

## Brendon Steytler

---

**From:** Steven Clarke - Bax Kaplan Attorneys <stevec@baxkap.co.za>  
**Sent:** 05 October 2012 08:27 AM  
**To:** 'Bing Kockott'; 'Barry Galloway'; 'Brendon Steytler'; 'Charles Akeroyd'; 'Jock Mcconnachie'  
**Cc:** 'KATE BREWIS'; groupofadvocates@roundbar.co.za  
**Subject:** RE: Seagulls Hotel Development

Hi guys,

I have been away in CT consulting and on leave.

Have any decisions been made as to who intends to proceed as applicant?

Dave de la Harpe has prepared draft papers but these cannot be finalized until I get a response to my letter below.

Regards,

Steve Clarke.

---

**From:** Steven Clarke - Bax Kaplan Attorneys [mailto:stevec@baxkap.co.za]  
**Sent:** 26 September 2012 01:09 PM  
**To:** 'Bing Kockott'; 'Barry Galloway'; 'Brendon Steytler'; 'Charles Akeroyd'; 'Jock Mcconnachie'  
**Cc:** 'KATE BREWIS'  
**Subject:** RE: Seagulls Hotel Development

Hi guys,

Attached find latest letter in response to the nonsense that came from the Development Tribunal.

Dave de la Harpe and I suspect that the stupidity is going to persist and that in the circumstances we had best commence preparation of court papers.

What we need to address, however, is who the Applicants are going to be.

We need a copy of the Qolora Residents Association Constitution and the full names, residential addresses and particularity of their permissions to occupy of all those individuals who wish to join in the application.

Obviously a Resolution will have to be taken by the Qolora Residents Association if it intends participating in the application.

If any individuals are to be cited as applicants their full names, residential addresses and particularity of their permissions to occupy is needed.

We also need to provide for an initial deposit to cover the costs of preparing the papers and for court appearances. Perhaps an initial R50 000.00, to be reviewed as we proceed.

My trust account details for this purpose are as follows:

BAX KAPLAN INC.  
ABSA BANK  
TRUST ACCOUNT NO. 1000230118  
BRANCH CODE: 630121

We would suggest the need for all interested parties to hold an urgent meeting.

Your instructions are awaited.

Regards,

Steven Clarke

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*Our Ref:*  
Mr S Clarke/Sharon/

Eastern Cape Development Tribunal  
Fourth Floor  
Tyamzashe Building  
Civic Square  
BHISHO  
5605

*Your Ref:*

26 September 2012

and to:

Mxolisi Mona  
Per email

and to:

NPM Planning  
8 Anderson Road  
Berea  
EAST LONDON  
5201  
Per email

---

Dear Sirs

**RE : APPLICATION FOR LAND DEVELOPMENT, SUB-DIVISION AND REZONING OF FARM 119 CENTANI : SEAGULLS TRADING COMPANY (PTY) LTD.**

Your letter of 25 September 2012 with its annexure refers.

As we understand your letter it seeks to convey that the Eastern Cape Development Tribunal holds the view that it remains competent for it to carry out the functions provided for in Chapters V and VI of the Development Facilitation Act.

In that view it is wrong and in an attempt to avoid litigation and the wastage of State resources in costs we address you further on that issue.

---

**BAX KAPLAN INCORPORATED**  
Registration Number 1989/000738/21

**ATTORNEYS - NOTARIES - CONVEYANCERS**

**DIRECTORS** G W Moolman, J E Bax,  
M R K Francis, S L N Clarke

**ADDRESS**  
Clevedon House, 2 Clevedon Road, Selborne, East London  
5201, PO Box 20000, Tecoma, 5214, South Africa  
Tel: (043) 706-8400  
Fax: (043) 706-8402  
Docex 2 East London  
Email: sharon@baxkap.co.za

**CONSULTANT** K J Kingon

**ASSOCIATE S** M Botha, P Naguran

**CANDIDATE ATTORNEYS** R Adams

**Bax Kaplan is a level 1 B-BBEE contributor**

We do not suggest that the appointments of members of the Development Tribunal have been set aside.

What we have pointed out is that the functions and authorities set out in Chapters V and VI of the Act have been declared constitutionally invalid.

To state, as the circular from the Department of Rural Development and Land Reform does, that the Tribunal remains empowered and authorised to exercise functions provided for in Chapters V and VI in respect of applications received before 17 June 2012, is misguided and without any basis.

The judgment of the Constitutional Court makes no provision for the "*consideration and disposal of all applications received before 17 June 2012*".

In any event such conditions as were attached to the suspension of the effect of the declaration of constitutional invalidity are no longer of effect in that the period of conditional suspension is at an end.

In effect thus, the declaration of constitutional invalidity is of unconditional effect.

What your letter contends for is in conflict with the Order of the Constitutional Court and the effect of the judgment of the Constitutional Court.

To pretend that notwithstanding the judgment being final of effect the Development Tribunal is entitled in law to carry out functions provided for in the Chapters struck down is misguided. The powers and authorisations provided for in Chapters V and VI no longer exist in any manner or form and thus any action taken on the basis thereof will be illegal.

It deserves of mention further that the South African Council for Consulting Professional Planners, in its application to the Constitutional Court for an extension of the period of suspension, sought a further Order that:

*"..... Tribunals established in terms of the DFA, its members and office bearers appointed in terms thereof and all other functionaries referred to in Chapters V and VI of the DFA and Regulations made in terms of the DFA ("the DFA Regulations") will retain and exercise all powers and functions provided for in Chapters V and VI of the DFA and in the DFA Regulations until such time as all applications for the establishment of land development areas in terms of Chapters V and VI of the DFA have been finalised and implemented and all administrative aspects incidental to such applications have been finalised, including appeals to Appeal Tribunals established in terms of the DFA."*

As we pointed out in our earlier letter the application was dismissed by the Constitutional Court.

The annexure to your letter contains various contradictions and obvious misstatements of law which we will refrain from dealing with it, being unnecessary to do so.

**BAX KAPLAN**

In conclusion we will afford you until close of business on 27 September 2012 to provide our offices with confirmation that the application will not be further considered or proceeded with by the Development Tribunal and in the absence thereof we will commence preparation of papers for an application to the High Court.

Yours faithfully

**BAX/KAPLAN INCORPORATED**

Direct fax number : 0866 349770



Eastern Cape Development Tribunal  
Fourth Floor  
Tyamzashe Building  
Civic Square  
BHISHO  
5605

**RECEIVED:**  
**DATE:**  
**TIME:**

*Our Ref:*  
Mr S Clarke/Sharon/

*Your Ref:*

26 September 2012

and to:

Mxolisi Mona  
Per email

and to:

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In that view it is wrong and in an attempt to avoid litigation and the wastage of State resources in costs we address you further on that issue.

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**BAX KAPLAN INCORPORATED**  
Registration Number 1989/000738/21

**DIRECTORS** G W Moolman, J E Bax,  
M R K Francis, S L N Clarke

**CONSULTANT** K J Kingon

**ASSOCIATE S** M Botha, P Naguran

**CANDIDATE ATTORNEYS** R Adams

**ATTORNEYS - NOTARIES - CONVEYANCERS**

**ADDRESS**

Clevedon House, 2 Clevedon Road, Selborne, East London  
5201, PO Box 20000, Tecoma, 5214, South Africa  
Tel: (043) 706-8400  
Fax: (043) 706-8402  
Docex 2 East London  
Email: sharon@baxkap.co.za

**Bax Kaplan is a level 1 B-BBEE contributor**

## Brendon Steytler

---

**From:** Steven Clarke - Bax Kaplan Attorneys <stevec@baxkap.co.za>  
**Sent:** 27 September 2012 08:36 AM  
**To:** brianvdd@smithtabata.co.za; 'Barry Galloway'; 'Brendon Steytler'; 'Charles Akeroyd'; 'Jock Mconnachie'  
**Cc:** 'Brett Dustan'; mxolisi.mona@dhlgta.ecape.gov.za; 'deon poortman'; 'Mxolisi Mona'  
**Subject:** RE: Seagulls Hotel Development  
**Attachments:** 4179\_001.pdf

Attached find copy of letter delivered to the tribunal yesterday afternoon.

Steven Clarke  
Bax Kaplan Inc

---

## **Brendon Steytler**

---

**From:** Clearedge Eastern Cape <clearedgeel@telkomsa.net>  
**Sent:** 27 September 2012 08:08 AM  
**To:** Deon Poortman; 'Brendon Steytler'; 'Werner'; 'Mark Povey'; bruce.brinkman@telkomsa.net; 'Dave Russell'  
**Cc:** 'nicole'  
**Subject:** Re: Seagulls Hotel Development  
**Attachments:** image001.jpg; image002.jpg  
**Importance:** High

Hi

### **In answer to the questions.**

In the practical recommendation we proposed 12 hour storage for the pump station. A back up power supply from the hotel generator and a early warning strobe light.

As regards to the positioning of the Sewage Treatment Plant.

The plants are preceded by a balancing tank which balances the flow to the bioreactors. The effluent is pumped from the balancing tank to the reactor at a controlled flow rate, maximising the retention time in the bioreactors.

### **In summary**

If effluent is gravity fed to the plant it still requires transferring from the balancing tank to the reactors. In view of this, a pump station transferring effluent to the plant, which is surface mounted, allows one to place the sewage treatment plant away from the dwellings in a position where a pond can be constructed with a 14 day storage capacity, which is a water affair requirement.

### **Lastly**

A breakdown on a pump station is easily dealt with.

In the case of a mechanical or electrical breakdown on the sewage treatment plant, it is comforting to know one can direct the flow to the pond for 14 days.

Kind Regards

Dave

CLEAREDGE EASTERN CAPE

PO Box 588, Gonubie, 5256

28 Smith Str, Gonubie, 5257

Tel/fax: 043 740 3847

Mobile: Dave - 073 419 6487

Email: [clearedgeel@telkomsa.net](mailto:clearedgeel@telkomsa.net)

----- Original Message -----

**From:** Deon Poortman

**To:** 'Clearedge Eastern Cape'; 'Brendon Steytler'; 'Werner'; 'Mark Povey'; bruce.brinkman@telkomsa.net; 'Dave Russell'

**Cc:** 'nicole'

**Sent:** Wednesday, September 26, 2012 3:08 PM



**Subject:** RE: Seagulls Hotel Development

Thank you

Brendon could you contact Dave on these items below please.

I feel that we need to try and respond today

**From:** Clearedge Eastern Cape [mailto:[clearedgeel@telkomsa.net](mailto:clearedgeel@telkomsa.net)]

**Sent:** 26 September 2012 02:56 PM

**To:** Brendon Steytler; 'Deon Poortman'; 'Werner'; 'Mark Povey'; [bruce.brinkman@telkomsa.net](mailto:bruce.brinkman@telkomsa.net); 'Dave Russell'

**Cc:** 'nicole'

**Subject:** Re: Seagulls Hotel Development

Hi

Dave is out of the office for the day. Will bring this to his attention first thing, tomorrow morning.

Kind Regards

Lindy

CLEAREDGE EASTERN CAPE

PO Box 588, Gonubie, 5256

28 Smith Str, Gonubie, 5257

Tel/fax: 043 740 3847

Mobile: Dave - 073 419 6487

Email: [clearedgeel@telkomsa.net](mailto:clearedgeel@telkomsa.net)

----- Original Message -----

**From:** [Brendon Steytler](mailto:Brendon Steytler)

**To:** 'Deon Poortman'; 'Werner'; 'Mark Povey'; [bruce.brinkman@telkomsa.net](mailto:bruce.brinkman@telkomsa.net); 'Dave Russell'

**Cc:** 'nicole'

**Sent:** Wednesday, September 26, 2012 2:37 PM

**Subject:** RE: Seagulls Hotel Development

**Indwe** ●●●●  
Environmental Consulting

• [www.indwecon.co.za](http://www.indwecon.co.za) •

• 12 Preston Ave • Vincent • 5217 •

• Tel: 043 726 6860 • Cell: 083 766 7514 • Fax: 086 513 9734 •

**From:** Deon Poortman [mailto:[deon@npmplanning.co.za](mailto:deon@npmplanning.co.za)]

**Sent:** 26 September 2012 02:14 PM

**To:** 'Werner'; 'Brendon Steytler'; 'Mark Povey'; [bruce.brinkman@telkomsa.net](mailto:bruce.brinkman@telkomsa.net); 'Dave Russell'

**Cc:** 'nicole'

**Subject:** RE: Seagulls Hotel Development

Thank you

Please provide me with remainder of comments asap

**From:** Werner [mailto:wdl@camdekon.co.za]  
**Sent:** 26 September 2012 01:49 PM  
**To:** 'Deon Poortman'; 'Brendon Steytler'; 'Mark Povey'; [bruce.brinkman@telkomsa.net](mailto:bruce.brinkman@telkomsa.net); 'Dave Russell'  
**Cc:** 'nicole'  
**Subject:** RE: Seagulls Hotel Development

See my comments in Blue

Werner de Lange  
For: Camdekon Engineers  
Tel: 043 - 722 2738  
Fax: 043 - 743 7698  
Cell: 082 578 0674

**From:** Deon Poortman [mailto:deon@npmplanning.co.za]  
**Sent:** 26 September 2012 12:36 PM  
**To:** 'Brendon Steytler'; 'Mark Povey'; [bruce.brinkman@telkomsa.net](mailto:bruce.brinkman@telkomsa.net); 'Werner'; 'Dave Russell'  
**Cc:** 'nicole'  
**Subject:** RE: Seagulls Hotel Development

Hi all

Can we obtain responses to the below from the objector today if possible please:

- With reference to comment 26.6 in the Comments Matrix of 13 August 2013, the question I had was about the use and location of pump stations as these were never referred to on any plans. I never mentioned anything about moving the package plant. Werner/dave
- Again at the last hearing I questioned how effluent will be pumped to the package plant from sites 21 and 22, as these were at lower elevations than the package plant. Also the proximity of these sites to the wetland would also have to be considered when planning the effluent disposal. This has not been adequately addressed. Werner/dave I am not familiar with the plant and what the inlet works look like. The cottages sit at a level of 9.5m, ground level at the plant 10.5m if the plant is reduced to a lower level the sewer will flow under gravity, this will also hide the plant from view of the surrounding cottages.
- With reference to comment 26.7 in the Comments Matrix of 13 August 2013, I questioned the backup capacity for the package plant not the backup plan. I suggest that back capacity of 8 hours storage be provided as opposed to the 4 hours referred to in the response because pump failure often takes longer than 4 hours to repair therefore an 8 hour norm is generally adopted. Dave/werner Dave could allow for a standby pump to be kept in stores
- In the last hearing there was a request for height restrictions to be imposed on structures. The response was to refer to the SDP however the SDP does not indicate height restrictions.deon/bruce

With reference to your response table from the last hearing it is recorded that I raised concern about the water supply. This is incorrect as I raised concern about the effects of storm water runoff from the road on

the development, and I raised concerns about the impact on the wetland if the spring water is harvested for the development demand. werner/brendon This will be addressed via the normal stormwater management of the road adjacent the site via the side drains etc. This road is a municipal road and the maintenance thereof is their function, however they cannot just discharge stormwater onto the property freely  
Water from the spring will be harvested in addition to the current supply from the Municipality, therefore there will be a surplus. ( The spring and the Municipality supply 80cum/day, the complex needs 50cum therefore a surplus of 30 cum/day will be drained back into the wetland )

The DWA issued a General Authorisation for extraction from the spring. By taking water out this system, it will have a definite impact on the wetland which will in all likelihood reduce in extent. In order for the DWA to issue the General Authorisation, they would have had to have had a look at the downstream consequences in terms of the ecological reserve of the system. In other words, the impact must have been taken into account with their assessment. The wetland is at the "end" of the system and there are no downstream users who will be adversely affected. It may be worth getting hold of the extraction application from SRK. Mark do you have a copy of this??

