municipal sewer pump station situated at the back of Dutchie's restaurant. Connecting the revamped tank to this pump station eliminates the need for regular emptying by a honey sucker. The incoming pipe into the tank from the new building should be at an invert level of 4.7 msl with the outlet pipe's inlet level 75mm lower. This will ensure that the 63mm PVC pipe connection to the pumpstation could be installed at a minimum fall of 1 in 300. Please see the attached drawing indicating the above.

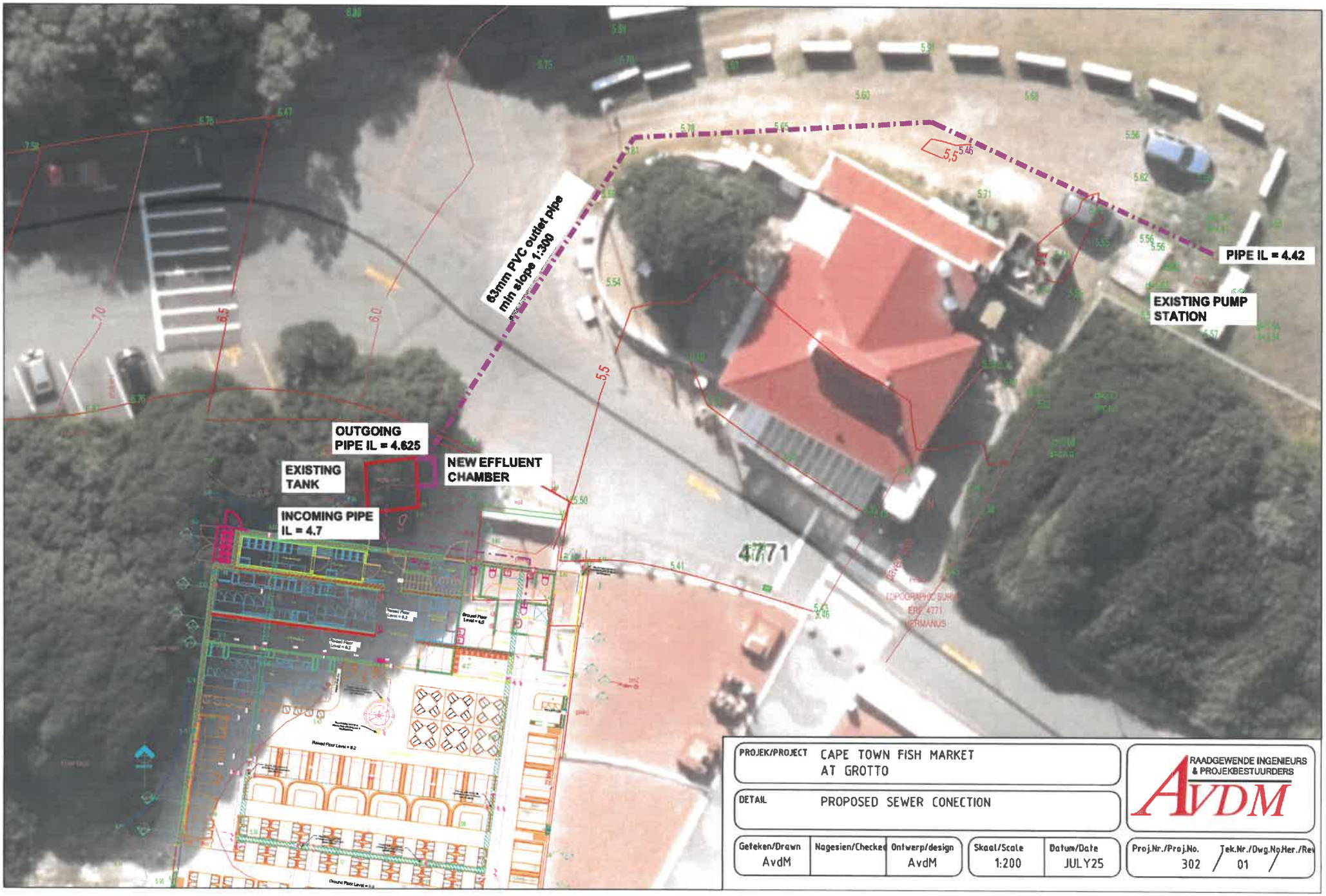
## 2. WATER CONNECTION

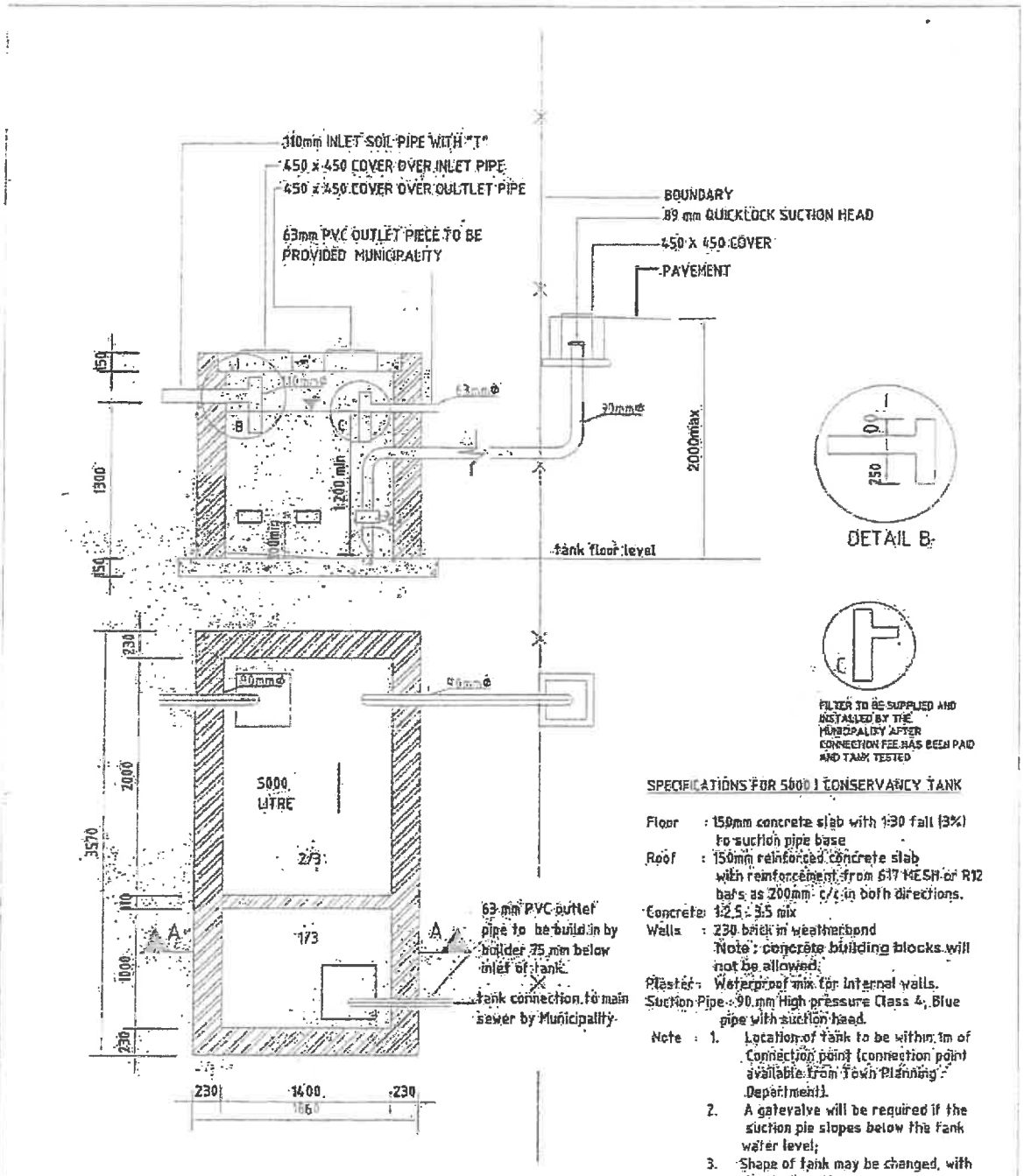
There is an existing water connection with a water meter in place on the site. We do not foresee any problems with the water connection.

We trust this information will be of value.

Yours faithfully

AS van der Merwe


63mm PVC outlet pipe
min slope 1:300
PIPE IL = 4.42
EXISTING PUMP STATION
OUTGOING PIPE IL = 4.625
EXISTING TANK
NEW EFFLUENT CHAMBER
INCOMING PIPE IL = 4.7
4771
PROJEK/PROJECT CAPE TOWN FISH MARKET AT GROTTO
DETAIL PROPOSED SEWER CONECTION
RAADGEWENDE INGENIEURS & PROJEKBESTUURDERS
AVDM
Geteken/Drawn AvdM
Nagesien/Checked
Ontwerp/design AvdM
Skaal/Scale 1:200
Datum/Date JULY25
Proj.Nr./Proj.No. 302
Tek.Nr./Dwg.No.Her./Rev 01




SPECIFICATIONS FOR 5000 l CONSERVANCY TANK

Floor : 150mm concrete slab with 1:30 fall (3%) to suction pipe base

Roof : 150mm reinforced concrete slab with reinforcement from 617 MESH or R12 bars as 200mm c/c in both directions.

Concrete: 1:2.5 : 3.5 mix

Walls : 230 brick in weatherbond
Note : concrete building blocks will not be allowed.

Plaster : Waterproof mix for internal walls.

Suction Pipe : 90 mm High pressure Class 4, Blue pipe with suction head.

Note :
1. Location of tank to be within 1m of Connection point (connection point available from Town Planning Department).
2. A gatevalve will be required if the suction pie slopes below the tank water level;
3. Shape of tank may be changed, with permission only.
4. Baffle-wall to be 60% of lenght of tank, away from inlet.
5. 63 mm PVC outlet piece to be 75mm lower than inlet level.

DETAIL
5 000 litre SMALL BORE TANK
O:\data\general\gerrit\conservancy tank.dwg

| Prepared By | Checked By | Reviewed By | Scale | Date |
|---|---|---|---|---|
| DH | DH | GC | NTS | JAN/06 |

OVERSTRAND

Annexure O 1/48

EnviroAfrica
Environmental Planning and Impact Assessment Consultants
Omgewingsbeplanning en Impakbeoordeling Konsultante

# ENVIRONMENTAL MANAGEMENT PLAN

for the

## MANAGEMENT OF CONSTRUCTION AND OPERATIONAL ACTIVITIES RELATING TO THE PROTECTION OF THE ENVIRONMENT FOR THE

## UPGRADING OF THE PIET SE BOS AND GROTTO BEACH AREA, ERF 4771, HERMANUS

*This EMP is a condition as set out in the DEA&DP Environmental Authorisation 16/3/1/1/E2/14/2026/13 and is to be presented to contractors at the On Site Start-Up Meeting*

compiled by

***EnviroAfrica (Overberg) CC***

SEPTEMBER 2013

P.O.Box 4
ONRUS
Fax: 0866132141
Tel: (028) 3162888

CK 2007043835/23

Charel Bruwer 0838050190
Jerry Avis
Charel Bruwer Jnr 0823765544
Bernard de Witt

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# TERMS AND ABBREVIATIONS:

The following definitions are applied:

**Audit.-[Site Completion]** Environmental Site Inspection and verification of construction activities to EMP
**Bund** - enclosure under / around a storage facility to contain any spillage.
**Batch plant** - a concrete or plaster mixing facility and associated equipment and materials.
**Contractor** - the principal persons / company and all other sub-contractors involved in the construction of the project.
**Construction phase** - The construction phase period of a Construction Site is defined as from the commencement of site establishment up to and including the practical site handover.
**DEA&DP** Department Environmental Affairs & Development Planning
**Declaration of Understanding** – Form that is signed by all contractors involved in the construction works of their understanding and acceptance of the EMP and site-specific additions to the EMP.
**Development site** - boundary and extent of development works and infrastructure.
**ECO** - Environmental Control Officer: - Must be a suitably qualified independent site environmental consultant appointed to ensure compliance to the EMP.
**ESA** – Environmental Site Agent
**ESO** - Environmental Site Officer - . Must be a person with adequate environmental knowledge to understand and implement the EMP by conducting on site inspections determined by the ECO and the client.
**ECO vs ESO** - ECO might also mean the ESO but the ESO does not mean the ECO. The ESO is responsible to the ECO
**ER** – Engineers representative or Main contractors representative
**On Site Start-Up Meeting** – The OSSM held at site to discuss EMP and determine Site Specific additions that will be included as the basis for the EMP
**AUTHORISATION** – Directive issued by DEA&DP to commence the activity under certain environmental compliances.
**OSSM**-On Site Start-Up Meeting.

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| **CMC** | Cape Metropolitan Council |
| **DEA&DP** | Department of Environmental Affairs and Development Planning |
| **DEA** | Department of Environmental Affairs |
| **DWA** | Department of Water Affairs |
| **EIA** | Environmental Impact Assessment |
| **EMP** | Environmental Management Programme, although the term Environmental Management *Plan* is often used interchangeable with *Programme*. |
| **EMS** | Environmental Management System |
| **HWC** | Heritage Western Cape |
| **IEM** | Integrated Environmental Management |
| ***ECO** | Environmental Control Officer |
| ***ESO** | Environmental Site Officer |
| **ER** | Engineer's Representative |
| **I&AP** | Interested & Affected Party |
| **SAHRA** | South African Heritage Resources Agency |

**Environment** means the surroundings within which humans exist and that are made up of:

- the land, water and atmosphere of the earth;
- micro-organisms, plant and animal life;
- any part of the combination of the above two bullets and the interrelationships between them;
- the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being.

**Potentially hazardous substance** is a substance, which, in the reasonable opinion of the Engineer, can have a deleterious (detrimental) effect on the environment.

**Method Statement** is a written submission by the Contractor to the Engineer or relevant responsible person such as the Project Leader, in response to the Specification, or a request by the Engineer/Project Leader, setting out the plant, materials, labour, method, responsible persons and timeframe that the Contractor proposes using to carry out an activity, identified by the relevant specification or the Engineer/Project Leader when requesting the Method Statement, in such detail that the Engineer/Project Leader is enabled to assess whether the Contractor's proposal is in accordance

with the Specifications and/or will produce results in accordance with the Specifications. The Method Statement shall cover applicable details with regard to:

- construction procedures;
- materials and equipment to be used;
- getting the equipment to and from site;
- how the equipment/ material will be moved while on site;
- how and where material will be stored;
- the containment (or action to be taken if containment is not possible) of leaks or spills of any liquid or material that may occur;
- timing and location of activities;
- compliance/non-compliance with the Specifications;
- any other information deemed necessary by the Engineer/Project Leader.

**reasonable** means, unless the context indicates otherwise, reasonable in the opinion of the Engineer/Project Leader after he has consulted with a person, not an employee of the client, suitably experienced in "environmental implementation plans" and "environmental management plans", both as defined in the National Environmental Management Act (Act No 107,1998).

**solid waste** means all solid waste, including construction debris, chemical waste, excess cement/concrete, wrapping materials, timber, tins and cans, drums, wire, nails, food and domestic waste (e.g. plastic packets and wrappers).

**contaminated water** means water contaminated by the Contractor's activities, *e.g.* concrete water and runoff from plant/ personnel wash areas.

**construction site** means the area influenced and affected by the construction activities or under the control of the Contractor, often referred to as "the Site".

**contractor's camp** means the designated and suitably demarcated areas on the Site within which all site offices and staff facilities are situated and within which equipment will be stored, for instance, borrow areas, batching plant, crusher plant, sand washing plant, workshop, offices, rest areas, ablution areas, etc., whichever is applicable.

**construction** means the period of the project during which the actual works are carried out, deemed to include site establishment, site preparation, the works, maintenance period and decommissioning.

**precautionary principle** means the basic principle, that when in doubt or having insufficient or unreliable information on which to base a decision, to then undertake actions that will have minimum risk.

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| **The CLIENT** | The person/organisation (usually the landowner if the CLIENT or holder of the servitude rights) with rights to undertake the development of the site. |
| **Audit/Monitoring** | Regular inspection and verification of construction activities for degree of compliance to the Environmental Management Programme. |
| **Bund** | Enclosure under/around a storage facility to contain any spillage – the storage capacity of the bung must be 120% of the total capacity of the possible spillage amount |
| **Batch plant** | Machinery used on site for the large-scale mixing and production of concrete or plaster and associated equipment and materials. |
| **Contract** | An accepted offer to execute specified work within a stated time for a monetary reward. It takes the form of all the documents and drawings issued when tenders are invited (in which the nature and quantity of the work to be executed are set out), the schedules of which documents have been priced by the contractor for completion within a stated time, and the acceptance, in writing, of the Contractor's price) (source: SABS 0120; 1986).<br>OR<br>The General Conditions of Contract and Special Conditions, Specifications, Drawings, Tender, written records of matters agreed after the submission of the Contractor's tender, Letter of Acceptance and Agreement, together with other documents which the parties have agreed in writing shall form part of the Contract and such amendments or additions to the Contract as may be agreed in writing between the parties (source: GCC, 1990). |
| **Contractor** | The natural or juristic person or partnership whose tender has been accepted by, or on behalf of the Employer and where applicable, includes the Contractor's heirs, |

executors, administrators, trustees, judicial managers or liquidators, as the case may be.

**Developer** The developer is the person/body responsible for the development of the project and could be the same as, or different to the CLIENT.

**Emergency** A situation requiring immediate action and where failure to implement appropriate actions timeously may result in environmental damage.

**Engineer** A person who represents the CLIENT and is responsible for the technical, environmental and contractual implementation of the works to be undertaken.

**Engineer's Representative** The person appointed from time to time by the Engineer in terms of the General Conditions of Contract. The Engineer's Representative shall:

- Observe the execution of the Works, examine and test materials and workmanship and receive from the Contractor such information as he shall reasonably require.
- Have the authority:
  - Given to him by any provisions of the Contract.
  - Given to him by the Engineer.
  - To deliver to the Contractor oral or written communications from the Engineer.
  - To receive on behalf of the Engineer oral or written communications from the Contractor.

The powers and authority of the Engineer's Representative would by subject to certain conditions.

**Environmental Awareness Course** An environmental education course for the Contractors management staff and labour force which informs them of the requirements of the EMP.

**Environmental Completion Statement** A report document submitted to the relevant authority showing that the EMP environmental controls were appropriately implemented on a project.

**Environmental Completion Audit** Similar to an Environmental Completion Statement but it is more detailed and will contain detailed information regarding controls and their effectiveness. This document would be required for large projects normally where a professional environmental scientist was appointed as the ECO.

**Environmental Management Programme:** A programme for managing potential impacts identified during the approval process. It could consist of one or more of the following components, depending on necessity dictated by the nature of the development:

- Standard Environmental Specification
- Detailed Environmental Specification
- Guideline documents and tools for implementation by the different role players
- The Environmental Education Course
- Standard Revegetation Specification
- Detailed Revegetation Specification

As mentioned earlier, the term Environmental Management *Plan* is often used interchangeable with Environmental Management *Programme*, and for the purposes of this document will be assumed to have the same definition.

***ESO (Environmental Site Officer** Designation is reserved for suitably qualified environmental site managers, who are to be appointed by the Engineer, and are mainly associated with large and complex developments.

***ECO (Environmental Control Officer)** Designation is reserved for suitably qualified authority or officer acting on their behalf. The ECO is usually a professionally registered Environmental Scientist..

**Environmental Specification** For the purposes of this study, this designation is reserved for the combination of the Standard Environmental Specifications and the Detailed Environmental Specifications.

**General Conditions of Contract** A document that sets out the general rights and obligations of the parties to a contract, on such matters as sureties, quality of work, program, supervision, insurance, co-operation with others, provision of plant, material and labour, the regulation of wages, samples, tests, examination, commencement and completion of work, penalties for delay, requirements for maintenance, methods of dealing with defects, variations, measurements and payments, and the settlement of disputes. In South Africa the most widely accepted general conditions of contract for general civil engineering works is the SAICE General Conditions of Contract for Works of Civil Engineering Construction (sixth edition, 1990).

**No Go Areas** Areas identified as being environmentally sensitive in some manner and delineated

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| | on plan and on the site with pegs or fencing and which are out of bounds to unauthorised persons. Authorisation must be obtained from the Engineer/Project Leader prior to entry. |
| **Particular Specification** | A specification that covers construction work involving a specialist type of operation that is not adequately covered in a Standardized Specification. |
| **Project Specification** | A specification that describes the Works in general terms (including the locality, the conditions on Site, the extent of the Contract, the construction programme, and the service facilities available and to be taken into consideration) and that may include clauses that amend or amplify or add to any requirement(s) of a standardized specification (or standard or particular specification) in the sequence in which the requirements and specifications occur in the contract documents. |
| **Reference Group:** | The funding body and major role-players (including the environmental authorities) who may resolve environmental disputes, which could arise between the different role-players on site. |
| **Revegetation Specification** | This designation is reserved for the combination of the Standard Revegetation Specifications and the Detailed Revegetation Specifications. |
| **Site** | The boundary and extent of development works and infrastructure, including any areas off the main site on which works are to be carried out in order to allow the development to proceed successfully. |
| **Specification** | A technical description of the standards of materials and workmanship that the Contractor is to use in the Works to be executed, the performance of the Works when completed and may include the manner in which payment is to be made. It is essential for the specifications to be clear, concise and to the point, and use should not be made of ambiguous terms or phraseology. |
| **Standard Specification** | An established or accepted model specification. In South Africa the most widely accepted standard specification for general civil engineering works is the set of SABS 1200 Standardized Specifications (refer to definition below), however, other Standard Specifications such as BS, AAWA and Standard Water Specifications are also used. |
| **Standardized Specification** | A specification that is published by the South African Bureau of Standards (SABS) and that so covers a particular class of civil engineering construction that the specification is generally applicable throughout the Republic of South Africa. |
| **Top material** | This refers to any surface material in the construction area, whether it is soil, fine material or stones including vegetation. |
| **Works** | The works to be executed in accordance with a contract. |

# ENVIRONMENTAL MANAGEMENT PLAN FOR THE MANAGEMENT OF CONSTRUCTION AND OPERATIONAL ACTIVITIES RELATING TO THE PROTECTION OF THE ENVIRONMENT FOR THE UPGRADING OF THE PIET SE BOS AND GROTTO BEACH AREA IN HERMANUS

*(This EMP is a condition as set out in the DEA&DP Environmental Authorisation 16/3/1/1/E2/14/2026/13 dated.....)*

## 1. INTRODUCTION

This Environmental Management Plan (EMP) forms part of the conditions as set out in the conditions and recommendations as detailed in the DEA&DP Environmental Authorisation. This EMP binds all contractors, sub-contractors and other persons working on the site to adhere to the terms and conditions of the EMP throughout the construction and operation of the upgrading of the (1). Any other Site Specific additional activities decided and agreed upon at the "On Site Start-Up Meeting" must be included to form part of the EMP as this is EMP is a "living document" that needs to be modified where necessary as the project progresses where it will lead to an improvement in the protection of the environment.

**EMP Circulation List**

Full copies of this EMP should be made for the ECO, ESO, Site Engineer and/or Contractor. Appendices should also be made and circulated where relevant.

## 1.1 THE AFFECTED ENVIRONMENT

**Topography, existing structures and drainage**

The site of the proposed project is located at the present open common grassed area at Grotto beach, directly opposite the swimming beach. The project consists of the proposed upgrade of the present open grassed area at Grotto Beach, Hermanus and the area where the old Nautilus restaurant used to be. The present grassed area used to be an impenetrable wetland with an unpaved path through the surrounding milkwood forest. The wetland was filled in many years ago with all sorts of extraneous material consisting of sand, gravel and even building rubble. The area is well compacted.

At the time of filling in the wetland, a sealed and covered drainage canal was also installed around the whole western, northern and eastern perimeter of the wetland in order to drain seepage water, stormwater and rainfall runoff around the filled-in area to discharge via an existing covered channel and headwall onto Grotto beach. There are a number of springs and seepage water that feed into this drainage canal continuously.

