

APPENDIX F3

SUMMARY OF PUBLIC INTERESTED AND AFFECTED PARTIES COMMENTS PPP1

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Summary of General Public Participation Comments received for Proposed Spookdraai Residential Development, RE281, Struisbaai

Over 1000 objections to the proposed development during the first round of public participation. These are summarized into the following broad categories:

Registration of Interested and Affected Parties (I&APs)

Over 1,000 requests for registration as Interested and Affected Parties (I&APs) and/or objections were received during the public participation process. These have been consolidated and summarised in the relevant summary section provided below.

Environmental and Ecological Concerns

The majority of submissions objected to the proposed development on environmental grounds. Many individuals pointed out that the proposed site lies within the 100-m buffer zone from the high-water mark, and Coastal Protection Zone (CPZ), as stipulated by the Integrated Coastal Management Act (2008).

Construction within this sensitive coastal area would pose a severe risk to indigenous vegetation, fauna, and the delicate littoral active zone. Specific reference was made to destruction of dune flora, the displacement of small mammals such as steenbok and porcupines, and the disruption of avian species including francolins. Further objections highlighted the presence of frogs and wetland species in the area, indicating a high ecological sensitivity that had not been adequately assessed.

Additionally, comments questioned whether appropriate biodiversity and faunal studies had been undertaken. It was stated that the botanical assessment classified the impact of development as negative, and that proper conservation offset measures had not been provided. Residents further observed that the current assessments were inadequate due to the brief fieldwork periods and lack of seasonal surveys.

Requests for independent environmental impact assessment to be conducted that considers cumulative and long-term ecological consequences.

Response:

The Terrestrial Biodiversity Impact Assessment report and the botanical specialist confirmed that the eastern portion of the site which encompasses the development has relatively lower botanical sensitivity compared to the western portion of the site, and therefore, the development footprint presented in Alternative 4 and new preferred Alternative 5, represent the most acceptable and viable development option which will result in low residual impact compared to earlier Alternatives assessed, which would have included development in the western portion of the site (refer to **Appendix G1**).

An animal Species Compliance Statement has been undertaken, the faunal specialist confirmed that no Species of Conservation Concern have been identified during site survey and therefore suggested that with the desktop and evidence from the site visit the site sensitivity should be considered low, refer to the **Appendix G8** for the full report.

Legal Non-Compliance and Procedural Objections

Comments stated that the development proposal contravenes legal and regulatory frameworks. Many respondents stated that building within 100 metres of the high-water mark is explicitly prohibited under the Coastal Management Act, and the proposal thus constitutes an unlawful attempt to privatize public coastal land. Additional concerns were raised regarding the apparent lack of compliance with municipal coastal management lines, environmental overlay zones, and broader national environmental planning legislation.

Concerns have been raised regarding whether a municipality without an environmental overlay zone has sufficient regulatory basis to authorise this type of development.

There was also strong criticism of the public consultation process and calls for public meetings.

Based on these issues, along with concerns about the substantial negative impacts on biodiversity, cultural heritage, palaeontological resources, and the architectural and landscape character of the area, several comments argue that the application should be rejected on the grounds of legal non-compliance and misalignment with heritage and spatial planning policies.

In terms of specialist assessments, concerns were raised about the adequacy and completeness of the terrestrial biodiversity report. It was noted that the report fails to meet the minimum reporting requirements and lacks the necessary compliance statement for areas identified as having low to medium environmental sensitivity. Commenters emphasized that this compliance is the responsibility of the specialist and should not be deferred to the Basic Assessment Report (BAR).

Response:

It is acknowledged that the proposed development site falls within the coastal zone as defined by the ICMA. However, the property itself is situated above the 5 m contour and outside of the mapped low, medium, and high coastal risk zones. The ICMA and municipal coastal management lines have been taken into account during the design phase, and the development layout has been set back from coastal risk areas in order to safeguard both the property and the coastal environment.

The final preferred layout (Alternative 5) was updated to designate Erf 7 as open space, including a communal area and a formalised public walkway to the sea. This ensures that the public can continue to access and undertake lawful coastal activities in line with the objectives of the ICMA, while balancing development needs with the protection of environmental and public interests.

