



LORNAY
ENVIRONMENTAL CONSULTING

APPENDIX F4

GENERIC PUBLIC OBJECTIONS

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GENERIC PUBLIC OBJECTION 1	
Comment	Response
Objection 1 – Application is against the law	
Recommends that the land should be transferred to Cape Agulhas Municipality as public land to preserve access and comply with the ICM Act.	The land is within the demarcated urban edge and is a privately owned.
The proposed development is deemed unlawful and undesirable due to significant negative impacts on the greater Struisbaai and Agulhas area.	The required applications are currently underway to apply via the various legal channels for approval of the proposed development. This includes - Environmental Authorisation via the NEMA process - Heritage approval as required in terms of the NHRA - Landuse approval via the Cape Agulhas Municipality
Statements to be amended in BAR • Referring to the National Environmental Management Act (NEMA) and Integrated Coastal Management Act (ICM Act) as "guidelines" instead of legislative provisions. • Stating development aligns with existing residential development, which is inconsistent with properties seaward of Marine Drive. • Understating visual impacts as "moderate negative" when they are significantly high. • Implying no alternative options.	Noted
The development violates the ICM Act (2008), as the property lies within the Coastal Protection Zone (CPZ), a 100-meter strip inland from the High-Water Mark intended to protect coastal public property and ensure public access.	Application is currently underway for development within these zones.
The BAR acknowledges the conflict with the law (Page 42) and confirms the property's location within the CPZ (Page 33), yet dismisses it by noting the entire town of Struisbaai is within the CPZ, showing disregard for legal requirements.	This is in line with the NEMA requirements and part of the application process.
Only 89 m ² of the 7,113 m ² property will remain publicly accessible, severely limiting access to a popular fishing, hiking, swimming, and picnic spot.	The new preferred layout (Alternative 5) designates a significantly larger area as walkway on the western end of the property providing access to the open space (Erf 7), thereby improving accessibility and addressing concerns regarding public access.
An existing public footpath, used for generations, is proposed for removal (Page 34), and the beach is designated as private (Erf 8), restricting public access.	As above

The southern borders of the six proposed erven are close to the rocky shore, making access for fishermen and hikers impossible.	The new updated layout (Alternative 5) introduces group housing in place of the originally proposed single residential erven. The revised zoning allows for a 5 m street building line and 0 m internal building line, enabling dwellings to be set 3 m further inland compared to their original positions. Public coastal access has been formalized through a designated walkway along Erf 7, providing recreational and fishing opportunities while minimizing potential impacts on sensitive habitats.
The developer's argument that other areas within the CPZ exist is invalid, as those predate the ICM Act (e.g., a plot approved in 1975 for development in Skulpiesbaai). No new erven have been approved within the CPZ in Struisbaai since 2008.	Noted.
The Coastal Management Section of the Department of Environmental Affairs and Development Planning (DEA&DP) should reject the application due to non-compliance.	Noted
Objection 2 – Heritage, Visual and other impacts	
The development will have a high negative visual impact and cause a total loss of the area's sense of place, compromising the cultural and heritage value of the Struisbaai and Agulhas coastal landscape.	Determined through a synthesis of the aspects of the nature, duration, intensity, extent and probability, the Operational Phase Visual Impact is of High Negative Significance, having a significant influence on the environment, and requiring mitigation. Taking the design evolution into account and the provision of a comprehensive architectural guideline document and a landscape plan and landscape guideline document the visual impacts may be mitigated should these be implemented. The management and long-term application of these measures are critical to ensure the development is properly visually mitigated and fits in the landscape. In overall terms, the heritage (and related visual) impacts are expected to be medium, negative. The mitigation measures proposed in particular the Landscape Plan, Architectural Guidelines and Landscape Guidelines which responded to the indicators supplied, will assist in mitigating the overall impact and the visual impact will improve with time as the vegetation grows and the landscape matures. The coastal and scenic landscape in this gateway position is potentially significantly at risk with insensitive density, scale and massing of buildings and location of infrastructure, holding the potential to impact significantly and negatively on the scenic experience. The revised layout, density and the provision of architectural and landscape guidelines that are structured towards enhancing