The existing developments on the beach also consists of a lifeguard house and ablution facilities, a parking lot and other paved areas. Dutchies restaurant is also located across the road from the ablution facilities. According to the municipality, Dutchies was originally granted a permit to operate as a beachwear and curio store, but was later granted a

consent use by the Overstrand Municipality to operate as a snack bar cum restaurant during daylight hours.

The proposed upgrade of the area will consist of re-instating a portion of the wetland all around the perimeter of the infilled area by removal of the fill material. This fill material will all be used to create the sloped amphitheatre and stage with raised sloped seating. Between the amphitheatre and the edge of the portion of reinstated wetland there will be a fringe of re-established fynbos that has a raised boardwalk that will allow pedestrians access near the wetland and surrounding milkwood forest. There will also be a viewing platform with seating and information board, to get to within viewing distance of the "grotto" that is formed by rocky overhangs with dripping seepage water and associated wet-cliff vegetation.

On the footprint of the area to the south of the road where the old Nautilus restaurant used to be the intention is to construct a wooden double storey building that can be rented out to a restaurateur. The intention is for this building to have a ground level kiosk and bar area and an upper level more formal eating area.

The current covered drainage channel will be removed to allow the containment of the necessary quantity of seepage and stormwater runoff to the rehabilitated wetland area. The drain channel to the beach will be retained with a weir control to obtain the correct water level for the wetland, but that can allow the access runoff to overflow onto the beach as is presently the situation. The existing headwall on the beach will remain but will be clad with natural stone instead of the bland cement structure that is currently there, to give it a more natural appearance.

The level of the grassed area lies at ~6.0 metres above mean sea level (m.a.m.s.l.) while the road level at 10th Street immediately above the rock bank flanking the grassed common is located at 27.0 m.a.m.s.l.

**Borders and surrounding land uses**

The Grotto beach area falls under the jurisdiction of the Overstrand Municipality and has been used as a popular public recreational area for more that 60 years. Over the years its popularity as a recreational area has increased in leaps and bounds. Above the rocky outcrop elevation that surrounds the common grassed area lies the southernmost boundary of houses that constitutes part of the Hermanus that is known as the Voëlklip area. This area consists of mostly upmarket houses that are either permanently occupied or used as holiday houses, many of which are used only a few times a year.

Immediately across the grassed common, on the seaward side of the tar access road and parking area lies the site of the old Nautilus restaurant that was broken down after it burnt down, to the extent that only parts of the concrete slab base still remains today. There are a number of braai areas dotted around the filled in area of the common. Vehicular access was allowed onto the filled in area in the past but nowadays access is controlled by a boom.

To the south of the road that runs all along the Grotto beach area immediately behind the hummock foredunes, just to the south of the extension of Piet se Bos to the east, lies Grotto beach. This is a long stretch of beach that offers popular area where people walk their dogs, go for long walks and children play and swim.

Flora

There is no natural vegetation in the area that was infilled and the surface area was planted with kikuyu grass. A band of Milkwood Thicket vegetation in good condition surrounds the area of the proposed upgrade. There is evidence on the western end of milkwood thicket where some milkwoods were removed illegally in the past to create a view of the ocean for a single residence. The Milkwood Thicket vegetation extends to the east in a wide band right up to the parking lot located at the western end of the Kleinriviersvlei.

The original vegetation types that were present on and around the site of the proposed upgrade consisted of Cape Seashore Vegetation right next to the shore. Immediately inland of that there occurred Overberg Dune Strandveld and to the north from the top of the high stone outcrop Agulhas Limestone Fynbos occurred according to the SA National Vegetation Map 2006. These three vegetation types all carry a conservation status of Least Threatened and none are listed under section 52 of the NEM: Biodiversity Act.

**Fauna**

There have been reports of a variety of birds mammals and snakes reported from the area surrounding the proposed area to be upgraded. There may be some local disturbance to these fauna, but it must be noted that there is a very large area of similar milkwood thicket vegetation to the east of the proposed project area. In these areas there is minimal human interference and some areas are fenced off to prevent any access.

## 2. COMMENCEMENT OF WORKS

The site project contractors must timeously receive a copy of the EMP and any other further additional information that pertains to site conditions/amendments or deviations from original site plan. This EMP must form part of the Contractors Contract. A copy of the EMP must be on site at all times and available for presentation to any authority requesting to see such document.

No work on site may take place until the following has been complied with. Work also refers to camp establishment, earthmoving activities and any preliminary construction activities.

- EMP has been approved by the relevant authorities, if this is a condition set in the Environmental Authorisation
- On-Site Start-Up Meeting has been held
- Site and No-Go areas have been demarcated
- Contractors are in possession of the EMP and other relevant documentation
- Contractors signed the Declaration Of Understanding
- All mandatory site equipment is in place
- On Site Environmental Education & Awareness training session has taken place with all relevant construction personnel present.

## 3. ENVIRONMENTAL CONDITIONS OF APPROVAL:

- Environmental Authorisation Conditions Of Approval – see Appendix 9 for full DEA&DP Environmental Authorisation 16/3/1/1/E2/14/2026/13
- Original EIA Reports Recommendations – if applicable (see Appendix 10)
- Local Authority Conditions of Approval – if applicable (see attached as appendices)

## 4. ISSUES OF CONCERN:

Issues of concern that were identified in the environmental impact assessment process and included in the DEA&DP Environmental Authorisation 16/3/1/1/E2/14/2026/13 in terms of NEMA are given in Appendix 9. These pre-determined environmental issues and respective activities must be addressed during the "On Site Start-Up Meeting" (OSSM) and reflected in the On-Site Start-Up Report.

The Site Specific recommendations as per the Piet se Bos and Grotto Beach area in Hermanus DEA&DP Environmental Authorisation 16/3/1/1/E2/14/2026/13 are to be included and to be reflected in the On-Site Start-Up Report. Such activities may include but shall not be limited or restricted to:

- Access route
- Demarcation of working footprint and removal and storage of topsoil material
- Waste management
- Mandatory site equipment
- Establishment of construction site compound and fuel stores
- Ablution & toilet facilities
- Refuse management
- Concrete works & batching proposals
- Soil erosion control
- Fire fighting equipment & emergency fire reaction plan
- Overhead power line and/or AC cable supply route
- New access road construction

## 5. ON-SITE START-UP MEETING:

The mandatory on-site start-up meeting that is conducted should preferably take place 14 days but not less than 5 working days prior to commencement of any site/camp establishment, earthworks and/or construction activities. This meeting may also relate to additional discussed information that must be complied with during the entire construction phase.

The On-Site Start-Up Meeting Report is to be attached as Appendix 1 to the Piet se Bos and Grotto Beach area EMP. The Start-Up Meeting Report must include all site-specific issues and arrangements as discussed and agreed on at the On-Site Start-Up Meeting.

The On-Site Start-Up Meeting additional information pertains to specific site construction agreements that was discussed on site by all the relevant parties and agreed upon and must be included in the On Site Start-Up Meeting Report. (The arrangements and agreements must fall within the conditions as set out in the DEA&DP Environmental Authorisation 16/3/1/1/E2/14/2026/13)

At the on-site start-up meeting (OSSM) the following issues must be addressed:

- The EMP & other relevant site documents
- Project to be discussed and all uncertainties are cleared
- Method statement/s to be discussed

- Power line installation access routes (if applicable)
- Road and construction area to be demarcated
- Materials stockpile and lay down areas to be demarcated
- Method of stockpiling to be discussed
- Fire fighting procedures
- Mandatory fire fighting equipment & fire preventative measures
- Integrated waste management approach and intentions
- Placement, type and service of toilets to be agreed upon
- Placement and type of rubbish bins and removal of rubbish to be agreed upon
- Labour overnight camp to be demarcated and services agreed upon
- Environmental Education and awareness training session to all contractors & onsite staff/labour

The following people must attend the on site Start-Up Meeting:

- A representative from Overstrand Municipality
- Main contractor's representative.
- Site supervisor/foreman
- Environmental consultant (EC/ECO)
- Environmental site officer (ECO/ESO)

Minutes of the on site Start-Up Meeting will be condensed to a report format and circulated to all attendees of the above named meeting for their perusal and comments if needed. A non-response is deemed to be an acceptance of the contents and agreements of the Report. (Appendix 1)

*The main contractor must provide (i) a list of all sub-contractors and their scope of work for the contract and (ii) a time schedule of works to the ECO before commencement of works.* The On-site Start-up Meeting (OSSM) report will also form part of this Environmental Management Plan. If any discrepancies between the OSSM report and the EMP arise then the EMP will take precedence until clarification on the discrepancy is clarified. If any discrepancies between the EMP and the DEA&DP Environmental Authorisation 16/3/1/1/E2/14/2026/13 arise then the DEA&DP Environmental Authorisation will take precedence until clarification on the discrepancy is clarified.

*NB: It is the responsibility of the main contractors to ensure that all sub- contractors under their control that work on the site during and after the civils contract, are informed of the environmental conditions pertaining to the site. No work is to start until the above is in place and agreed upon.*

## 6. METHOD STATEMENT:

Method statements from the contractor may be required, depending on the environmental sensitivity of the proposed activity, for specific sensitive actions on request of the authorities, the Client or ECO. A method statement forms the baseline information on which work in sensitive areas takes place and is a "live document" in that modifications are negotiated between the Contractor and ECO/Client, as circumstances require. All method statements will form part of the EMP documentation and are subject to all terms and conditions contained within the EMP main document. These documents must be available to the authorities for inspection or upon request.

A method statement describes the scope of the intended work in a step-by-step description in order for the ECO and the Client to understand the contractor's intentions. This will enable them to assist in devising any mitigation measures which would minimize environmental impact during these tasks. The Contractor must submit the method statement before any particular construction activity is due to start. Work may not commence until the ECO and Client's Representative have approved the method statement.

Where written Method statements are required, they need to be compiled by the contractor for approval by the ECO and Client's Representative. A "Method Statement" is defined as a written submission by the contractor to the Client setting out the plant, materials, labour and method the contractor proposes to use to carry out an activity, in such detail that the Client and the ECO are able to assess whether the contractor's proposal is in accordance with the specifications and/ or will produce results in accordance with specifications.

The method statement may be required to cover applicable details with regard to:

- Construction procedures
- Materials and equipment to be used
- Getting the equipment to and from site
- How the equipment/ material will be moved while on site
- How and where material will be stored
- The containment (or action to be taken if containment is not possible) of leaks or spills of any liquid or material (of any potential hazardous material) that may occur
- Disposal of hazardous substances and building materials to appropriately licensed waste disposal facilities
- Timing and location of activities
- Control of subcontractors
- Compliance/non-compliance with the Specifications, and
- Any other information deemed necessary by the Client and the ECO.

However, the requirement for specific Method statements can only be determined once the On-Site Startup Meeting between the parties has taken place. Please note that a method statement may not be changed or deviated from without documented approval from the Client and the ECO. If approval is also required from DEA&DP, the latter must state the timeframe for such approvals from date of receipt of the Method statement in the Environmental Authorisation in order for the Contractor to build this into the tender documents.

The Contractor must abide by these approved method statements and any activity covered by a method statement must not commence until the Client and the ECO has approved of such method statement. NB: No work may commence or take place until the method statement where required for a specific task has been approved by all relevant parties.

Explanation of method statements and a pro forma method statement sheet that may be completed by the Contractor for each activity requiring a method statement is attached as Appendix 4 & Appendix 5.

## 7. ENVIRONMENTAL DECLARATION OF UNDERSTANDING FOR THE EMP

The purpose of the Environmental Declaration of Understanding agreement between the Applicant / Client, the Engineer, Contractor and the ECO is;

1. To enforce agreement on compliance by all relevant Parties with the DEA&DP Environmental Authorisation & this Environmental Management Plan.
2. To maintain proof of such an agreement pertaining to the on site requirements of the EMP
3. To spell out the Applicant's responsibility to inform all relevant parties of the DEA&DP Environmental Authorisation & EMP (as per condition of DEA&DP Environmental Authorisation).
4. To protect the environment of the site against environmental damage;
5. To make good any damage to the environment.
6. Ensure that all contractors and sub-contractors are familiar with the EMP & DEA&DP Environmental Authorisation and sign the mandatory Declaration of Understanding indicating their undertaking to work within the management framework to achieve the environmental requirements pertaining to the site as contained in the EMP.

This agreement outlines the obligations on the various parties and forms the basis for the ECO to ensure compliance by all parties with the EMP

## 8. PENALTIES

The Client (on recommendation by the ECO) reserves the right at all times for the duration of this agreement to impose restrictions and associated penalties on the contractor with respect to the specific nature, timing and extent of construction activities on environmentally sensitive sites that are not in keeping with the contents of the EMP.

In instances of non-compliance with the EMP by the contractor (or any of their employees) or sub-contractor/s (or any of their employees) that move on or off the site, the on-site Environmental Site Officer (ESO) must immediately inform the ECO who will issue a written warning indicating the non-compliance to the contractor.

The Client, in consultation with the ECO, has the prerogative to determine the amount of the penalty, if applicable, in accordance with the Penalties for Non-Compliance Schedule of Tariffs (Appendix 2). Such penalty amount, if applicable, must be produced in writing and presented to the contractor within seven (7) calendar days of the written warning. The Client may recover penalties by deducting the fine from the offending contractor.

The contractor will be responsible for all costs incurred where emergency procedures are implemented to deal with accidents impacting on the environment as well as the rehabilitation of such damage in conjunction with the Client, ECO and Site Engineer. In serious cases, at the discretion of the Client and the ECO, any multiple offences can be added together.

The ECO, after consultation with the Client, may also stop the works or part thereof until the situation is resolved. Please note that no extension of time is claimable by the contractor for such work stoppages due to non-compliance with the EMP. These penalties furthermore do not preclude any prosecution under any law or regulation. This set of procedures must be brought to the attention of, and understood by all relevant on-site personnel during the Environmental Awareness Training Course.

## 9. RESPONSIBILITY OF THE CLIENT (as the Applicant)

The Client must be responsible for ensuring compliance with the conditions contained in the DEA&DP Environmental Authorisation by any person acting on his behalf, including but not limited to an agent, servant, employee or any person rendering a service to the CLIENT in respect of the activity, including but not limited to contractors and consultants.

The Client is responsible for appointing the ECO, Site Engineer and Contractor for the duration of the construction contract and for ensuring that the Site Engineer and Contractor fulfil their obligations in terms of this EMP. The Client and or its representative must notify DEA&DP and any other relevant authority, in writing, within 24 hours thereof if any condition of this DEA&DP Environmental Authorisation is not adhered to.

## 10. THE SITE ENGINEER / SITE MAIN CONTRACTOR

The Site Engineer/Site main contractor (whichever is applicable) is responsible for ensuring that the construction contract and daily construction activities as per the original site specifications are implemented in terms of the Construction Phase Environmental Management Plan which includes additional On site Start-Up Meeting agreements.

The Site Engineer/Site main contractor (whichever is applicable) and the ECO are expected to develop a close working relationship and to stay in contact with each other. The Site Engineer issues site instructions to the Contractor and all requests and communications between the ECO and Contractor are via the Site Engineer. The only exception to this is where the ECO needs to issue a "stop works" order on the Contractor or the Site Engineer if serious environmental harm is about to happen or is happening as a result of construction activity. This "stop-works-order" must be confirmed by the ECO as soon as practically possible to all affected construction personnel.

When the ECO is not on site the Site Engineer (assisted by the ESC) will be responsible for implementation of the EMP. Any construction and construction related activities that might lead to damage to the environment should be immediately brought to the attention of the ECO and must be recorded on the ENVIRONMENTAL WEEKLY CHECKLIST (see Appendix 6) by the Site Engineer or the appointed engineer's representative (ESO).

## 11. THE CONTRACTOR

The Contractor must ensure that all of its sub-contractors, employees, suppliers, agents, etc., are fully aware of the environmental issues detailed in the site EMP. The Contractor must liaise closely with the Site Engineer and the ECO and must ensure that the works on site are conducted in an environmentally sensitive manner and fully in accordance with the requirements of the EMP at all times.

Main bulk service providers such as Telkom and Eskom must be advised of the construction activities as well as the requirements of this EMP and the Contractor must be responsible for their activities conducted within their work areas. All contractors working on site must attend the Environmental Awareness Training Course and have proper and competent contractor supervision during their time of contract. If more than one contractor works on the site

simultaneously, then the responsibility lies on each contractor to adhere to the conditions of the EMP and related documents for the duration of the contract.

The supervisors must work closely with the appointed environmental officer and discuss the daily programme with the appointed environmental officer, taking special consideration of any specific method statement requirements. Any problems that might lead to damage to the environment must be discussed prior to commencement of the activity.

The ECO must ensure that the Contractor has signed the "Declaration of Understanding" (Appendix 3) in this environmental management plan before construction commences.

## 12. SITE PERSONNEL: ENVIRONMENTAL AWARENESS TRAINING

All daily site construction personnel must attend an on site induction Environmental Awareness Course and training session together with any site specific environmental training they may require to carry out their duties. All contractor and sub-contractor teams involved in work on site must be briefed on their obligations towards environmental controls and methodologies in terms of this EMP, prior to commencement of any construction and construction related activities

The on site Environmental Awareness Training Course session must take the form of an on-site environmental talk and where necessary relevant demonstrations conducted by the ECO. The on-site Environmental Awareness Training Course session must be aimed at all levels of site contractors, sub-contractors and related site workers and site management. In the case of new workers coming on site throughout the construction programme, the site contractor is responsible to ensure that all new labour arriving on site is made aware of the contents of the EMP and is briefed on the contents of the Environment al Awareness Training Course.

## 13. ENVIRONMENTAL CONTROL OFFICER:

### 13.1 Frequency of site visits:

An ECO must be appointed for the duration of the construction phase (if required by the DEA&DP Environmental Authorisation). The ECO must comply with the following:

- Conduct a start-up meeting before construction commences;
- Conduct an Environmental Awareness Training course for the contractor and labourers;
- Identify and train a suitably qualified Environmental Site Officer (ESO) who will be permanently on site to monitor the application of the EMP on a continuous basis (if applicable)
- ECO to monitor the development on weekly basis until development is completed;
- Conduct a "snag-list" site visit immediately before completion of construction;
- Conduct a closing down site visit ASAP after completion of the development;
- Conduct an Environmental Compliance Audit within 6 months after completion of the civil contract.

**13.2 Requirements for the Posts:**

**Environmental Control Officer: [ECO]**

- A suitably qualified environmental practitioner (preferably with a degree in environmental management) with a sound knowledge of the environment & environmental management principles.
- A person independent from the Contractor, Client or Project Engineer with 10 or more years of environmental site management and able to ensure EMP compliance monitoring experience on construction projects.

**13.3 Monitoring responsibilities of the ECO:**

- The ECO will undertake weekly site inspections and to monitor the ESO and assist in environmental tasks to be executed in compliance with the EMP as well as compile the weekly environmental checklists;
- Is to ensure that the mitigation/rehabilitation measures and recommendations referred to in the DEA&DP Environmental Authorisation are implemented and to ensure compliance with the provisions of the EMP;
- Must notify DEA&DP and any other relevant authority, in writing, within 24 hours thereof if any condition of the DEA&DP Environmental Authorisation is not adhered to;
- Is responsible for the environmental issues involved with the construction phase of the project;
- Co-ordinating any aspect of site activity that may have an effect on the environment;
- Must work in close conjunction with the Client/ESO/Site representative, contractors and sub-contractors;
- Must identify and demarcate the impact area i.e. construction footprint area before any construction activities commence;
- Must demarcate the necessary areas for storage of materials, ablutions, eating areas of contract workers, etc;
- Must identify 'No go' areas and areas sensitive to erosion and have these areas demarcated. Environmental awareness of the workers is essential. This must be in the form of an on site talk and must be conducted at an appropriate technical level;
- The ECO will keep a site inspection diary which will be the record of construction progress and environmental compliance and is recorded in the form of an ECO checklist and/or diary entries and photographic records for visual reference. (Appendix 8);
- These documents must be available to the authorities for inspection upon request. The record must include the out come of meetings/discussions with the contractor and must reflect environmental queries, agreed actions and dates of eventual compliance. These must form part of the official environmental record

**13.4 Authority of the ECO:**

The ECO has the authority to stop works if in his/her opinion there is a serious threat to, or impact on the environment, caused directly by the construction operations. This authority is to be limited to non-compliance to the EMP and emergency situations where consultation with the Client is not immediately available. The ECO is to inform the Client of the reasons for the stoppage and agree on a solution to the problem as soon as possible.

Upon failure by the contractor or his employee to show adequate consideration to the environmental aspects of this contract i.e. wilful destruction of the environment, the ECO may recommend to the Client/site representative to have the contractor's representative or any employee(s) removed from the site or work suspended until the matter is remedied. No extension of time will be considered in the case of such suspensions and all costs will be borne by the contractor.

### 13.5 Appointment of an ESO. (Environmental Site Officer)

When necessary the ECO may appoint an ESO to carry out the site inspections and the following will apply:

- The suitably qualified and trained ESO is appointed prior to commencement of construction activities, site inspections are decided upon between the CLIENT and the ECO depending on the environmental sensitivity of the construction areas and site location.
- The frequency of site inspections is also determined prior to commencement of works but can change if the need arises.
- The suitable qualified ESO will perform certain functions related to the continued compliance with the EMP under the guidance and instruction of the ECO.

### 13.6 Qualifications of an ESO.

The appointed Environmental Site Officer must fulfil the following criteria:

- Have proven previous experience as an Environmental Site Officer.
- Have a sound understanding of the contents of the EMP.
- Must be able to enforce compliance to all relevant site documents.
- Have a basic knowledge of the NEMA and other relevant information.
- A construction background would be advantageous.
- Must be able to work with site personnel and resident engineers.

## 14. CHANGES TO THE MANAGEMENT PLAN

Although care has been taken to address all known relevant environmental issues for the construction phase, it may become necessary to add or amend certain procedures or instructions to improve the efficiency of the Environmental Management Plan (EMP). Only those additions or amendments of this EMP that will either improve environmental protection or can be proven not to have any negative effect to the immediate and surrounding environment will be considered.

Changes or deviations furthermore have to be motivated in writing by means of a motivation report and the same procedures for acceptance as in the case of a standard Method Statement have to be followed. If any additions or amendments must be submitted to DEA&DP for approval, this must be stipulated in the environmental authorization with a stipulated timeframe of approval so that this can be included in the tender specifications for the Contractor. No deviation from the contents of the EMP is allowed without the above-named prescribed procedures

## 15. RECORD KEEPING

All records relating to the implementation of this management plan (e.g. Declaration of Understanding, ECO Checklist and/or diary, Method Statements, etc.) must be kept together so that it can be retrieved easily. These records must be available for scrutiny by any relevant authorities.

**Photographs**

Photographs are to be taken of the site prior to, during and immediately after construction, as a visual reference. These photographs must be stored with other records related to this EMP. Any environmental non-compliance reported must have the support of sufficient photographic proof to mitigate the non-compliance report.

## 16. ENVIRONMENTAL COMPLETION STATEMENT

An Environmental Completion Statement is a report by the ECO/Environmental Consultant to the relevant authorities stating completion of the project and compliance with the EMP and conditions. The following environmental statements may be required to be completed on completion of all site construction activities and submitted in line of sequence to the relevant office for perusal and reference. The required completion statements must be discussed and agreed upon at the On-site Start-up Meeting.

### 16.1 ECO: Environmental Completion Statement:

The ECO must submit an environmental closing statement relating to all environmental and technical issues that occurred on site as well as any conclusions regarding incidents such as written warnings, stoppages of works and penalty fines.

### 16.2 Environmental Audit Report

An Environmental Audit Report must be submitted by the Client to the satisfaction of the Department of Environmental Affairs and Development Planning, within six months after construction has been completed and after the sites have been rehabilitated, whichever is applicable.