The municipalities have the authority to make land use planning decisions, irrespective of whether an environmental overlay zone is in place. Environmental authorisation processes in terms of NEMA (Act 107 of 1998) operate in parallel to municipal planning processes. Therefore, while the municipality may exercise its planning mandate, the proposed development remains subject to the environmental authorisation process undertaken by the competent authority, which includes the consideration of environmental sensitivities and legislative requirements.

The public participation process was undertaken in line with the requirements of the 2014 EIA Regulations (as amended), including notification of I&APs, circulation of the draft BAR, and opportunities to submit comments. All comments received have been recorded and responded to in the Comments and Response Report.

All specialist studies, including the terrestrial biodiversity assessment, have been undertaken by suitably qualified professionals in accordance with the requirements of NEMA and the 2014 EIA Regulations (as amended). Additionally, Animal Species Compliance Statement was undertaken. Where relevant, specialists have provided compliance statements and their findings have been incorporated into the BAR. All these specialist assessment have been undertaken in line with the Protocol for Specialists Assessments.

Visual Impact and Degradation of Scenic Character

A considerable number of comments expressed concern regarding the anticipated visual impact of the proposed Spookdraai Residential Development. The site, located between Marine Drive and the coastline, is said to be currently characterized by expansive, uninterrupted natural vistas. It was noted that this scenic route is widely appreciated by residents, visitors, and commuters traveling between Struisbaai and L'Agulhas. The interested and affected parties pointed that the area is viewed not only as a visually appealing stretch of coastline but also as a cultural and environmental landmark that significantly contributes to the broader aesthetic and identity of the region. Additionally, it was noted that the development will affect the visual environment and form a barrier between people and the coastal view as well as prevent access to the coastline which all South Africans have a right to.

Respondents highlighted that the development of six residential erven, particularly if double-storey structures are permitted, would obstruct sea views for properties on the inland side of Marine Drive. This was seen as a major concern for existing property owners, many of whom invested in the area specifically for its tranquil, unspoiled views.

Several commenters cited the visual precedence set by another apartment block in the vicinity frequently described as obtrusive or incompatible with the surrounding landscape as a cautionary example of inappropriate development.

The fear was that the Spookdraai development might mirror this outcome, undermining the visual coherence and sense of place valued by the community.

Additionally, it was noted that the proposed development site forms part of a high-sensitivity visual and cultural landscape. Heritage Impact Assessment was cited in the comments, highlighting that the location holds a Grade IIIA heritage classification, indicating that it possesses local significance with a high degree of aesthetic, cultural, and environmental value. Public comments also emphasized that development in this area would not only alter the visual experience of a key tourism route but could also result in long-term degradation of the landscape's unique character.

Several objections challenged the assumptions made in the Visual Impact Assessment included in the application, arguing that it inadequately accounted for the cumulative effect of built form on the coastal experience. Respondents questioned the effectiveness of proposed mitigation measures such as low-profile building designs and landscaping buffers, asserting that these would not be sufficient to preserve the uninterrupted visual corridor between Marine Drive and the ocean. Concerns were raised that visual screening could not realistically compensate for the loss of open, natural views currently enjoyed from the public realm.

In conclusion, members of the public stated that the development would result in a substantial and irreversible visual intrusion, affecting not only nearby property owners but also the broader community and visitors who value the coastal drive and its scenic quality. The proposed development was therefore considered by many to be incompatible with the established natural and cultural identity of the area and likely to undermine both its visual heritage and tourism value.

Response:

Comment is noted. The site's location along Marine Drive and its proximity to the coastline is recognised as a visually sensitive and valued landscape. The updated layout (Alternative 5) and accompanying Visual Impact Assessment (VIA) have specifically taken this into account. The revised design introduces relaxation of the rear building line for residential erven, further introduced open space and a formalised coastal walkway via Erf 7, which preserves public access to the coastline and retains visual connectivity between the inland areas and the ocean. The area which was previously designated as Private open space under the previously preferred alternative (Alternative 4) is now designated as Admiralty zone. The layout also ensures that built form is set back from the most visually exposed portions of the site, thereby limiting potential obstruction of the natural seaward views from the scenic route.

Comment is noted. The updated VIA assessed the potential obstruction of sea views from inland properties along Marine Drive. The proposed dwellings have been designed in accordance with the architectural guidelines, which limit building height, promote low-profile rooflines, and encourage the use of natural tones and materials that blend into the surrounding landscape. These measures will substantially reduce the visual prominence of the structures and minimise the degree to which sea views are affected from existing residential areas inland of the site.