	the fit and embeddedness of the number and nature of the proposed residential units, have provided an acceptable development option that can be supported.
The site, located on the seaward side of Marine Drive, is part of a semi-rural cultural landscape with high visual significance, aesthetic value, and intactness, making it susceptible to the proposed changes.	This is noted in the HIA and VIA.
The site has historically provided unrestricted public access to the coast, a critical resource contributing to the sense of place and the historical identity of Struisbaai and L'Agulhas.	This is noted in the HIA. A formal access will be provided on the western portion of the property.
The coastal strip along Marine Drive is in a natural state with public access, minimal visual intrusions, and high scenic value, designated as a "very good quality landscape."	This is noted in the HIA
The site warrants a Grade IIIA heritage significance (locally significant with high intrinsic value), requiring regulations on alterations to preserve its cultural and aesthetic qualities.	The HIA proposes this grading and the NHRA trigger for a Heritage Impact Assessments is designed to assess the impact of the proposed development on heritage resources.
The proposed 1.5 m setbacks provide no opportunity for visual connections between units, obstructing ocean views from Marine Drive.	The new updated layout (Alternative 5) introduces group housing in place of the originally proposed single residential erven. The revised zoning allows for a 5 m street building line and 0 m internal building line, enabling dwellings to be setback 3 m further inland compared to their original positions. It also allows integration of larger open space erven, and strategic positioning of dwellings to enhance sightlines, visual corridors, and ecological connectivity.
The development's visual impact is deemed significantly high and cannot be supported, with medium to high visual sensitivity due to intrusion into the unique coastal setting.	The Visual Impact Assessment (VIA) was updated to assess the revised layout under Alternative 5, which incorporates substantial mitigation measures to reduce potential visual intrusion within this highly sensitive coastal setting. The updated layout responds directly to specialist input and public concerns by adjusting the location, repositioning dwellings further inland (3m setback) and above the 5 m contour. In addition, the design introduces architectural and landscape guidelines that require the use of natural materials, muted coastal tones, and low building profiles to ensure that built forms blend harmoniously with the surrounding environment. The inclusion of an Open Space erf (Erf 7) provides visual relief and maintains open view corridors from Marine Drive towards the sea, preserving the visual continuity and coastal character of the area. Further, the Landscape Development Plan enhances integration with indigenous vegetation, using indigenous plant species to soften the visual transition between built and natural areas. The cumulative effect of these measures, as confirmed in

	the updated VIA, is a substantial reduction of visual impact – neutral to low negative, particularly when viewed from key receptor points such as Marine Drive and the coastal pathway, (see updated VIA under Appendix G4 .
The site's coastal landscape, intact indigenous vegetation, and position at a scenic bend (Spook se Draai) between Struisbaai and Agulhas enhance its significance. It forms a pivotal landscape feature with high contextual value	Noted. This is acknowledged.
The BAR falsely claims the subject property is the developer's sole asset, ignoring other viable alternatives owned by the developer (Helemika).	Noted
The BAR's visual representation (Page 78, Figure 33) is misleading, depicting small houses when the small erf sizes (530 m ²) and recent CAM approvals for 3-5 storey buildings suggest larger, visually intrusive structures.	Refer to the Landscape plan for illustration.
Objections 3 – Alternatives considered	
The BAR (Page 84) states no other sites were considered, as the subject property is the only asset available, and no site selection matrix was used.	There are no other site alternative options for this proposal based on the applicant's need and desirability.
This is misleading, as Helemika owns a large portion of Farm Paapekuilsfontein 281 (Page 79, Figure 30), partially within the Cape Agulhas Municipality (CAM) Urban Edge, which is more suitable for development.	The properties referred to are not part of the current application and are therefore not being considered in this process. Should development be proposed on these portions in the future, they will be subject to their own environmental application and authorisation processes in terms of NEMA and other applicable legislation.
The discussion of four layout alternatives in the BAR is presented as a façade, falsely implying no other options exist.	Noted. The alternatives assessment focused on design layout alternatives within the property. No site alternatives were considered, as the applicant only owns the proposed site and therefore no alternative properties were available for the nature of this proposal.
The stated need for the development is misleading and does not justify the project, as it fails to address genuine local needs and will harm the environment.	The Need and Desirability section has been revised in the BAR to provide further clarity and to reflect a more balanced consideration of both the development rationale and the potential environmental implications.
The BAR claims the site is within the CAM Urban Edge and aligns with spatial development frameworks, but this is questionable given its CPZ location and high cultural significance.	The site is confirmed to be situated within the Urban Edge, as indicated in the Cape Agulhas Municipality's letter dated 08 March 2023 (refer to Appendix G12). The CPZ designation and cultural significance of the area are acknowledged, and these aspects have been considered in the assessment process.
Objections 4 – Need for this development	
The development is said to address housing demand, but it will only benefit a few wealthy individuals, not the previously disadvantaged communities in Struisbaai-North living in informal housing	Noted.
Claims of job creation and tourism attraction are overstated: Jobs will be short-term and likely use non-local labor, potentially exacerbating social issues post-construction.	Noted. While it is acknowledged that the positive socio-economic benefits will be limited and largely temporary during the construction phase, the development will nonetheless make a measurable contribution to the local municipality.