- **With reference to the last hearing I stated that I would like to see the architectural guidelines and restrictions incorporated in the Home Owners Association Constitution. The draft constitution was provided but there is no reference to the architectural guidelines and restrictions. deon**
- **With reference to the HOA Constitution, I would also advise that restrictions on access to the site by way of formal roads be imposed, and also there be mention of height restrictions on any structures built on the site. No structure should protrude above the natural tree line, and this is in keeping with the Wild Coast Tourism Development Policy. Bruce/deon**

I still have concerns about the effects of sites 21 and 22 on the wetland and I recommend that geo-technical studies be done on these sites before any development is done. Werner We can note this but a geotech will only indicate what to found on and what the water table will be this is seasonal and will vary from the summer to winter. I think there is ample indication of what the soil conditions are in the area.

**From:** Brendon Steytler [mailto:indwecon@telkomsa.net]  
**Sent:** 26 September 2012 12:11 PM  
**To:** 'Deon Poortman'; 'Mark Povey'; bruce.brinkman@telkomsa.net; 'Werner'  
**Cc:** 'nicole'  
**Subject:** RE: Seagulls Hotel Development

They all look fairly manageable comments to me. It seems as though he no longer has an issue with the density/ project proposal/ legal fatal flaws etc which is positive.

Mark – is Dave Russel going to be able to attend the hearing?

**From:** Deon Poortman [mailto:deon@npmplanning.co.za]  
**Sent:** 26 September 2012 12:06 PM  
**To:** 'Mark Povey'; bruce.brinkman@telkomsa.net; 'Werner'; 'Brendon Steytler'; cedric.gregson@gmail.com  
**Cc:** 'nicole'  
**Subject:** FW: Seagulls Hotel Development

Good day

This just arrived from Brett.

Any comments?

**From:** Brett Dustan [mailto:bdustan@absamail.co.za]  
**Sent:** 26 September 2012 11:40 AM  
**To:** Deon Poortman  
**Cc:** Bing Kockott; 'Barry Galloway'; brianvdd@smithtabata.co.za; Brendon Steytler; KATE BREWIS; Mike Coleman; mxolisi.mona@dhlga.ecape.gov.za  
**Subject:** Seagulls Hotel Development

Hi Deon,

Please find the attached letter for your consideration and records.

Kind Regards

Brett



*Brett Dustan (Pr.Sci.Nat.)*

Service Provision in:  
Environmental services  
Forestry  
Project Management

P.O. Box 340, Goubaie, 5256  
Tel: 043 7405842  
Fax: 083 043 7405842  
Cell: 082 3 776428  
Email: bldustan@absamail.co.za

## Brendon Steytler

---

**From:** Bing Kockott <bingsk@iafrica.com>  
**Sent:** 27 September 2012 07:34 AM  
**To:** 'deon poortman'; 'Brett Dustan'; 'Steven Clarke - Bax Kaplan Attorneys'  
**Cc:** 'Barry Galloway'; 'Brendon Steytler'; 'KATE BREWIS'; mxolisi.mona@dhlgta.ecape.gov.za; bdutoit@ampaglas.com  
**Subject:** RE: Seagulls Hotel Development

Good Day Deon

The extract of your response below has reference-:

(Brett Dustan) - With reference to the HOA Constitution, I would also advise that restrictions on access to the site by way of formal roads be imposed, and also there be mention of height restrictions on any structures built on the site. No structure should protrude above the natural tree line, and this is in keeping with the Wild Coast Tourism Development Policy.

(Deon Poortman) - The HOA Constitution refers to the Architectural Guidelines where (as above) contain the height restrictions. The term natural tree

line is arbitrary (who can determine the natural tree line – what is deemed a natural tree for the area?). Height restrictions have been based on topography and heights / sight lines concerning existing vegetation / structures.

Similarly the term natural ground level in the context of this development is very arbitrary. An exact natural ground level expressed in terms of mean sea level must be recorded per site with a corresponding maximum height restriction of the dwelling stated in similar mean sea level reference. This is the only way in which we can ensure compliance with the sight line criteria. Ground levels are very often altered during the construction phase, platforming and levelling of the site and it is therefore very easy to lose sight of what was the natural ground levels and consequently any maximum height imposed for a building over an altered ground level could well have major impact on views. Furthermore the sight line conforming to minimising sight interruption coincides with the apex of the building marked "B" on the development plan since this is the height of the existing structures lying in our direct view path.

Regards

**Bing Kockott**

**C D E C**

CONSULTING ENGINEERS

Tel: (043) 740 1045  
Fax: (043) 740 5185  
Cell: 082 568 4823  
Email: [bingsk@iafrica.com](mailto:bingsk@iafrica.com)

**From:** deon poortman [mailto:[deon@npmplanning.co.za](mailto:deon@npmplanning.co.za)]

**Sent:** 26 September 2012 09:08 PM

**To:** 'Brett Dustan'; 'Steven Clarke - Bax Kaplan Attorneys'

**Cc:** 'Bing Kockott'; 'Barry Galloway'; 'Brendon Steytler'; 'KATE BREWIS'; mxolisi.mona@dhlgta.ecape.gov.za

**Subject:** RE: Seagulls Hotel Development

Good day Brett

Herewith a short response relating to your letter of today as well as Annexure A pertaining to the HoA and the Architectural Guidelines.

Regards

Deon

**From:** Brett Dustan [<mailto:bdustan@absamail.co.za>]

**Sent:** 26 September 2012 11:40 AM

**To:** Deon Poortman

**Cc:** Bing Kockott; 'Barry Galloway'; [brianvdd@smithtabata.co.za](mailto:brianvdd@smithtabata.co.za); Brendon Steytler; KATE BREWIS; Mike Coleman; [mxolisi.mona@dhlqta.ecape.gov.za](mailto:mxolisi.mona@dhlqta.ecape.gov.za)

**Subject:** Seagulls Hotel Development

Hi Deon,

Please find the attached letter for your consideration and records.

Kind Regards

Brett



*Brett Dustan (Pr.Sci.Nat.)*

Service Provision in:  
Environmental services  
Forestry  
Project Management

P.O. Box 340, Oudtshoorn, 7256

Tel: 043 7405842

Fax: 053 043 7405842

Cell: 082 3776428

Email: [bdustan@absamail.co.za](mailto:bdustan@absamail.co.za)



Growth Through Service

P.O. Box 340  
Gonubie  
East London  
5256

Tel: 043 7405 842  
Fax: 088 043 7405 842  
Cell: 082 3776428

Email: bdustan@absamail.co.za

26 September 2012

NPM Planning  
P.O. Box 19345  
Tecoma  
5214

Attention: Mr. Deon Poortman

**ESTABLISHMENT OF A LAND DEVELOPMENT AREA:  
FARM 119 CENTANE: SEAGULLS RESORT HOTEL:  
COMMENTS ON RESPONSES**

I hereby wish to notify you that I am still not satisfied with response to questions I had at the Pre-Hearing and then again in the follow-up hearing. The following applies:

- With reference to comment 26.6 in the Comments Matrix of 13 August 2013, the question I had was about the use and location of pump stations as these were never referred to on any plans. I never mentioned anything about moving the package plant.
- Again at the last hearing I questioned how effluent will be pumped to the package plant from sites 21 and 22, as these were at lower elevations than the package plant. Also the proximity of these sites to the wetland would also have to be considered when planning the effluent disposal. This has not been adequately addressed.
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- In the last hearing there was a request for height restrictions to be imposed on structures. The response was to refer to the SDP however the SDP does not indicate height restrictions.
- With reference to your response table from the last hearing it is recorded that I raised concern about the water supply. This is incorrect as I raised concern about the effects of storm water runoff from the road on the development, and I raised concerns about the impact on the wetland if the spring water is harvested for the development demand.
- With reference to the last hearing I stated that I would like to see the architectural guidelines and restrictions incorporated in the Home Owners Association Constitution. The draft constitution was provided but there is no reference to the architectural guidelines and restrictions.

- With reference to the HOA Constitution, I would also advise that restrictions on access to the site by way of formal roads be imposed, and also there be mention of height restrictions on any structures built on the site. No structure should protrude above the natural tree line, and this is in keeping with the Wild Coast Tourism Development Policy.

I still have concerns about the effects of sites 21 and 22 on the wetland and I recommend that geo-technical studies be done on these sites before any development is done.

Hoping this meets with your approval.

Kind Regards

A handwritten signature in black ink, appearing to read 'Brett Dustan', with a stylized flourish at the end.

Brett Dustan (Pr.Sci.Nat.)



## Brendon Steytler

---

**From:** Brett Dustan <bdustan@absamail.co.za>  
**Sent:** 26 September 2012 11:40 AM  
**To:** Deon Poortman  
**Cc:** Bing Kockott; 'Barry Galloway'; brianvdd@smithtabata.co.za; Brendon Steytler; KATE BREWIS; Mike Coleman; mxolisi.mona@dhlqta.ecape.gov.za  
**Subject:** Seagulls Hotel Development  
**Attachments:** NPM Planning.26 sep 2012.seagulls expansion comments.doc

Hi Deon,

Please find the attached letter for your consideration and records.

Kind Regards

Brett



*Brett Dustan (Pr.Sci.Nat.)*

Service Provision in:  
Environmental services  
Forestry  
Project Management

P.O. Box 340, Gouda, 5256  
Tel: 043 7405842  
Fax: 053 043 7405842  
Cell: 082 3776428  
Email: bdustan@absamail.co.za



*Our Ref.*  
Mr S Clarke/Sharon/

Eastern Cape Development Tribunal  
Fourth Floor  
Tyamzashe Building  
Civic Square  
BHISHO  
5605

*Your Ref:*

25 September 2012

and to:

Mxolisi Mona  
Per email: [mona@eclgta.gov.za](mailto:mona@eclgta.gov.za)

and to:

NPM Planning  
8 Anderson Road  
Berea  
EAST LONDON  
5201  
Per email: [deon@npmplanning.co.za](mailto:deon@npmplanning.co.za)

---

Dear Sirs

**RE : APPLICATION FOR LAND DEVELOPMENT, SUB-DIVISION AND REZONING  
OF FARM 119 CENTANI : SEAGULLS TRADING COMPANY (PTY) LTD.**

We act on behalf of the Qolora Residents Association and on behalf of Mr Jonathan Smith the owner of Cottage 04, Qolora Mouth.

We have been provided with a copy of an application relating to Farm 119, Centani which declares that the application is made in terms of the Development Facilitation Act and its regulations.

The application is directed toward :

---

**BAX KAPLAN INCORPORATED**  
Registration Number 1989/000738/21

**DIRECTORS** G W Moolman, J E Bax,  
M R K Francis, S L N Clarke

**CONSULTANT** K J Kingon

**ASSOCIATE S** M Botha, P Naguran

**CANDIDATE  
ATTORNEYS** R Adams

**ATTORNEYS - NOTARIES - CONVEYANCERS**

**ADDRESS**  
Clevedon House, 2 Clevedon Road, Selborne, East London  
5201, PO Box 20000, Tecoma, 5214, South Africa  
**Tel:** (043) 706-8400  
**Fax:** (043) 706-8402  
Docex 2 East London  
**Email:** [sharon@baxkap.co.za](mailto:sharon@baxkap.co.za)

**Bax Kaplan is a level 1 B-BBEE contributor**

1. the rezoning of the property;
2. the subdivision of the property;
3. the approval of the proposed development including the granting of permissions for the establishment of infrastructure and of buildings;
4. the removal of restrictions contained within the exiting Deed of Grant.

That which is sought to be achieved by the application is reliant upon the authorisation and capacity of the Development Tribunal provided for in Chapters 5 and 6 of the Development Facilitation Act 67 of 1995 and the regulations promulgated in terms thereof.

As you must know the Constitutional Court in the matter of **Johannesburg Municipality v Gauteng Development Tribunal 2010 (6) SA 182 CC**, declared Chapters 5 and 6 of the Act to be constitutionally invalid.

The effect of the judgment is that Chapters 5 and 6 of the Act have been declared invalid from inception.

While the Constitutional Court suspended its Order of invalidity for a period of twenty-four months from the date of its Order, 18 June 2010, to enable Parliament to address the defects in the Act identified by the Court, Parliament has not done so.

In addition the Constitutional Court dismissed, on 5 June 2012, an application by the South African Council for Consulting Professional Planners for direct access to the Constitutional Court to have the declaration of invalidity further suspended.

In consequence the Declaration of constitutional invalidity is of effect with a further consequence that all regulations promulgated under the authority purportedly provided for in the sections declared invalid are also invalid.

The conditions attached to the Order of the Constitutional Court relating to the suspension of the Declaration of constitutional invalidity were of application only during the period of suspension and, in any event, did not have the effect of preserving the offending Chapters relative to the present application and is of no relevance for the further reason that the period of suspension has run to an end.

Accordingly the Development Tribunal has no lawful capacity or authority to carry out any of the functions provided for in Chapters 5 and 6 of the Act and any approval of the application, or part thereof, would be void and of no force and effect.

Our clients accordingly object to the entire application on the basis of illegality.

Apart from the foregoing there are various other issues upon which our clients take issue with the Applicants and which will be challenged and addressed in due course, if necessary.

---

The purpose of our present letter is, however, to require an undertaking from the Eastern Cape Development Tribunal, to be furnished before the next meeting of 27 September 2012, that the application for the development, sub-division and rezoning of Farm 119, Centani will not be further considered or proceeded with in terms of the Development Facilitation Act.

Failing receipt of the required undertaking our clients, joined by others, will move for appropriate relief before the High Court.

Yours faithfully

**BAX KAPLAN INCORPORATED**

Direct fax number : 0866 349770

## Brendon Steytler

---

**From:** Steven Clarke - Bax Kaplan Attorneys <stevec@baxkap.co.za>  
**Sent:** 25 September 2012 10:55 AM  
**To:** 'Bing Kockott'; brianvdd@smithtabata.co.za; 'Barry Galloway'; 'Brendon Steytler'; 'Charles Akeroyd'; 'Jock Mcconnachie'  
**Cc:** 'Brett Dustan'; mxolisi.mona@dhlgta.ecape.gov.za; 'deon poortman'; 'Mxolisi Mona'; groupofadvocates@roundbar.co.za; 'KATE BREWIS'  
**Subject:** RE: Seagulls Hotel Development  
**Attachments:** Eastern Cape Development Tribunal.doc

Hi all,

Herewith letter today dispatched to the tribunal, the original of which is being hand delivered in Bisho.