## 17. MANAGEMENT SPECIFICATIONS (PROGRAMME)

(This EMP is additional to conditions as set out in the DEA&DP Environmental Authorisation). As there is no definite information on the type of machinery to be used, the sources of material and finer detail discussed between the relevant parties, the following points are presented to be applicable in the case where such elements of the project merit this.

### 17.1 Fauna and Flora

The Contractor must not deface, paint, damage or mark any natural features, if these should occur (e.g. trees, rock formations, buildings, etc.) situated in or around the Site for survey or other purposes unless agreed beforehand with the Engineer and the ECO. Any features

affected by the Contractor in contravention of this clause must be restored/rehabilitated to the satisfaction of the Engineer and the ECO

Except to the extent necessary for the carrying out of the works, flora must not be removed, damaged or disturbed nor must any vegetation be planted. Trapping, poisoning and/or shooting of animals is strictly forbidden. No domestic pets or livestock are permitted on Site. All incidents of harm to any animal or natural vegetation (apart from the agreed upon areas) must be reported to the ECO.

Where the use of herbicides, pesticides and other poisonous substances are to be used, the Contractor must submit a Method Statement and these substances may only be used as approved by relevant act and laws.

### 17.2 Protection and Rescue of Fauna and Flora

The removal of fauna from the site must be done in accordance with the requirements of the applicable Nature Conservation Ordinance regulating these activities. All flora identified during construction to be rescued must be removed and placed in an area specifically allocated for these plants to ensure that the necessary care thereof will take place until being relocated and planted in designated areas. The areas of vegetation that are to be protected during construction must be demarcated and indicated on a site plan. A Method Statement may be required from the Contractor, detailing the method of fencing for protection of the conservation areas.

### 17.3 Clearing of Vegetation, Stripping & Conservation of Topsoil

A Method Statement may be submitted detailing the methods to be used for vegetation clearing. All cleared areas must be stabilised as soon as possible. Burning of cleared vegetation on site is prohibited. The burying of cleared vegetation or use as part of backfill or landscape shaping is prohibited unless written approval is obtained from the ECO.

Cleared vegetation may be used for mulch or slope stabilisation of the Site. Should bulk vegetation be removed from the designated working areas (foot print area) then tall vegetation shall first be removed through brush cutting and chipping of larger shrub material; this may be added to the topsoil material stockpiles as mulch. Unless otherwise agreed upon, only indigenous plant material shall be used for this purpose.

Prior to any activities within the demarcated work areas, topsoil material shall be removed to a depth of 300mm or deeper if specified by the engineer in consultation with the ECO, and stockpiled in a designated area for use in rehabilitation of the site post construction. Any area where the topsoil will be impacted by construction activities, including the construction offices and storage areas, must have the topsoil stripped and removed and covered with herbaceous vegetation (other than alien species), overlying grass and other fine organic matter and stockpiled for subsequent use in rehabilitation.

Topsoil storage areas must be convex and should not exceed 2m in height. The Contractor must ensure that the material does not blow or wash away. Topsoil must be treated with care, must not be buried or in any other way be rendered unsuitable for further use (e.g. by mixing with spoil) and precautions must be taken to prevent unnecessary handling and compaction. In particular, topsoil must not be subject to compaction greater than 1 500 kg/m² and must not be pushed by a bulldozer for more than 50 m. Trucks may not be driven over the stockpiles.

Topsoil from different soil types must be stockpiled separately and replaced in the same areas from which they were taken if this proves to be the case. Specific attention should be given to the areas that may house rare and threatened species. Topsoil areas must be demarcated in order to ensure the safekeeping of topsoil and to separate different stockpile types.

### 17.4 Protection of Archaeological & Paleontological remains

If remains or artefacts are discovered on Site during earthworks, work in the vicinity must cease immediately and the Contractor must immediately inform the Engineer and the ECO who must contact the South African Heritage Resources Agency (SAHRA) for information on the appropriate course of action to be taken.

In the event that previously unknown archaeological features are exposed during the construction phase, the Contractor should inform the Engineer and the ECO who will advise the Client on the necessary course of action.

Note that the Contractor may not, without a permit issued by the responsible heritage resource authority, destroy, damage, excavate, alter, deface or otherwise disturb any archaeological site or archaeological material. The latter is a criminal offence under the Heritage Resources Act.

### 17.5 Appropriate use of Machinery

Contractor must at all times carefully consider what machinery is appropriate to the task while minimizing the extent of environmental damage. The contractor may not operate any machinery including a fuel driven compressor outside the demarcated area. Where practical, all maintenance of plant and machinery on Site must be performed in workshops. If it is necessary to do maintenance outside of a workshop area, the Contractor must obtain the approval of the Engineer and the ECO prior to commencing activities.

All vehicles and equipment must be routinely inspected for fuel and oil leaks and kept in good working order and serviced regularly. Leaking equipment must be repaired immediately or removed from the Site. When servicing equipment, drip trays must be used to collect the waste oil and other lubricants. Drip trays must also be provided in construction areas for stationary plant (such as compressors) and for "parked" plant (such as scrapers, loaders, vehicles). Drip trays should be kept free of water that will float the oil to overspill. All drip trays/bungs to attain a 120% capacity of the plant fuel/oil capacity.

Appropriate 2.5kg (minimum requirement) dry powder SABS approved and service certified fire fighting extinguishers must be easily available at strategic points on the site such as the site office, fuel stores, etc.

### 17.6 Demarcating and fencing

Final site demarcation must be carried out with all relevant parties (who will be responsible) present for the day-to-day activities on the site and may include;

The Client or his delegated Representative
Environmental Consultant
Main Contractor or his delegated Representative

Sub-contractor
Environmental Control Officer
Environmental Site Officer (if applicable)

The proposed site will be demarcated prior to the commencement of any construction or earth-moving activities and this includes site establishment, the moving of construction material or any other items onto the site, etc. The site will be demarcated with appropriate strong steel dropper poles. A single strand of orange baler twine is to be attached to the dropper poles to indicate boundaries and no-go areas for site personnel and vehicular movement. (Alternative fencing may be decided upon dependent on site requirements).

The construction area i.e. road, stockpile areas and development footprint etc. must be demarcated and fenced off with steel dropper poles and orange baler twine approximately 1m high is considered adequate. The demarcation will be agreed on during the start-up meeting. All fencing and fence placement/positioning must be approved by the ECO on site. Work areas and access routes must be clearly demarcated to minimise environmental impact.

NB Steel dropper poles and orange baler twine has proven to be the most environmentally friendly means of on site demarcation.

In the event that sensitive features are threatened by construction activities, temporary fencing off of these areas (for individual areas such as trees or rocks) or the construction area (when working in a mainly natural environment) is recommended.

The Contractor must maintain in good order all demarcation, fencing and barriers for the duration of construction activities, or as otherwise instructed. Any temporary fencing removed for the execution of any portion of the works is to be reinstated by the Contractor as soon as practicable. The Contractor at the end of the contract must remove all demarcation, fencing or barriers not forming part of the final works on Site. Once in place the demarcation barriers must be maintained and may not be moved or altered without consultation with the site ESO and the main contractor

### 17.7 "NO-GO" Areas

"No-go" areas, if so designated by the EMP, DEA&DP Environmental Authorisation or On Site Start-Up Meeting, are certain pre-determined areas that must be demarcated and avoided by machinery and personnel. The contractor is responsible to ensure that no person, machinery, equipment enter the "No-Go" areas at any time during the contract period.

Areas of special importance will be decided upon between the Engineer, Contractor and the ECO and demarcated as "No go" areas on a site plan and fenced off. Such areas are out of bounds to the Contractor and his staff, sub-contractors and their staff or suppliers and their staff and to any other person involved in the construction, without the written permission specified by the ECO.

### 17.8 Water, Storm water, Erosion & Sedimentation Control

The Contractor must take appropriate and active measures to prevent erosion resulting from his own construction activities and operations as well as storm water control measures to the satisfaction of the ECO. During construction the Contractor must protect areas susceptible to erosion by installing all the necessary temporary and permanent drainage works as soon as possible

Occupants on site must have access to safe drinking water. Water to be supplied by the contractor shall be from a legal source and comply with recognised standards for potable and other uses.

It is illegal to discharge water into a public stream if the quality does not conform to the required health or water standards. Other measures as may be necessary must be taken to prevent the surface water from being concentrated in streams and from scouring the slopes, banks or other areas. All potential hazardous fluids/materials must be protected from the rain to prevent them being washed into storm water channels. All such measures must be discussed with and approved by the ECO.

### 17.9 Fuel, Tar Compounds and Oil

No fuels and flammable materials are to be stored on the site. Basic guidelines to follow if any fuels are to be stored are as follows:

- These areas must comply with general fire safety requirements.
- All vehicles, equipment, fuel and petroleum services and containers must be maintained in a good condition that prevents leakage and possible contamination of soil or water supplies. Drip trays are to be used in these storage areas to prevent contamination of the ground in the event of spillages or leaks
- All plants/fuel tanks must have a bund or drip tray present (whichever is applicable) to use in the event off accidental spillage of oils and fuels and must contain a capacity level of 120% of the capacity of the plant fuel and oil tanks.
- A suitable leak proof container for the storage of oiled equipment (filters, drip tray contents and oil changes etc.) must be established.
- Fuels and oils must be safely located in a designated area out of harms way from the elements and safety and fire prevention must be strictly adhered to.
- All spills are to be recorded in the ESO diary.

Fuel Storage proposals must be cleared by the ECO before any storage or stockpiling takes place.

### 17.10 Hazardous Substances

If potentially hazardous substances are to be stored on site, the Contractor must provide a Method Statement detailing the substances/materials to be used, together with the storage, handling and disposal procedures of the materials to the Engineer and the ECO.

**Paints:** - No paint products may be disposed of on Site and brush/roller wash facilities must be established to the satisfaction of the Engineer and the ECO. Oil based paints and chemical additives and cleaners such as thinners and turpentine must be strictly controlled. A Method Statement detailing the paint management procedures is required.

**Hazardous building materials:** -Hazardous building materials (e.g. asbestos, fibre claddings, refrigerants, coolants, sub-station cooling oils, etc) must be identified and dealt with in accordance with the relevant safety and health legislation. All such material must be separated on Site and disposed off at appropriate licensed disposal sites. The Contractor must supply the ECO with a certificate of disposal. Hazardous materials should be stored under lock and key in designated areas with properly displayed and visible warning signs.

### 17.11 Concrete Works

The Engineer (in collaboration with the ECO) must indicate the permitted location of batching plants (including the location of cement stores and sand and aggregate stockpiles), if these are to be present on Site, on a site plan. A Method Statement indicating the layout and preparation of such facilities may have to be submitted.

Cleaning of equipment and flushing of mixers must not result in pollution of the surrounding environment. All wastewater resulting from batching of concrete must be disposed of via the contaminated water management procedure. Used cement bags must be stored in weatherproof containers to prevent wind dispersion and water contamination. Used cement bags must be disposed of on a weekly basis via the solid waste management system, and must not be used for any other purpose. Cement bags may not be disposed of on-site, but removed on a weekly basis to an approved dumpsite.

All visible remains of excess concrete must be physically removed and disposed of on completion of cement work. Washing the remains into the ground is not acceptable. All excess aggregate must also be removed.

The following recommendations must be implemented to minimise impact.

- The concrete mixing must take place on top of boarding and/or sheeting so as to protect the ground. This board and or sheeting must be removed from the site once the mixing is complete.
- Concrete batching to take place at identified areas only in consultation with the ECO.
- Cement contaminated water may not enter a natural or man-made (e.g. trench / sloot or dam) water system. Preventative measures include establishing sumps from where contaminated water can be either treated in situ or removed to an appropriate waste site.
- Dry mixing batching areas to be carefully placed in consultation with the ECO.
- If possible/appropriate ready mix concrete must be used.
- Cement bags are to be stored securely out of harms way from the elements (wind and rain). Bags have to be covered and placed on plastic sheeting.
- Sand and stone to be stored on plastic if it is stored outside the future fenced off site.
- Excess or spilled concrete must be confined within the works area and then removed to a waste site.
- Wash-down areas must be confined to within the concrete batching area only.

**NB:** In the event of Ready Mix concrete deliveries taking place on site the site foreman must ensure that no wash-down of ready mix trucks takes place on or around the site except, as a last resort, at the concrete batching area where concrete waste water may be contained into the existing bunding pit. Any alternative method of disposal must be approved on the basis of Method Statement to be submitted for the approval of the ECO via the ESO.

### 17.12 Blasting / drilling

In the event where blasting or rock drilling is required, the following recommendations must be implemented:

- A Method statement may have to be provided for each case separately prior to commencement of blasting works.
- The contractor must take all necessary precautions to prevent damage to special features and the general environment, which includes the removal of fly rock.
- The contractor must ensure that no pollution results from drilling operations, either as a result of oil and fuel drips, or from drilling fluid. The contractor must take all reasonable measures to limit dust generation as a result of drilling operations.
- The ECO must be given 24-hour notice before blasting events.

### 17.13 Fires and smoking

No fires are allowed on site. If smoking is to be allowed on site then arrangements must be made for disposal of cigarette butts. No smoking will be allowed outside the agreed upon areas. Adequate fire fighting equipment according to the fire hazard during the construction period must be available on site and in good working order (at least one type ABC (all purpose) 10 kg extinguisher and two fire beaters per working area). The persons on site must be trained in the use of such equipment.

The main contractor must provide a list of all authorities involved in fire fighting in the region. This list must include emergency contact numbers and must be visible at the site office. It is required that contractors have available [if there is cell pone reception] the emergency telephone numbers of the nearest local Fire Fighting Station and that an emergency fire fighting re-action plan has been drawn up with on site workers and the resident land-owner.

Welding, gas cutting or cutting of metal will only be permitted inside the working areas. The Contractor must pay the costs incurred to organizations called to put out any fires started by him. The Contractor must also pay any costs incurred to reinstate burnt areas as deemed necessary by The Client.

### 17.14 Emergency Procedures

It is the responsibility of the contractor to assess the potential risks to the environment as a result of the project. As such, the contractor must have the necessary standard emergency operating procedures in place to deal with any potential emergency such as oil spills or fire.

All staff should be made aware of the necessary basic emergency procedures in the event of an emergency including injuries to staff. The appropriate equipment and identified personnel to deal with such basic emergencies should be available on site.

**Fire:** The Contractor must advise the relevant authority of a fire as soon as one starts and must not wait until he can no longer control it. The Contractor must ensure that his employees are aware of the procedure to be followed in the event of a fire.
**Spills:** The Contractor must ensure that his employees are aware of the procedure to be followed for dealing with spills and leaks, which must include notifying the Engineer, the ECO and the relevant authorities. Treatment and remediation of the spill areas must be undertaken to the reasonable satisfaction of the ECO and Local Authority.

### 17.15 Dust Control

The Contractor must take all reasonable measures to minimize the generation of dust as a result of construction activities (including dust generated on haul roads) to the satisfaction of the ECO and Local Authority

### 17.16 Solid Waste Management

No on-site burying or dumping of any waste materials, vegetation, litter or refuse must occur. The Contractor must provide problem animal and-weather proof bins with lids of sufficient number and capacity to store the solid waste produced on a weekly basis. The lids must be kept firmly on the bins at all times. Bins must not be allowed to become overfull and must be emptied at least once a week. Waste from bins may be temporarily stored on Site in a central waste area that is weatherproof and scavenger-proof and which the Engineer and the ECO has approved.

All solid waste must be disposed of off-site at an approved landfill site in terms of the National Environmental Management: Waste Act (Act No. 59 of 2008). The Contractor must supply the ECO with a certificate of disposal. All hazardous waste must be disposed of at a licensed hazardous waste site.

The Contractor must be responsible for the establishment of a refuse control system that is acceptable to the ECO. Disposal arrangements must be made in advance and cleared with the ECO before construction starts. The Contractor must make provision for workers to clean up the Contractor's camp and working areas on a daily basis so that no litter is left lying around and so that the site is in a neat and tidy state. The Contractor must remove from site the refuse collected at least once a week. This requirement must be strictly enforced and special note taken of the penalties applicable in the case of non-compliance.

### 17.17 Toilets & Ablution Facilities

The Contractor must provide suitable sanitary arrangements near the construction site for all site employees. A minimum of one toilet must be provided per 15 persons at each working area (station) or as stipulated and approved in the Method Statement. The toilet must be within easy reach (max 300m) of the working area and be in good working condition and cleaned on a daily basis. Toilet paper must be provided and emptied on a weekly basis or when full or when instructed by the ECO on site, whichever is the appropriate action.

Disposal arrangements must be made in advance and cleared with the ECO before construction starts. Sanitation provision and servicing must be to the satisfaction of the ECO. The Contractor must ensure that toilets are emptied prior to any builders' holidays, and/or weekends. Toilets must be of a neat construction and must be provided with doors and locks and must be secured to prevent them blowing over.

NB No burying of any waste material on or near the construction site nor anywhere on the surrounding property is permitted.

### 17.18 Stockpiling

Any stockpiling of gravel, cut, fill or any other material including spoil must only be allowed in degraded areas or areas below the future cover of buildings and tar or paved parking

surface. The Contractor must indicate the proposed areas for such operations and method of undertaking such operations in a Method Statement to be submitted to the ECO for approval before any such activity begins. Any area used for stockpiling and not covered by building development must be returned to at least the state they where in before stockpiling and it must be ensured that the erosion potential of these areas is not increased.

The Contractor must ensure that the material does not blow or wash away or mix with each other. If the stockpiled material is in danger of being washed or blown away, the Contractor must cover it with a suitable material, such as hessian, netting or plastic.

### 17.19 Preparation of Building Material

The Contractor must ensure that any delivery drivers are informed of all procedures and restrictions (including "no go" areas) required to comply with the Specifications. The Contractor must ensure that these delivery drivers are supervised during off-loading, by someone with an adequate understanding of the requirements of the Specifications

All manufactured and/or imported material must be stored within the demarcated area, and, if so required, out of the rain. All lay down areas outside of the construction camp must be subject to the Engineer and the ECO's approval in such a way as not to cause a nuisance or environmental damage. All building materials are to be prepared at the batching plant, to enable the effects of cement and other substances, and the resulting effluent to be more easily managed.

It is essential that any imported material i.e. base material for road works, building sand, bedding base sand for pipe / cable lines etc. must be screened and of which the origins must be identified prior to arriving at the receiving environment, this must be approved by the Engineer / ECO.

### 17.20 Discharge of construction water

Potential pollutants of any kind and in any form must be kept, stored, and used in such a manner that any escape can be contained and the water table not endangered. This particularly applies to water emanating from runoff from fuel depots/workshops/truck washing areas. Wash down areas must be placed and constructed in such a manner so as to ensure that the surrounding areas are not polluted.

Contaminated water includes water that is carrying excess sediment due to construction activities. The contractor, being responsible for the construction and effective containment and maintenance of settlement ponds must ensure that the surrounding environment is not adversely affected as a result of construction activities. Contaminated water storage facilities must not be allowed to overflow and appropriate protection from rain and flooding must be implemented. Contaminated water that is removed from site must be disposed of at a facility approved by the ECO and Local Authority. No contaminated water that does not meet the water quality standards and criteria under the National Water Act may be released into a natural system, whether it is to surface or groundwater

All cement effluent from mixer washings, and run-off from batching areas and other work areas must be contained in suitable sedimentation ponds. Sedimentation ponds must be allowed to dry out on a regular basis to allow for solid material to be removed. This material must be disposed of in a suitable manner, depending on the nature of the material, and to the discretion of the ECO.

### 17.21 Treating (flushing/testing) of Pipelines

Cleaning/sterilization/flushing of pipelines shall not impair surrounding environmental quality. Any contaminated water from such activities shall be contained until it complies with the standards contained in the National Water Act or other relevant Acts, as well as those laid down by the Local Authority. Alternatively, it shall be removed from site and disposed of at an approved waste disposal site.

### 17.22 Contractors Temporary Camping Site & Eating Areas

The Contractor must designate eating areas for the approval of the ECO, which must be clearly demarcated. No eating of meals must take place outside these designated areas without the approval of the Contractor/ECO. No washing in dams or streams are allowed. The feeding or leaving of food for animals is strictly prohibited. Sufficient waste bins must be present in this area and emptied regularly.

The contractor must supply cooking facilities that are suitable for the environment and are not liable to cause the outbreak of fires. No overnight camping/staying on site is allowed. If overnighting is necessary for security purposes then it must be cleared with the ECO on site.

### 17.23 Traffic, Access Routes & Haul Roads

The Contractor must control the movement of all vehicles and plant including that of his suppliers so that they remain on designated routes. In addition such vehicles and plant must be so routed and operated as to minimise disruption to regular users of the routes not on the Site. On gravel or earth roads on Site, the vehicles of the Contractor and his suppliers must not exceed a speed of 25 km/h. On public roads adjacent to the Site vehicles will adhere to municipal and provincial traffic regulations.

As far as possible any access routes/haul roads must utilise existing roads or tracks. Any new access roads/haul roads must be designed so as to minimise erosion and must run across slopes and not directly up-hill. All temporary access routes must be rehabilitated at the end of the contract to the satisfaction of the ECO. Method Statements for any new access/ haul roads must be submitted

### 17.24 Site Clean Up and Rehabilitation

The Contractor must ensure that all structures, equipment, materials and facilities used or created on site for or during construction activities are removed once the project has been completed. The construction site must be cleared and cleaned to the satisfaction of the ECO. Immediately after the demolition of the camp site, the contractor shall restore the site to it's original state, paying particular attention to it's appearance relative to the general landscape. The contractor's procedure for rehabilitation shall be approved by the ECO and Engineer.

This shall include but not be limited to:

- Earthworks to reinstate the physical characteristics of the site. Here attention to the natural vertical and lateral heterogeneity in landform shall guide the reinstatement of natural areas.

- Replacement of topsoil material – care shall be taken to ensure that the same material that was removed from each area is replaced there, since this will carry the seed complement appropriate for re-establishment of each plant community type.
- Final landscaping by machine, but landscaping by hand may be required in many areas under rehabilitation.
- Re-seeding and / or replanting of rehabilitated areas.
- The Contractor shall not be permitted to use fertilisers or pesticides unless cleared in a Method Statement and approved by the ECO

It is imperative that any potential erosion problems are addressed. This may require subsequent site visits to monitor the efficacy of erosion control measures.

### 17.25 Land Management

Vehicles accessing the construction site must be made aware of driving in hazardous road conditions, sharp bends, narrow roads, bad weather, on or near children or domestic animals along the road if this is applicable. Vehicle movements should be kept to a minimum during rain to avoid damage to access roads and oil erosion must be prevented at all times along the access roads and around construction areas.

No fences or gates on the relevant construction property must be damaged. A decision on the open or closed status of all access gates to the property (construction site) must be taken with a view to manage the movement of domestic and/or wild animals on the site. Access by unauthorised personnel should also be controlled.

### 17.26 Socio-Cultural Issues

Property owners or property occupiers must be treated with respect and courtesy at all times. The cultural lifestyles of the communities living in close proximity to the construction areas must be respected. The Contractor must keep a Complaints Register in which all complaints lodged by outsiders or occupiers on site or adjacent to the site and the action taken with regard to such complaints, is recorded.

### 17.27 Additional Associated Installations

#### 17.27.1 Construction of new access roads

In the event of the necessity for the construction of a new access road to the site the access route must be pre-determined prior to the On Site Start-Up Meeting.

Discussions pertaining to the "Access Road Start-Up Discussion" should include the following but are not restricted to;

- EMP and contents thereof.
- Demarcation of the access route.
- Containment of soil and rock from excavations.
- Transit areas for excess excavation road materials.
- Stockpile areas for sub-base and surface material.
- Earthmoving machinery for specific tasks.
- Mandatory site equipment.
- Placing of on site toilet facilities.
- Specific requests from farmers or the CLIENT and land owners.
- Dust Pollution.

- Post construction erosion methods.
- Site Specific agreements emanating from the Start-Up Meeting.