The design team has introduced stringent architectural and landscape guidelines to ensure that the Spookdraai development is contextually sensitive, visually recessive, and aligned with the natural coastal character. The development's scale and layout were intentionally reduced under Alternative 5 to avoid the appearance of dense or urbanised form along this scenic route.

Comment is noted. The Heritage Impact Assessment (HIA), which includes visual and landscape heritage considerations, confirms that the site forms part of a Grade IIIA heritage landscape of local significance. The updated layout has therefore been informed by both the HIA and VIA findings. The placement of the dwellings and open space areas has been revised to retain key view corridors, respect the natural topography, and maintain the visual character associated with this stretch of the coast. The proposed development, when subject to the prescribed mitigation and design controls, is not expected to result in unacceptable alteration to the area's heritage or scenic identity.

Comment is noted. The Visual Impact Assessment has been updated to include the revised layout (Alternative 5), incorporating public feedback and addressing the cumulative visual effects of built form along the coastal corridor. The VIA concludes that, with the implementation of the Architectural Guidelines, Landscape Plan, and Landscape

Maintenance Plan, the operational phase visual impact will reduce from high negative to low negative significance over time. The landscaping strategy focuses on indigenous planting to visually soften built edges and enhance long-term integration into the natural landscape.

Comment is noted. It is acknowledged that any new development in a highly visible coastal area will introduce some degree of visual change. However, the proposed Alternative 5 layout and associated mitigation measures have substantially reduced the potential for irreversible scenic degradation. The proposal introduces a balanced development footprint, maintains public access and open space, and applies design principles that reinforce the rural coastal character of Struisbaai. As vegetation matures and the landscape treatment takes effect, the overall visual integration is expected to improve further.

Heritage and Cultural Landscape Concerns

Numerous comments emphasized the significance of the Spookdraai area as a heritage site, citing deep ancestral connections to the land. Individuals described longstanding family histories rooted in generations of farming and fishing in the region. One comment highlighted the archaeological importance of the site, noting the presence of caves containing indigenous hunting tools and evidence of early human activity.

Members of the Chainouqua community specifically identified the area as part of their indigenous heritage and called for its protection. They requested a meeting with Lornay Environmental Consulting to discuss these concerns, emphasizing that the presence of indigenous tools in nearby coastal caves affirms the area's heritage value.

It was noted that the cultural landscape qualities of the proposed development area merit a Grade IIIA heritage significance. However, the development is seen as likely to irreversibly alter the landscape and commodify it for private benefit.

The broader cultural landscape characterized by open coastal areas, traditional footpaths, and informal fishing access was described as a unique and irreplaceable community asset. Many commenters stressed that the site is not only a recreational space but also central to the community's identity and shared memory. The proposed development was seen as a move to privatize land historically accessible to the public, thereby threatening cultural traditions and undermining historical rights.

Response:

All of these issues are generally acknowledged in the HIA and accompanying reports (AIA; PIA & VIA). The land is however privately owned. Additional historical information provided by I&APs has been incorporated into the HIA and assessed for significance.

Regarding the concerns of the Chainouqua First Nations community, the ephemeral nature of the archaeological deposits, and the near absence of any cultural remains, indicates that, by applying the Grading System developed and adopted by SAHRA (South African Heritage Resources Agency) and HWC (Heritage Western Cape), the archaeological deposits in Erf RE281 Struisbaai have been graded as having LOW local archaeological significance. As a precaution, Archaeological Monitoring of bulk earthworks during the Construction Phase of the development has been recommended in case important sub surface deposits, and importantly, unmarked Khoisan human remains are uncovered.

An access to the coastline is provided through erf 7 which will form part of the communal open space. Moreover, the development proposal aims to retain access to the beach front by designating this area as an Admiralty zone.

Public Access and Land Use Rights

A recurring concern across many objectors relates to the potential restriction of public access to the coastline. Objectors highlighted that the proposed development site currently includes footpaths, fishing areas, and informal recreational spaces such as picnic spots and swimming areas that are regularly used by local residents, holidaymakers, and subsistence fishers. It is highlighted that the development proposal involves fencing off the area and removing existing footpaths, which would effectively block public access to these valued spaces.

The development would amount to the privatization of land long perceived and used as part of the public domain. Specific reference was made to the map on Page 34, where the "existing footpath to be removed". Notably, the adjacent beach is designated "Private: Erf 8." The footpath in question has existed for generations, and its removal along with the positioning of the six erven directly against the rocky shoreline would eliminate all practical access for fishermen and hikers.