I will report on the response as soon as it is received.

Regards,

Steven Clarke.

---

## Brendon Steytler

---

**From:** Steven Clarke - Bax Kaplan Attorneys <stevec@baxkap.co.za>  
**Sent:** 12 September 2012 10:02 AM  
**To:** 'Bing Kockott'; brianvdd@smithtabata.co.za; 'Barry Galloway'; 'Brendon Steytler'; 'Charles Akeroyd'; 'Jock Mcconnachie'  
**Cc:** 'Brett Dustan'; mxolisi.mona@dhlgt.escape.gov.za; 'deon poortman'; 'Mxolisi Mona'; dave de la Harpe  
**Subject:** RE: Seagulls Hotel Development

Hi Bing,

Dave de la Harpe and I have chatted briefly about the matter this morning at court.

You have done what he suggested I do, namely seek a postponement and a copy of the application.

Please keep me in the loop and in the meantime please let me have whatever correspondence and documents are in your possession and a summary of what has transpired to date.

I would also like the department contact details and reference as soon as possible.

Regards,

Steve Clarke.

---

**From:** Bing Kockott [mailto:bingk@iafrica.com]  
**Sent:** 12 September 2012 08:56 AM  
**To:** brianvdd@smithtabata.co.za; 'Barry Galloway'; 'Brendon Steytler'; 'Charles Akeroyd'; 'Jock Mcconnachie'  
**Cc:** 'Brett Dustan'; mxolisi.mona@dhlgt.escape.gov.za; 'deon poortman'; 'Mxolisi Mona'; stevec@baxkap.co.za  
**Subject:** Seagulls Hotel Development

We have only received the responses to our concerns and objections yesterday, 11<sup>th</sup> September and are attempting to digest the responses. This is hopelessly to short a time for us to undertake a review of the information and hereby request a postponement of the meeting currently scheduled for the 13<sup>th</sup> September. We request an extension of at least 14 days to allow our legal team to comment and respond to the responses. We still await the minutes from the previous meeting and would also like a copy of the original DFA application for the development proposal.

Regards

**Bing Kockott**

**C D E C**

CONSULTING ENGINEERS

Tel: (043) 740 1045  
Fax: (043) 740 5185  
Cell: 082 568 4823  
Email: [bingk@iafrica.com](mailto:bingk@iafrica.com)

## Brendon Steytler

---

**From:** Bing Kockott <bingsk@iafrica.com>  
**Sent:** 12 September 2012 08:56 AM  
**To:** brianvdd@smithtabata.co.za; 'Barry Galloway'; 'Brendon Steytler'; 'Charles Akeroyd'; 'Jock Mcconnachie'  
**Cc:** 'Brett Dustan'; mxolisi.mona@dhlgtta.escape.gov.za; 'deon poortman'; 'Mxolisi Mona'; stevec@baxkap.co.za  
**Subject:** Seagulls Hotel Development

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Regards

**Bing Kockott**

**C D E C**

CONSULTING ENGINEERS

Tel: (043) 740 1045  
Fax: (043) 740 5185  
Cell: 082 568 4823  
Email: [bingsk@iafrica.com](mailto:bingsk@iafrica.com)

## Brendon Steytler

---

**From:** Brett Dustan <bdustan@absamail.co.za>  
**Sent:** 21 August 2012 01:05 PM  
**To:** Deon Poortman  
**Cc:** brianvdd@smithtabata.co.za; 'Barry Galloway'; Bing Kockott; Brendon Steytler; Charles Akeroyd  
**Subject:** Re: Seagulls Hotel Development

Hi Deon,

I want to bring to your attention certain aspects of the project that I believe are sensitive and have not been adequately covered thus far, and the following applies:

- There is no formal access (proclaimed) beyond Seagulls and therefore if any other access to the site is required it will have to be formalised.
- Upon closer inspection at our last 'hearing' it was evident that the proposed sites 18, 20 and 34 are situated in wetland area – wetlands are protected and therefore these sites should be excluded.
- Sites 21 and 22 are also at a lower point than the proposed site for the sewer package plant and the question is how is the sewer from these 2 sites going to be dealt with, also considering that to link up with the package plant would in all likelihood require excavation through the wetland.
- Has NEM:ICM been taken into account with this development?

We will no doubt forward more concerns to you in the next week or so.

Kind Regards

Brett



*Brett Dustan (Pr.Sci.Nat.)*

Service Provision in:  
Environmental services  
Forestry  
Project Management

P.O. Box 340, Graham, 5256  
Tel: 043 7405842  
Fax: 083 043 7405842  
Cell: 082 3776420  
Email: bdustan@absamail.co.za



Qolora" E"Admin Area  
Rural Community  
and Development Committee  
CENTANE  
c/o PO Box 95  
Kei Mouth  
5260  
Phone : 047 498 0001  
Cell : 07876886121

11<sup>th</sup> September 2012

Seagulls Beach Hotel and Estate Development

Qolora-By-Sea

Centane

4980

Dear Sirs


Re: SEAGULLS HOTEL UPGRADING AND EXPANSION

The Qolora "E"Admin Area Rural Community also represented by Qolora "E"Community Development committee are aware of the application for the upgrading of Seagulls within their Farm 119 Centane.

The community have no objection to the upgrading as was communicated to the Eastern Cape Development Tribunal on the 17<sup>th</sup> July 2012 at the meeting which was held at Seagulls Hotel.

D.B. Sub/Supra

D.B. Sub/Supra

NABUQ F. EKENI	X F. EKENI
RUFUS HULLER	

This development would create work opportunities for members of the community.

In addition to the above we are in favour of the treated waste water being irrigated on the existing golf course area.

Signed at Qoloro this 11<sup>th</sup> day of SEPTEMBER 2012









**The Headman**  
**Qoloro .E.**

Ny Nkonon

Headman

M. B. Tekeni

Development Committee Chairman

Name of Committee member	Committee Members Signature
KTUOT Mbagu	
G.I.JI Eaton Rasumani	
Dimi Nkonki	
T KAFILÉ	
M Icofilé	
S MN YAKA	
M. Gladile	
MRS N. Achele	



OUR REF:6555.34

YOUR REF:

**7 September 2012**

TO: MNQUMA MUNICIPALITY  
RURAL DEVELOPMENT & LAND REFORM  
QOLORA COMMUNITY

Dear Peliwe Z. Njemela

**INVITATION TO ATTEND A COMMUNITY MEETING FOR THE PROPOSED DEVELOPMENT OF THE SEAGULLS BEACH HOTEL/ESTATE & PERMISSION TO IRRIGATE THE TREATED EFFLUENT ON COMMUNAL LAND**

**IN THE DEVELOPMENT TRIBUNAL FOR THE EASTERN CAPE CASE NO: DT (EC) 016/2012**

Establishment of a land development area on Farm 119 Centane.

All community stakeholders are hereby invited to attend a community meeting as follows:

Date: 11 September 2012 (Tuesday)

Time: 11:00

Venue: Headmans Kraal (Qolora)

The application will be considered at a **TRIBUNAL HEARING** to be held at the **Regent Hotel** (East London) on **13 September** at **12H00**.

Should you require more information please don't hesitate to contact the undersigned or Mr Mark Povey on 082 449 7521.

Yours faithfully,

**DEON POORTMAN**

[www.npmplanning.co.za](http://www.npmplanning.co.za)

**NPM PLANNING OFFICES:**

**QUEENSTOWN**

Office: 44 Ebdon Road, Queenstown  
Address: P.O. Box 1699, Queenstown, 5320  
Phone: 045 838 2029  
Fax: 045 838 2016  
Email: [qtn@npmplanning.co.za](mailto:qtn@npmplanning.co.za)

**EAST LONDON**

Office: 8 Anderson Road, Baysville E.L.  
Address: P.O. Box 19345, Tecoma, 5214  
Phone: 043 721 2306  
Fax: 086 675 4814  
Email: [el@npmplanning.co.za](mailto:el@npmplanning.co.za)

**PORT ELIZABETH**

Office: 195 Cape Road, Mill Park, P.E.  
Address: P.O. Box 10322, Linton Grange  
Phone: 041 374 4610  
Fax: 041 374 1008  
Email: [pe@npmplanning.co.za](mailto:pe@npmplanning.co.za)

PROFESSIONAL TOWN & REGIONAL PLANNERS, GIS CONSULTANTS, DEVELOPMENT PLANNERS AND LAND REFORM PRACTITIONERS

DIRECTORS: DB Poortman Pr.Pl.n, B.TR.P(UP), M.U.R.P.(UFS); SD Mgunudo Pr.Pl.n, N.DIP(TRP), B.TECH(TRP); MJ Medcaif PR.L(SA), B.Sc(Survey), B.Sc(Civil Eng)

NPM PLANNING CC Registration Number: 2008/134189/23

# MNQUMA LOCAL MUNICIPALITY

P O Box 36  
No 52 King Street, Butterworth  
Telephone: 047 - 4012400  
Facsimile: 047 - 4910195



Ibokisi yePosi 36  
52 King Stalato EGcuwa  
Umnxeba: 047 4012400  
IFeksi: 047 - 4910195

---

<i>Date</i>	<i>Person Dealing With the Matter:</i>	<i>Reference:</i>
24/08/2012	SK. Joni	16/2/3

---

Ms Mapasa  
The Designated Officer  
Department of Local Government and Traditional Affairs  
Private Bag X0035  
Bisho

Dear Madam

## LETTER OF SUPPORT: SEAGULLS

The Seagulls Land Development Area Refers.

We hereby confirm that the proposed Seagulls development is aligned with Mnquma Local Municipality's **Spatial Development Framework (SDF)** and is supported.

The development forms part of the Qolora Node and has been earmarked for urban development, which the Municipality has identified for infrastructure upgrading and development in the Mnquma Local Municipality SDF.

Regards,

**N. Pakade**  
**MUNICIPAL MANAGER**

Date:

## Brendon Steytler

---

**From:** Harland Wood <Harland.Wood@kzndae.gov.za>  
**Sent:** 07 June 2012 10:20 AM  
**To:** Brendon Steytler  
**Subject:** RE: Proposed Seagulls development

Hi Brendon,

thanks for your reply,

regards,

Harland Wood

>>> "Brendon Steytler" <[indwecon@telkomsa.net](mailto:indwecon@telkomsa.net)> 2012/06/07 08:03 AM >>>  
Hi Harland

Thank you for your comment. We can confirm that we have registered all. We will keep you timeously updated as documentation becomes available. I have attached the BID.

Regards

Brendon Steytler

-----Original Message-----

From: Harland Wood [mailto:[Harland.Wood@kzndae.gov.za](mailto:Harland.Wood@kzndae.gov.za)]  
Sent: 06 June 2012 05:27 PM  
To: Brendan Steytler  
Cc: [linda@agrofert.co.za](mailto:linda@agrofert.co.za); [oxenhope@icon.co.za](mailto:oxenhope@icon.co.za); [el@npmplanning.co.za](mailto:el@npmplanning.co.za); [barry@specpetroleum.co.za](mailto:barry@specpetroleum.co.za); [cateian@telkomsa.net](mailto:cateian@telkomsa.net); [harlandwood@telkomsa.net](mailto:harlandwood@telkomsa.net)  
Subject: Proposed Seagulls development

Dear Brendan,

Attached please find two letters for your attention in regard to the proposed Seagulls development.

Thank you,

Kind regards,

Harland Wood

I have sent this email from my work email address and would appreciate it if you could please cc any email replies to my private email address too:  
[harlandwood@telkomsa.net](mailto:harlandwood@telkomsa.net)

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regards,

Harland Wood

>>> "Brendon Steytler" <[indwecon@telkomsa.net](mailto:indwecon@telkomsa.net)> 2012/06/07 08:03 AM >>>  
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Brendon Steytler

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Sent: 06 June 2012 05:27 PM  
To: Brendan Steytler  
Cc: [linda@agrofert.co.za](mailto:linda@agrofert.co.za); [oxenhope@icon.co.za](mailto:oxenhope@icon.co.za); [el@npmplanning.co.za](mailto:el@npmplanning.co.za); [barry@specpetroleum.co.za](mailto:barry@specpetroleum.co.za); [cateian@telkomsa.net](mailto:cateian@telkomsa.net); [harlandwood@telkomsa.net](mailto:harlandwood@telkomsa.net)  
Subject: Proposed Seagulls development

Dear Brendan,

Attached please find two letters for your attention in regard to the proposed Seagulls development.

Thank you,

Kind regards,

Harland Wood

I have sent this email from my work email address and would appreciate it if you could please cc any email replies to my private email address too:  
[harlandwood@telkomsa.net](mailto:harlandwood@telkomsa.net)

## Brendon Steytler

---

**From:** Brendon Steytler <indwecon@telkomsa.net>  
**Sent:** 07 June 2012 08:04 AM  
**To:** 'Harland Wood'  
**Cc:** 'linda@agrofert.co.za'; 'oxenhope@icon.co.za'; 'barry@specpetroleum.co.za'; 'cateian@telkomsa.net'; 'harlandwood@telkomsa.net'  
**Subject:** RE: Proposed Seagulls development  
**Attachments:** Seagulls BID 23-01 2012.pdf

Hi Harland

Thank you for your comment. We can confirm that we have registered all. We will keep you timeously updated as documentation becomes available. I have attached the BID.

Regards

Brendon Steytler

-----Original Message-----

**From:** Harland Wood [mailto:Harland.Wood@kzndae.gov.za]  
**Sent:** 06 June 2012 05:27 PM  
**To:** Brendan Steytler  
**Cc:** linda@agrofert.co.za; oxenhope@icon.co.za; el@nmpplanning.co.za; barry@specpetroleum.co.za; cateian@telkomsa.net; harlandwood@telkomsa.net  
**Subject:** Proposed Seagulls development

Dear Brendan,

Attached please find two letters for your attention in regard to the proposed Seagulls development.

Thank you,

Kind regards,

Harland Wood

I have sent this email from my work email address and would appreciate it if you could please cc any email replies to my private email address too:  
[harlandwood@telkomsa.net](mailto:harlandwood@telkomsa.net)



HS Wood  
11 Cochrane Road  
Ladysmith 3370  
Tel: 036 631 0429  
Cell: 082 332 5351  
Fax: 086 668 5718

06 June 2012

Brendan Steytler  
Indwe Environmental Consulting  
9 Tainton Avenue  
Bonnie Doon  
East London 5241

Dear Brendan,

**Re: PROPOSED SEAGULLS DEVELOPMENT, QOLORA MOUTH: BASIC ASSESSMENT AND PUBLIC PARTICIPATION PROCESS**

I would appreciate it if you could please register the following persons who are the joint owners of Cottage no 2 at Qolora as interested and affected parties for the public participation process related to the proposed Seagulls development:

Name	Postal Address	Email address
C. J. Hunter	17 Wherry Road, Muizenberg, 7945	cateian@telkomsa.net
H.S. Wood	11 Cochrane Road, Ladysmith, 3370	harlandwood@telkomsa.net
L.A. Andersen	PO Box 15387, Beacon Bay, 5200	linda@agrofert.co.za

I would also appreciate it if you could please provide us with information on the process to be followed for basic assessment report compilation and public participation and if possible also email us electronic copies of the basic assessment report when it is available.