### 17.27.2 Eskom/Telkom - Installation of power and communication lines (overhead or furrowing/trenching of AC/optic fibre cables)

In the event of the necessity for the installation of an Eskom/Telkom line, (overhead or the furrowing / trenching of optic fibre/AC cable, the proposed route must be pre-determined prior to the On Site Start-Up Meeting. Discussions at the Eskom power & Telkom line installation Start-Up Meeting include the following but not restricted to;

- EMP and contents thereof.
- Establishing the location of the "tap-off" point.
- Arranging a time for the physical inspection of the Eskom power line/Telkom line route by the ECO with the contractor and site ESO. [If required a representative from the Client may be present as well as the landowner].
- Establishing suitable stockpile areas for poles, machinery and accessories.
- Placing of poles on heavy duty plastic.
- Exit and entry points along the Eskom power/Telkom line route.
- Method of Pole Drilling, Pole Planting and Stringing phases.
- Method of approach to pole hole location [i.e. Drive in - Reverse out].
- Specific requests from landowners or the Client.
- Mandatory site equipment.
- Placement and type of site toilets.
- AC/optic fibre cable furrowing/trenching.
- Site Specific agreements emanating from the On Site Start-Up Meeting.

## 18 OPERATIONAL PHASE

There are a number of operational issues that have been identified during the impact assessment process.

The rehabilitated wetland area would need to be managed in order to ensure that a variety of wetland plants thrive in the wetland. The crux of maintaining this biodiversity is coupled to the varying topographical features that has to be maintained in the wetland area. This starts off during the wetland reconstruction phase where it is necessary to create an undulating topographical base that would result in a variety of water depths when filled. The water flow in the wetland also has to be managed so that it will meander through the wetland and not be concentrated to flow in a single channel that would cause short-circuiting of as large section of the wetland.

The water level would also need operational manipulation during the operational phase so that the optimal water levels in time could be maintained. For this reason a water level control structure in the form of weir boards are to be installed at the outlet channel of the wetland area. From time to time in the future years it will also be necessary to manage the vegetative cover and topographical elements of the wetland system to ensure the maintenance and even enhancement of the wetland.

There will also be a section of re-instated fynbos and this would also require operational management, even possibly by means of establishing a fire regime. In addition there will also be plantings of indigenous large trees that occur naturally in the area. The intention of the Overstrand Municipality is to incorporate this rehabilitated area into the Fernkloof Nature

Reserve and enter into a stewardship agreement with Cape Nature. This agreement will also have certain environmental requirements attached to it.

With regard to the other operational issues of noise, parking and financial viability, the Overstrand Municipality has indicated that they will manage the approval of events and conditions pertaining to events organisers. The municipality will also be responsible for administering noise and traffic control of the public recreational area.

## 19 APPENDICES:

Appendix 1: SITE START-UP REPORT

Appendix 2: PENALTIES FOR NON-COMPLIANCE

Appendix 3: DECLARATION OF AGREEMENT

Appendix 4: INFORMATION ON METHOD STATEMENTS

Appendix 5: EXAMPLE OF METHOD STATEMENT

Appendix 6: CONTRACTOR/S REPRESENTATIVE: ENVIRONMENTAL WEEKLY CHECKLIST

Appendix 7: BASIC RULES OF CONDUCT

Appendix 8: ENVIRONMENTAL SITE WEEKLY REPORT/CHECKLIST

Appendix 9: DEA&DP ENVIRONMENTAL AUTHORISATION.

Appendix 10: RECOMMENDATIONS AS PER ENVIRONMENTAL IMPACT REPORT

Appendix 11: CLIENT PROJECT STANDARD ENVIRONMENTAL SPECIFICATIONS

Appendix 12: DRAWINGS (SEE EIA REPORTS).

Appendix 13: OTHER DOCUMENTS.

## APPENDIX 1: START-UP REPORT

# TO BE INCLUDED AFTER START-UP MEETING

## APPENDIX 2: PENALTIES FOR NON-COMPLIANCE

The contractors / sub-contractors must contact the ECO at any stage if unsure about any matter, or if a pollution incident occurs, or vegetation or animals are damaged.
ECO = Environmental Control Officer ESO= Environmental Site Officer

| PHASE | Penalty for Non-compliance | |
|---|---|---|
| **PRE-CONSTRUCTION PHASE** | Bottom range | Top Range* |
| Construction area to be marked off before construction starts. | | 5000 |
| The demarcated area must be maintained throughout the construction phase | 500 | 1000 |
| Site area for stock piling of building material must be demarcated | 500 | 5000 |
| Site area for storing of waste material must be demarcated | 500 | 5000 |
| Fencing off the construction site with mesh fencing of 1.8m, where necessary or other suitable material as agreed on by ECO | 500 | 1000 |
| Sitting of access road/s to be approved by ECO & demarcated with stakes before any construction starts (if applicable) | | 5000 |
| Temporary route used for construction must be determined on site with ECO (if applicable) | 1000 | 5000 |
| Telecommunications & AC power routes must be determined with the ECO (if applicable) | 1000 | 5000 |
| Sensitive features that may be harmed must be clearly marked or demarcated. | 500 | 2000 |
| Vegetation that may not be removed must be clearly marked or demarcated. | 500 | 5000 |
| Contractor must make the Construction team and all sub-contractors aware of all environmental aspects that could lead to imposition of penalties | 100 | 5000 |
| Contractor to sign Declaration of Understanding (DOU) before construction starts | | 5000 |
| Contractor to assure that all subcontractors be informed and signed DOU | 1000 | 5000 |
| Method statements must be provided on request by the ECO. No work may commence until the Method Statement is accepted by the ECO and Engineer | 1000 | 5000 |
| **CONSTRUCTION PHASE** | | |
| **Information** | | |
| A copy of the EMP & Environmental Authorisation with all the conditions of approval and the relevant Method Statements must be at site at all times. | 200 | 5000 |
| **Construction crew behaviour** | | |
| Construction crews may not overnight on site. | 200 | 5000 |
| No amplified music allowed on site | 100 | 200 |
| Construction crew must stay within the demarcated construction area. (Applicable in sensitive sites) | 50 | 500 |
| Eating of meals only allowed in demarcated area | 50 | 500 |
| No pets permitted on site | | 100 |
| Driving, Parking & Storing of machinery and vehicles are only allowed inside demarcated areas and existing roads | 1000 | 5000 |
| Machinery may only be used on the road and may not disturb the vegetation on the sides of the road except if cleared by ECO. Machinery used must be carefully considered to limit environmental damage | 500 | 5000 |
| No vegetation other than that agreed on may be damaged - i.e. no access to areas outside construction area. | 500 | 2000 |
| No individual may cause unnecessary damage to flora and fauna on, around or near the site | 20 | 2000 |
| No littering allowed (incl. cigarette butts) | 50 | 500 |

| | | |
|---|---|---|
| **Excavations** | | |
| No topsoil may be removed or altered outside the demarcated area and/or which was not specified. | | 2000 |
| Commercial sources of sand, rock and gravel to be cleared with ECO | 200 | 5000 |
| All surplus material to be taken off-site and be disposed of at approved site | 500 | 5000 |
| **Toilets** | | |
| Sufficient ablution facilities must be provided | | 3000 |
| Toilets to be secured to prevent them from falling or blowing over. | 100 | 1000 |
| They must be serviced regularly, (according to the manufacturer's instructions) and kept clean. | 100 | 1000 |
| Everybody on site must make use of ablution facilities | 50 | 1000 |
| **Fire Prevention** | | |
| All mandatory fire fighting equipment (as specified at start-up) must be on site at all times | 500 | 4000 |
| Fire fighting equipment to be in good working order and serviced. | 500 | 2000 |
| No fires, including cooking fires, allowed on site | 1000 | 5000 |
| **Concrete & Cement Activities** | | |
| Wash-down site of Ready Mix delivery trucks must be pre-determined prior to commencement of the activity. | 500 | 5000 |
| Concrete may only be mixed within the boundaries of the bunding area or demarcated area and/or where was agreed on by the ECO. | 500 | 5000 |
| All excess cement & concrete mixes to be contained on construction site and removed from site when necessary or requested by the ECO | 200 | 5000 |
| Any cement / concrete spillage to be cleaned up immediately. | 500 | 5000 |
| Mixing and storage areas must be appropriately located in demarcated area or as agreed upon at the on site Start-Up Meeting | 500 | 1000 |
| **Dust pollution control** | | |
| Ensure that loose building material is covered to prevent dust pollution | 100 | 1000 |
| **Water run-off** | | |
| Contamination of water bodies, rivers, dams or wetlands must be prevented at all cost | 500 | 5000 |
| Rainwater from construction & building site/s must be channelled, contained & allowed to dry out, so as not to transport any pollutants into the surrounding area. Temporary trenches, straw stabilising, brush cutting can be used | 500 | 5000 |
| **Waste control** | | |
| Sufficient refuse bins must be placed on site | 500 | 2000 |
| Refuse bins must be cleaned on a regular basis | 100 | 1000 |
| General litter / building refuse must be cleaned up on a regular basis from the site | 500 | 3000 |
| Cement-contaminated water; paint; oil; cement slurries etc must be stored in watertight containers or as agreed with ECO | 500 | 5000 |
| Store all refuse & waste material in wind & animal proof containers | 100 | 1000 |
| Waste must be disposed of at an official waste deposit site on a regular basis. | 500 | 5000 |
| The absence of or inadequate drip trays or bunding facilities | 500 | 5000 |
| Failure to address oil/fuel leaks from on-site machinery | 200 | 5000 |
| **Herbicides** | | |
| No herbicides or pesticides whatsoever may be used. | 200 | 2000 |
| **Construction road** | | |
| Road must be upgraded to prevent degradation and erosion of the road and surrounds. | 500 | 5000 |
| **Power and Telecommunications supply** | | |
| Demarcate power supply route | 500 | 5000 |
| No vehicles to drive through vegetation unless authorised by ECO | 500 | 5000 |
| Storage of equipment may only take place at an area demarcated by the ECO. | 500 | 5000 |
| Working must be done in phases to prevent trampling of vegetation | N/A | |

| | | |
|---|---|---|
| **Use of generators and fuel powered equipment** | | |
| A watertight cover must be place under the power generator equipment to prevent accidental spillage of fuel & oil seeping into the soil. | 500 | 5000 |
| Drip tray must be able to take 120% of fuel on site | 500 | 5000 |
| All waste material generated from the use of this equipment must be contained and removed from the site | 500 | 5000 |
| Mobile fuel powered equipment must be well maintained and must not have any fuel or oil leaks. | 200 | 5000 |
| **Soil Stabilisation** | | |
| Ensure that soil material for filling and stabilisation comes from a source that does not contain seeds alien to the area. The source must be cleared with the ECO. | 100 | 2000 |
| **Rehabilitation** | | |
| Remove rocks and stones and stock pile in area recommended by ECO | 500 | 5000 |
| Remove all plants that can be used for rehabilitation and store on- or off-site in appropriate manner as agreed with ECO | 200 | 5000 |
| Removal of all old concrete and alien materials from site | 500 | 5000 |
| Site must be cleared of all waste and building material | 500 | 5000 |

*(Large scale / repeated offence)

**APPENDIX 3: DECLARATION OF AGREEMENT**

# DECLARATION OF UNDERSTANDING

I, _____

Representing _____

Declare that the conditions of the DEA&DP Environmental Authorisation were brought under my attention and that I have read and understood the contents of the Environmental Management Plan (which includes all documents as per DEA&DP Environmental Authorisation).

SITE: Piet se Bos and Grotto Beach area

DEA&DP Environmental Authorisation Ref: 16/3/1/1/E2/14/2026/13

I also declare that I understand my responsibilities in terms of enforcing and implementing the Environmental Specifications as set out in the various documents for the aforementioned site.

I also undertake to inform all persons under my supervision of such specifications and contents of the documents.

Signed: _____

Place: _____

Date: _____

Witness 1: _____

Witness 2: _____

## APPENDIX 4: INFORMATION ON METHOD STATEMENTS

Method Statements are to be completed by the person undertaking the work (i.e. the Contractor). The Method Statement will enable the potential negative environmental impacts associated with the proposed activity to be assessed.

The Method Statement can only be implemented once approved by the ECO.

The Contractor (and, where relevant, any sub-contractors) must also sign the Method Statement, thereby indicating that the works will be carried out according to the methodology contained in the approved Method Statement.

The ECO will use the Method Statement to audit compliance by the Contractor with the requirements of the approved Method Statement.

Changes to the way the works are to be carried out must be reflected by amendments to the original approved Method Statement; amendments require the signature of the ECO denoting that the changed methodology or works are necessary for the successful completion of the works, and are environmentally acceptable. The Contractor will also be required to sign the amended Method Statement thereby committing him/herself to the amended Method Statement.

This Method Statement MUST contain sufficient information and detail to enable the ECO to apply their minds to the potential impacts of the works on the environment. The Contractor will also need to thoroughly understand what is required of him/her in order to undertake the works.

THE TIME TAKEN TO PROVIDE A THOROUGH, DETAILED METHOD STATEMENT IS TIME WELL SPENT. INSUFFICIENT DETAIL WILL RESULT IN DELAYS TO THE WORKS WHILE THE METHOD STATEMENT IS REWRITTEN TO THE ER'S AND ESO'S SATISFACTION. The page overleaf provides a *pro forma* method statement sheet, which needs to be completed for each activity requiring a method statement in terms of the EMP

## APPENDIX 5: EXAMPLE OF METHOD STATEMENT

## METHOD STATEMENT

**CONTRACT:**..... **DATE:**.....

**PROPOSED ACTIVITY** (give title of method statement and reference number):

**WHAT WORK IS TO BE UNDERTAKEN** (give a brief description of the works):

**WHERE ARE THE WORKS TO BE UNDERTAKEN** (where possible, provide an annotated plan and a full description of the extent of the works):

**START AND END DATE OF THE WORKS FOR WHICH THE METHOD STATEMENT IS REQUIRED:**

Start Date:

End Date:

**HOW ARE THE WORKS TO BE UNDERTAKEN** (provide as much detail as possible, including annotated maps and plans where possible):
Note: please attach extra pages if more space is required

## *DECLARATIONS*

**1) ENVIRONMENTAL CONSULTANT AND/OR ENVIRONMENTAL CONTROL OFFICER**
The work described in this Method Statement, if carried out according to the methodology described, is satisfactorily mitigated to prevent avoidable environmental harm:

_____ _____
(Signed) (Print name)

_____ _____
(Signed) (Print name)

Dated: _____

**2) PERSON UNDERTAKING THE WORKS**
I understand the contents of this Method Statement and the scope of the works required of me. I further understand that this Method Statement may be amended on application to other signatories and that the ECO will audit my compliance with the contents of this Method Statement

_____ _____
(Signed) (Print name)

Dated: _____

**3) THE CLIENT**
The works described in this Method Statement are approved.

_____ _____
(Signed) (Print name) (Designation)

Dated: _____

**4) APPROVING AUTHORITY**
The works described in this Method Statement are approved.

_____ _____
(Signed) (Print name) (Designation)

Dated: _____

## APPENDIX 6: CONTACTOR: ENVIRONMENTAL WEEKLY CHECKLIST

# CONTACTOR/S REPRESENTATIVE: ENVIRONMENTAL WEEKLY CHECKLIST

SITE: _____

PHASE OF WORK AND % OF COMPLETION: _____

| ENVIRONMENTAL ASPECT | YES/ NO (✓ or X) | COMMENTS |
|---|---|---|
| • How many workers are on site | | |
| • All new personnel on site are aware of the contents of the EMP and have been through the environmental awareness course. | | |
| • Contractor's camp is neat and tidy and the labourers' facilities are of an acceptable standard. | | |
| • Sufficient and appropriate fire fighting equipment is visible and readily available. | | |
| • Waste control and removal system is being maintained. | | |
| • Refuse bins in place and maintained | | |
| • Toilets are in place and clean | | |
| • Demarcation and other fences are being maintained. | | |
| • What machinery are on site | | |
| • Drip trays are being utilised were there is a risk of incidental spillage | | |
| • Bunds/ drip trays are being emptied on a regular basis (especially after rain). | | |
| • No leakages (oil & fuel) are visible from construction vehicles | | |
| • No go areas, remaining natural features and trees have not been damaged. | | |
| • Dust control measures (if necessary) are in place and are effectively controlling dust. | | |
| • Noise Control measures (if necessary) is in place and is working effectively. | | |
| • Erosion control measures (if necessary) are in place and are effective in controlling erosion. (Access road, site areas etc.) | | |
| • Stockpiles are located within the boundary of the site, do not exceed 2 m in height and are protected from erosion. | | |

Completed by:..... Sign:..... Date:.....

To be submitted at the end of each week to the Environmental Site Officer (ESO)

Received by:

Environmental Site Officer: ..... Sign:..... Date:.....

## APPENDIX 7: BASIC RULES OF CONDUCT

# BASIC RULES OF CONDUCT

The following list represents the basic Do's and Don'ts towards environmental awareness, which all participants in this project must consider whilst carrying out their tasks. These are not exhaustive and serve as a quick reference aid.
NOTE. **ALL new site personnel must** attend an environmental awareness presentation. Please inform your foreman or manager if you have not attended such a presentation or contact the ESO.

**DO:**

- USE THE TOILET FACILITIES PROVIDED – REPORT DIRTY OR FULL FACILITIES
- CLEAR YOUR WORK AREAS OF LITTER AND BUILDING RUBBISH AT THE END OF EACH DAY – use the waste bins provided and ensure that litter will not blow away.
- REPORT ALL FUEL OR OIL SPILLS IMMEDIATELY & STOP THE SPILL CONTINUING.
- DISPOSE OF CIGARETTES AND MATCHES CAREFULLY. (Littering is an offence.)
- CONFINE WORK AND STORAGE OF EQUIPMENT TO WITHIN THE IMMEDIATE WORK AREA.
- USE ALL SAFETY EQUIPMENT AND COMPLY WITH ALL SAFETY PROCEDURES.
- PREVENT CONTAMINATION OR POLLUTION OF STREAMS AND WATER CHANNELS.
- ENSURE A WORKING FIRE EXTINGUISHER IS IMMEDIATELY AT HAND IF ANY "HOT WORK" IS UNDERTAKEN e.g. welding, grinding, gas cutting etc.
- REPORT ANY INJURY OF AN ANIMAL.
- DRIVE ON DESIGNATED ROUTES ONLY.
- PREVENT EXCESSIVE DUST AND NOISE.

DO NOT:

- REMOVE OR DAMAGE VEGETATION WITHOUT DIRECT INSTRUCTION.
- MAKE ANY FIRES.
- INJURE, TRAP, FEED OR HARM ANY ANIMALS – this includes birds, frogs, snakes, lizards etc.
- ENTER ANY FENCED OFF OR MARKED AREA.
- ALLOW CEMENT OR CEMENT BAGS TO BLOW AROUND.
- SPEED OR DRIVE RECKLESSLY
- ALLOW WASTE, LITTER, OILS OR FOREIGN MATERIALS INTO THE STREAM
- SWIM IN THE DAM.
- LITTER OR LEAVE FOOD LAYING AROUND

Notes:
1. Must any animals such as tortoises, chameleons or snakes be encountered then do not harm them. The ESSO or RE must be contacted to remove these safely. The harming of any animal will result in disciplinary action.
2. Construction and heavy machine operators must be particularly sensitive to staying within access routes and prevention of unnecessary damage. Dust and noise is also of particular concern. Ensure that vehicles and machinery do not leak fuel or oils. Refuelling or maintenance must be done within the maintenance camp area only.
3. Alien plant clearing and control work teams must be closely supervised.

## BASIESE GEDRAGSKODES

Die volgende lys vertenwoordige die Moets en Moenies vir omgewingsbewustheid wat alle deelnemers aan hierdie projek in ag moet neem tydens die uitvoer van hul take. Hierdie lys is nie volledig nie en dien slegs as 'n vinnige verwysing.
NOTA: **ALLE nuwe terreinpersoneel moet** 'n aanbieding ten opsigte van omgewingsbewustheid bywoon. Indien u nog nie so 'n aanbieding bygewoon het nie, lig asseblief u voorman of bestuurder in of kontak die Omgewings Terreinbeampte.

### MOETS:

- GEBRUIK DIE BESKIKBARE TOILET-GERIEWE – RAPPORTEER VUIL OF VOL GERIEWE.
- MAAK U WERKPLEK SKOON VAN ROMMEL OF BOUROMMEL AAN DIE EINDE VAN ELKE DAG – gebruik beskikbare vullisdromme en verseker dat rommel nie rondwaai nie.
- RAPPORTEER ALLE BRANDSTOF- EN OLIE STORTINGS ONMIDDELLIK – STOP VERDERE STORTING.
- WEES VERSIGTIG MET DIE WEGDOEN VAN SIGARETTE EN VUURHOUTJIES. (rommelstrooi is 'n oortreding.)
- BEPERK WERKAKTIWITEITE EN DIE STOOR VAN TOERUSTING TOT DIE ONMIDDELLIKE WERKAREA.
- GEBRUIK VEILIGHEIDSTOERUSTING EN VOLDOEN AAN ALLE VEILIGHEIDS-MAATREËLS.
- VOORKOM BESOEDELING VAN STROME EN WATERBANE
- VERSEKER DAT 'N BRANDBLUSSER IN WERKENDE TOESTAND BYDERHAND IS WANNEER "WARM" WERK VERRIG WORD bv. Sweis. wegslyp. gasny. ens.
- RAPPORTEER BESEERDE DIERE.
- RY SLEGS OP AANGEWESE ROETES.
- VOORKOM OORMATIGE STOF EN GERAAS.

### MOENIE:

- PLANTEGROEI VERWYDER OF BESKADIG SONDER DIREKTE INSTRUKSIE NIE.
- ENIGE VURE MAAK NIE.
- ENIGE DIERE DOOD, BESEER, VANG OF VOER NIE, insluitende voëls, paddas, slange, akkedisse, ens.
- ENIGE OMHEINDE OF AFGESPERDE AREAS BINNETREE NIE.
- SEMENT OF SEMENTSAKKE LAAT RONDWAAI NIE.
- VINNIG OF ROEKELOOS BESTUUR NIE.
- ENIGE ROMMEL, AFVAL, OLIE OR ENIGE VREEMDE MATERIAAL IN STROME LAAT BELAND NIE.
- IN DIE DAM SWEM NIE.
- ROMMELSTROOI OF KOS LAAT RONDLÊ NIE.

Notas:

1. Indien enige diere soos skilpaaie, verkleurmannetjies of slange teëgekom word, moet hulle nie beseer of dood nie. Kontak die OTB of RI om hulle veilig te verwyder. Die besering van diere sal lei tot dissiplinêre optrede.
2. Operateurs van konstruksie- en swaar masjiene moet veral versigtig wees om binne toegangsroetes te bly en om enige onnodige skade te voorkom. Verseker dat voertuie en masjiene nie olie of brandstof lek nie. Brandstofaanvulling en voertuigonderhoud mag slegs binne die onderhoudsarea gedoen word.
3. Streng toesig moet gehou word oor indringerplantbeheerspanne.

# EZIPPHAMBILI EKUNYANZELEKILEYO UKUBA ZENZIWE

Zonke ezi zinto zilandelayo zizinto ekufuneka zenziwe nekufuneka zingenziwanga. Wonke umntu ofikayo kufuncka afundiswe ngemigaqo kupala. Needa yazisa iforman yakho ikuba awukhange uye kufundiswa.