The development will degrade the environment (per the applicant's experts), deterring tourists rather than attracting them.	
Objection 5 – Technical considerations	
The small site size and infrastructure complexities make the development uneconomical compared to the developer's larger, less sensitive alternative properties.	Noted.
The proposed sewerage system will exacerbate an already overloaded municipal sewerage infrastructure, posing environmental and safety risks.	The proposed development will be required to operate off a gravity sewer system that is linked to a conservancy tank for the municipality to extract the sewerage with a tanker system. Refer to Appendix G9a of the Civil Engineering Report.
Struisbaai lacks a municipal gravity sewer pipeline, relying on septic and conservancy tanks serviced by tanker trucks.	The site will use a closed conservancy tank system which will be collected and transferred to the Local municipal WWTW.
The development proposes conservancy tanks linked to a central system, serviced by municipal tankers, with potential conversion to a pump station if a gravity system is installed.	Noted.
The existing sewerage system is overwhelmed, especially during peak seasons, with 2-3 trucks operating 12 hours daily, causing odors and traffic issues (e.g., at Agulhas campsite and restaurant areas).	Refer to the updated Engineering Report, as well as the Traffic Impact Assessment.
Additional sewerage demand will increase truck traffic on Marine Drive, raising risks for pedestrians, joggers, and cyclists.	Noted
Conclusion	
In conclusion I highlight the fact that the development proposal is considered to be completely inappropriate and undesirable from a local and provincial heritage, economic and future sustainability point of view. - The proposed process of development authorization is non-compliant with national, provincial, and municipal legislation and good practice, cannot be supported and should not be permitted. - There is no site-specific motivation to support the development. - The environmental authorisation application must be refused.	Noted. The comments regarding heritage, economic, and sustainability considerations are acknowledged. It is, however, important to note that the revised layout (Alternative 5) has undergone significant refinement to ensure compliance with relevant national, provincial, and municipal legislation and policy frameworks, including the NEMA principles of sustainable development, the Western Cape PSDF, and the municipal SDF. Specialist studies including heritage, visual, botanical, and coastal assessments have informed the design to ensure that the proposal is both environmentally and contextually appropriate.
Generic Public Objection 2	
The development is located within the Coastal Protection Zone (CPZ), a 100-meter strip inland from the High-Water Mark, protected under the Integrated Coastal Management Act (ICM Act, 2008).	The relevant permit applications are currently underway.
The site must remain accessible to the public as mandated by the ICM Act to preserve coastal resources for public use	Noted. A public access is provided, refer to the new updated layout site development plan (Alternative 5).

Only 89 m ² of the 7,113 m ² property will remain publicly accessible (per BAR Page 13), effectively eliminating a popular spot for fishing, walking, and relaxing used by local and out-of-town fishermen.	The new preferred layout (Alternative 5) designates a significantly larger area as walkway on the western end of the property providing access to the open space (Erf 7), thereby improving accessibility and addressing concerns regarding public access.
Visual Impact - The development will have a significant high negative visual impact on the Spookdraai area, altering the uninterrupted coastal strip on the seaward side of Marine Drive, particularly at a scenic bend between Struisbaai and Agulhas.	Refer to the updated VIA under Appendix G4
The site interfaces with a coastal landscape of high visual and scenic amenity value, despite being within the proposed (unapproved) urban edge.	Refer to the updated VIA under Appendix G4
The undeveloped green buffer zone between the ocean and Marine Drive enhances the area's beauty for tourists and locals; development here would disrupt this pristine scenery. No development exists in this green buffer zone, and it must remain undeveloped to maintain the area's aesthetic and cultural value.	Refer to the updated VIA under Appendix G4
The developer (Helemika) claims the subject property is their sole asset, but they own a large area of Farm Paapekuilsfontein, providing viable alternative development sites.	Not coastal property and therefore not in line with the applicant's development vision
Claims of local community benefits are overstated; construction jobs will be short-term and likely performed by out-of-town companies using specialized craftsmen. The development will not provide sustainable economic benefits to the local community, as it primarily serves external investors or holiday home buyers.	Noted. The BAR has been amended
The small site, located near the ocean on the foothills of minor hills, is exposed to strong winds and storms typical of the Southern Cape coast.	Noted.
Tidal surges in September 2023 affected Struisbaai and Agulhas, with waves crossing the main road in some areas; future surges could damage the development.	As per information gathered from this storm, the site was largely unaffected, given its elevated nature (above the 5 m contour), rocky shore, and location within a bay.
Rising sea levels and increasing storm surges pose long-term risks, as highlighted in a 2 October 2023 Garden Route District Municipality media release: - Coastal degradation is a growing concern, with storm surges causing significant damage to properties and infrastructure. - Western Cape authorities are planning to relocate vulnerable assets away from exposed coastal areas to avoid repeated damage. - Coastal vulnerability, emphasized by DEADP's Marlene Laros in June 2023, underscores the risks of sea level rise and climate-induced disasters.	The site is located within a relatively sheltered bay, where wave action and inundation are significantly reduced compared to more exposed coastal areas.

Heritage • Spookdraai is a culturally significant entrance to the unique seaside village of Cape Agulhas and the southernmost tip of Africa, shaping the area's peaceful, rural holiday village identity. • The site's unspoiled coastal scenery, with fishermen on iconic rocks and walkers enjoying the landscape, defines Spookdraai's charm. • Development on the seaward side of Spookdraai will destroy the town's ambiance, heritage, and UNESCO-recognized biodiversity, turning it into an up-market resort and undermining its history and culture. • A 1847 sketch by Kol CC Michel depicts fishermen and the Spookdraai bend, affirming its long-standing sense of place, which must not be disrupted by development.	Additional information on the history of the area is acknowledged. The Heritage Impact Assessment (HIA) has been updated.
Conclusion • The development is undesirable from local and provincial heritage, economic, and sustainability perspectives. • The environmental authorization must be refused to protect the coastal environment, public access, cultural heritage, and the region's resilience to climate change risks.	Noted.