I have also attached a copy of a letter we submitted to the Designated Officer in regard to the proposed development.

Thank you.

Yours faithfully,

HS Wood  
for the joint owners of Cottage no 2 at Qolora:

C. J. Hunter	co-owner	17 Wherry Road, Muizenberg, 7945
H.S. Wood	co-owner	11 Cochrane Road, Ladysmith, 3370
L.A. Andersen	co-owner	PO Box 15387, Beacon Bay, 5200

CC:  
NRM Planning  
Indwe Environmental Consulting cc  
The Chair & Treasurer: Qolora Residents Committee

HS Wood  
11 Cochrane Road  
Ladysmith 3370  
Tel: 036 631 0429  
Cell: 082 332 5351  
Fax: 086 668 5718

01 June 2012

The Designated Officer  
Department of Local Government and Traditional Affairs  
Room 4086  
Tyamazashe Building  
Phola Avenue  
Bisho 5605  
Fax no: 040 609 5198

**Re: PROPOSED SEAGULLS DEVELOPMENT, SEAGULLS TRADING COMPANY LTD AND MARENTIA 516 CC, QOLORA MOUTH: CASE NO 006/2012**

We are joint-owners of the cottage situated on Site no.2 at Qolora Mouth and hereby submit comments re the proposed developments on the Seagulls Hotel site.  
(My sisters Linda Andersen and Catherine Wood and I are the cottage owners, being heirs to our late father GS Wood in whose estate the PTO to Site no 2 is still registered).

Our forebears on both our father and mothers sides of the family were resident in former Transkei for up to 5 generations from the 1800's to late 1980's and the families have owned cottages and holidayed at Qolora Mouth from the early 1900's to the present.

**Comments and objections to the proposed development:**

1. We are supportive of **social and economic development** and associated **job creation and income generation** opportunities for the **local community**.
2. We believe it is important that development in the area should be **in harmony with the areas eco-recreational status** and comply with environmental prescripts;
  - if developments are not in harmony with the natural and aesthetic environment and result in environmental degradation that will take away the **appeal of the area as an eco-recreational destination**;
  - if the area no longer has eco-recreational appeal to visitors then the **economic viability and job creation potential** of the area and other developments will be **undermined** and diminished.
3. We do have some concerns regarding the proposed developments at Seagulls, including the following aspects:
  - i. The **density** of the development is very high and as such represents a very **high level of occupancy** which will place a **strain** on the already irregular and strained supplies of **water and electricity**. As cottage No. 2 receives water after the hotel, it could be severely impacted by the hotel usage.
  - ii. The high density **could also detract** from the '**Wild Coast**' **eco-recreational feel** of the area and its **appeal to eco-recreational visitors** who such developments rely on for **income**.
  - iii. The site of the existing hotel and proposed expansion has many **springs and wetlands**, and our concern is that if sewerage and grey water disposal units are not sealed closed system units that seepage into the surrounding springs and wetlands could cause large scale environmental pollution and affect the water supply of those cottages that do draw their water supply from spring sources. Units 6, 7, 8, 9, 10, 11, 12 and 13 are all to be located in an area that is currently a wetland - what

plans are in place to create sufficient drainage that the seepage will not affect the access road behind this development.

iv. There is mention of a **storm water drainage** system - where will this drain out too? The beach or the surrounding wetlands? Such arrangements would not be acceptable.

v. While the **Cape Cod theme** development would be aesthetically pleasing it is not necessarily thematically in keeping with the area and the use of wooden cladding - if in keeping with the Cape Cod style would degenerate under the salt laden winds and heat and humidity of the area and unless rigorously maintained would soon lead to a very dilapidated appearance.

vi. Units E, F, G, H, I, J, K, L, M, N, O and P are all in a **sand-dune** depression - what plans are in place to hold back the sand without affecting the beach and intertidal zones?

vii. While the development has stated that it would use low impact **building technology** this seems like lip service as none have been specified. In an area like this it would seem appropriate to install solar energy capturing systems, rain water tanks for collection of water, and perhaps even adobe or sand bag building methods. The possibilities of creating a more **ecologically beneficial development** exist.

viii. The implementation of environmentally appropriate **sewerage system is important**, including solid waste disposal.

In the case of our unavailability as joint cottage owners to attend the pre-hearing and hearings associated with this development we reserve the right to elect another representative to stand proxy for us at such hearings.

Yours faithfully,



HS Wood

for the joint owners of Cottage no 2 at Qolora:

C. J. Hunter	co-owner	17 Wherry Road, Muizenberg, 7945
H.S. Wood	co-owner	11 Cochrane Road, Ladysmith, 3370
L.A. Andersen	co-owner	PO Box 15387, Beacon Bay, 5200

CC:

NRM Planning

Indwe Environmental Consulting cc

The Chair & Treasurer: Qolora Residents Committee

## Brendon Steytler

---

**From:** Harland Wood <Harland.Wood@kzndae.gov.za>  
**Sent:** 06 June 2012 05:27 PM  
**To:** Brendan Steytler  
**Cc:** linda@agrofert.co.za; oxenhope@icon.co.za; el@npmplanning.co.za;  
barry@specpetroleum.co.za; cateian@telkomsa.net; harlandwood@telkomsa.net  
**Subject:** Proposed Seagulls development  
**Attachments:** Letter\_SeagullsDevpt\_Wood\_Cottage2\_01June2012.pdf.pdf;  
Letter\_SeagullsDevpt\_Wood\_Cottage2\_06June2012.pdf

Dear Brendan,

Attached please find two letters for your attention in regard to the proposed Seagulls development.

Thank you,

Kind regards,

Harland Wood

I have sent this email from my work email address and would appreciate it if you could please cc any email replies to my private email address too:

[harlandwood@telkomsa.net](mailto:harlandwood@telkomsa.net)

## Brendon Steytler

---

**From:** Brendon Steytler <indwecon@telkomsa.net>  
**Sent:** 06 June 2012 07:58 AM  
**To:** 'Goodman Sahula'  
**Cc:** 'YakoW@daff.gov.zaNgxanganeD@daff.gov.za'  
**Subject:** RE: Request for information and participation in the Basic Assessment process  
**Attachments:** Seagulls BID 23-01 2012.pdf

**Importance:** High

Hi Goodman

Please find attached Background Information Document. Please note that this public participation process is being undertaken concurrently with an application for development rights in terms of the Development Facilitation Act 67 of 1995. Accordingly, a Tribunal Pre-hearing Conference is scheduled for the 17 July 2012 at 10H30 and the Tribunal Hearing will take place on the 16 August 2012 at 10H30. The venue for both will be at Seagulls Beach Hotel, Centane. As an Interested and Affected Party you are invited to attend and participate.

We look forward to your comments.

Regards

Brendon Steytler

-----Original Message-----

**From:** Goodman Sahula [mailto:sahulag@webmail.co.za]  
**Sent:** 05 June 2012 10:13 AM  
**To:** indwecon@telkomsa.net  
**Cc:** YakoW@daff.gov.zaNgxanganeD@daff.gov.za  
**Subject:** Request for information and participation in the Basic Assessment process

The Manager  
Indwe Environmental Consulting

Attention Brendon Steytler

Re: Notice of public participation process basic assessment as advertised in Daily Dispatch issue of 7th May 2012 on expansion of Seagulls Beach Hotel.

This serves to inform that Sahula MG, Estate Manager : Centane Indigenous Forest Management would like to participate in the basic assessment process and also request more information on the matter.

Sahula MG ( Goodman) is a forester by profession and manages state forest areas around Seagulls Beach Hotel which was demarcated as a Coastal Forest Reserve in terms of Government Notice no 1379 Of 1918. The process therefore had to comply with the requirements of the National Forest Act no 84 Of 1998 as amended.

My contact details are 047 491 7227

0781204 700

Sahulag@webmail.co.za and i am an employee of the Department of Agriculture Forestry and Fisheries.

Regards,

Sahula MG

---

South Africas premier free email service - [www.webmail.co.za](http://www.webmail.co.za)

For super low premiums, click here. <http://www.dialdirect.co.za/?vdn=15828>

## Brendon Steytler

---

**From:** Goodman Sahula <sahulag@webmail.co.za>  
**Sent:** 05 June 2012 10:13 AM  
**To:** indwecon@telkomsa.net  
**Cc:** YakoW@daff.gov.zaNgxanganeD@daff.gov.za  
**Subject:** Request for information and participation in the Basic Assessment process

The Manager  
Indwe Environmental Consulting

Attention Brendon Steytler

Re: Notice of public participation process basic assessment as advertised in Daily Dispatch issue of 7th May 2012 on expansion of Seagulls Beach Hotel.

This serves to inform that Sahula MG, Estate Manager : Centane Indigenous Forest Management would like to participate in the basic assessment process and also request more information on the matter.

Sahula MG ( Goodman) is a forester by profession and manages state forest areas around Seagulls Beach Hotel which was demarcated as a Coastal Forest Reserve in terms of Government Notice no 1379 Of 1918. The process therefore had to comply with the requirements of the National Forest Act no 84 Of 1998 as amended.

My contact details are 047 491 7337

0781204 700

[Sahulag@webmail.co.za](mailto:Sahulag@webmail.co.za) and i am an employee of the Department of Agriculture Forestry and Fisheries.

Regards,

Sahula MG

---

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Growth Through Service

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5256

Tel: 043 7405 842  
Fax: 088 043 7405 842  
Cell: 082 3776428  
Email: bdustan@absamail.co.za

31 May 2012

Indwe Environmental Consulting  
9 Tainton Avenue  
Bonnie Doon  
5241

Attention: Brendan Steytler

**EXPANSION AND UPGRADE OF SEAGULLS BEACH HOTEL AND RESORT:  
FARM 119, CENTANE**

I hereby wish to notify you I have been appointed by Qolora Cottage Owners Association to represent them as an Interested and Affected Party in the EIA process for the proposed Expansion and Upgrade of the Seagulls Beach Hotel and Resort located on Farm 119, Centane.

I am an Environmental Assessment Practitioner and have been involved in various projects along the Wild Coast, and I also consult to the Wild Coast Cottage Owners Association on various issues pertaining to building renovations to cottages in terms of environmental legislation. There are a number of concerns I want to raise in terms of the application by Seagulls Trading Company and the following apply:

- The number of proposed plots in relation to the size of the site constitutes medium to high density development (more high than medium) which compared with the current number of 'Wild Coast cottages' (which is 21 in total) at Qolora is a contradiction in terms of what has been allowed until now.
- With reference to the Wild Coast Development Policy the following guidelines should be considered:
  - Controls on tourism developments aim to ensure that an appropriate type and form of tourism development is encouraged at the appropriate location. (How does the proposed development compare with the surrounding existing developed area?)
  - Qolora is classified as a First Order Development Node, and the main focus in these nodes should be on the provision of recreation by the development and not the environment, although the development is located in a pleasant, clean and attractive setting.
  - Within each node, careful attention should be given to ensuring that there is a compatible mix of tourism and recreational uses, in order to avoid conflict between land uses and activities (The proposed development is questionable in this regard).



- Tourism developments and activities should not exceed the carrying capacities of the local and coastal environments, which they occur in (the proposed development has a definite impact on the infrastructural carrying capacity of Qolora, as well as the Biophysical carrying capacity of Qolora and these have to be assessed in depth).
- A tourism development should wherever possible not be permitted to occur on the skyline, or on prominent open hillsides where it will be visible from far (proposed double storey units will not conform to this requirement).
- A tourism development should wherever possible not be located or constructed to be visibly obtrusive from certain popular tourism vantage points, for example from the beach (proposed double storey units will not conform to this requirement).
- A tourism development should wherever possible be designed and constructed so as to 'blend into the landscape' rather than impose its presence on it. This applies to the bulk, form, elevation and finish of any particular tourism development (the proposed development will not conform to this requirement).
- The design and management of tourism developments should ensure that there is a sense of privacy, seclusion and refuge (unfortunately there will be an impingement on the rights to privacy for the owners of Site No. 4, Qolora with the proposed portions 24, 25 of the proposed development. The fact that the building line for these plots is 0m just adds 'insult to injury').
- There should be a buffer between the development and the natural coastal/dune forests (a 0m building line will not conform to this requirement).
- I notice on the proposed site development plan there is no allowance made for sewer pump stations which undoubtedly will be required given the fact that the proposed site for a package plant is at a higher elevation than the rest of the development.

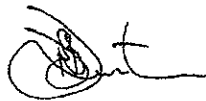
Further, to the above-mentioned there are a number of concerns relating to this application from various cottage owners, and these letters are attached for your records.

May I state that I do not oppose the proposed development, and the Qolora Cottage Owners Association does not oppose the development in principle, as long as the above-mentioned concerns and criteria are given due consideration.

In my opinion the development should be reduced in size and all units should be single storey units. Any water demand studies should be done for the entire demand for Qolora and not just the proposed development, because any ground water that exists at Qolora will have to supply the needs of all and not just the development.

Hoping this meets with your approval.

Kind Regards

A handwritten signature in black ink, appearing to read 'Brett Dustan', with a stylized flourish at the end.

Brett Dustan (Pr.Sci.Nat.)

The Designated officer  
Department of Local Government & Traditional Affairs  
Room 4186  
Fourth Floor  
Tyamzashe Building  
Phola Avenue  
Bisho

Dear Sir

**Case No. 006/2012 : Seagulls Trading Company – Development of Farm 119, Centane**

**Re: Concerns related to the proposed development of Seagulls Hotel.**

I am the Trustee for the Lucal Trust who now own cottage no 1 Qolora (purchased from Russell Hulley)

I must firstly mention that I only received the relevant information today 28/5/2012.

I have not had sufficient time to apply my mind fully to all the issues involved.

On behalf of the Lucal Trust I thus reserve the right to convey our comments (whether positive or negative) at a later stage.

Our feeling at this stage however is that we are not opposed to any upgrading of Seagulls or further development thereon as long as all the improvements are done transparently and in particular that none of our other village members are inconvenienced in any way.

That is to say that the following be taken into account.

1. The current water system be fully upgraded (at no expense to the cottage owners) so that it can carry the extra load.
2. The electricity supply be checked for the extra availability that will be required.
3. A refuse disposal system be built / implemented that will be for the benefit of the whole community.
4. The relevant Environmental Impact Study be performed.
5. The number of new rooms / cottages / houses be limited so that the ambience on the area is not disturbed.
6. All improvements to be done in an eco-friendly manner. (Sewerage, grey water etc)
7. Is there an offering from the developer for the upliftment of the village and community as a whole ???
8. All improvements / developments must be for the good of the community and the developer.