## IZINTO EMAZENZIWE

- SEBENZISA IZINDLU ZANGASESE. YAZISA XA KUKHO UMONAKALO.
- ZAMA UKUCOCA APHO UBUSEBENZA KHONA.
- SEBENZISA IMIGQOMO YENKUKUMA UNGAYEKI IPHAPHTIEKE.
- YAZISA XA UBONA IOIL ECHITHSKALAYO OKANYE IPETROL.
- CIMA LOZOLI CIGARETTE XA UGQIBIBILE UKUTSHAYA
- ZONKE IZIXHOBO USEBENZA ZIBUYISELE APHO ZIHLAKA KHONA XA UCGIBILE APHO ZIHLALA KHONA XA UGQIBILE UKUZISEBENZISA.
- ZISEBENZISE IZIKHUSELIXA UZINKIWE.
- SUKUGALELA IZINTO EMLANJENI.
- MASIBEKHO ISICIMA MLILO XAUSEBENZA NGOMLILO.
- YAZISA MSINYANE XA UBONE ISILWANYANA EZONZAKELEYO.
- XAUQHUBA ISITHUTHI HAMBA ENDLELENI QHA UNGAFATHULINJE.
- NAPHINA ZAMAUNGENZI THULI OKANYE INGXOLO XA USEBENZA.

## EMAZINGENZIWA

- SUKUSUSA NESIPHINA ISITYALO UNGAKHANGE UXELELWE
- SUKWENZA MLILO NOKUBA SEKUBANDA
- AMAGQARA UKUBULALA IZILWANYANA NOKUZIFIDA AKUVUMELEKANGA
- SUKUNGENA XA KUVALIWE NGAPHANDLE KWE MVUME
- INGXOWA ZESAMENTE MAZINCEDWE ZINGALAHLWA NJE
- SUKUQHUBA NGESANTYA ESIPHAKAMILEYO
- SUKUGALELE NAYIPHI INTO PHAYA EMLANJENI
- SUKUQUBHA EDAMENI Q OQOSHA YONK INKUKUMA

## APPENDIX 8: ECO/ESO WEEKLY REPORT/CHECKLIST

## ECO/ESO WEEKLY REPORT/CHECKLIST

**PROJECT:** **LOCATION:**.....

**PROPONENT:** **PHASE:**.....

**WEEK NO.** **DATE:**

| ENVIRONMENTAL ASPECT | Y/N | COMMENTS |
|---|---|---|
| Is the site free of day-to-day litter? And are clean within acceptable tolerance levels? | | |
| Contractor's camp is organised and is he maintaining good housekeeping standards on site? | | |
| Labourer's quarters are adequate with acceptable ablution facilities? | | |
| Are there sufficient refuse bins on site? | | |
| Boundary fences remain in place and are being maintained? | | |
| No-go areas, remaining natural features and trees have not been damaged? | | |
| Waste control and removal systems are being maintained? | | |
| Wastewater control system is being maintained? | | |
| On-site fire fighting equipment rechecked and is in good working order? | | |
| Heavy earth-moving equipment and vehicles operating within site boundaries? | | |
| Bunds and drip trays are being used and emptied on a regular basis? | | |
| Construction vehicles are mechanically sound with no visible oil leaks? | | |
| Are on-site refuelling areas in compliance with the site EMP specs? | | |
| Dust control measures (when necessary) are in place and minimise dust pollution effectively? | | |
| Erosion control measures have been installed and are working effectively? | | |

## ESO WEEKLY CHECKLIST

| ENVIRONMENTAL ASPECT | Y/N | COMMENTS |
|---|---|---|
| Stockpiles of topsoil or rocks are being located within the site boundary and do not exceed maximum heights? | | |
| Has there been unauthorized removal or alteration of soil or rock not specified in the EMP? | | |
| If applicable, if rivers or streams flow through or near the site, have pollution measures been installed? | | |
| State approximate no of workers currently on site | | |
| Have any wildlife species been found on the site. If so what measures were taken for relocation? | | |
| If applicable is the concrete batching area well maintained and in compliance with the EMP? And are spillages removed on a regular basis? | | |
| Are empty cement bags contained and removed daily? | | |
| Has there been any increase of heavy earthmoving or construction machinery brought onto the site not stated on original EMS forms? | | |
| Has it been necessary to impose spot fines or penalties on the site? If so for what reasons? | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| Completed by:<br>Date: | | Title:<br>Signature |

## ESO OBSERVATION SHEET

| ITEM | ACTIONS |
|---|---|
| | |
| | |
| | |

## APPENDIX 9: DEA&DP ENVIRONMENTAL AUTHORISATION.

## APPENDIX 10: RECOMMENDATIONS AS PER EIA REPORTS

Annexure P1|23

Western Cape Government

Department of Environmental Affairs and Development Planning
**D'mitri Matthews**
Development Management
Dmitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

**REFERENCE:** 16/3/3/5/E2/15/1026/20
**DATE OF ISSUE:** **05 August 2020**

The Municipal Manager
Overstrand Municipality
P. O. Box 20
**HERMANUS**
7200

**Attention: Mr. C. Groenwald**

Cell: 082 552 955
Email: cgroenewald@overstrand.gov.za

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 14 DECEMBER 2015: PROPOSED UPGRADE OF PIET-SE-BOS & GROTTO BEACH DEVELOPMENT, ERF 4771, HERMANUS**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** amendment of the Environmental Authorisation issued on 14 December 2015 (Reference No.: 16/3/1/1/E2/14/2026/13), together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).

2. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached amended Environmental Authorisation.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**
CC: (1) Ms. P. Aplon (Overstrand Municipality) Email: paplon@overstrand.gov.za

Western Cape Government

Department of Environmental Affairs and Development Planning
**D'mitri Matthews**
Development Management
Dmitri.Matthews@westerncape.gov.za | Tel: 021 483 3696

**EIA REFERENCE:** 16/3/3/5/E2/15/1026/20
**NEAS REFERENCE:** WCP/EIA/AMEND/0000444/2020
**DATE OF ISSUE** **05 AUGUST 2020**

**ENVIRONMENTAL AUTHORISATION**

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 14 DECEMBER 2015: PROPOSED UPGRADE OF PIET-SE-BOS & GROTTO BEACH DEVELOPMENT, ERF 4771, HERMANUS**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

## A. DECISION

By virtue of the powers conferred on me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), I herewith **grant** the amendment of the Environmental Authorisation ("EA") issued on 14 December 2015 (Reference No.: 16/3/1/1/E2/14/2026/13), together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

1) **Section E: Conditions of Authorisation: Condition 1:**
*"This Environmental Authorisation is valid for a period of five **(5)** years from the date of issue. The holder must commence with the listed activities within the said period or this Environmental Authorisation lapses and a new application for Environmental Authorisation must be submitted to the Competent Authority, unless the holder lodged a valid application for the amendment of the validity period of this Environmental Authorisation at least three (3) months prior to the expiry of this Environmental Authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.*
*Please note that:*
*1.1 In terms of Regulation 28(2) of the EIA Regulations, 2014, failure to lodge an application for amendment at least three (3) months prior to the expiry of the validity period of the Environmental Authorisation may result in the Competent Authority being unable to process the application for amendment and in the lapsing of the Environmental Authorisation; and*

*1.2 It is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity, unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity."*

is amended to read:

This amended Environmental Authorisation is valid for a period of **five (5) years** from the date of issue of this amended Environmental Authorisation. If the holder does not commence with the listed activities within the said period, this amended Environmental Authorisation shall lapse, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the amended Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the amended Environmental Authorisation.

## B. REASONS FOR THE DECISION

Find below the reasons to amend the amended EA:

1. The amendment applied for is in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended) and will not change the scope of the Environmental Authorisation issued on 14 December 2015.

2. The amendment does not trigger any new listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.

3. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for Environmental Authorisation.

4. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the Environmental Authorisation.

## C. CONDITIONS

1. All other conditions contained in the Environmental Authorisation issued on 14 December 2015 (Attached as Annexure A), remain unchanged and in force.

## D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –

    1.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and

    1.2. submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which the holder of the decision sent notification of the decision to the registered I&APs–

    2.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and

    2.2 submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organs of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

   By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
   Private Bag X9186
   CAPE TOWN
   8000

   By facsimile: (021) 483 4174; or

   By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
   Room 809
   8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

   **Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL http://www.westerncape.gov.za/eadp.

**E. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

**ZAAHIR TOEFY**
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**
**DATE OF DECISION: 05 AUGUST 2020**
CC: (1) Ms. P. Aplon (Overstrand Municipality) Email: paplon@overstrand.gov.za

5/23

**Appendix A**

Western Cape Government
Environmental Affairs and Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT**
**REGION 1**

**REFERENCE:** 16/3/1/1/E2/14/2026/13
**ENQUIRIES:** Adrian Pietersen
**Date:** 2015 -12- 14

The Municipal Manager
Overstrand Municipality
PO Box 20
**HERMANUS**
7200

**Attention: Ms. H van der Stoep**

Tel.: 028 313 8906
Fax: 028 313 2093

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998), THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010 AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED UPGRADE OF PIET SE BOS & GROTTO BEACH DEVELOPMENT, ERF 4771, HERMANUS**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

## ENVIRONMENTAL AUTHORISATION

### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Amendment Regulations, 2010 and the Environmental Impacts Assessment Regulations, 2014 ("EIA Regulations"), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the list of activities specified in Section B below with respect to the development proposal described in the final Basic Assessment Report ("BAR") dated August 2013.

The granting of this Environmental Authorisation is subject to compliance with the Conditions set out in Section E below.

### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
Overstrand Municipality
PO Box 20
% H. van der Stoep
**HERMANUS**
7200

Tel.: 028 313 8906
Fax: 028 313 2093



TP 14 DEC 2015

The abovementioned juristic person is the holder of this Environmental Authorisation and is hereinafter referred to as "the applicant".

## B. LIST OF ACTIVITIES AUTHORISED

**Government Notice No. R544 of 18 June 2010 –**

Activity Number: 11
Activity Description:
*"The construction of:*
*(i) canals;*
*(ii) channels;*
*(iii) bridges;*
*(iv) dams;*
*(v) weirs;*
*(vi) bulk storm water outlet structures;*
*(vii) marinas;*
*(viii) jetties exceeding 50 square metres in size;*
*(ix) slipways exceeding 50 square metres in size;*
*(x) buildings exceeding 50 square metres in size; or*
*(xi) infrastructure or structures covering 50 square metres or more*

*where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line."*

Activity Number: 14
Activity Description:
*"The construction of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding*
*(i) the construction of structures within existing ports or harbours that will not increase the development footprint or throughput capacity of the port or harbour;*
*(ii) the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies;*
*(iii) the construction of temporary structures within the beach zone where such structures will be demolished or disassembled after a period not exceeding 6 weeks."*

Activity Number: 16
Activity Description:
*"Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of –*
*(i)fixed or floating jetties and slipways;*
*(ii)tidal pools;*
*(iii)embankments;*
*(iv)rock revetments or stabilising structures including stabilising walls;*
*(v)buildings of 50 square metres or more; or*
*(vi)infrastructure covering 50 square metres or more –*

*but excluding*
*(a)if such construction or earth moving activities will occur behind a development setback line; or*
*(b)where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;*
*(c)where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or*

*(d) where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies."*

Activity Number: 17
Activity Description:
*"The planting of vegetation or placing of any material on dunes and exposed sand surfaces, within the littoral active zone for the purpose of preventing the free movement of sand, erosion or accretion, excluding where the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation or where such planting of vegetation or placing of material will occur behind a development setback line."*

Activity Number: 18
Activity Description:
*"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 5 cubic metres from:*
*(i) a watercourse;*
*(ii) the sea;*
*(iii) the seashore;*
*(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-*

*but excluding where such infilling, depositing , dredging, excavation, removal or moving;*
*(a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or*
*(b) occurs behind the development setback line."*

Activity Number: 39
Activity Description:
*"The expansion of*
*(i)canals;*
*(ii)channels;*
*(iii)bridges;*
*(iv)weirs;*
*(v)bulk storm water outlet structures;*
*(vi)marinas;*

*within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, where such expansion will result in an increased development footprint but excluding where such expansion will occur behind the development setback line."*

Activity Number: 40
Activity Description:
*"The expansion of*
*(i)jetties by more than 50 square metres;*
*(ii)slipways by more than 50 square metres; or*
*(iii)buildings by more than 50 square metres*
*(iv)infrastructure by more than 50 square metres*

*within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, but excluding where such expansion will occur behind the development setback line."*

Activity Number: 43
Activity Description:
*"The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or*

*harbours where there would be no increase in the development footprint or throughput capacity of the port or harbor."*

Activity Number: 45
Activity Description:
*"The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for –*
*(i)fixed or floating jetties and slipways;*
*(ii)tidal pools;*
*(iii)embankments;*
*(iv)rock revetments or stabilising structures including stabilising walls;*
*(v)buildings by more than 50 square metres;*
*(vi)infrastructure by more than 50 square metres;*
*(vii)facilities associated with the arrival and departure of vessels and the handling of cargo;*
*(viii)piers;*
*(ix)inter- and sub-tidal structures for entrapment of sand;*
*(x)breakwater structures;*
*(xi)coastal marinas;*
*(xii)coastal harbours or ports;*
*(xiii)structures for draining parts of the sea or estuary;*
*(xiv)tunnels; or*
*(xv)underwater channels –*

*where such expansion will result in an increase in the development footprint of such facilities*

*but excluding where such expansion occurs;*
*(a)behind a development setback line; or*
*(b)within existing ports or harbours where there will be no increase in the development footprint or throughput capacity of the port or harbor."*

**Government Notice No. R546 of 18 June 2010 –**

Activity Number: 4
Activity Description:
*"The construction of a road wider than 4 metres with a reserve less than 13,5 metres.*

*(d) In Western Cape:*
*i. In an estuary;*
*ii. All areas outside urban areas;*
*iii. In urban areas:*
*(aa)Areas zoned for use as public open space within urban areas; and*
*(bb)Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose."*

Activity Number: 12
Activity Description:
*"The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.*

*(a) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;*
*(b) Within critical biodiversity areas identified in bioregional plans;*
*(c) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas."*

Activity Number: 16
Activity Description:
"The construction of:
(i) jetties exceeding 10 square metres in size;
(ii) slipways exceeding 10 square metres in size;
(iii) buildings with a footprint exceeding 10 square metres in size; or
(iv) infrastructure covering 10 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

(d) In Western Cape:
i. In an estuary;
ii. Outside urban areas, in:
(aa)A protected area identified in terms of NEMPAA, excluding conservancies;
(bb)National Protected Area Expansion Strategy Focus areas;
(cc)World Heritage Sites;
(dd)Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
(ee)Sites or areas identified in terms of an International Convention;
(ff)Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
(gg)Core areas in biosphere reserves;
(hh)Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;
(ii)Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.
iii. Inside urban areas;
(aa) Areas zoned for use as public open space;
(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;
(cc) Areas seawards of the development setback line or within 100 metres of the high water mark where no setback line."

Activity Number: 19
Activity Description:
"The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.

(d) In Western Cape:
i. In an estuary;
ii. All areas outside urban areas;
iii. In urban areas;
(aa) Areas zoned for use as public open space within urban areas;
(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas."

Activity Number: 24
Activity Description:
"The expansion of
(a) jetties where the jetty will be expanded by 10 square metres in size or more;
(b) slipways where the slipway will be expanded by 10 square metres or more;
(c) buildings where the buildings will be expanded by 10 square metres or more in size; or
(d) infrastructure where the infrastructure will be expanded by 10 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

(d) In Western Cape
i. In an estuary;
ii. Outside urban areas, in:

(aa) A protected area identified in terms of NEMPAA, excluding conservancies;
(bb) National Protected Area Expansion Strategy Focus areas;
(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
(dd) Sites or areas identified in terms of an International Convention;
(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
(ff) Core areas in biosphere reserves;
(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;
(hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.

iii. Inside urban areas;
(aa) Areas zoned for use as public open space;
(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose."

**Government Notice No. R983 of 4 December 2014 –**

Activity Number: 15
Activity Description:
"The development of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding—
(i) the development of structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
(ii) the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
(iii) the development of temporary structures within the beach zone where such structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared; or
(iv) activities listed in activity 14 in Listing Notice 2 of 2014, in which case that activity applies."

Activity Number: 18
Activity Description:
"The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, excluding where —
(i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or
(ii) such planting of vegetation or placing of material will occur behind a development setback."

Activity Number: 19
Activity Description:
"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—

*(i) a watercourse;*
*(ii)the seashore; or*
*(iii)the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater—*

*but excluding where such infilling, depositing , dredging, excavation, removal or moving—*
*(a)will occur behind a development setback;*
*(b)is for maintenance purposes undertaken in accordance with a maintenance management plan; or*
*(c)falls within the ambit of activity 21 in this Notice, in which case that activity applies."*

Activity Number: 52
Activity Description:
*"The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or harbours where there will be no increase in the development footprint of the port or harbour and excluding activities listed in activity 23 in Listing Notice 3 of 2014, in which case that activity applies."*

**Government Notice No. R985 of 4 December 2014 –**

Activity Number: 12
Activity Description:
*"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.*

*(a)In Eastern Cape, Free State, Gauteng, Limpopo, North West and Western Cape provinces:*
*i.Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;*
*ii.Within critical biodiversity areas identified in bioregional plans;*
*iii.Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; or*
*iv.On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning."*

The abovementioned list is hereinafter referred to as "the listed activities".

The applicant is herein authorised to undertake the following alternative related to the listed activities:

The partial rehabilitation of the wetland area and the upgrading of the remaining picnic/braai area including single storey restaurant in Grotto Beach, Hermanus as follows:

- The rehabilitation of a portion of the wetland area on the fringes of the area as prescribed in the report compiled by BlueScience;
- The removal and upgrading of existing braai structures inside the site perimeter and the upgrading of the remaining picnic area;
- The removal of the existing artificial drainage canal around the site;
- The construction of an artificial level controlled outlet; and
- The cladding of the existing beach headwall in a more natural stone.

## C. PROPERTY DESCRIPTION AND LOCATION

The proposed development will take place on Erf 4771, Hermanus.

| | | | |
|---|---|---|---|
| SG 21 digit code: | C01300130000477100000 | | |
| Co-ordinates: | S 34° | 24' | 45.81" |
| | E 19° | 17' | 16.81" |

Hereinafter referred to as "the site".

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

EnviroAfrica
% Charel Bruwer
PO Box 4
**ONRUS**
7201

Tel.: (028) 316 2888
Fax: 086 513 2141

## E. CONDITIONS OF AUTHORISATION

1. This Environmental Authorisation is valid for a period of five **(5)** years from the date of issue. The holder must commence with the listed activities within the said period or this Environmental Authorisation lapses and a new application for Environmental Authorisation must be submitted to the Competent Authority, unless the holder has lodged a valid application for the amendment of the validity period of this Environmental Authorisation, at least three (3) months prior to the expiry of this Environmental Authorisation. In such instances, the validity period will be automatically extended *("the period of administrative extension")* from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
   **Please note that:**
   1.1 In terms of Regulation 28(2) of the EIA Regulations, 2014, failure to lodge an application for amendment at least three (3) months prior to the expiry of the validity period of the Environmental Authorisation may result in the Competent Authority being unable to process the application for amendment and in the lapsing of the Environmental Authorisation; and

   1.2 It is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity, unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity.

2. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered Interested and Affected Parties ("I&APs") of this decision. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until the appeal decision is made *i.e.* the listed activities, including site preparation, must not commence until the appeal decision is made.

3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with Regulation 10(2)–

   3.1 Notify all I&APs of –
      3.1.1 The outcome of the application;

3.1.2 The reasons for the decision as included in Annexure 1;
3.1.3 The date of the decision;
3.1.4 The date of issue of the decision; and
3.1.5 Provide the registered I&APs with:

- The name of the holder (entity) of this Environmental Authorisation;
- Name of the responsible person for this Environmental Authorisation;
- Postal address of the holder;
- Telephonic and fax details of the holder; and
- E-mail address if any.

3.2 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the NEMA EIA Regulations, 2010 detailed in Section F below; and

3.3 Draw the attention of all registered I&APs to the manner in which they may access the decision.

3.4 Publish a notice in the newspapers contemplated in regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –

3.4.1 informs all I&APs of the decision;
3.4.2 informs all I&APs where the decision can be accessed;
3.4.3 informs all I&APs that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;

4. A written notice of seven (7) calendar days must be given to the Competent Authority before commencement of construction activities.

4.1. The notice must make clear reference to the site details and EIA Reference number given above.

4.2. The notice must also include proof of compliance with the following Conditions described herein:

Conditions: 2, 3 and 13

5. The holder is responsible for ensuring compliance with the Conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

6. Any changes to, or deviations from the scope of the description set out in Section B above must be approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such approval or not, the Competent Authority may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

7. The applicant must notify the Competent Authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented. The EMPr must be included in all contract documentation for all phases of implementation.

9. Should any amendments to the EMPr be required before the audit in terms of this Environmental Authorisation, the applicant must:
   9.1. Notify the Competent Authority of the intention to amend the EMPr at least sixty (60) days prior to the submission of the application for amendment to the EMPr;
   9.2. Obtain comment from potential I&APs, including the Competent Authority, by using any of the methods provided for in the NEMA for a period of at least 30 days; and
   9.3. Submit the amended EMPr to the Competent Authority for approval within 60 days of inviting comments on the proposed amendments.

10. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the Conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

11. The applicant must submit an application for amendment of the Environmental Authorisation and/or EMPr to the Competent Authority in terms of Chapter 5 of the NEMA EIA Regulations, 2014 where any detail or change in scope with respect to the Environmental Authorisation and/or EMPr must be amended, added, substituted, corrected, removed or updated. However, such application for amendment shall not include the personal details of the holder of the Environmental Authorization.

12. Non-compliance with a Condition of this Environmental Authorisation or EMPr may result in suspension of this Environmental Authorisation and may render the holder liable for criminal prosecution.

13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") or site agent where appropriate, for all phases of implementation before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the Conditions contained herein.

14. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.

15. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

    A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant Authority) to remove any human remains in accordance with the requirements of the relevant Authority.

16. An audit report which demonstrates compliance with the Conditions of this Environmental Authorisation must be submitted to this Department every four (4) months from the date of commencement of works on the site until the end of the construction phase.

The audit report must:

16.1. Specifically state whether the Conditions of this Environmental Authorisation and EMPr are being adhered to;

16.2. Identify and assess any new impacts and risks that may arise as a result of undertaking the activities, if applicable;

16.3. Identify shortcomings in the EMPr, if applicable;

16.4. Identify the need, if any, for any changes to the management, avoidance and mitigation measures provided for in the EMPr;

16.5. If applicable, specify that any corrective action/s taken for the non-conformities noted in the previous audit were adequate; and

16.6. Be submitted by the applicant to the Competent Authority within 30 days from the date on which the auditor finalised the audit.

17. Should any shortcomings in terms of Regulation 34(4) of the EIA Regulations, 2010 be identified, the applicant must submit recommendations to amend the EMPr in order to rectify any shortcomings identified by the aforementioned audit report.

18. All rehabilitation and restoration measures/conditions in Sections 9.1 of the Freshwater Assessment report compiled by BlueScience, dated May 2013, must be implemented during the construction and post-construction phases.

## F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010.

1. An appellant must –

1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;

1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and

1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the applicaion, or the applicant, with –

1.3.1. a copy of the notice of intention to appeal form; and

1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.

2. A person, organ of state or applicant that submits a responding or answering statement in terms of Regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.

3. All notice of intention to appeal and appeal forms must be submitted in hard copy by means of one of the following methods:

By post: Western Cape Ministry of Local Government,

Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel.: 021-483 3721)
Room 809
8th Floor Utilitas Building,
1 Dorp Street
Cape Town
8001

**PLEASE NOTE** : No appeal, responding and answering statement must be lodged by e-mail.

A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL http://www.westerncape.gov.za/eadp.