One submission cited legal precedent (the Grootklaar case), which established that uninterrupted community use of land over time may give rise to acquisition of access rights through prescription. Based on this principle, several

residents asserted that the public has an established right to continued access, and that the proposed development would violate those rights.

A common recommendation was that the land in question be transferred to the Cape Agulhas Municipality to preserve its use as public land.

Furthermore, concerns were raised regarding non-compliance with the Integrated Coastal Management Act (ICM Act). The objectors pointed that the only justification offered by the developer, Helemika, for this apparent legal transgression is that certain areas in Struisbaai already lie within 100 metres of the high-water mark. However, objectors point out that these areas were developed long before the ICM Act came into effect in 2008. Since its enactment, no new erven or developments have been approved within the 100m Coastal Protection Zone (CPZ) in Struisbaai. For example, the high-rise development in Skulpiesbaai often cited in support was approved as far back as 1975 and would not meet current legal standards.

Response:

Public access to the coastline has been a central consideration throughout the design process. The revised preferred layout (Alternative 5) specifically incorporates measures to safeguard and formalize coastal access. Erf 7 has been designated as an open space and formalised walkway, which will take the form of a raised boardwalk. This will ensure that residents, holidaymakers, and subsistence fishers continue to have direct access to the beach and coastal environment for recreational and communal purposes.

Furthermore, the proposed development does not seek to restrict public access to the coast. Instead, it introduces a formalized and managed access point that will improve long-term accessibility, environmental protection, and safety compared to the current informal and ad hoc footpaths. The approach has been acknowledged by the Department of Environmental Affairs and Development Planning (DEADP) – Coastal Management Unit, who confirmed that the inclusion of a designated public access route addresses their requirements in terms of the ICMA. In this way, the development provides a balance between enabling sustainable development and ensuring the continuation of public rights to access and enjoy the coastline.

The subject property is situated within the urban edge of the Cape Agulhas Municipality and is privately owned. While it is acknowledged that some objectors recommend the transfer of the land to the Municipality for preservation as public land, such a transfer cannot be compelled through the Basic Assessment process. The development proposal has been designed to balance private land rights with broader public interest. Importantly, the revised layout (Alternative 5) designates Erf 7 as an open space, which will provide a formalized and accessible public formal walkway to the coast. This ensures that the community retains access to the coastal environment in accordance with the principles of the ICMA, while enabling appropriate and lawful development within the urban edge.

It is acknowledged that the Integrated Coastal Management Act (ICMA) prohibits new development within the 100 m Coastal Protection Zone (CPZ) unless authorised in terms of the Act. The proposed development site, however, is situated above the 5 m contour and outside the mapped low, medium, and high coastal risk zones, and has been carefully set back from the shoreline to minimise exposure to coastal hazards.

While historical developments within Struisbaai are referenced, these precede the ICMA and are not directly comparable to the current proposal, which has been assessed in accordance with current legislation and risk mapping. The development layout (Alternative 5) further incorporates public access via Erf 7, and building footprints have been positioned to ensure compliance with ICMA objectives, including the protection of coastal public space, minimisation of environmental impact, and consideration of long-term coastal processes. Moreover, the area below the high water mark has been designed as Admiralty Zone.

All relevant aspects of the ICMA, including coastal risk, access, and environmental protection, have been considered in the design and assessment of the proposed development. The competent authority will review these measures as part of the environmental authorisation process.

Considerations of the Alternates

The parties raised strong objections to the development based on what they considered a misleading portrayal of alternative options in the application. Specifically, they referenced Page 84 of the Basic Assessment Report, where it is stated that "the subject property is the sole asset available to the developer." The commenter contested this claim,

citing evidence that Helemika (Pty) Ltd, the developer, also owns Farm Paapekuilsfontein, as indicated on Page 79 of the report.

It was emphasized that substantial portions of this alternative property specifically areas within the dotted red boundary fall inside the Overstrand CAM Urban Edge, suggesting that it could offer a more appropriate location for development. Criticism of the assessment of four "alternatives" citing as superficial.

The conclusion drawn the comment was that viable, less sensitive alternatives do exist

Responses:

It is acknowledged that Helemika (Pty) Ltd owns other properties, including portions of Farm Paapekuilsfontein. However, these properties are not part of the current application and do not serve the applicant's vision. Therefore, no site alternatives have been considered.