There are many points to consider thus we regard this as a work in progress and would like to note that this may not be our final comment.

Regards  
Shane Pagel  
0823202791 cell  
e-mail: [shane@pagel.co.za](mailto:shane@pagel.co.za)

L K PAGEL  
P O BOX 351  
GONUBIE  
5256  
E-mail: [rainseed@iafrica.com](mailto:rainseed@iafrica.com)  
Cell: 0828818573  
24 May 2012

The Designated Officer  
Department of Local Government and Traditional Affairs  
Room 4186  
Tyamzashe Building  
Phola Avenue  
Bisho 5605

To Whom It May Concern:

As the owner of cottage 26 I am writing to object to some aspects of the above proposed development.

1. The proposed development will more than double the size of the existing village and it is unlikely that the existing resources will be able to cope.
2. There are no existing garbage facilities. Cottage owners usually take their garbage home or at least remove the recyclables and burn the remainder. The developers do not state how they will deal with this issue.
3. Double storey units will obstruct views.
4. The sheer size of the development will spoil the atmosphere of the quiet peaceful seaside village.

Kind regards  
L K Pagel

Our Ref: DJM

Your ref:

11 May 2012

**THE DESIGNATED OFFICER  
DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS  
ROOM 4186  
TYAMZASHE BUILDING  
PHOLA AVENUE  
BISHO  
5605**

Dear Candice,

**RE: SEAGULLS TRADING COMPANY LIMITED CASE NUMBER 006/2012**

I am the owner of a cottage at Qolora By Sea and hold a permission to occupy in respect of the land, being site 14.

I object to the proposed development for the following reasons:

1. the number of additional buildings, including dwellings, and the density of the development, is excessive, bearing in mind the sensitive nature of the Wild Coast environment;
2. at present Qolora By Sea is a quiet village with a rural ambience, which will be ruined by the sheer size of the proposed development;
3. the infrastructure in the area is at present inadequate and the size of the proposed development will lead to excessive demands being placed on all available resources. There are already problems with access to water and a development of this nature will require additional infrastructure for the provision of water as well as an adequate sewerage system so as to avoid pollution of the beach and sea.
4. two story buildings as envisaged, will spoil the skyline and lead to the present natural feel of the area becoming a concrete jungle in the middle of an area currently regarded as naturally pristine.
5. it appears that the developer is concentrating solely on maximum personal profit without regard for the interests of other occupants of the village and the broader community in general.
6. the nature of the proposed development will detract from the appeal of the area, from a tourism point of view which will lead to less visitors to the area and a consequent loss of employment opportunities for the community.
7. we should be concentrating on preserving the natural environment so as to ensure that the Wild Coast continues to attract tourists. This development indicates total disregard for the natural environment.
8. I have not yet had the opportunity to see the proposed architectural style of the development but trust that the developer will be required to erect buildings which detract as little as possible from the existing natural environment.

---

Directors Duncan John McConnachie – BA (Rhodes) BPROC (UNISA)  
Andrew John McConnachie – BA LLB (Rhodes)  
Registration No. 2000/019981/07

9. I reserve the right to raise further objections when I have had an opportunity to study details of the development.

Yours faithfully,

D.J. McConachie.

A handwritten signature in black ink, consisting of a large, stylized loop that starts from the right, goes up and over, then down and around to the left, ending near the text 'D.J. McConachie.'

**Charles R Akeroyd**  
**PO Box 650212**  
**Benmore**  
**2010**  
**Tel +27-11-883-5239**  
**Tel (Cell) +27-82-901-4348**  
**E-mail: oxenhope@icon.co.za**

14 May 2012

The Designated Officer  
Department of Local Government and Traditional Affairs  
Room 4186  
Tyamzashe Building  
Phola Avenue  
Bisho 5605

Dear Sir,

Re:Seagulls Trading Compnay Case no 006/2012

As the owner of cottage 23 Qolora-by-Sea, I am writing to object to some aspects of the above proposed development.

The proposed development represents a considerable increase in the size of the village of Qolora-by-Sea, and it is unlikely that existing (and proposed increases in) resources will be able to cope, without detrimentally affecting existing users. In particular:-

(1) As regards water supply, the proposed development intends using the existing facility which is under the management of the Amathole District Municipality. This facility has proved to be quite insufficient to meet existing needs, and in my personal recent experience (over Christmas and Easter) water was unavailable for well over 50% of the time we spent in the area. The plan for the proposed development does not adequately address the need for increasing the supply of water, with the result that existing users (without the backup facilities envisaged by the developers for themselves) will be the sufferers.

(2) As regards household rubbish, including recyclables, there are currently no formal facilities of any kind in the area. Owners of cottages generally take away their recyclables, and burn the remainder. The developers do not state how they will deal with their rubbish, and the possibility exists that it will end up being buried informally in the surrounding bush.

(3) For several years now there has been talk of establishing an Abalone Farm near Halls Point, which is very near to the Seagulls Development. The Abalone development has been generally welcomed by residents of the area, as an ecologically acceptable project which will provide additional employment for local people. The developers of Seagulls do not mention whether they have considered the effect which their development may have on the Abalone project.

(4) The plan indicates that most of the buildings closest to the sea will be double-storey, which seems incongruous in the existing environment. In general the development seems excessive in the context of the present status of the area.

(5) The developers seem to be concerned solely with the development of their own site, for their own benefit, and do not propose any contribution to be made for the general good of the area. For example, they might make the project more acceptable locally by offering to contribute financially towards improving school, clinic or other communal buildings, or perhaps upgrading the golf course (currently disused).

I may not be able to attend the meetings scheduled to consider objections, and therefore appoint Mr Bing Kockott as my representative.

Kind regards



C R Akeroyd

Cc Indwe Environmental Consulting  
(Brendon Steytler)  
9 Tainton Avenue  
Bonnie Doon  
East London 5241



16<sup>th</sup> May 2012

The Designated officer  
Department of Local Government & Traditional Affairs  
Room 4186  
Fourth Floor  
Tyamzashe Building  
Phola Avenue  
Bisho

Dear Sir

**Case No. 006/2012 : Seagulls Trading Company – Development of Farm 119, Centane**

I hereby register as an interested and affect party to the proposed development of Seagulls Hotel site by the Seagulls Development Company. My particulars are as follows:-

<u>Name and contact number</u>	<u>Status</u>	<u>Permanent address</u>	<u>Reason for objection</u>
JOHN SMITH 0832806060	Cottage owner No.4 Qolora	18 Noel Graham Terrace	Reasons to follow!

Should there be any queries please do not hesitate to contact the undersigned.

Yours faithfully

J Smith



15<sup>th</sup> May 2012

The Designated officer  
Department of Local Government & Traditional Affairs  
Room 4186  
Fourth Floor  
Tyamzashe Building  
Phola Avenue  
Bisho

Dear Sir

**Case No. 006/2012 : Seagulls Trading Company – Development of Farm 119, Centane**

I hereby register as an interested and affect party to the proposed development of Seagulls Hotel site by the Seagulls Development Company. MY particulars are as follows:-

Name : B S Kockott  
Status : Cottage owner -site 21, Qolora-by- the- Sea  
Contact Details : 2 Ocean Way, Gonubie  
Telephone No. : 043 7401045  
Cell No. : 082 5684 823

The issues of concern consist of the following but not limited to -:

1. The extent of the development and the impact this will have on the coastal and land bio diversity resources.
2. The impact on an already inadequate water supply.
3. Disposal of solid waste, since there is no formal disposal site or method for the existing residents and the development proposes to more than double the existing number.
4. The proposed double storey units will project or cut the sky line from the beach aspect and would consequently change the pristine nature of the entire area. In certain cases it will also interrupt views for the existing cottage owners.
5. Subsistence fishermen already place the scarce marine aquatic and rock life under pressure supplying the existing local residents and their personal demands. Doubling the number of residents will obviously place these resources under non sustainable pressure, to the extent that the permanent local population will no longer have this resource as a food source.

Should there be any queries please do not hesitate to contact the undersigned.

Yours faithfully

B. S. Kockott

KUDEC ENGINEERING DEVELOPMENT SERVICES (PTY) LTD. (REGISTRATION NO: 2005/030743/07)(SA)

2 Third Street, GONUBIE, EAST LONDON, 5257

PO BOX 399, GONUBIE, 5256,

TEL: 043-740 1045 FAX: 043 740 5185

MAIL: cdec@telkomsa.net

DIRECTORS: M QWETA (Pr.Sci.Nat.,B.Sc.(Hon) Geol), M MADISHA (Pr.Sci.Nat., M.Sc. Geol), P A SHARP (HND Civil Eng), B S KOCKOTT (B.Sc. Civil Eng)

2 Grevillea Street, Highveld, Technopark, Centurion, 0046

P O Box 597, Randburg, 2125

Tel: +27 12 678 9465 Fax: +27 12 678 9464

23<sup>rd</sup> May 2012

The Designated officer  
Department of Local Government & Traditional Affairs  
Room 4186  
Fourth Floor  
Tyamashe Building  
Phola Avenue  
Bisho

Dear Sir

**Case No. 006/2012: Seagulls Trading Company – Development of Farm 119, Centane**

The proposed development as forwarded by the consultants is too big and completely out of context with the Qolora Village. The Qolora area is part of the Transkei Wild Coast and is registered as an “ECO-TOURISM” area. This proposed development does not fit into this category. The development should be limited to a maximum of 10 to 12 new units (accommodation only) and ALL SINGLE STORY. Self-catering units are not acceptable.

The existing Services to our village are severely stretched at present. For the past few years our water supply has been unreliable as a result of old and deteriorating infrastructure and as much as Amatola Water are aware of it, there has been no investment to upgrade and rectify the situation. The repairs to continually rupturing mains pipe work has in almost every instance been attended to and supervised by Rufus Hulley, assisting Chester. The development will definitely compromise ALL the existing cottage owners even more and NO development should be allowed to go ahead without a complete upgrade of the water supply. I.e.; from pumps, filtration treatment, reservoirs, pressure reducing valves and mains.

The electricity supply is currently inefficient, though it has been reasonably reliable of late. However, it is noted that the supply is somewhat overloaded and this is quite often noticeable when using our domestic kettles and toasters. I feel that Eskom need to be consulted on this situation and make comment on the effects of the development on the electricity supply to ALL property owners.

A current major concern is that there is no proper disposal of solid waste (and household garbage) at present. This has been an ongoing problem for a number of years and the development will have a huge increase in this area. Any development needs to adequately provide for the additional volume of waste that will be generated. Any future development will need to satisfy all environmental issues pertaining to the handling of waste water.

I believe this development needs to be dramatically reduced prior to any approval for it getting the “go-ahead”. The proposed development will completely destroy the ambiance of the Qolora Seaside Village

Mr. L. Joint  
Cottage Owners Site No. 10

23<sup>rd</sup> May 2012

The Designated officer  
Department of Local Government & Traditional Affairs  
Room 4186  
Fourth Floor  
Tyamzashe Building  
Phola Avenue  
Bisho

Dear Sir

**Case No. 006/2012: Seagulls Trading Company – Development of Farm 119, Centane**

The existing property known as “Seagulls Hotel” is now advertised as the “Seagulls Resort” – I am not aware of this change having taken place and must therefore question if this change is legitimate (has a request/application been forwarded and approved by the DLA) or are the new owners jumping the gun and expecting this to be sanctioned by the relevant authorities?. To my knowledge, no such application for change of status on this property has been advertised, to begin with. – I stand to be corrected.

The proposed development as forwarded by the consultants is in my opinion way TO BIG and completely out of context with the Qolora Village. My understanding is that the proposed units are to be “sold off” on a “timeshare basis” self-contained) and not used as accommodation as part of the existing hotel. The Qolora area is part of the Transkei Wild Coast and is registered as an “ECO-TOURISM” area. This proposed development does not fit into this category. The development should be limited to a maximum of 15 new units (accommodation only) and ALL SINGLE STORY. Self-catering units are not acceptable.

The existing Services to our village are severely stretched at present. For the past few years our water supply has been unreliable as a result of old and deteriorating infrastructure and as much as Amatola Water are aware of it, there has been no investment to upgrade and rectify the situation. The repairs to continually rupturing mains pipe work has in almost every instance been attended to and supervised by Rufus Hulley, assisting Chester. I hate to think of what the supply position would have deteriorated to without Rufus’s input. The development will definitely compromise ALL the existing cottage owners even more and NO development should be allowed to go ahead without a complete upgrade of the water supply. I.e.; from pumps, filtration treatment, reservoirs, pressure reducing valves and mains.

The electricity supply is currently inefficient, though it has been reasonably reliable of late. However, it is noted that the supply is somewhat overloaded and this is quite often noticeable when using our domestic kettles and toasters. I feel that Eskom need to be consulted on this situation and make comment on the effects of the development on the electricity supply to ALL property owners.

There will naturally be a major increase in the “waste” department, and the handling of sewerage will pose a problem that needs to be adequately dealt with. Just 2 years ago, ALL COTTAGE OWNERS were forced to pay for a survey on our properties as to how we dealt with grey-water, black-water and sewerage. The Qolora cottages were all in compliance with the requirements, yet the hotels were NOT surveyed. It is common knowledge that problems do exist with the handling of the hotel sewerage and this will only worsen. Any future development will need to satisfy all environmental issues pertaining to

the handling of waste water.

A current major concern is that there is no proper disposal of solid waste (and household garbage) at present. This has been an ongoing problem for a number of years and the development will have a huge increase in this area. Any development needs to adequately provide for the additional volume of waste that will be generated.

While I welcome the upgrading of the Seagulls Hotel, and a very limited development, I believe that the proposed development will completely destroy the ambiance of the Qolora Seaside Village. The casual and "laid-back" atmosphere that so many people hold dear, will ultimately be lost and this development coupled to the ("ludicrous, soon to be tarred road") that is currently under construction will put paid to the holiday destination so many people seek.

I believe this development needs to be dramatically reduced prior to any approval for it getting the "go-ahead". Should it proceed in its proposed form, the developers would have "made their buck" and moved on, only to leave us existing cottage owners to live with the result!!!!!!.

Barry Galloway  
Cottage Owner Site No. 8  
Chairman, Qolora Residents Association.

BARRY GALLOWAY  
DIRECTOR SALES & MARKETING  
SPECIALISED PETROLEUM PRODUCTS  
TEL: 043 7361316  
FAX: 043 7361768

23<sup>rd</sup> May 2012

The Designated officer  
Department of Local Government & Traditional Affairs  
Room 4186  
Fourth Floor  
Tyamzashe Building  
Phola Avenue  
Bisho

Dear Sir

**Case No. 006/2012: Seagulls Trading Company – Development of Farm 119, Centane**

My concern around the proposed development is the following;

- The proposed number of improvements is too big. Whilst there is a need to develop and upgrade the hotel, the site development proposed is to use every square meter of ground on the Seagulls site and build on this. For many years the occupancy rate at the hotel has been poor and therefore in all likelihood they may not be able to fill this in off peak season therefore unnecessary development will take place.
- The amount of traffic may increase detracting from the rural nature of the village and thus compromising the safety of children who often walk along the road.
- Increase size of hotel will mean an increasing influx of migrant labour which could increase crime on the area.
- This development should be seen against a background of security of tenure and the current owners should not be able to develop and then sell off.
- Increased traffic past Barry Galloway resulting on noise and dust pollution.
- Is this the thin end of the wedge where this could be used as a precedent for further development of cottages/ B&B's and the like to proliferate thus spoiling what we have as a unique village with minimal traffic and people.
- The environmental impact of such an expansion, are they going to build a sewerage and waste water treatment plant, they cannot depend on the existing system? Where does the additional water come from, will the system be able to handle it as well as electricity , food deliveries, busses for staff, stack emissions around restaurant and delivery trucks?