## G. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the Conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the Conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Yours Faithfully

**MR ZAAHIR TOEFY**
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**
DATE OF DECISION: 14/12/2015

Copied to: Charel Bruwer EnviroAfrica Fax: 086 513 2141

**FOR OFFICIAL USE ONLY:**
**EIA REFERENCE NUMBER: 16/3/1/1/E2/14/2026/13**
**NEAS EIA REFERENCE NUMBER: WCP/EIA/0001281/2013**

## ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority, *inter alia*, considered the following:

a) The information contained in the application form received on 8 March 2013, the draft BAR received on 19 March 2013, the final BAR and draft EMPr received 29 September 2015 and the acknowledgment and acceptance of the final BAR issued on 25 November 2015;

b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);

c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA;

d) This application was submitted in terms of the repealed NEMA EIA Regulations of 2010 and was pending at the time of the promulgation of the EIA Regulations, 2014. Some of the listed activities herein authorised may not have been listed in terms of the previous NEMA EIA Regulations, but are now listed in terms of the EIA Regulations, 2014. In accordance with Regulation 53(3) of Government Notice No. R.982, these listed activities may be authorised as if applied for;

e) The information and recommendations contained in the Freshwater Assessment report compiled by BlueScience dated May 2013;

f) The comments received from I&APs and other Organs of State including, *inter alia*, CapeNature, Heritage Western Cape and the Breede-Gouritz Catchment Management Agency; and

g) The sense of balance of the negative and positive impacts and proposed mitigation measures.

All information presented to the Competent Authority was taken into account in the consideration of the Application for Environmental Authorisation. A summary of the issues which, according to the Competent Authority, were the most significant reasons for the decision is set out below:

### 1. Public Participation

The Public Participation Process ("PPP") included *inter alia*, the following:

- Fixing a notice at the proposed site;
- Notification to the municipal councillor, the local municipality and other organs of state;
- An advertisement was placed in the "*Hermanus Times*" regional newspaper on 14 March 2013;
- A register of I&APs was opened for future correspondence;
- A background information document was compiled to be made available to I&APs;
- The Draft BAR was made available at the Hermanus Public Library and on the EAP's website;
- The Final BAR was made available to all registered I&APs.

This Department is satisfied that the PPP that was followed met the requirements in terms of the EIA Regulations. All of the comments received and responses made were included in the report and summarized in the Comments and Responses section.

### 2. Alternatives

The applicant considered the following three design alternatives and the 'no-go' alternative.

Alternative 1 *(not authorised)*
The partial rehabilitation of the wetland area, construction of an amphitheatre and the construction of a double storey restaurant in Grotto Beach, Hermanus. The proposed works entail the following:

- The rehabilitation of a portion of wetland on the fringes of the site by removing the previously infilled material;
- The construction of a centrally located amphitheatre;
- The upgrading of the existing restaurant from single to double storey on the existing footprint;
- The removal of the artificial drainage canal so that the natural flow of water can return to the wetland area;

- The construction of an artificial level controlled outlet; and
- The cladding of the existing beach headwall in stone to create a more natural look.

Alternative 2 (not authorised)
A comprehensive re-development and upgrade (excluding wetland rehabilitation) in Grotto Beach, Hermanus. The proposed works entail the following:

- The re-development of the site as a public open space, including all braai areas and facilities;
- The construction of a centrally located amphitheatre;
- The upgrading of the existing restaurant from single to double storey on the existing footprint;

Alternative 3 (Preferred Alternative, herewith authorised):
The partial rehabilitation of the wetland area and the upgrading of the remaining picnic/braai area including a single storey restaurant in Grotto Beach, Hermanus. The proposed works entail the following:

- The rehabilitation of a portion of the wetland area on the fringes of the site by removing the previously infilled material from the outer edge towards the central part of the site. Excess historical wetland infilling material will be disposed of at a licensed landfill;
- The removal and upgrading of existing braai structures inside the site perimeter and the upgrading of the remaining picnic area;
- The removal of the existing artificial drainage canal around the site;
- The construction of an artificial level controlled outlet; and
- The cladding of the existing beach headwall in stone to create a more natural look.

"No-Go" Alternative
The option of not implementing the development proposal was considered. This alternative would essentially result in the *status quo* being maintained *i.e.* the wetland area will remain infilled and degraded while the site will remain of limited in use as a public open space. The rehabilitation and upgrade of the site provides an opportunity to improve the site aesthetics, provide tourism benefits and to partially return the natural functionality to the wetland area on site. It was therefore considered that the 'no-go' alternative is undesirable.

## 3. Impacts, Assessment and Mitigation Measures

*Activity Need and Desirability*
The rehabilitation and upgrade of the site provides an opportunity to improve the site aesthetics, enhance the appeal to tourists and other members of the public and to partially return the natural functionality to the wetland area on site. All services to the site are already in place and are supplied by the local municipality. The development proposal is therefore deemed desirable.

*Biodiversity / Biophysical Impacts*
The proposed development site is a previously infilled wetland that has been modified as a result of urbanization and was used as an open space. The site has existing infrastructure. The purpose of the proposed works is to partially return the natural functionality to the wetland area on site. The development footprint is largely limited to the modified areas and impacts on local indigenous vegetation will be minimal.

*Heritage Impacts*
Heritage Western Cape ("HWC") commented in a letter dated 17 April 2013 that no heritage resources will be impacted on by the proposed development and that Section 38 of the National Heritage Resources Act is not applicable.

*Socio-economic Impacts*
The proposed development will contribute towards much needed infrastructure and the enhancement of the public open space. The rehabilitation of the wetland area on the site and upgrading of the

facilities will provide positive benefits for the surrounding community. The proposed development will enhance the experience tourists and members of the public in general.

The development will result in both negative and positive impacts:

**Negative Impacts:**

- Some minor impacts to local indigenous vegetation and surface water runoff may be associated with the construction phase of the proposed development. However, these impacts will be addressed as per the EMPr and the conditions of the EA.

**Positive Impacts:**

- The proposed development provides an opportunity to enhance and upgrade a public open space by improving the aesthetics of the site.
- The creation of temporary employment opportunities during the construction phase.
- The proposed development provides an opportunity to partially return the natural functionality to a previously infilled and impacted wetland area.

The Department is satisfied that the negative impacts specified above can be addressed by the conditions contained in this Environmental Authorisation and the mitigation measures contained in the EMPr. The applicant must comply with the Conditions of this Environmental Authorisation.

## 4. National Environmental Management Act Principles

The National Environmental Management Act Principles (set out in Section 2 of the NEMA, which apply to the actions of all Organs of State, serve as Guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:-

- The effects of decisions on all aspects of the environment to be taken into account;
- The consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- The co-ordination and harmonization of policies, legislation and actions relating to the environment;
- The resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- The selection of the best practicable environmental option.

## 5. Conclusion

In view of the above, the NEMA principles, compliance with the Conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels. This will be assured through the following:

- Adherence to the NEMA principles,
- Compliance with the Conditions stipulated in this Environmental Authorisation, and
- Compliance with the mitigation measures in the EMPr.

END

Western Cape Government

Department of Environmental Affairs and Development Planning
**D'mitri Matthews**
Directorate: Development Management, Region 1
D'mitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

**REFERENCE:** 16/3/3/6/E2/15/1233/23
**DATE:** 13 September 2023

The Director
PHS Consulting
P. O. Box 1752
**HERMANUS**
7200

**Attention: Mr. P. Slabbert**

Cell: 082 740 8046
Email: paul@phsconsulting.co.za

**RE: PROPOSED UPGRADE OF PIET-SE-BOS & GROTTO BEACH DEVELOPMENT, ERF 4771, HERMANUS**

1. The electronic correspondences dated 13 June 2023, as received by this Department on the same day, the additional information requested from Overstrand Municipality dated 18 July 2023 and the additional information dated 31 July 2023, refer.

2. Following the review of the information in the electronic correspondences, this Department notes the following:

2.1.1 On 14 December 2015, the Department issued an EA (Reference No.: 16/3/1/1/E2/14/2026/13) for a development that includes the partial rehabilitation of the wetland and the upgrading of the remaining picnic/braai area including single storey restaurant in Grotto Beach, Hermanus as follows:

2.1.1.1 The rehabilitation of a portion of the wetland area on the fringes of the area as prescribed in the report complied by BlueScience;
2.1.1.2 The removal and upgrading of the braai structures inside the site perimeter and the upgrading of the remaining picnic area;
2.1.1.3 The removal of the existing artificial drainage canal around the site;
2.1.1.4 The construction of an artificial level controlled outlet; and
2.1.1.5 The cladding of the existing beach headwall in a more natural stone.

2.1.2 On 5 August 2020, the Department issued an amended Environmental Authorisation (Reference No.:16/3/3/5/E2/15/1026/20) to extend the validity period of the EA issued on 14 December 2015 (Reference No.: 16/3/1/1/E2/14/2026/13). The amended was granted and the validity period extended to 14 December 2025.

2.1.3 The amendment application was processed in terms of Regulation 29 (Part 1 of Chapter 5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations 2014 (as amended). It should be noted that the extension of the validity period of an EA is not considered to be a change in scope to the original EA nor will it increase the level or nature of the impacts associated with the approved development.

2.1.4 The Amended EA formed part of the Overstrand Municipal Tender documentation (Tender NO. SC2339/2022) and the development of the restaurant will be developed in in line with the development which was authorised by the Department. The Draft Site Development Plan ("SDP") that is required to be submitted to the municipality for approval, must comply with the approved development contained in the EA (redevelopment of the restaurant on the same footprint) and other legislation, including but not limited to the National Forests Act, 1998 (Act No. 84 of 1998).

3. Please note, should the development not comply with the approved development contained in the EA and it constitutes a chance in the scope of a project then an application in terms of Part 2 of Chapter 5 of the NEMA EIA Regulation, 2014 (as amended) must be submitted to the Department for approval prior to the commencement of construction.

4. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.

5. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully

pp Marbe Coetzee

Digitally signed by Marbe Coetzee
Date: 2023.09.13 13:22:46 +02'00'

**HEAD OF COMPONENT**
**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copy to: (1) Mr. P. Roux (Overstrand Municipality) Email: petrusroux@overstrand.gov.za

Annexure Q 1|32

# Cape Town Fish Market

# Hermanus



## Noise Impact Assessment

July 2025

Rev 0

FINAL

machoy
MACHOY Consulting
Cape Town

Tel: +27 (0) 21 531 4452
web: www.machoyrsa.com

machoy

Machoy Consulting

Cape Town, South Africa
www.machoyrsa.com

Tel: +27 (0)21 531 4452
Email: rachel@machoyrsa.com

30th July 2025
Rev 0

# Cape Town Fish Market, Hermanus: Noise Impact Assessment

## 1. Introduction

This report was commissioned by Thian Jansen of Wrap Group Town Planners (tel: +27 (72) 122 7704, email: admin@wrapgroup.co.za) on behalf of Cape Town Fish Market. The report provides a noise impact assessment for the proposed Cape Town Fish Market, Hermanus to evaluate compliance with the Western Cape Noise Control Regulations P.N.200/2013.

The conclusions of the noise impact assessment are as follows:

a. The proposed HVAC and Refrigeration equipment are compliant with Regulation 4 of the Western Cape Noise Control Regulations P.N.200/2013 during the day-time and night-time period. (Refer to Section 5.4.2)

b. The proposed generator installation does not comply with Regulation 4 of the Western Cape Noise Control Regulations P.N.200/2013 during the day-time and the night-time period and further remedial measures are required. Noise control recommendations are listed in Section 5.5.

c. Should the noise control recommendations listed in section 5.5 of this report be implemented, the Cape Town Fish Market, Hermanus will comply with the Western Cape Noise Control Regulations, P.N.200/2013, Regulation 4.

## 2. Background and Present Situation

2.1 The proposed site for the Cape Town Fish Market development is ERF 4771, Grotto Beach, Hermanus.

2.2 The client (Cape Town Fish Market) wishes to develop a restaurant along Grotto Beach Road on Grotto Beach, Hermanus. Refer to Figure 1 below for site location and surrounding properties.




**Figure 1: Proposed Cape Town Fish Market, Hermanus site development location**

2.3 The nearest noise sensitive receivers are residential properties located approximately 100m to the North West and 200m to the North East of the proposed development site.

2.4 Machoy Consulting (Pty) Ltd were appointed by Wrap Group Town Planners to conduct a noise impact assessment and provide noise control recommendations for the proposed development of Cape Town Fish Market, Hermanus to ensure compliance with the Western Cape Noise Control Regulations, P.N.200/2013.

2.5 The noise impact assessment for the proposed development includes the following:

2.5.1 Establish the maximum allowable noise level limits for the proposed development according to the Western Cape Noise Control Regulations, P.N.200/2013.

2.5.2 Identify and quantify the noise contribution from each noise source during daily operation.

2.5.3 Predict ambient noise level for the daytime and night-time, with and without noise control, using SoundPLAN Noise Propagation Modelling Software.

2.5.4 Assess compliance with Regulation 4 of the Western Cape Noise Control Regulations, P.N.200/2013

2.5.5 Provide noise control recommendations for the proposed development to ensure compliance with the regulations.

## 3. Measurements

3.1 Measurement Equipment:

The following instruments were used to conduct noise levels measurements:

a. Norsonic Nor131 Type 1/Class 1 Precision Sound Analyser, Serial No. 1314071, 03531. Calibrated by M and N Acoustic Services cc in October 2024, SANAS Reg No 148 1302, Certificate Number 2024-AS-2491.

b. Norsonic Sound Calibrator, Serial No. 33747, Calibration by M and N Acoustic Services cc in October 2024, SANAS Reg No 148 1302, Certificate Number 2024-AS-2490.

See calibration certificate attached in Appendix A.

*Note: Calibration of the above sound level meter is valid for 2 years from the date of calibration.*

3.2 Measurement Description

Residual noise level measurements were conducted on the 22nd of July 2025.

All measurements were conducted as A-weighted equivalent continuous sound pressure levels.

All measurements are taken in accordance with:

- SANS 10103: 2008 *"The measurement and rating of noise with respect to annoyance and to speech communication"*
- SANS 10328 *"Methods for environmental noise impact assessments"*
- The Western Cape Noise Control Regulations, P.N.200/2013

3.3 Measurement Locations

Residual noise level measurements for the proposed development of Cape Town Fish Market, Hermanus, were conducted at the following location:

- R1: Proposed development site




**Figure 2: Residual noise level measurement location (R1) at the proposed Cape Town Fish Market, Hermanus**

3.4 Measurement Results:

3.4.1 Residual noise level measurements

The measured residual noise levels ($L_{Aeq}$) taken at measurement location R1 are summarised in Table 1 below:

**Table 1: Summary of measured residual noise levels at measurement location R1**

| Assessment Period | Measured residual noise level ($L_{Aeq20min}$) |
|---|---|
| Day-time (14H16-14H36) | 58.5 dBA |
| Night-time (22H01-22H21) | 51.3 dBA |

Figures 3 and 4 on the following page provide the sound pressure level profiles of measured residual noise levels for the full measurement period at Location R1.

3.4.2 Existing noise sources were identified as:

- Ocean noise
- Vehicle and people noise

Note: The restaurant located to the north of the proposed development site is presently closed for alterations. At the time of conducting measurements no construction work was present.

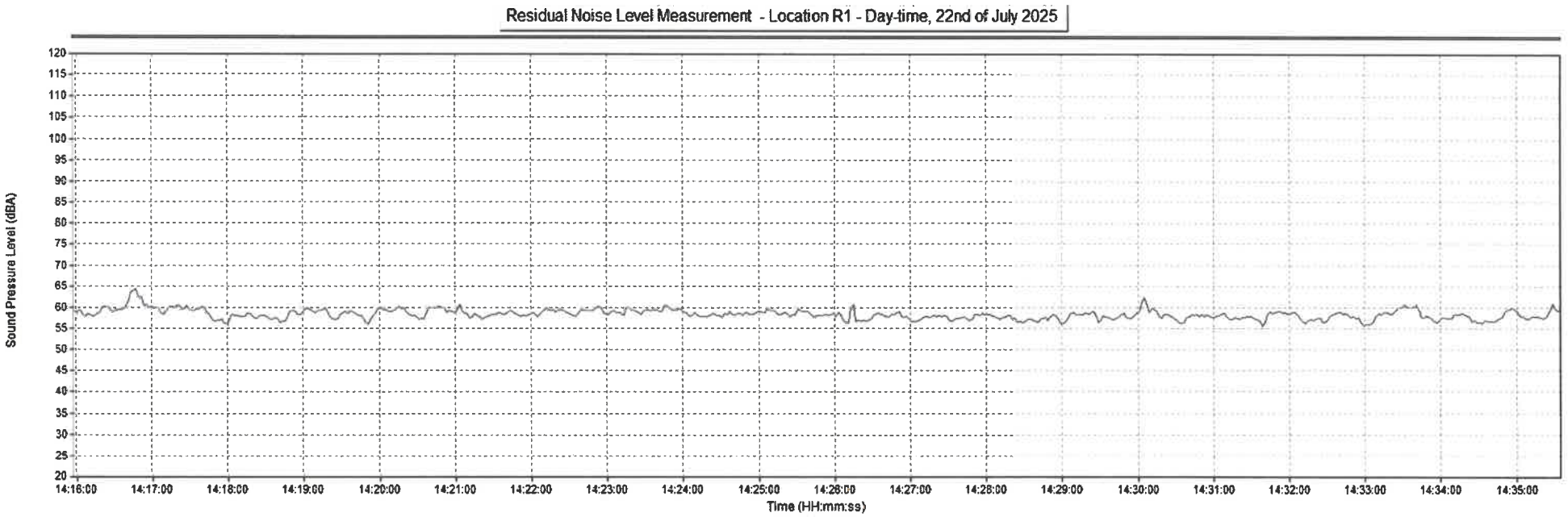



**Figure 3: Residual noise level measured at Location R1 at the proposed development site of Cape Town Fish Market, Hermanus – 14H16 until 14H36, 22nd of July 2025**

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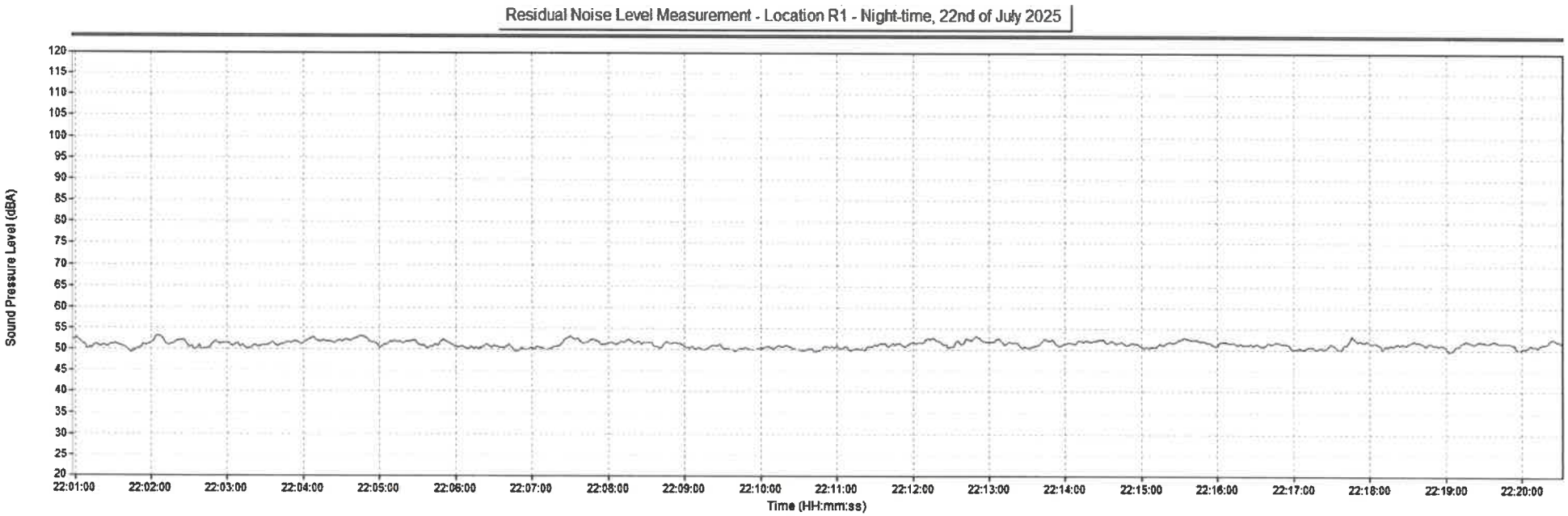



**Figure 4: Residual noise level measured at Location R1 at the proposed development site of Cape Town Fish Market, Hermanus – 22H01 until 22H21, 22nd of July 2025**

***Note:*** *The measurements taken are for design and evaluation purposes only. While they are in accordance with the provisions of the Western Cape Noise Control Regulations PN200/2013 these measurements may not be used as the basis for legal action. If legal action is proposed, both parties must arrange for us to take further measurements.*



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## 4 SoundPLAN Noise Propagation Model

4.1 SoundPLAN was used to simulate noise propagation during operation of the proposed development and to evaluate the noise impact with and without noise mitigation measures.

4.2 SoundPLAN is a standards-based program with modelling algorithms based on noise regulations and SANS 10357:2004, *The calculation of sound propagation by the Concawe method.* SoundPLAN is ISO9001:2008 certified.

4.3 The model takes into account source sound power levels, surface reflection and absorption, accurate building models, geometric divergence, meteorological conditions, terrain elevations, walls, barriers, berms and roads.

4.4 A noise propagation model was generated using SoundPLAN software based on the proposed equipment plan layout and the areas surrounding the site.

4.5 Assumptions

Noise prediction calculations include the following assumptions:

4.5.1 Equipment

The layout, quantity and type of equipment is based on the information received at the time of writing this report.

4.5.2 Equipment Noise Data

Noise data as supplied by the relevant engineering consultants for the equipment were used to calculate and predict noise emissions.

4.5.3 Operating hours

a. It is expected that the proposed mechanical refrigeration equipment will operate 24 hours a day, 7 days a week.

b. The HVAC equipment will operate during operating hours only.

c. It is expected that the proposed generator installation will operate intermittently during loadshedding or during main power supply interruption.

d. All additional equipment is assumed to operate continuously.

## 5. Discussion

### 5.1 Applicable Legislation

The Western Cape Noise Control Regulations, P.N. 200 / 2013 ("The Regulations") are applicable.

The Regulations use the following definitions and descriptions:

**"ambient noise"** means the all-encompassing sound in a given situation at a given time, measured as the reading on an integrated impulse sound level meter for a total period of at least 10 minutes;

**"rating level"** means the applicable outdoor equivalent continuous rating level indicated in Table 2 of SANS 10103:2008 "*The measurement and rating of environmental noise with respect to annoyance and to speech communication*".

**"residual noise"** means the all-encompassing sound in a given situation at a given time, measured as the reading on an integrated impulse sound level meter for a total period of at least 10 minutes, excluding noise alleged to be causing a noise nuisance or disturbing noise.

5.2 The proposed development must comply with Regulation 4 of the Western Cape Noise Control Regulations, P.N. 200 / 2013. The requirements are summarised as follows.