The alternatives assessment included a review of layout and design options within the subject property, as no other sites under the control of the applicant were available for development. The four alternatives presented in the BAR reflect different configurations, densities, and footprints within the site itself, which are the feasible options for achieving the project objectives while addressing environmental and public access considerations.

While the objector suggests that other sites may be less environmentally sensitive, the application is constrained by ownership and land availability, and therefore only the subject property could be assessed. The revised layout (Alternative 5) incorporates design improvements, mitigation measures, and open space provisions to ensure the development is acceptable from environmental, heritage, and public access perspectives.

Infrastructure and Resource Strain

Respondents expressed significant concern regarding the capacity of existing municipal infrastructure to support additional residential development in Struisbaai. A key issue raised was water scarcity, with residents noting that the town frequently experiences shortages, particularly during the peak summer season. Many emphasized that any further development, in the absence of substantial upgrades to the water supply and sewage systems, would place unsustainable pressure on municipal resources and potentially degrade the quality of service currently available to residents.

Beyond water supply concerns, stakeholders highlighted issues related to stormwater and sewage management at the proposed development site. It was noted that existing stormwater outlets drain directly across the site, leading to ongoing erosion problems. There were questions about how these systems would be redirected and whether the financial burden of such interventions would fall on taxpayers. Additional concerns were raised regarding the presence of conservancy tanks near environmentally sensitive coastal vegetation and wildlife, with the potential for leaks or overflows posing a contamination risk.

One respondent strongly objected to the application, stating that the local sewerage system is already operating beyond its capacity. During peak tourist seasons, Cape Agulhas Municipality reportedly deploys two to three sewage trucks on intensive 12-hour shifts, seven days a week, transporting waste from Agulhas to prevent tanks from overflowing. Residents noted that these operations are highly visible and unpleasant, with the trucks often observed (and smelled) near public spaces such as the Agulhas campsite and local restaurants on Sundays.

Response:

The Bulk services investigations have been undertaken with the Cape Agulhas Municipality. The municipality has confirmed that there is sufficient capacity to accommodate the proposed development, refer to the Civil engineering Report (Appendix G9a) as well as the confirmation form the municipality attached under Appendix J.

Concerns regarding stormwater and sewage management systems have been noted. The existing stormwater management system will be redirected around the proposed development and will exit to the sea, refer to the Civil Layout Plan under Appendix G9b for illustration.

The development will operate on a gravity sewer system, which will discharge into a conservancy tank. The conservancy tank will be serviced by the Cape Agulhas Municipality using a tanker extraction system. The tank is proposed to be located on Erf 9, near the entrance of the access road and opposite the refuse room (see Figure 2). This location has been strategically chosen to facilitate easy access for municipal service vehicles, thereby ensuring efficient maintenance and regular emptying of the tank.

Traffic and Road Safety Issues

Multiple objections were raised concerning the potential impact of the proposed development on local traffic conditions and pedestrian safety. Marine Drive, which borders the development site, is identified as a narrow, high-traffic road with limited visibility particularly around the bend known as Spookdraai. Concerns were expressed that vehicular access to and from the six proposed erven would necessitate dangerous turning or reversing manoeuvres onto this busy route, thereby posing significant risks to motorists, cyclists, and pedestrians alike.

Objectors emphasized that Marine Drive functions as the sole access road between Struisbaai and L'Agulhas, serving both local and tourist traffic. They argued that any development that could intensify traffic flow or introduce new safety hazards may result in serious consequences for the community. The site's physical constraints and limited accessibility were cited as making it unsuitable for residential development.

Furthermore, it was noted that this is a particularly sensitive and hazardous area where several accidents have occurred in recent years.

The development's proximity to the rocky shoreline and its location within the 100-meter coastal setback line raises additional concerns. It was noted that the site is also currently home to bird and wildlife populations that roam freely and could be disrupted by construction and habitation.

Residents also pointed out that the Municipality recently invested a significant amount reportedly hundreds of thousands of rands into constructing a pedestrian walkway in this exact area. It was pointed out that the investment was made in response to longstanding community requests to improve safety for walkers, cyclists, and wheelchair users, given the narrowness of the road. The proposed development, they argue, threatens to undermine this effort and could permanently alter a valued public space that allows residents and visitors to enjoy safe access to one of South Africa's most popular tourist destinations, Cape Agulhas.