Malcom Du Toit  
Cottage Owner Site No. 10  
Malcolm Du Toit [mailto:malcolm.dutoit@sabmiller.com]

# Murray du Plessis

3 VILLA ROAD  
BONNIE DOON  
EAST LONDON 5241  
PHONE 043 7352360 / 082 5598965  
FAX 043 7438674  
E - MAIL [mhi@iafrica.com](mailto:mhi@iafrica.com)

22 May 2012

TO: THE DESIGNATED OFFICER  
DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS  
ROOM 4186  
TYAMZASHE BUILDING  
PHOLA AVENUE  
BISHO  
5605

Dear Candice,

**RE: SEAGULLS TRADING COMPANY LIMITED CASE NO. 006/2012**

I am the owner of Site 7 Qolora Mouth, Kentani District.  
I wish to register as an Interested and Affected party to this Proposed Development.

The concerns I have are the following:

1. The development will place excessive pressure on water resources which are currently inadequate and outdated.
2. The scale of the development will lead to an entire change in the nature of the village. Currently 21 cottages and the development proposes to increase by a further 26 units this is more than a 100% growth. This will in turn lead to excessive pressure be placed on the already sensitive biodiversity of the area.
3. I wish to reserve the right to raise further comments when I have had the opportunity to study further details of the development.

---

MURRAY DU PLESSIS

**Robert W. R. Fowlds**

**Telephone Numbers**

Home: 031-9033 513

Office: 031-913 3200

Cellular: 082 449 6721

e-mail: [robertf@isegen.co.za](mailto:robertf@isegen.co.za)

**Postal Address:**

P.O. Box 69,  
Warner Beach.  
4140.

**Residential Address:**

47, Rockview Road  
Amanzimtoti.  
Kwa-Zulu Natal.  
4126.

Department of Local Government & Traditional Affairs  
Room 4186  
Tyamzashe Building  
Phola Avenue, Bisho. 5605  
Attention:- The designated officer

22 May 2012

Re: - Seagulls Trading Company – case number 006/2012

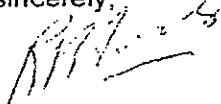
Dear Sir,

I am the owner of a cottage on site 17, Qolora by the Sea.

I am not against progress and development, however, with reference to the proposed development by Seagulls Trading, I object to the development on the following grounds:

1. The water supply to the village is currently barely adequate with numerous breakdowns and interruptions. An additional development of this magnitude will stress this resource to unacceptable levels where the existing properties will be jeopardized. Unless it can be shown that the water resources will be adequately improved and the capacity increased, the development should not go ahead in its present proposed format.
2. There are no formal facilities for the disposal of waste and the cottage owners are currently responsible for carting away their own household rubbish. The proposed development will need to show how and where their increased garbage and rubbish will be effectively dealt with.

Yours sincerely,



Robert Fowlds





EXR HOLDINGS (PTY) LTD



CIVIL ENGINEERING & BUILDING CONTRACTORS

DURSAN

100-101  
Walter Sisulu Ave  
100-101 Walter Sisulu Ave  
Mabopane, Pretoria 001

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Mabopane, Pretoria 001

100-101  
Walter Sisulu Ave  
Mabopane, Pretoria 001

100-101  
Walter Sisulu Ave  
Mabopane, Pretoria 001

DIRECTORS

M.G. Smit  
M.G. Smit  
M.G. Smit  
M.G. Smit

SUBSIDIARY COMPANIES

EXR Construction Pty Ltd

EXR Construction  
Specialised Civil Ltd

EXR Construction  
Specialised Civil Ltd

The Designated Officer

Department of Local Government and Traditional Affairs

Room 4186

Tyamzashe Building

Phola Avenue

Bisho 5605

25 May 2012

Dear Sir,

SEAGULLS TRADING COMPANY CASE No 006/2012

The above proposed development refers.

I support this development in principal but would like to be sure that the infrastructure requirements have been correctly planned and thought out.

Electrical

The electrical demand to this area will be nearly doubled. is the Infrastructure Supply able to meet this demand?

Water

I question whether the Raw Water pumps in the Qolora River will meet with double the demand

Is the Raw Water pipeline from the pumps to the Treatment Works capable to meet double the demand?

Will the Water treatment Works, the Storage Reservoir, and Supply Pipelines be adequate to supply double the demand?

I believe that this development would require an independent water supply system from the Raw Water pumps to meet their demands, as the current system can not meet the current demand during peak holiday periods.

Kind Regards,

Mike Jahrig BSc Eng ( Civil ) Pr Eng M.S.A.I.C.E





## water affairs

Department:  
Water Affairs  
**REPUBLIC OF SOUTH AFRICA**

Water Quality Management  
P.O. Box 7019  
East London  
5200

Enquiries: M. Mampane  
☎: 0437010257  
Fax: (086) 613 9175  
Ref: 16/2/7/R202/D3

The Project Manager  
Indwe Environmental Consulting cc  
9 Taiton Avenue  
BONNIE DOONE  
EAST LONDON, 5241

Attention: Mr. B. Steyler

Dear Sir

**PROPOSED UPGRADE AND EXPANSION OF SEAGULLS BEACH HOTEL AS WELL AS THE DEVELOPMENT OF SEAGULLS LIFESTYLE ESTATE LOCATED ON FARM 119 CENTANE, WILD COAST, EASTERN CAPE**

We have received your background information document regarding the above proposed activities and the site was visited on 29<sup>th</sup> May 2012 refers.

It was confirmed on the above visit that there is no water resource close to the proposed activity and the source of water supply is a water reservoir uphill of the hotel which receives water from the Municipal water distribution network.

As mentioned on page 2 of the report that the installation of the new wastewater reticulation system and package plant has been proposed and that the treated effluent will be used for irrigation of the proposed golf course, you will be requested to apply for the registration and authorization of water use 21 (e) according to the National Water Act (36 of 1998). The contact person in the Department to assist in the authorization will be Ms. L. Fourie at [fouriel@dwa.gov.za](mailto:fouriel@dwa.gov.za)

With regard to the current situation of solid waste disposal, the hotel management should then consult the Municipality for the collection of waste to be disposed at the authorized Municipal landfill site. Also because this site is within Amathole District Municipality, your team needs to inform the Municipality as well.

Based on the above information, this Office has no objection towards the proposed activity at Seagull Beach Hotel.

Should you need more information please do not hesitate to contact this Office.

Yours faithfully

  
1/ ACTING CHIEF DIRECTOR: EASTERN CAPE

DATE: 4/6/2012

## Brendon Steytler

---

**From:** Sigabi Mlungisi <SigabiM@dwa.gov.za>  
**Sent:** 04 June 2012 10:00 AM  
**To:** indwecon@telkomsa.net  
**Cc:** Jack Landile (ELS)  
**Subject:** Seagul hotels: proposed development- WQM comments  
**Attachments:** SKMBT\_C28012060409070.pdf

Morning Mr Steytler

Please find attached comments from the Department of Water Affairs (Water Quality) for the above mentioned development.

Regards

MLUNGISI SIGABI  
Control Auxiliary Services Officer  
Institutional Establishment:Water Use Authorisations  
Tel:(043) 701 0225  
Fax:(043) 722 6152  
Fax2Email:(086) 758 3523  
Cell:(083) 610 0644/ 501 9198

Department of Water Affairs  
P.O. Box 7019  
EAST LONDON  
5200

" There's no such a thing as perfection. But,in striving for perfection we can achieve excellence."

---

### DISCLAIMER:

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*Growth Through Service*

P.O. Box 340  
Gonubie  
East London  
5256

Tel: 043 7405 842  
Fax: 088 043 7405 842  
Cell: 082 3776428  
Email: bdustan@absamail.co.za

31 May 2012

Indwe Environmental Consulting  
9 Tainton Avenue  
Bonnie Doon  
5241

Attention: Brendan Steytler

**EXPANSION AND UPGRADE OF SEAGULLS BEACH HOTEL AND RESORT:  
FARM 119, CENTANE**

I hereby wish to notify you I have been appointed by Qolora Cottage Owners Association to represent them as an Interested and Affected Party in the EIA process for the proposed Expansion and Upgrade of the Seagulls Beach Hotel and Resort located on Farm 119, Centane.

I am an Environmental Assessment Practitioner and have been involved in various projects along the Wild Coast, and I also consult to the Wild Coast Cottage Owners Association on various issues pertaining to building renovations to cottages in terms of environmental legislation. There are a number of concerns I want to raise in terms of the application by Seagulls Trading Company and the following apply:

- The number of proposed plots in relation to the size of the site constitutes medium to high density development (more high than medium) which compared with the current number of 'Wild Coast cottages' (which is 21 in total) at Qolora is a contradiction in terms of what has been allowed until now.
- With reference to the Wild Coast Development Policy the following guidelines should be considered:
  - Controls on tourism developments aim to ensure that an appropriate type and form of tourism development is encouraged at the appropriate location. (How does the proposed development compare with the surrounding existing developed area?)
  - Qolora is classified as a First Order Development Node, and the main focus in these nodes should be on the provision of recreation by the development and not the environment, although the development is located in a pleasant, clean and attractive setting.
  - Within each node, careful attention should be given to ensuring that there is a compatible mix of tourism and recreational uses, in order to avoid conflict between land uses and activities (The proposed development is questionable in this regard).

- Tourism developments and activities should not exceed the carrying capacities of the local and coastal environments, which they occur in (the proposed development has a definite impact on the infrastructural carrying capacity of Qolora, as well as the Biophysical carrying capacity of Qolora and these have to be assessed in depth).
- A tourism development should wherever possible not be permitted to occur on the skyline, or on prominent open hillsides where it will be visible from far (proposed double storey units will not conform to this requirement).
- A tourism development should wherever possible not be located or constructed to be visibly obtrusive from certain popular tourism vantage points, for example from the beach (proposed double storey units will not conform to this requirement).
- A tourism development should wherever possible be designed and constructed so as to 'blend into the landscape' rather than impose its presence on it. This applies to the bulk, form, elevation and finish of any particular tourism development (the proposed development will not conform to this requirement).
- The design and management of tourism developments should ensure that there is a sense of privacy, seclusion and refuge (unfortunately there will be an impingement on the rights to privacy for the owners of Site No. 4, Qolora with the proposed portions 24, 25 of the proposed development. The fact that the building line for these plots is 0m just adds 'insult to injury').
- There should be a buffer between the development and the natural coastal/dune forests (a 0m building line will not conform to this requirement).
- I notice on the proposed site development plan there is no allowance made for sewer pump stations which undoubtedly will be required given the fact that the proposed site for a package plant is at a higher elevation than the rest of the development.

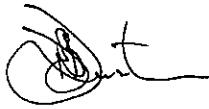
Further, to the above-mentioned there are a number of concerns relating to this application from various cottage owners, and these letters are attached for your records.

May I state that I do not oppose the proposed development, and the Qolora Cottage Owners Association does not oppose the development in principle, as long as the above-mentioned concerns and criteria are given due consideration.

In my opinion the development should be reduced in size and all units should be single storey units. Any water demand studies should be done for the entire demand for Qolora and not just the proposed development, because any ground water that exists at Qolora will have to supply the needs of all and not just the development.

Hoping this meets with your approval.

Kind Regards

A handwritten signature in black ink, appearing to read 'Brett Dustan', with a stylized circular flourish at the beginning.

Brett Dustan (Pr.Sci.Nat.)

## Brendon Steytler

---

**From:** Brett Dustan <bdustan@absamail.co.za>  
**Sent:** 31 May 2012 03:31 PM  
**To:** 'Brendon Steytler'  
**Subject:** RE: SEAGULLS RESORT HOTEL EXPANSION: Registration as an Interedt and Affected Party  
**Attachments:** Indwe.31may 2012.seagulls development.doc

Hi Brendan,

Please find attached my comments thus far.

I will also drop a hard copy at your office with the various letters from cottage owners.

Kind Regards

Brett



*Brett Dustan (Pr.Sci.Nat.)*

Service Provision in:  
Environmental services  
Forestry  
Project Management

P.O. Box 340, Goudbek, 5256  
Tel: 043 7405842  
Fax: 083 043 7405842  
Cell: 082 3776428  
Email: bdustan@absamail.co.za

**From:** Brendon Steytler [mailto:indwecon@telkomsa.net]  
**Sent:** 28 May 2012 04:51 PM  
**To:** 'Brett Dustan'  
**Cc:** 'Bing Kockott'; 'KATE BREWIS'  
**Subject:** RE: SEAGULLS RESORT HOTEL EXPANSION: Registration as an Interedt and Affected Party

Hi Brett

Please find attached BID and we await your formal comment.

Regards

Brendon Steytler

**From:** Brett Dustan [mailto:bdustan@absamail.co.za]  
**Sent:** 28 May 2012 04:38 PM  
**To:** Brendon Steytler  
**Cc:** Bing Kockott; KATE BREWIS  
**Subject:** SEAGULLS RESORT HOTEL EXPANSION: Registration as an Interedt and Affected Party

Hi Brendon,

I hereby wish to notify you that I have been appointed by Qolora Cottage Owners Association to represent them during the public participation process of the Basic Assessment you are undertaking for the expansion of the Seagulls Beach Hotel and Resort, located on Farm 119, Centane.

We will be making formal comment within the next few days, but in the meantime could you send me a copy of the BID for the project?

Kind Regards

Brett



*Brett Dustan (Pr.Sci.Nat.)*

Service Provision in:  
Environmental services  
Forestry  
Project Management

P.O. Box 340, Gouda, 5256  
Tel: 043 7405842  
Fax: 082 3776428  
Cell: 082 3776428  
Email: [bdustan@imithi.com.co.za](mailto:bdustan@imithi.com.co.za)

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Version: 2012.0.2176 / Virus Database: 2425/5026 - Release Date: 05/27/12



## Brendon Steytler

---

**From:** KATE BREWIS <kateb@bos.co.za>  
**Sent:** 30 May 2012 09:51 AM  
**To:** 'Brendon Steytler'  
**Cc:** 'Bing Kockott'; bdustan@absamail.co.za  
**Subject:** RE: SEAGULLS RESORT HOTEL EXPANSION: Registration as an Interedt and Affected Party  
**Attachments:** image001.jpg

Objections as per John Smith, Cottage owner No 4

1. PRIVACE ISSUES - homes built on street close to boundry - overlooking my cottage.
2. AS PER JOCK
3. SEWAGE SMELL

Kind Regards,  
John Smith

---

**From:** Brendon Steytler [mailto:indwecon@telkomsa.net]  
**Sent:** 28 May 2012 04:51 PM  
**To:** 'Brett Dustan'  
**Cc:** 'Bing Kockott'; 'KATE BREWIS'  
**Subject:** RE: SEAGULLS RESORT HOTEL EXPANSION: Registration as an Interedt and Affected Party

Hi Brett

Please find attached BID and we await your formal comment.

