

05 OCTOBER 2012

## COMMENTS AND RESPONSE: SEAGULLS HOTEL AND ESTATE DEVELOPMENT

COMMENT	DATE	PERSON	ORGANISATION/FARM NO/PROPERTY NO	COMMENTS	RESPONSE
<b>COMMENTS RECEIVED DURING THE COMMENTS PERIOD – May &amp; June 2012</b>					
1	07/05/2012	Ms. Andiswa Mgadle	Department of Water Affairs Water Use Authorisation and Licencing East London	<p>1. 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.</p>	<p>1.1 Thank you Andiswa, the Department of Water Affairs has been registered as an I&amp;AP.</p> <p>A General Authorisation for the release of treated effluent in terms of Section 21 (e) of the NWA will be applied for.</p>
2	11/05/2012	Fezeka Mgxaji On behalf of Mr Pakade	Municipal Manager Mnquma Local Municipality PO Box 36 Butterworth fmgxaji@mnquma.gov.za (047) 401 2400	<p>1. This serves to acknowledge your email received on the 07 May 2012 and the matter is being attended to.</p>	<p>1.1 Noted, the Mnquma Local Municipality has been registered as an I&amp;AP.</p>
3	11/05/2012	Mr. DuncanMcConnachie	Owner Cottage 14 Qolora Mouth 9 Swanmore Road Rondebosch 7700 <a href="mailto:jock@mconnachies.co.za">jock@mconnachies.co.za</a> (021) 461 0111	<p>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:</p>	
				<p>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;</p>	<p>3.1 The existing Seagulls Beach Hotel is located in Qolora Mouth on the Transkei Wild Coast.</p> <p>According to the Wild Coast Tourism Development Policy (2001); Wild Coast Spatial Development Framework (2005) and the Draft Spatial and Environmental Management Guidelines for the Wild Coast (2012), Qolora Mouth along with Kobb In, Hole-in the Wall, Coffee Bay, Mthatha Mouth, Mdumbi and Mzamba have been identified as First Order Nodes (Primary Nodes) which are defined as “areas with low environmental sensitivity with existing infrastructure</p>

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					<p>and/or the feasibility of providing infrastructure which can accommodate intensive development”.</p> <p>In terms of the Wild Coast Spatial Development Framework (2005) the intent of a Primary Node is “Intensively developed nodes to cater for holiday and leisure activities with large hotels and cluster developments. Private sector investment is encouraged in a diverse range of holiday and leisure products, facilities and enterprises. Primary attraction is the amenities provided by the built environment.”</p> <p>The Mquma Municipality Spatial Development Framework of 2009 as well as the Strategic Environmental Assessment of 2009 has identified the Qolora First Order Node as the 4th most important node within Mquma, after Butterworth, Namakwe and Centane.</p> <p>As a matter of interest, the Wild Coast Tourism Development Policy (2001), defines Second Order Nodes as “areas that are less developed and urban in nature, being more focused on ‘family holiday’ tourism and recreation facilities, provided by both the development and the environment. Within these nodes, cottages, cluster complexes and family hotels may be developed.”</p> <p>These spatial planning, guideline and policy documents consistently define First Order Nodes (Primary Nodes) as “the most urban and extensively developed resort areas and accordingly, the focus within these nodes should be on the recreational experience provided by the development and not specifically the environmental experience”.</p> <p>Consequently, Qolora Mouth which is the only First Order Node along the Mquma Municipality coastline has been prioritised for development as well as infrastructure investment.</p> <p>*It is important to note that from a strategic point of view, Nodal development along the Wild Coast is based</p>

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		<p>on specific principles which are to ensure that:</p> <ul style="list-style-type: none"> <li>• Intensive development takes place in consolidated areas where infrastructure and services can be supplied efficiently and cost-effectively.</li> <li>• Development takes place in areas of lower environmental sensitivity and that areas of high environmental sensitivity and importance are protected.</li> <li>• The scenic beauty and biodiversity of large sections of coast are left untouched, as this is the primary resource that causes tourists to want to visit the Wild Coast.</li> <li>• An unavoidable implication of the principle of nodal development is that some areas must remain undeveloped!</li> </ul> <p>From a Spatial Development Framework perspective, the Qolora Mouth First Order Node is the 4th most important node within Mnquma, after Butterworth, Namakwe and Centane. As such the site development plan has been based on best practice, norms and standards for the sites existing locality and its nodal status.</p> <p>The proposed density is below municipal land use regulations which guide developments of this nature and the actual extra development is only on 1.5 hectares as the current hotel is on the other hectare.</p>			
	<p>2. At present Qolora by Sea is a quite village with a rural ambience, which will be ruined by the sheer size of the proposed development.</p>	<p>3.2 Over the past 30 years, Seagulls Beach Hotel and Trennery's Holiday Resort have both contributed significantly to the development of the Qolora Mouth Area as a tourist destination by catering for family orientated seaside holidays.</p> <p>It is understandable that the cottage owners believe that their quant seaside village ambience will be lost.</p>			