Response:

These concerns raised have been addressed in the updated Traffic Impact Assessment Report attached under **Appendix G7**.

Socio-Economic Impact and Value Derogation

A number of residents expressed concern that the proposed development would devalue existing properties, especially those directly across from the site. The loss of ocean views, increased traffic, and general degradation of the scenic environment were all cited as factors that could reduce property prices. It was argued that owners of these properties, many of whom invested in the area specifically for its unspoiled natural surroundings, would suffer real financial harm.

In addition, objections were raised about the lack of meaningful benefit to the broader community. It was noted that the development would serve the interests of a small number of private stakeholders, with no significant economic or employment advantages to local residents. The project was seen as driven by financial gain rather than public good, undermining tourism and the town's character in the process.

Response:

It is important to note that the proposed development is small-scale, comprising only six residential erven, and is therefore not expected to have a substantial effect on property values in the broader area. While individual viewpoints may experience some visual change, the overall scale and design of the development including setbacks, low-density layout, and adherence to architectural and landscape guidelines are intended to minimise visual intrusion and maintain the character of the area.

Regarding socio-economic benefits, although the development will provide only limited employment and economic opportunities, these are primarily during the construction phase. The project may also contribute modestly to the local economy through rates, taxes, and incidental expenditure associated with new residents. It is acknowledged that the direct benefits to the broader community are limited.

Coastal Erosion and Climate Resilience

Several comments raised significant concerns regarding the vulnerability of the proposed development site to coastal erosion, sea-level rise, and climate-related risks. The site, located within close proximity to the high-water mark and

within the legally defined 100-metre Coastal Protection Zone (CPZ), is considered by objectors to be particularly susceptible to coastal hazards. Respondents pointed to their long-term observations of the site, including storm events in recent years (notably in 2023), where seawater reportedly reached as far inland as Marine Drive. These experiences underscore a collective concern that future climatic events could pose an increasing threat to infrastructure and human safety, especially given the global trend of rising sea levels and more intense coastal storms.

One objector highlighted that, upon purchasing property, the buyer conducted thorough inquiries with municipal representatives, real estate agents, and neighbours. At that time, all parties confirmed that construction within this coastal zone would not be legally permissible. It was noted that the legal framework specifically the Integrated Coastal Management Act (ICMA), Act 24 of 2008 had not been amended to allow development in this high-risk area, and therefore, the current proposal was seen as contrary to both prior commitments and existing regulations.

In addition to legal concerns, practical risks were also emphasized. Respondents warned that introducing residential development in such a geologically sensitive area could necessitate the construction of artificial coastal defences such as seawalls or retaining structures. These interventions, while intended to protect infrastructure, often disrupt natural sediment movement and accelerate erosion in adjacent coastal zones. The installation of impermeable surfaces and artificial barriers could undermine the natural resilience of the coast, leading to unintended environmental consequences that affect not only the development site but also neighbouring stretches of shoreline.

Moreover, the potential for infrastructure damage and associated pollution was raised. Concern that storm surges could inundate properties, leading to contamination from sewage infrastructure or conservancy tanks located near the ocean. This could pose a significant risk to marine biodiversity and public health. The risk of sewage spills and greywater discharge, exacerbated by flooding or inadequate drainage, was cited as a particular threat in the context of increasingly unpredictable weather patterns.

Overall, the comments reflected a strong consensus that the site is not appropriate for residential development in light of escalating climate pressures, known storm behaviour, and the need to preserve the ecological integrity and safety of coastal environments. There was a recurring call for authorities to prioritise climate adaptation and coastal resilience, and to safeguard such areas from new developments that could compromise long-term environmental stability and community wellbeing.

Response:

It is acknowledged that the proposed development site falls within 100 metres of the High-Water Mark and is located within the Coastal Protection Zone (CPZ) and below the Coastal Management Line. The design of the development has been guided by up-to-date coastal risk information, including municipal coastal management lines, demarcated risk zones, and elevation contours. The site is situated above the 5 m contour and is characterised by a rocky shoreline, which naturally reduces vulnerability to wave action and coastal erosion.