Regards

Brendon Steytler

---

**From:** Brett Dustan [mailto:bdustan@absamail.co.za]  
**Sent:** 28 May 2012 04:38 PM  
**To:** Brendon Steytler  
**Cc:** Bing Kockott; KATE BREWIS  
**Subject:** SEAGULLS RESORT HOTEL EXPANSION: Registration as an Interedt and Affected Party

Hi Brendon,

I hereby wish to notify you that I have been appointed by Qolora Cottage Owners Association to represent them during the public participation process of the Basic Assessment you are undertaking for the expansion of the Seagulls Beach Hotel and Resort, located on Farm 119, Centane.

We will be making formal comment within the next few days, but in the meantime could you send me a copy of the BID for the project?

Kind Regards

Brett



*Brett Dustan (Pr.Sci.Nat.)*

Service Provision in:  
Environmental services  
Forestry  
Project Management

P.O. Box 340, Goulburn, 5256  
Tel: 043 7405842  
Fax: 083 043 7405842  
Cell: 082 3776428  
Email: [btdustan@bbsurval.co.za](mailto:btdustan@bbsurval.co.za)

The Designated officer  
Department of Local Government & Traditional Affairs  
Room 4186  
Fourth Floor  
Tyamzashe Building  
Phola Avenue  
Bisho

Dear Sir

**Case No. 006/2012 : Seagulls Trading Company – Development of Farm 119, Centane**

**Re: Concerns related to the proposed development of Seagulls Hotel.**

I am the Trustee for the Lucal Trust who now own cottage no 1 Qolora (purchased from Russel Hulley)

I must firstly mention that I only received the relevant information today 28/5/2012.  
I have not had sufficient time to apply my mind fully to all the issues involved.  
On behalf of the Lucal Trust I thus reserve the right to convey our comments (whether positive or negative) at a later stage.  
Our feeling at this stage however is that we are not opposed to any upgrading of Seagulls or further development thereon as long as all the improvements are done transparently and in particular that none of our other village members are inconvenienced in any way.

That is to say that the following be taken into account.

1. The current water system be fully upgraded (at no expense to the cottage owners) so that it can carry the extra load.
2. The electricity supply be checked for the extra availability that will be required.
3. A refuse disposal system be built / implemented that will be for the benefit of the whole community.
4. The relevant Environmental Impact Study be performed.
5. The number of new rooms / cottages / houses be limited so that the ambience on the area is not disturbed.
6. All improvements to be done in an eco-friendly manner. (sewerage , grey water etc)
7. Is there an offering from the developer for the upliftment of the village and community as a whole ???
8. All improvements / developments must be for the good of the community and the developer.

There are many points to consider thus we regard this as a work in progress and would like to note that this may not be our final comment.

Regards  
Shane Pagel  
0823202791 cell  
e-mail: [shane@pagel.co.za](mailto:shane@pagel.co.za)

## Brendon Steytler

---

**From:** Brett Dustan <bdustan@absamail.co.za>  
**Sent:** 28 May 2012 06:45 PM  
**To:** 'Brendon Steytler'  
**Cc:** 'Bing Kockott'; 'KATE BREWIS'  
**Subject:** RE: SEAGULLS RESORT HOTEL EXPANSION: Registration as an Interedt and Affected Party  
**Attachments:** image002.jpg; image003.jpg

Thanks Brendon!

Kind Regards

Brett



*Brett Dustan (Pr.Sci.Nat.)*

Service Provision in  
Environmental services  
Forestry  
Project Management

P.O. Box 340, Graham, 5256  
Tel: 043 7405842  
Fax: 083 043 7405842  
Cell: 082 3716428  
Email: bdustan@absamail.co.za

---

**From:** Brendon Steytler [mailto:indwecon@telkomsa.net]  
**Sent:** 28 May 2012 04:51 PM  
**To:** 'Brett Dustan'  
**Cc:** 'Bing Kockott'; 'KATE BREWIS'  
**Subject:** RE: SEAGULLS RESORT HOTEL EXPANSION: Registration as an Interedt and Affected Party

Hi Brett

Please find attached BID and we await your formal comment.

Regards

Brendon Steytler

---

**From:** Brett Dustan [mailto:bdustan@absamail.co.za]  
**Sent:** 28 May 2012 04:38 PM  
**To:** Brendon Steytler  
**Cc:** Bing Kockott; KATE BREWIS  
**Subject:** SEAGULLS RESORT HOTEL EXPANSION: Registration as an Interedt and Affected Party

Hi Brendon,

I hereby wish to notify you that I have been appointed by Qolora Cottage Owners Association to represent them during the public participation process of the Basic Assessment you are undertaking for the expansion of the Seagulls Beach Hotel and Resort, located on Farm 119, Centane.

We will be making formal comment within the next few days, but in the meantime could you send me a copy of the BID for the project?

Kind Regards

Brett



*Brett Duncan (Pr.Sci.Nat.)*

Service Provision in:  
Environmental services  
Forestry  
Project Management

P.O. Box 340, Goubaie, 5256  
Tel: 043 7405842  
Fax: 083 043 7405842  
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Email: [bduncan@ibestmail.co.za](mailto:bduncan@ibestmail.co.za)

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Version: 2012.0.2176 / Virus Database: 2425/5026 - Release Date: 05/27/12

L K PAGEL  
P O BOX 351  
GONUBIE  
5256

E-mail: [rainseed@iafrica.com](mailto:rainseed@iafrica.com)

Cell: 0828818573

24 May 2012

The Designated Officer  
Department of Local Government and Traditional Affairs  
Room 4186  
Tyamzashe Building  
Phola Avenue  
Bisho 5605

To Whom It May Concern:

As the owner of cottage 26 I am writing to object to some aspects of the above proposed development.

1. The proposed development will more than double the size of the existing village and it is unlikely that the existing resources will be able to cope.
2. There are no existing garbage facilities. Cottage owners usually take their garbage home or at least remove the recyclables and burn the remainder. The developers do not state how they will deal with this issue.
3. Double storey units will obstruct views.
4. The sheer size of the development will spoil the atmosphere of the quiet peaceful seaside village.

Kind regards

L K Pagel

# Murray du Plessis

3 VILLA ROAD  
BONNIE DOON  
EAST LONDON 5241  
PHONE 043 7352360 / 082 5598965  
FAX 043 7438674  
E - MAIL [mhi@iafrica.com](mailto:mhi@iafrica.com)

22 May 2012

TO: THE DESIGNATED OFFICER  
DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS  
ROOM 4186  
TYAMZASHE BUILDING  
PHOLA AVENUE  
BISHO  
5605

Dear Candice,

RE: SEAGULLS TRADING COMPANY LIMITED CASE NO. 006/2012

I am the owner of Site 7 Qolora Mouth, Kentani District.  
I wish to register as an interested and Affected party to this Proposed Development.

The concerns I have are the following:

1. The development will place excessive pressure on water resources which are currently inadequate and outdated.
2. The scale of the development will lead to an entire change in the nature of the village. Currently 21 cottages and the development proposes to increase by a further 26 units this is more than a 100% growth. This will in turn lead to excessive pressure be placed on the already sensitive biodiversity of the area.
3. I wish to reserve the right to raise further comments when I have had the opportunity to study further details of the development.



MURRAY DU PLESSIS



**EXR HOLDINGS (PTY) LTD**



**CIVIL ENGINEERING & BUILDING CONTRACTORS**

**DURBAN**

Block 2  
Kingfisher Office Park  
28 Siphosethu Road  
Mount Edgecombe 4302

PO Box 215  
Umhlanga Rocks, 4320

Tel +27 31 539 9100  
Fax +27 31 539 6524

Email  
info@exrconstruction.co.za

**DIRECTORS**

M.G. Baxter  
C.H. Boshoff  
M.M. Jahnig  
M.G. Majola

**SUBSIDIARY COMPANIES**

EXR Construction (Pty) Ltd

EXR Construction  
(Swaziland) (Pty) Ltd

EXR Construction  
Lesotho (Pty) Ltd

The Designated Officer

Department of Local Government and Traditional Affairs

Room 4186

Tyamzashe Building

Phola Avenue

Bisho 5805

25 May 2012

Dear Sir,

SEAGULLS TRADING COMPANY CASE No 006/2012

The above proposed development refers.

I support this development in principal but would like to be sure that the infrastructure requirements have been correctly planned and thought out.

Electrical

The electrical demand to this area will be nearly doubled, is the Infrastructure Supply able to meet this demand?

Water

I question whether the Raw Water pumps in the Qolora River will meet with double the demand

Is the Raw Water pipeline from the pumps to the Treatment Works capable to meet double the demand?

Will the Water treatment Works, the Storage Reservoir, and Supply Pipelines be adequate to supply double the demand?

I believe that this development would require an independent water supply system from the Raw Water pumps to meet their demands, as the current system can not meet the current demand during peak holiday periods.

Kind Regards,

Mike Jahnig BSc Eng ( Civil ) Pr Eng M.S.A.I.C.E

Co Reg No  
M1990/018641/07

www.exrconstruction.co.za



**Robert W. R. Fowlds****Telephone Numbers****Home:** 031-9033 513**Office:** 031-913 3200**Cellular:** 082 449 6721**e-mail:** [robertf@isegen.co.za](mailto:robertf@isegen.co.za)**Postal Address:**P.O. Box 69,  
Warner Beach.  
4140.**Residential Address:**47, Rockview Road  
Amanzimtoti.  
Kwa-Zulu Natal,  
4126.

Department of Local Government & Traditional Affairs  
Room 4186  
Tyamzashe Building  
Phola Avenue, Bisho. 5605  
Attention:- The designated officer

22 May 2012

Re: - Seagulls Trading Company – case number 006/2012

Dear Sir,

I am the owner of a cottage on site 17, Qolora by the Sea.

I am not against progress and development, however, with reference to the proposed development by Seagulls Trading, I object to the development on the following grounds:

1. The water supply to the village is currently barely adequate with numerous breakdowns and interruptions. An additional development of this magnitude will stress this resource to unacceptable levels where the existing properties will be jeopardized. Unless it can be shown that the water resources will be adequately improved and the capacity increased, the development should not go ahead in its present proposed format.
2. There are no formal facilities for the disposal of waste and the cottage owners are currently responsible for carting away their own household rubbish. The proposed development will need to show how and where their increased garbage and rubbish will be effectively dealt with.

Yours sincerely,



Robert Fowlds

# Murray du Plessis

3 VILLA ROAD  
BONNIE DOON  
EAST LONDON 5241  
PHONE 043 7352360 / 082 5598965  
FAX 043 7438674  
E - MAIL [mhi@iafrica.com](mailto:mhi@iafrica.com)

22 May 2012

TO: Brendon Steytler  
Indwe Environmental Consulting  
9 Tainton Avenue  
Bonnie Doone, 5241  
Tel: (083) 766 7514  
Fax: (086) 513 9734  
E-mail: [indwecon@telkomsa.net](mailto:indwecon@telkomsa.net)

Dear Brendon,

**RE: PROPOSED UPGRADE AND EXPANSION OF SEAGULLS BEACH HOTEL AS WELL AS THE DEVELOPMENT OF SEAGULLS LIFESTYLE ESTATE LOCATED ON FARM 119 CENTANE, WILD COAST, EASTERN CAPE**

I am the owner of Site 7 Qolora Mouth, Kentani District.  
I wish to register as an Interested and Affected party to this Proposed Development.

The concerns I have are the following:

1. The development will place excessive pressure on water resources which are currently inadequate and outdated.
2. The scale of the development will lead to an entire change in the nature of the village. Currently 21 cottages and the development proposes to increase by a further 26 units this is more than a 100% growth. This will in turn lead to excessive pressure be placed on the already sensitive biodiversity of the area.
3. I wish to reserve the right to raise further comments when I have had the opportunity to study further details of the development.



---

## Brendon Steytler

---

**From:** Murray du Plessis <mhi@iafrica.com>  
**Sent:** 24 May 2012 09:57 AM  
**To:** 'Cedric Gregson'  
**Cc:** 'Brendon Steytler'  
**Subject:** RE: Public Participation - Proposed Upgrade and Expansion of Seagulls Beach Hotel and Resort  
**Attachments:** M du Plessis - Seagulls I&AP.pdf

Hi Cedric / Brendon,

Attached please receive my I&AP to the Proposed Upgrade and Expansion of Seagulls Beach Hotel.

Please contact me should you require further information or if I can be of any assistance.

Kind Regards,

Murray du Plessis  
Material Handling Industries  
043 7226054  
043 7438674  
082 5598965

---

**From:** Cedric Gregson [mailto:cedric.gregson@gmail.com]  
**Sent:** 07 May 2012 09:46  
**To:** mhi@iafrica.com  
**Cc:** Brendon Steytler  
**Subject:** Public Participation - Proposed Upgrade and Expansion of Seagulls Beach Hotel and Resort

Dear Mr. DuPlessis

Attached please find a Background Information Document pertaining to the Proposed Upgrade and Expansion of Seagulls Beach Hotel and Resort located on Farm 119, Centane, Wild Coast, Eastern Cape.

--  
Cedric Gregson  
B.Sc. Hons (Env. Mngmt.)

Indwe Environmental Consulting cc  
Tel: 043 735 1890  
Fax: 086 513 9734  
Cell: 082 466 0905  
Email: [cedric.gregson@gmail.com](mailto:cedric.gregson@gmail.com)  
Web: [www.indwecon.co.za](http://www.indwecon.co.za)

23<sup>rd</sup> May 2012

The Designated officer  
Department of Local Government & Traditional Affairs  
Room 4186  
Fourth Floor  
Tyamzashe Building  
Phola Avenue  
Bisho

Dear Sir

**Case No. 006/2012: Seagulls Trading Company – Development of Farm 119, Centane**

My concern around the proposed development is the following;

- The proposed number of improvements is too big. Whilst there is a need to develop and upgrade the hotel, the site development proposed is to use every square meter of ground on the Seagulls site and build on this. For many years the occupancy rate at the hotel has been poor and therefore in all likelihood they may not be able to fill this in off peak season therefore unnecessary development will take place.
- The amount of traffic may increase detracting from the rural nature of the village and thus compromising the safety of children who often walk along the road.
- Increase size of hotel will mean an increasing influx of migrant labour which could increase crime on the area.
- This development should be seen against a background of security of tenure and the current owners should not be able to develop and then sell off.
- Increased traffic past Barry Galloway resulting on noise and dust pollution.
- Is this the thin end of the wedge where this could be used as a precedent for further development of cottages/ B&B's and the like to proliferate thus spoiling what we have as a unique village with minimal traffic and people.
- The environmental impact of such an expansion, are they going to build a sewerage and waste water treatment plant, they cannot depend on the existing system? Where does the additional water come from, will the system be able to handle it as well as electricity , food deliveries, busses for staff, stack emissions around restaurant and delivery trucks?