Regulation 4 of the Western Cape Noise Control Regulations P.N. 200/2013 states the following:

***Land Use***

*(1) The local authority, or any other authority responsible for considering an application for a building plan approval, business license approval, planning approval or environmental authorization, may instruct the applicant to conduct and submit, as part of the application—*

*(a) a noise impact assessment in accordance with SANS 10328 to establish whether the noise impact rating of the proposed land use or activity exceeds the appropriate rating level for a particular district as indicated in SANS 10103; or*

*(b) where the noise level measurements cannot be determined, an assessment, to the satisfaction of the local authority, of the noise level of the proposed land use or activity.*

*(2) (a) A person may not construct, erect, upgrade, change the use of or expand any building that will house a noise-sensitive activity in a predominantly commercial or industrial area, unless he or she insulates the building sufficiently against external noise so that the sound levels inside the building will not exceed the appropriate maximum rating levels for indoor ambient noise specified in SANS 10103.*

*(b) The owner of a building referred to in paragraph (a) must inform prospective tenants or buyers in writing of the extent to which the insulation measures contemplated in that paragraph will mitigate noise impact during the normal use of the building.*

*(c) Paragraph (a) does not apply when the use of the building is not changed.*

*(3) Where the results of an assessment undertaken in terms of subregulation (1) indicate that the applicable noise rating levels referred to in that subregulation will likely be exceeded, or will not be exceeded but will likely exceed the existing residual noise levels by 5 dBA or more—*

*(a) the applicant must provide a noise management plan, clearly specifying appropriate mitigation measures to the satisfaction of the local authority, before the application is decided; and*

*(b) implementation of those mitigation measures may be imposed as a condition of approval of the application.*

*(4) Where an applicant has not implemented the noise management plan as contemplated in subregulation (3), the local authority may instruct the applicant in writing to—*

*(a) cease any activity that does not comply with that plan; or*

*(b) reduce the noise levels to an acceptable level to the satisfaction of the local authority.*

## 5.3 Applicable Rating Level

5.3.1 To determine the maximum allowable noise level for the proposed development of Cape Town Fish Market, Hermanus it must be evaluated according to the Western Cape Noise Control Regulations, P.N.200/2013. The evaluation is as follows:

For any given area (Rural, Suburban, Urban, CBD, Industrial etc) there are two noise rating levels; one for daytime and one for night-time. These levels are given in Table 2 of SANS 10103:2008 "*The measurement and rating of environmental noise with respect to annoyance and to speech communication*".

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| **Type of district** | **Equivalent continuous rating level ($L_{Req,T}$) for noise dBA** | | | | | |
| | **Outdoors** | | | **Indoors, with open windows** | | |
| | **Day/night $L_{R,dn}$[a]** | **Daytime $L_{Req,d}$[b]** | **Night-time $L_{Req,n}$[b]** | **Day/night $L_{R,dn}$[a]** | **Daytime $L_{Req,d}$[b]** | **Night-time $L_{Req,n}$[b]** |
| a) Rural districts | 45 | 45 | 35 | 35 | 35 | 25 |
| b) Suburban districts with little road traffic | 50 | 50 | 40 | 40 | 40 | 30 |
| c) Urban districts | 55 | 55 | 45 | 45 | 45 | 35 |
| d) Urban districts with one or more of the following: workshops; business premises; and main roads | 60 | 60 | 50 | 50 | 50 | 40 |
| e) Central business districts | 65 | 65 | 55 | 55 | 55 | 45 |
| f) Industrial districts | 70 | 70 | 60 | 60 | 60 | 50 |

**Figure 5:** Typical rating levels for noise in districts according to SANS 10103:2008.

5.3.2 The site (ERF 4771, Grotto Beach, Hermanus) is located in an area which is considered to be "*Suburban districts with little road traffic*". With reference to SANS 10103:2008 "*The measurement and rating of environmental noise with respect to annoyance and to speech communication*", the following outdoor rating levels apply:

i. Day-time rating level (06h00 – 22h00) : 50 dBA

ii. Night-time rating level (22h00 – 06h00) : 40 dBA

5.3.3 According to the Western Cape Noise Control Regulations, P.N.200/2013, the maximum allowable level for the proposed development located at Cape Town Fish Market, Hermanus (ERF 4771, Grotto Beach, Hermanus) are as follows:

i. Day-time rating level (06h00 – 22h00) : 50 dBA
ii. Night-time rating level (22h00 – 06h00) : 40 dBA *

** Measured residual level exceeds the rating level therefore as per Section 3 of Regulation 4 of the Western Cape Noise Control Regulations P.N.200/2013, the rating level as per SANS 10103:2008 is applied.*

5.4 SoundPLAN Noise Prediction Results

5.4.1 SoundPLAN was used to simulate noise propagation from the proposed development site of Cape Town Fish Market, Hermanus and to evaluate the noise impact with and without noise mitigation measures.

Results of SoundPLAN modelling are provided as noise contour maps and predicted noise levels at the nearest noise sensitive receivers.

Noise contour maps are provided in Appendix B of this report.

5.4.2 Noise prediction results based on SoundPLAN calculations

5.4.2.1 HVAC Equipment

a. The following noise generating HVAC equipment was identified for the proposed development:

- Supply air fan: EBMPAPST TFA AXIEL FAN 630 / 150 / 1440 / 10 / 20°B.A. / 1.5KW DUTY: 2.9M³/S @ 220 Pas
- Kitchen extract fan: EBMPAPST TFA AXIEL FAN 710 / 150 / 1440 / 10 / 20°B.A. / 2.2KW DUTY: 3.4M³/S @ 320 Pas
- Bathroom extract fan: EBMPAPST S-SERIES FAN 4D300 ELEC: 230V - 50HZ - 1.05 AMPS - 140W DUTY: 0.35m³/S @ 100 Pas

b. The predicted noise contribution from the proposed HVAC equipment at the nearest noise sensitive receiver without noise control is as follows:

**Table 2: Summary of noise contribution from the proposed HVAC equipment at the nearest noise sensitive receiver without noise control**

| Assessment Period | Maximum allowable noise level ($L_{Aeq}$) | Predicted noise contribution (LAeq) at the nearest noise sensitive receiver - without noise control | Exceedance of maximum allowable noise level ($L_{Aeq10min}$) |
|---|---|---|---|
| Day-time | 50 dBA | 29.8 dBA | 0 dBA |
| Night-time | 40 dBA | 29.8 dBA | 0 dBA |

**c. No further remedial measures are required for the supply and extract fans to ensure compliance with the Western Cape Noise Control Regulations P.N.200/2013..**

5.4.2.2 Refrigeration Equipment

a. The following noise generating refrigeration equipment was identified for the proposed development:
   - Cold Room Condenser: 39dBA @ 10m
   - Freezer Room Condenser: 60dBA @ 10m

b. The predicted noise contribution from the proposed refrigeration equipment at the nearest noise sensitive receiver without noise control is as follows:

**Table 3: Summary of noise contribution from the proposed refrigeration equipment at the nearest noise sensitive receiver without noise control**

| Assessment Period | Maximum allowable noise level ($L_{Aeq}$) | Predicted noise contribution (LAeq) at the nearest noise sensitive receiver - without noise control | Exceedance of maximum allowable noise level ($L_{Aeq10min}$) |
|---|---|---|---|
| Day-time | 50 dBA | 31.4 dBA | 0 dBA |
| Night-time | 40 dBA | 31.4 dBA | 0 dBA |

**c. No further remedial measures are required for the refrigeration equipment to ensure compliance with the Western Cape Noise Control Regulations P.N.200/2013..**

5.4.2.3 Generator Installation

a. The noise rating for the proposed generator as provided by generator supplier is as follows:
   - Kracht 100 kVA Cummins of 75 dBA @ 7m (75% load)

b. The predicted noise contribution from the proposed generator at the nearest noise sensitive receiver without noise control is as follows:

**Table 4: Summary of noise contribution from the proposed generator installation at the nearest noise sensitive receiver without noise control**

| Assessment Period | Maximum allowable noise level ($L_{Aeq}$) | Predicted noise contribution (LAeq) at the nearest noise sensitive receiver - without noise control | Exceedance of maximum allowable noise level ($L_{Aeq10min}$) |
|---|---|---|---|
| Day-time | 50 dBA | 50.9 dBA | 0.9 dBA |
| Night-time | 40 dBA | 50.9 dBA | 10.9 dBA |

**c. Further remedial measures are required for the generator installation at Cape Town Fish Market to ensure compliance with the Western Cape Noise Control Regulations P.N.200/2013.**

5.5 Noise control recommendations for the proposed generator installation at Cape Town Fish Market, Hermanus are as follows:

a. DONKIN AL1 acoustic louvres should be installed for generator air inlet and air outlet. Acoustic louvre sizing should allow for adequate air flow.

b. A specialised exhaust silencer achieving a sound pressure level of 60 dBA @ 7m should be installed.

c. The generator room should be internally lined with 50mm thick sonic liner 47.5 kg/m3 or similarly approved. Sonic liner to be faced black PET covering.

d. All roof eaves within the generator room to be hermetically sealed using Hilti Firestop CP620 or similarly approved.

e. Roof soundproofing comprising of 50mm thick Isover Energylite (47.5 kg/m3) with 12.5mm thick Firestop Plasterboard ceiling below should be located below the lightweight generator room roof.

A registered acoustics engineer should be appointed to complete the above detailed noise control design with specific reference to the specialised silencer design.

5.6 Should the above noise control recommendations be implemented, the predicted noise contribution from the development at the nearest noise sensitive receiver with noise control will be as follows:

**Table 5: Summary of noise contribution from the proposed development at the nearest noise sensitive receiver with noise control**

| Assessment Period | Maximum allowable noise level ($L_{Aeq}$) | Predicted noise contribution (LAeq) at the nearest noise sensitive receiver - with noise control | Exceedance of maximum allowable noise level ($L_{Aeq10min}$) |
|---|---|---|---|
| Day-time | 50 dBA | 39.9 dBA | 0 dBA |
| Night-time | 40 dBA | 39.9 dBA | 0 dBA |

## 6 Conclusions and Recommendations

6.1 The conclusions of the noise impact assessment are as follows:

6.1.1 The proposed HVAC and Refrigeration equipment is compliant with Regulation 4 of the Western Cape Noise Control Regulations P.N.200/2013. (Refer to Section 5.4.2)

6.1.2 The proposed generator does not comply with Regulation 4 of the Western Cape Noise Control Regulations P.N.200/2013 and further remedial measures are required. (Refer to Section 5.5)

6.1.3 Should the noise control recommendations listed in Section 5.5 of this report be implemented the proposed development of Cape Town Fish Market, Hermanus will be compliant with the Western Cape Noise Control Regulations, P.N.200/2013, Regulation 4.

6.2 This noise impact assessment is valid for the current design and should be updated if there are any changes to the design, layout or equipment.

Best Wishes

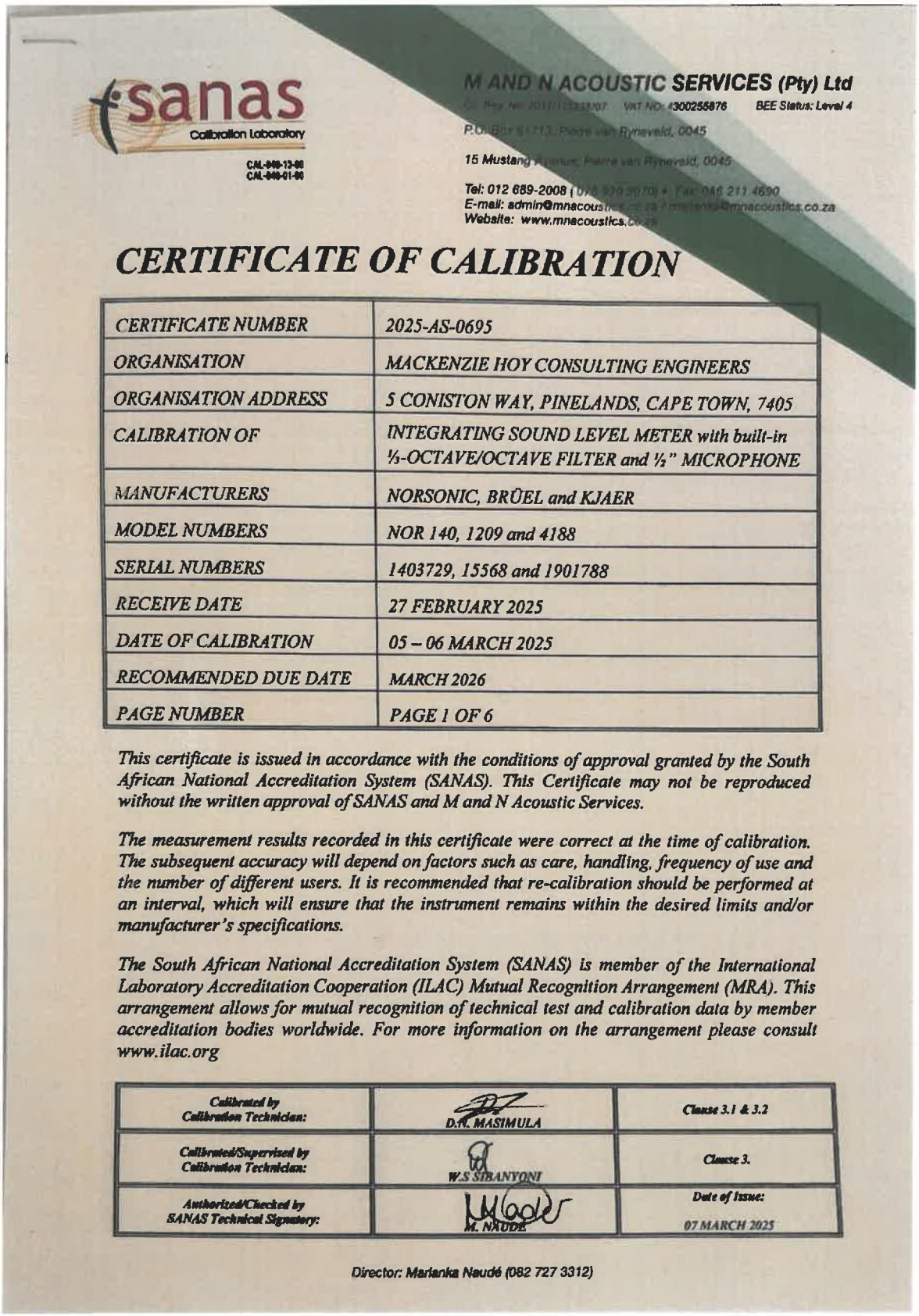
*R Viljoen*

R. Viljoen (B.Eng Mechatronics)

**for MACHOY Consulting (Pty) Ltd**

# Appendix A

# Calibration Certificates



sanas
Calibration Laboratory
CAL-048-12-00
CAL-048-01-00

M AND N ACOUSTIC SERVICES (Pty) Ltd
Co. Reg. No: 2011/123313/07 VAT NO: 4300255876 BEE Status: Level 4
P.O. Box 61713, Pierre van Ryneveld, 0045
15 Mustang Avenue, Pierre van Ryneveld, 0045
Tel: 012 689-2008 ( 076 320 2070) • Fax: 086 211 4690
E-mail: admin@mnacoustics.co.za / marianka@mnacoustics.co.za
Website: www.mnacoustics.co.za

# CERTIFICATE OF CALIBRATION

| | |
|---|---|
| CERTIFICATE NUMBER | 2025-AS-0695 |
| ORGANISATION | MACKENZIE HOY CONSULTING ENGINEERS |
| ORGANISATION ADDRESS | 5 CONISTON WAY, PINELANDS, CAPE TOWN, 7405 |
| CALIBRATION OF | INTEGRATING SOUND LEVEL METER with built-in ⅓-OCTAVE/OCTAVE FILTER and ½" MICROPHONE |
| MANUFACTURERS | NORSONIC, BRÜEL and KJAER |
| MODEL NUMBERS | NOR 140, 1209 and 4188 |
| SERIAL NUMBERS | 1403729, 15568 and 1901788 |
| RECEIVE DATE | 27 FEBRUARY 2025 |
| DATE OF CALIBRATION | 05 – 06 MARCH 2025 |
| RECOMMENDED DUE DATE | MARCH 2026 |
| PAGE NUMBER | PAGE 1 OF 6 |

*This certificate is issued in accordance with the conditions of approval granted by the South African National Accreditation System (SANAS). This Certificate may not be reproduced without the written approval of SANAS and M and N Acoustic Services.*

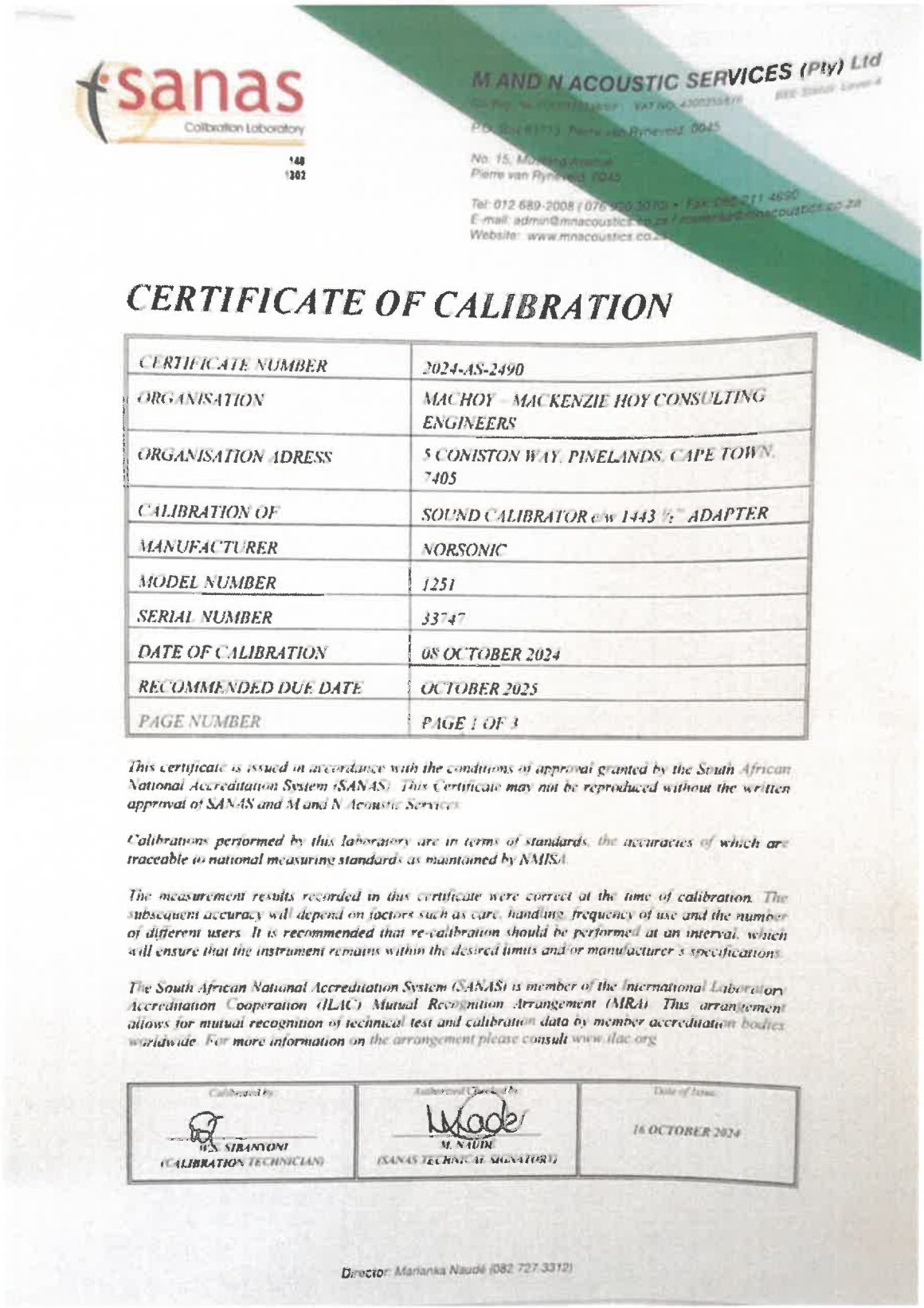
*The measurement results recorded in this certificate were correct at the time of calibration. The subsequent accuracy will depend on factors such as care, handling, frequency of use and the number of different users. It is recommended that re-calibration should be performed at an interval, which will ensure that the instrument remains within the desired limits and/or manufacturer's specifications.*

*The South African National Accreditation System (SANAS) is member of the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA). This arrangement allows for mutual recognition of technical test and calibration data by member accreditation bodies worldwide. For more information on the arrangement please consult www.ilac.org*

| | | |
|---|---|---|
| Calibrated by Calibration Technician: | D.N. MASIMULA | Clause 3.1 & 3.2 |
| Calibrated/Supervised by Calibration Technician: | W.S SIBANYONI | Clause 3. |
| Authorized/Checked by SANAS Technical Signatory: | M. NAUDÉ | Date of Issue: 07 MARCH 2025 |

Director: Marianka Naudé (082 727 3312)

**Figure 6:** Calibration Certificate for Nor140 Sound Level Meter (Ser no: 140 3729)



sanas
Calibration Laboratory
148
1302

M AND N ACOUSTIC SERVICES (Pty) Ltd
No. 15, Mooring Avenue
Pierre van Ryneveld 7945
Tel: 012 689-2008 ( 076 920 3070) • Fax: 086 211 4690
E-mail: admin@mnacoustics.co.za
Website: www.mnacoustics.co.za

# CERTIFICATE OF CALIBRATION

| | |
|---|---|
| CERTIFICATE NUMBER | 2024-AS-2490 |
| ORGANISATION | MACHOY – MACKENZIE HOY CONSULTING ENGINEERS |
| ORGANISATION ADRESS | 5 CONISTON WAY, PINELANDS, CAPE TOWN, 7405 |
| CALIBRATION OF | SOUND CALIBRATOR c/w 1443 ½" ADAPTER |
| MANUFACTURER | NORSONIC |
| MODEL NUMBER | 1251 |
| SERIAL NUMBER | 33747 |
| DATE OF CALIBRATION | 08 OCTOBER 2024 |
| RECOMMENDED DUE DATE | OCTOBER 2025 |
| PAGE NUMBER | PAGE 1 OF 3 |

*This certificate is issued in accordance with the conditions of approval granted by the South African National Accreditation System (SANAS). This Certificate may not be reproduced without the written approval of SANAS and M and N Acoustic Services.*

*Calibrations performed by this laboratory are in terms of standards, the accuracies of which are traceable to national measuring standards as maintained by NMISA.*

*The measurement results recorded in this certificate were correct at the time of calibration. The subsequent accuracy will depend on factors such as care, handling, frequency of use and the number of different users. It is recommended that re-calibration should be performed at an interval, which will ensure that the instrument remains within the desired limits and/or manufacturer's specifications.*

*The South African National Accreditation System (SANAS) is member of the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA). This arrangement allows for mutual recognition of technical test and calibration data by member accreditation bodies worldwide. For more information on the arrangement please consult www.ilac.org*

| Calibrated by | Authorised Signatory | Date of Issue |
|---|---|---|
| W.S. SIBANYONI (CALIBRATION TECHNICIAN) | M. NAUDÉ (SANAS TECHNICAL SIGNATORY) | 16 OCTOBER 2024 |

Director: Marianka Naudé (082 727 3312)