The developer is applying for Environmental Authorisation in terms of NEMA, and the proposed development has been planned in alignment with the Spatial Development Framework for Struisbaai, ensuring that land use, environmental protection, and public access are balanced. The placement of infrastructure and building footprints has been carefully considered to reduce exposure to coastal hazards, safeguard human safety, and protect ecological and public interests, while allowing for sustainable residential development.

The proposed layout (Alternative 5) incorporates appropriate setbacks from the shoreline and positions infrastructure away from areas identified risk zones. The design avoids the need for artificial coastal defences, such as seawalls or retaining structures, thereby maintaining natural sediment movement and preserving coastal resilience. Stormwater and sewage management systems will be designed to minimise the risk of flooding and pollution during extreme weather events, refer to the updated Civil Engineering Report attached as **Appendix G9a**.

General Opposition and Requests for Rejection

In conclusion, the general tone of public commentary was overwhelmingly opposed to the Spookdraai Residential Development. Residents, tourists, conservationists, heritage advocates, and community organizations collectively called for the protection of Spookdraai as an ecological, cultural, and scenic asset. There were strong appeals to the authorities to reject the proposal outright, halt all development processes, and consider alternative uses for the land

that would preserve its public value such as a coastal nature park or heritage site. Many emphasized the importance of maintaining the area's unspoiled state for future generations.

Response:

All concerns raised by the public have been duly noted. The proposed development has been designed and assessed in accordance with the findings of all relevant specialist studies, including assessments of terrestrial biodiversity, visual and heritage impacts, and coastal and climate-related risks.

While the project has elicited strong opposition, it has been carefully planned to balance private land use rights with public interest.

The development has been aligned with the Spatial Development Framework for Struisbaai, relevant municipal and national planning policies, and the requirements of NEMA and ICMA. While recognising the public desire to preserve the area, the project represents a legally compliant and environmentally considered proposal that seeks to provide small-scale residential development while maintaining public access and safeguarding ecological, heritage, and scenic values.

Fisherman Objection
(As submitted as ATTACHMENT 1 in the Agulhas Heritage Society comment)

Fishermen from Struisbaai and L'Agulhas strongly object to the proposed Spookdraai development, as the area is a historically important and highly popular fishing destination. Several well-known fishing spots, including Die Brood, Elf Banke, Rooibank, and Brandewynbankies, fall within or adjacent to the proposed development footprint. Existing footpaths and parking areas that provide access to these sites are likely to be lost, restricting access for fishermen who have freely used the area for generations.

Fishing in this region is not only a livelihood for some but also a widely practised recreational and relaxation activity. Studies confirm that the majority of fishermen engage in the activity primarily to relax and escape the pressures of modern life. The small beach at Spookdraai is also a valued family space for safe swimming, picnics, and leisure, especially during holiday periods. The loss of this communal space to private development would negatively affect both locals and tourists.

Objectors further emphasise the scenic and cultural value of Spookdraai, describing it as one of the most beautiful and unique parts of the Struisbaai coastline. They argue that the development would permanently damage this natural heritage asset and transform a treasured "jewel" into an eyesore. Fishermen view such a development as insensitive, short-sighted, and motivated by greed, with the potential to brand the developers as negligent toward both community traditions and the environment.

Lastly, concerns were raised about the legal compliance of the proposal, with fishermen arguing that any development so close to the shoreline is inconsistent with the Integrated Coastal Management Act and broader conservation objectives. In their view, the project fails the test of sustainability and is therefore unacceptable.

Response:

The concerns raised by the fishermen are noted. The proposed development will not result in the loss of access to the coast, as public access points to fishing areas and the shoreline will be maintained. The development footprint is limited to six erven and has been designed to avoid blocking traditional pathways to the identified fishing spots. Furthermore, no infrastructure is planned on the sandy beach itself, ensuring continued public use of this area for recreation.

It is further noted that the Struisbaai coastline, including Spookdraai, falls under the public trust, and access rights to the coastal zone cannot legally be denied. The development will therefore not restrict the ability of the broader community, visitors, or fishermen to continue enjoying the area. All requirements of the Integrated Coastal Management Act and relevant municipal coastal management provisions will be adhered to, ensuring compliance with applicable environmental legislation.

Specialist assessments undertaken as part of the Basic Assessment Report have concluded that the proposed development, being small-scale and residential in nature, will not undermine the long-term sustainability of the coastal zone. Appropriate mitigation and design measures, including setbacks from the high-water mark, will be implemented to safeguard the ecological, scenic, and recreational value of the area.