Malcom Du Toit  
Cottage Owner Site No. 10

23<sup>rd</sup> May 2012

The Designated officer  
Department of Local Government & Traditional Affairs  
Room 4186  
Fourth Floor  
Tyamzashe Building  
Phola Avenue  
Bisho

Dear Sir

**Case No. 006/2012: Seagulls Trading Company – Development of Farm 119, Centane**

The existing property known as "Seagulls Hotel" is now advertised as the "Seagulls Resort" – I am not aware of this change having taken place and must therefore question if this change is legitimate (has a request/application been forwarded and approved by the DLA) or are the new owners jumping the gun and expecting this to be sanctioned by the relevant authorities?. To my knowledge, no such application for change of status on this property has been advertised, to begin with. – I stand to be corrected.

The proposed development as forwarded by the consultants is in my opinion way TO BIG and completely out of context with the Qolora Village. My understanding is that the proposed units are to be "sold off" on a "timeshare basis" self-contained) and not used as accommodation as part of the existing hotel. The Qolora area is part of the Transkei Wild Coast and is registered as an "ECO-TOURISM" area. This proposed development does not fit into this category. The development should be limited to a maximum of 15 new units (accommodation only) and ALL SINGLE STORY. Self-catering units are not acceptable.

The existing Services to our village are severely stretched at present. For the past few years our water supply has been unreliable as a result of old and deteriorating infrastructure and as much as Amatola Water are aware of it, there has been no investment to upgrade and rectify the situation. The repairs to continually rupturing mains pipe work has in almost every instance been attended to and supervised by Rufus Hulley, assisting Chester. I hate to think of what the supply position would have deteriorated to without Rufus's input. The development will definitely compromise ALL the existing cottage owners even more and NO development should be allowed to go ahead without a complete upgrade of the water supply. I.e.; from pumps, filtration treatment, reservoirs, pressure reducing valves and mains.

The electricity supply is currently inefficient, though it has been reasonably reliable of late. However, it is noted that the supply is somewhat overloaded and this is quite often noticeable when using our domestic kettles and toasters. I feel that Eskom need to be consulted on this situation and make comment on the effects of the development on the electricity supply to ALL property owners.

There will naturally be a major increase in the "waste" department, and the handling of sewerage will pose a problem that needs to be adequately dealt with. Just 2 years ago, ALL COTTAGE OWNERS were forced to pay for a survey on our properties as to how we dealt with grey-water, black-water and sewerage. The Qolora cottages were all in compliance with the requirements, yet the hotels were NOT surveyed. It is common knowledge that problems do exist with the handling of the hotel sewerage and this will only worsen. Any future development will need to satisfy all environmental issues pertaining to

the handling of waste water.

A current major concern is that there is no proper disposal of solid waste (and household garbage) at present. This has been an ongoing problem for a number of years and the development will have a huge increase in this area. Any development needs to adequately provide for the additional volume of waste that will be generated.

While I welcome the upgrading of the Seagulls Hotel, and a very limited development, I believe that the proposed development will completely destroy the ambiance of the Qolora Seaside Village. The casual and "laid-back" atmosphere that so many people hold dear, will ultimately be lost and this development coupled to the ("ludicrous, soon to be tarred road") that is currently under construction will put paid to the holiday destination so many people seek.

I believe this development needs to be dramatically reduced prior to any approval for it getting the "go-ahead". Should it proceed in its proposed form, the developers would have "made their buck" and moved on, only to leave us existing cottage owners to live with the result!!!!!!.

Barry Galloway  
Cottage Owner Site No. 8  
Chairman, Qolora Residents Association.

**BARRY GALLOWAY**  
**DIRECTOR SALES & MARKETING**  
**SPECIALISED PETROLEUM PRODUCTS**  
**TEL: 043 7361316**  
**FAX: 043 7361768**

23<sup>rd</sup> May 2012

The Designated officer  
Department of Local Government & Traditional Affairs  
Room 4186  
Fourth Floor  
Tyamzashe Building  
Phola Avenue  
Bisho

Dear Sir

**Case No. 006/2012: Seagulls Trading Company – Development of Farm 119, Centane**

Basically we are concerned about the stress that additional accommodation will place on the environment, water and effluent. However, we do accept that Seagulls needs to be viable for the long-term benefit of the community and us cottage owners. The development must ensure that it can be catered for by the resources satisfactorily.

Robert Fowlds,  
Cottage Owner Site No. 1  
Fowlds, Robert [mailto:RobertF@ISEGEN.co.za]

23<sup>rd</sup> May 2012

The Designated officer  
Department of Local Government & Traditional Affairs  
Room 4186  
Fourth Floor  
Tyamzashe Building  
Phola Avenue  
Bisho

Dear Sir

**Case No. 006/2012: Seagulls Trading Company – Development of Farm 119, Centane**

The proposed development as forwarded by the consultants is too big and completely out of context with the Qolora Village. The Qolora area is part of the Transkei Wild Coast and is registered as an "ECO-TOURISM" area. This proposed development does not fit into this category. The development should be limited to a maximum of 10 to 12 new units (accommodation only) and ALL SINGLE STORY. Self-catering units are not acceptable.

The existing Services to our village are severely stretched at present. For the past few years our water supply has been unreliable as a result of old and deteriorating infrastructure and as much as Amatola Water are aware of it, there has been no investment to upgrade and rectify the situation. The repairs to continually rupturing mains pipe work has in almost every instance been attended to and supervised by Rufus Hulley, assisting Chester. The development will definitely compromise ALL the existing cottage owners even more and NO development should be allowed to go ahead without a complete upgrade of the water supply. I.e.; from pumps, filtration treatment, reservoirs, pressure reducing valves and mains.

The electricity supply is currently inefficient, though it has been reasonably reliable of late. However, it is noted that the supply is somewhat overloaded and this is quite often noticeable when using our domestic kettles and toasters. I feel that Eskom need to be consulted on this situation and make comment on the effects of the development on the electricity supply to ALL property owners.

A current major concern is that there is no proper disposal of solid waste (and household garbage) at present. This has been an ongoing problem for a number of years and the development will have a huge increase in this area. Any development needs to adequately provide for the additional volume of waste that will be generated. Any future development will need to satisfy all environmental issues pertaining to the handling of waste water.

I believe this development needs to be dramatically reduced prior to any approval for it getting the "go-ahead". The proposed development will completely destroy the ambiance of the Qolora Seaside Village

Mr. L. Joint  
Cottage Owners Site No. 10



## Brendon Steytler

---

**From:** Mampane Mmabatho (ELS) <MampaneM@dwa.gov.za>  
**Sent:** 23 May 2012 08:07 AM  
**To:** Brendon Steytler  
**Subject:** RE: Seagulls Development Farm 117 Centane - Site Coordinates  
**Attachments:** image001.jpg

Thanks

Mmabatho

---

**From:** Brendon Steytler [mailto:indwecon@telkomsa.net]  
**Sent:** 23 May 2012 07:55 AM  
**To:** Mampane Mmabatho (ELS)  
**Subject:** Seagulls Development Farm 117 Centane - Site Coordinates

Hi

The coordinates are as follows:

-32.640689  
28.426786

Many thanks

Brendon

**Indwe** ●●●●  
Environmental Consulting

• www.indwecon.co.za •  
• 9 Tainton Ave • Bonnie Doone • 5241 •  
• Tel: 043 735 1890 • Cell: 083 766 7514 • Fax: 086 513 9734 •

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Cedric Gregson  
B.Sc. Hons (Env. Mngmt.)

Indwe Environmental Consulting cc  
Tel: 043 735 1890  
Fax: 086 513 9734  
Cell: 082 466 0905  
Email: [cedric.gregson@gmail.com](mailto:cedric.gregson@gmail.com)  
Web: [www.indwecon.co.za](http://www.indwecon.co.za)

## Brendon Steytler

---

**From:** Mgadle Andiswa <MgadleA@dwa.gov.za>  
**Sent:** 07 May 2012 10:21 AM  
**To:** indwecon@telkomsa.net  
**Cc:** Fourie Lizna (ELS); Bera Moosa (ELS)  
**Subject:** Upgrade the Seagulls Beach Hotel and Resort located on Farm 119, Centane, Wild Coast, Eastern Cape  
**Attachments:** image001.gif; image002.gif; image003.gif

Good morning Brendon

This serves to register as an interested and affected party with regards to the proposed upgrade of the Seagulls Beach Hotel and resort located on farm 119, Centane, Wild Coast.

If the proposed activities have a water use activity in terms of section 21 of the national Water Act, Act 36 of 1998, associated with it please forward information to DWA.

For more information contact Mr. Moosa Bera @ 043 701 0227 or Mrs. Lizna Fourie @ 043 701 0248.

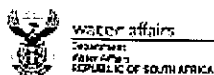
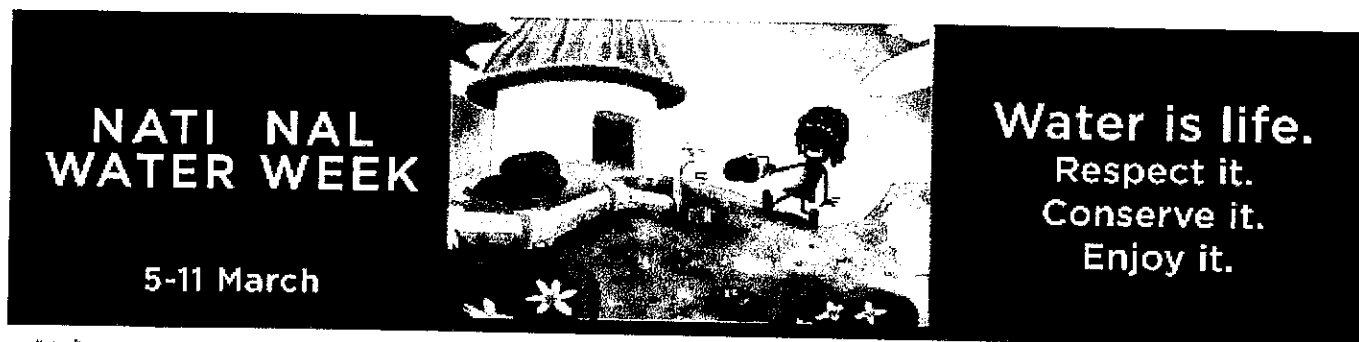
Regards,

**Andiswa Mgadle (Ms)**  
**Department of Water Affairs**  
**Water Use Authorisation and Licencing**  
**East London**

 : 0437010224

 [mgadlea@dwa.gov.za](mailto:mgadlea@dwa.gov.za)

"In each of us there is a flame that should never be allowed to burn out, and as long as it burns within us, we shall never be destroyed" Bryce Courtenay.



For water saving tips visit [www.dwa.gov.za](http://www.dwa.gov.za) • Toll Free Hotline 0800 200 200

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## Cedric Gregson

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**From:** Brendon Steytler [indwecon@telkomsa.net]  
**Sent:** 09 November 2012 09:27 AM  
**To:** 'Mark Povey'  
**Cc:** cedric.gregson@gmail.com  
**Subject:** FW: Seagulls Beach Hotel And Lifestyle Estate - draft Basic Assessment Report for public review  
**Attachments:** Lapa BV.JPG; Lapa F.JPG; Lapa FV.JPG



• www.indwecon.co.za •  
• 12 Preston Ave • Vincent • 5217 •  
• Tel: 043 726 6860 • Cell: 083 766 7514 • Fax: 086 513 9734 •

---

**From:** Bing Kockott [<mailto:bingsk@iafrica.com>]  
**Sent:** 09 November 2012 08:59 AM  
**To:** 'Brendon Steytler'  
**Cc:** 'Barry Galloway'; 'Mxolisi Mona'; [stevec@baxkap.co.za](mailto:stevec@baxkap.co.za); Kate Brewis; Charles Akeroyd; [brianvdd@smithtabata.co.za](mailto:brianvdd@smithtabata.co.za); Jock Mcconnachie; [deon@npmplanning.co.za](mailto:deon@npmplanning.co.za); [groupofadvocates@roundbar.co.za](mailto:groupofadvocates@roundbar.co.za); Barry Du Toit  
**Subject:** RE: Seagulls Beach Hotel And Lifestyle Estate - draft Basic Assessment Report for public review

Good day Gentlemen

I refer to the draft basic assessment report and the relevant development layouts and draw attention to the following issues.

1. App G – Public Participation Process. I do not see in the written notifications to the organs of state that the Department of Agriculture has been consulted or notified. This land is currently registered as farm land and as such any proposed change of land use or sub division would, in terms of Act 70 of 1970 require the Department of Agriculture to issue consent in terms of section 4 of the act.
2. Due to the proposed development being located within a highly sensitive environment and the large number of restrictive conditions stated in the existing deed of grant, if this development proposal was ever approved there would have to be a number of new restrictive conditions applicable to the approval. One of our major concerns has always been the policing and implementation of the restrictive conditions and the developer's responsibility to confine the development to the conditions. This concern has already been realised, prior to any form of approval or plan submission. The Site Development Plan refers to building A - a Braai Lapa, which in terms of the proposal shall remain unchanged as an open Lapa. You will see from the attached photographs taken on 4/11/2012 that the developer has already transgressed and has built in the Lapa creating a bedroom with an ensuite extending into the natural vegetation.

Where to from here – can we ever expect the height restrictions and other conditions ever being complied with or implemented.

Regards

**Bing Kockott**











agriculture,  
forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Private Bag X120, Pretoria (Tshwane), 0001  
Delpen Building, C/o Annie Botha & Union Street, Riviera, 0084

From: Directorate Land Use and Soil Management  
Tel: 012-319-7634 Fax: 012-329-5938 ThokoB@daff.gov.za  
Enquiries: Helpdesk Ref: 2012\_06\_0008

NPM Town Planning  
P O Box 19345  
TECOMA  
5214

2012 -07- 09

Dear Sir/Madam

**APPLICATION FOR THE ESTABLISHMENT OF LAND DEVELOPMENT AREA IN  
TERMS OF SECTION 31 OF THE DEVELOPMENT FACILITATION ACT (DFA), 1995  
(ACT 67 OF 1995) ON FARM 119, CENTANE EAST LONDON: EASTERN CAPE  
PROVINCE**

Your letter 6555.17 dated 11 May 2012 refers

With reference to the above mentioned matter, the Department herewith informs you that it has no objection to the proposed Seagulls Beach Hotel and resort. The above-mentioned property must be incorporated into the Mnquma Municipality and the bulk water service shall be provided by the municipality.

This letter does not exempt any person from any provision of any other law and does not purport to interfere with the rights of any person who may have an interest in the Agricultural Land.

Yours faithfully

**DELEGATE OF THE MINISTER: LAND USE AND SOIL MANAGEMENT**