**Figure 7:** Calibration Certificate for Norsonic Calibrator (Ser no: 33747)

# Appendix B

# SoundPLAN Maps

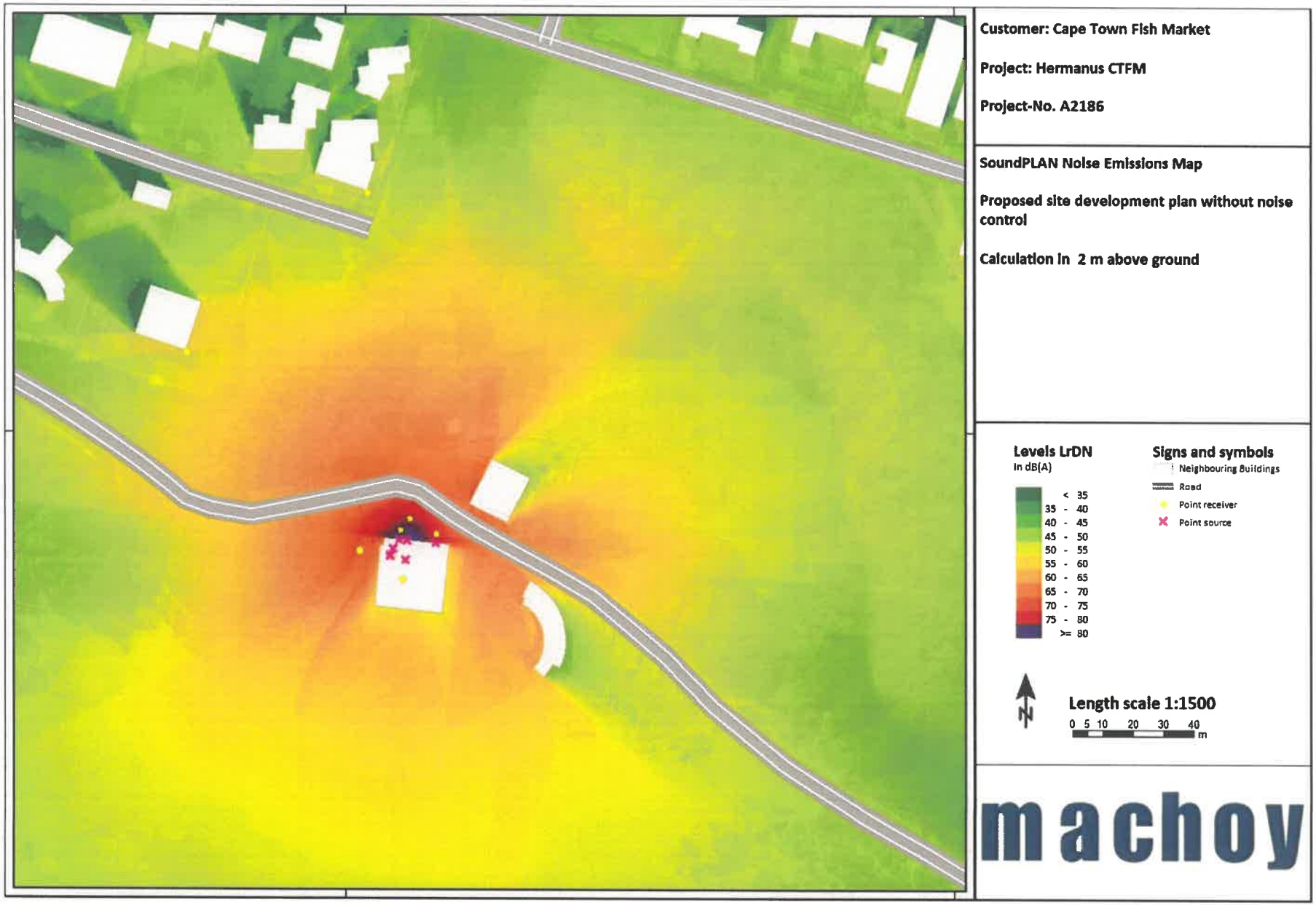



**Figure 8: Noise contribution from proposed development without noise control measures.**



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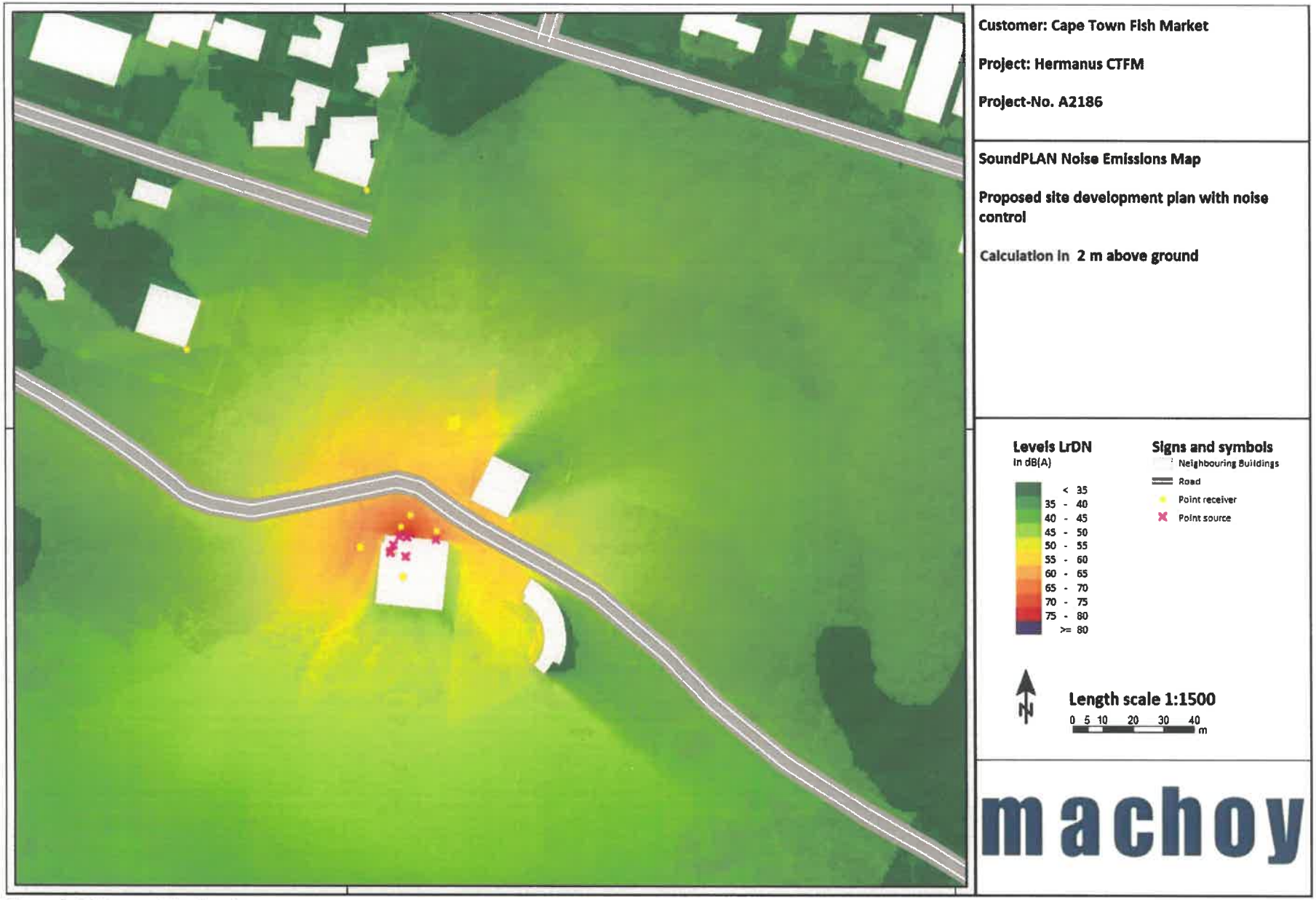



**Figure 9: Noise contribution from proposed development with noise control measures.**

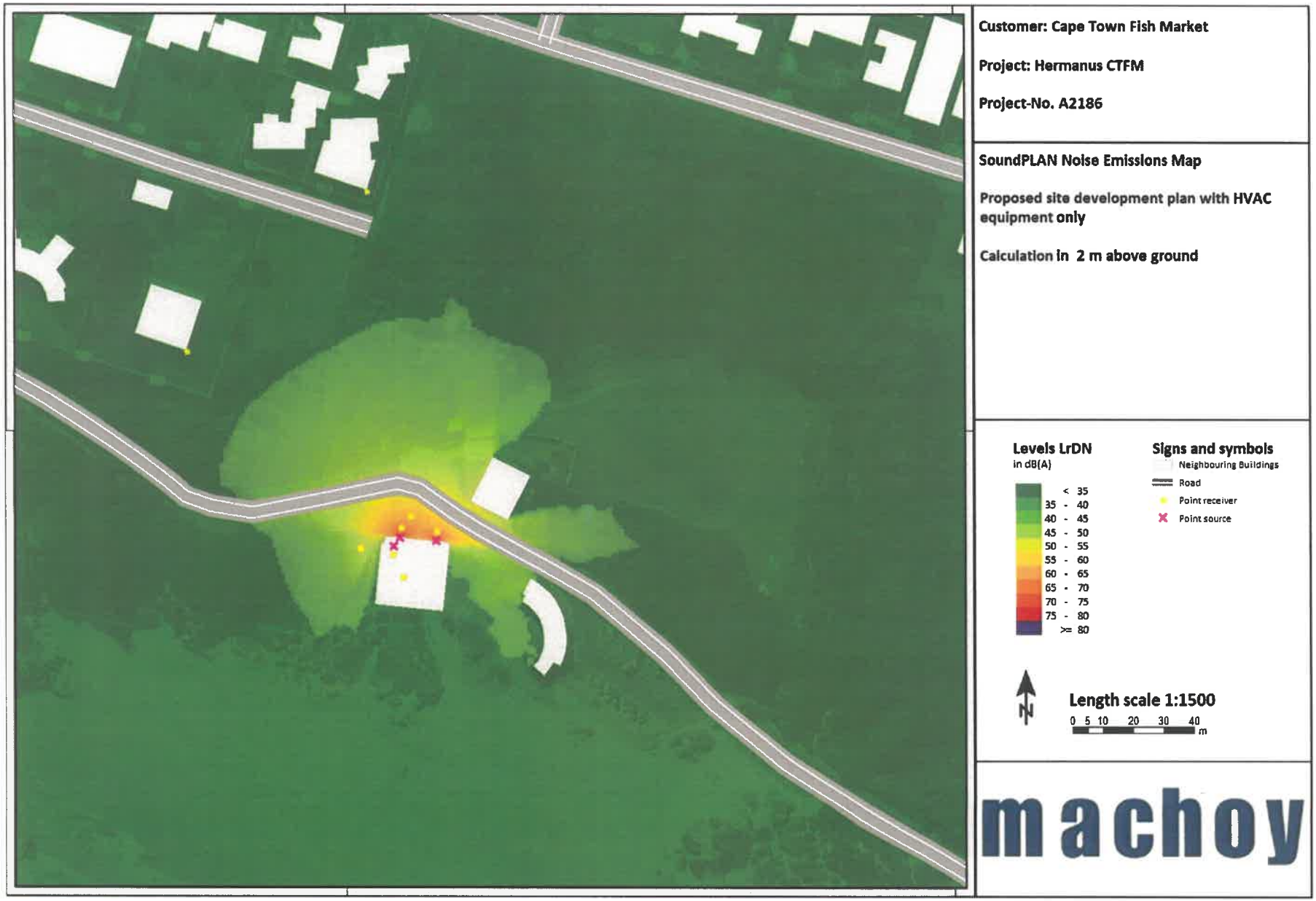



**Figure 10: Noise contribution from proposed development - HVAC equipment only.**

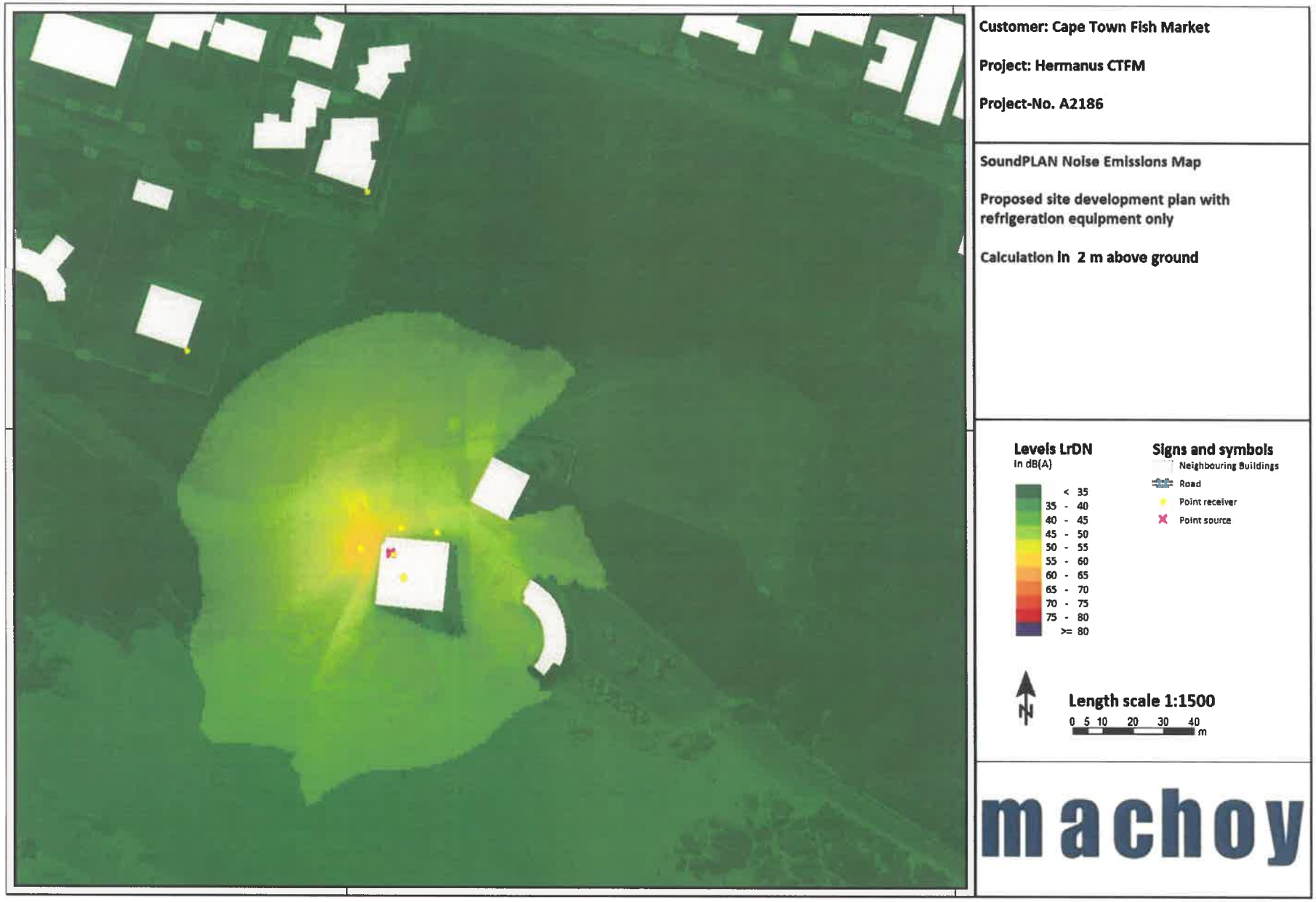



**Figure 11: Noise contribution from proposed development - Refrigeration equipment only.**



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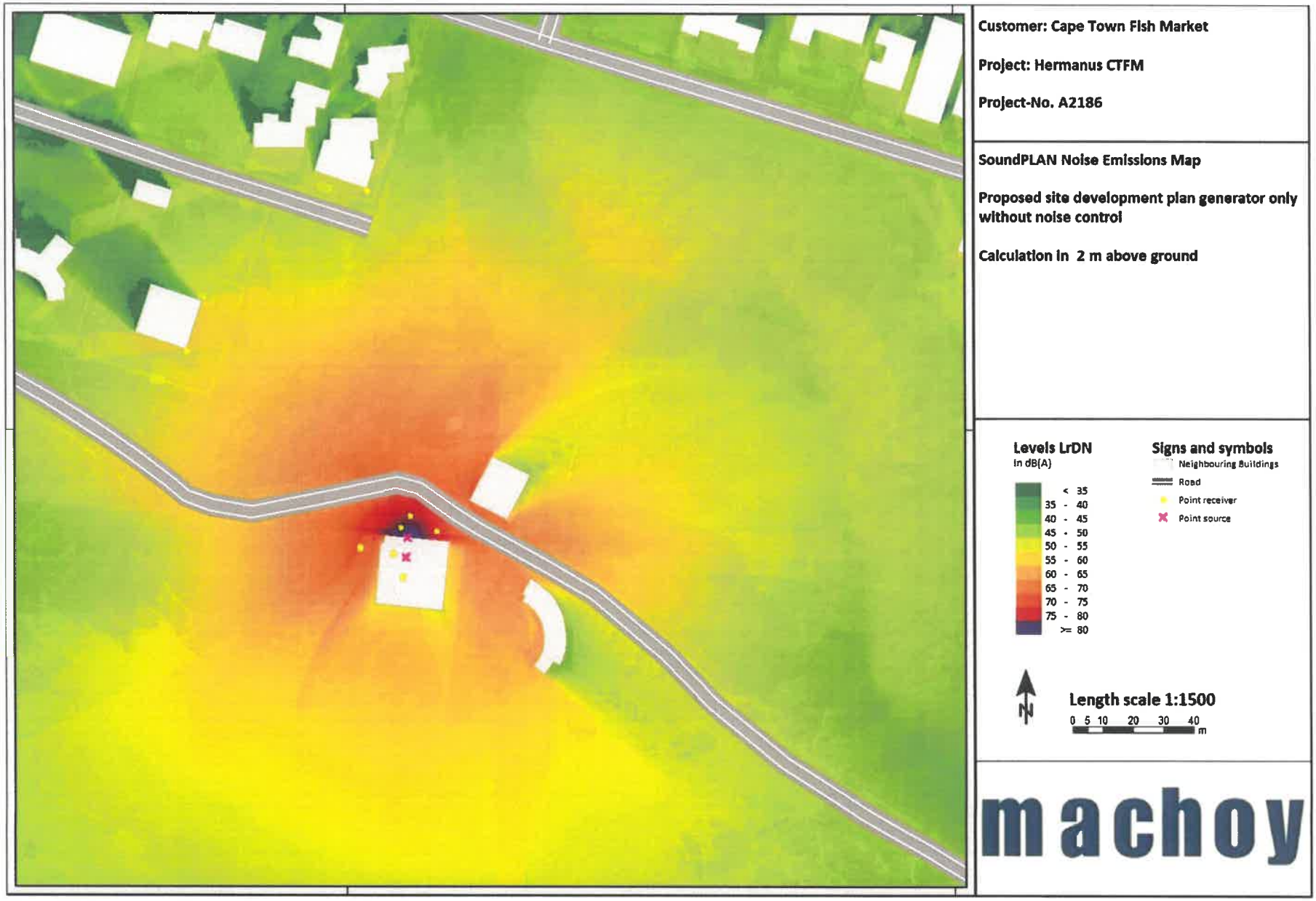



**Figure 12: Noise contribution from proposed development - generator only without noise control**



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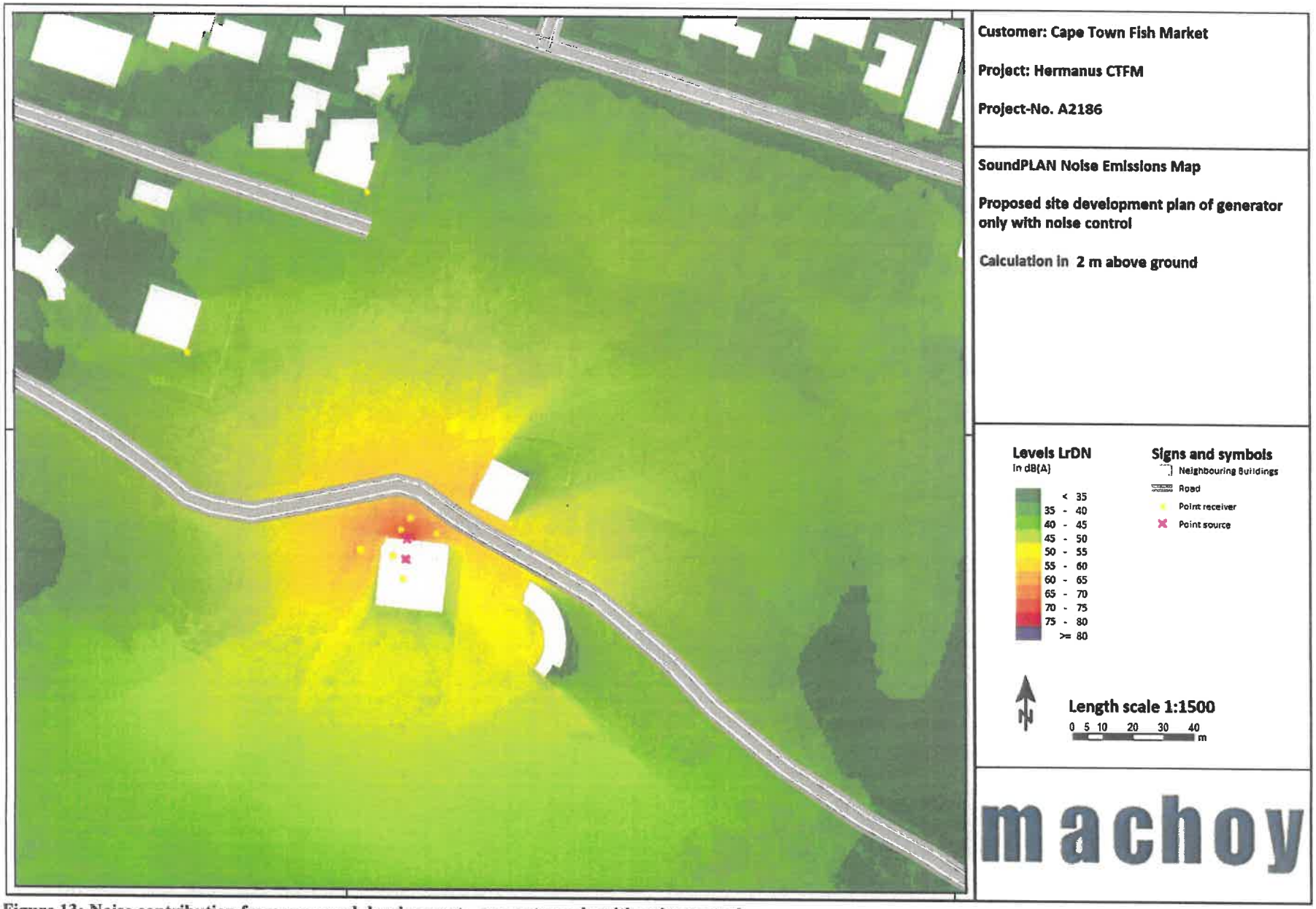



**Figure 13: Noise contribution from proposed development - generator only with noise control**

Annexure R1/2

**COURT ONLINE COVER PAGE**

IN THE HIGH COURT OF SOUTH AFRICA
**WESTERN CAPE DIVISION, CAPE TOWN**

CASE NO: **2025-065317**

In the matter between:

| | |
|---|---|
| **JOHN ANTHONY ARMSTRONG ,MARTHINUS THEODOR LOUW ,DANIEL MARAIS HOOGENHOUT** | Plaintiff / Applicant / Appellant |
| and | |
| **OVERSTRAND MUNICIPALITY,CAPE TOWN FISH MARKET** | Defendant / Respondent |

---

**Order Granted Judge President Mabindls-Boqwana 7 July 2025**

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**NOTE:** **This document was filed electronically by the Registrar on 17/7/2025 at 12:26:56 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**




ELECTRONICALLY SIGNED BY:

**Registrar of The High Court, Western Cape Division, Cape Town**

17/7/2025-12:26:36 PM

**IN THE HIGH COURT OF SOUTH AFRICA**

**(WESTERN CAPE DIVISION, CAPE TOWN)**

**BEFORE THE HONOURABLE JUDGE PRESIDENT MABINDLA-BOQWANA**

**ON 7 JULY 2025**

CAPE TOWN

CASE NO: 2025-065317

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION,
CAPE TOWN
2025 -07- 17
WCD-003
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION
CAPE TOWN

In the matter between:

**JOHN ANTHONY ARMSTRONG** First Applicant

**MARTHINUS THEODOR LOUW** Second Applicant

**DANIEL MARAIS HOOGEHOUT** Third Applicant

And

**OVERSTRAND LOCAL MUNICIPALITY** First Respondent

**CAPE TOWN FISH MARKET V & A WATERFRONT (PTY) LTD** Second Respondent

---

**DRAFT ORDER**

---

**By agreement between the Applicants and Respondents, the following order is made:**

1. Second Respondent shall waive the current approved building plan for the development of a restaurant on the site.

2. Second Respondent shall submit a land use application for a consent use to permit the use of the site as a restaurant. Should it be granted, Second Respondent will resubmit building plans.

3. First Respondent is to make the agreed cost contribution to the Applicants' costs.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION,
CAPE TOWN
2025 -07- 17
WCD-003
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION,
CAPE TOWN

**BY ORDER OF THE COURT**

**COURT REGISTRAR**

Fairbridges Wertheim Becker
Deirdre Olivier
Box 42