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		<p>However, the cottage owners have been privileged for many years to not have to share Qolora Mouth with large numbers of tourists.</p> <p>It is important to note that the purpose of the proposed expansion of Seagulls is not to destroy the surrounding ambiance of Qolora Mouth but rather to offer more people the same right to enjoy this beautiful area.</p> <p>The proposed development which is that of a family holiday resort is located on a 2.48 hectare footprint and will offer different forms of holiday accommodation and activities.</p> <p>This type of land use and development falls directly in line with the intended Nodal Plan for Qolora Mouth (First Order Node).</p> <p>An increase in the size of Seagulls as a holiday resort would slightly alter the ambience but would certainly not destroy it.</p>			
	<p>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.</p>	<p><b>3.3 An engineering services report has been compiled by Camdekon and Eya Bantu Engineers</b>  <b>This report includes detail concerning accessibility, geology, storm water control, sewerage, electricity, water, communications and a conclusion with recommendations.</b></p> <p><b>A process design Engineer was appointed to investigate the installation of a sewage treatment plant</b></p> <p><b>The design principles have been based on the Red Book of Engineering Standards provided by the Department of Housing 2000, as well as the SABS 0252-1:1994 water supply and drainage to buildings Code of Practice.</b></p> <p><b>The engineer's findings recommend that the proposed development can be provided with all the engineering services that will be required over a phased period.</b></p>			

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		<p data-bbox="1585 304 1749 328"><b>Potable Water</b></p> <p data-bbox="1536 368 2092 507">The Annual Average Daily Demand (AADD) can be calculated as follows based on the Spatial Needs list provided by the client: In accordance the SABS Code 0252-1:1994 Hotels without resident staff 200 – 250l/bed per day excluding garden use : 211 bed facility</p> <p data-bbox="1536 544 1989 568">Average annual daily demand (AADD) : 52 750 litre</p> <p data-bbox="1536 600 2056 651">This demand is based on a 100% occupancy rate as well as taking the upper limit of the guideline provided.</p> <p data-bbox="1536 687 2092 826">Springs do occur on the hotel site, these have been sampled and flows have been determined by SRK, three springs were tested and found to have a combined delivery of 0.64l/s. The spring analysis also revealed high turbidity levels, and Faecal Coliforms.</p> <p data-bbox="1536 863 2092 978">General authorization to utilize water from these springs has been granted by the DWA see annexure. Water use from these springs is as per the study conducted by SRK and equate to 55.3 cum/day.</p> <p data-bbox="1536 1015 2092 1185">It is the intension of the developer to utilize these springs to supplement the water supply to the Hotel. The water from these springs will be collected via filter drains and stored in ground tanks from where it will be pumped to the main supply reservoir and blended with water from the municipal supply.</p> <p data-bbox="1536 1222 2092 1273">At present, the Amathole District Municipality are the water services authority for the Qolora Mouth area.</p> <p data-bbox="1536 1310 2092 1380">This water supply has proved to be erratic and as such will only be used as a tertiary measure when the system is functioning. Close interaction between the all water</p>			

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					<p>consumers and the Municipality will be required to maintain a sustainable water supply, and infrastructure</p> <p>The municipal supply to the development node is from a treatment plant and storage reservoir located some 2km from the site. The treatment works (Qolora) has a capacity to treat and produce water to 14m<sup>3</sup>/hour (3.88l/s).</p> <p>This plant supplies a community reservoir in the surrounding area at a rate of 2.22l/s for 5h every third day.</p> <p>The storage reservoir has a capacity of some 250 cum (250 000 l) and is the primary water storage for the cottages and the hotel infrastructure along the coast.</p> <p>The average consumption to the area along the coast has been recorded at 7298kl/month. The reservoir therefore has a 24 hour storage capacity. The treatment plant capacity therefore seems to cope with the demand</p> <p>Water from this reservoir is piped under gravity to the hotel complexes' and cottages via a 110mm Pvc main that branches to the Seagulls storage reservoir with a capacity of 75m<sup>3</sup> ( 75 000 litres) via a 50mm HDPE connector. The 110mm pipe capacity at a flow velocity of 1.5m/s and a peak demand of 6 will be adequate.</p> <p>From site visits it is recorded that cottage owners and hotel complexes have provided on site water storage in addition to the Municipal supply.</p> <p>The Seagulls Hotel has on site storage capacity in the form of a 75 cum reservoir, diameter of the structure is 8m and the water depth is 3m. The reservoir is located at a level of 25m msl. The reservoir was built with solid blocks and has no roof cover. The reservoir is severely silted and cracked and current efforts are being made to correct and reinstate the structure.</p>

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					<p>The water supply to the structure is metered and fitted with an isolation valve.</p> <p>We recommend that the structure be fitted with a roof structure, as to prevent water contamination.</p> <p>A further 20cum concrete water tank is located to the South Western corner of the site, and also supplies storage for periods of interrupted municipal supply.</p> <p>The developer intends to further harvest rain water in the form of rainwater tanks positioned across the site to collect water from roof tops, similarly to the spring harvesting will this water be collected and pumped to the Hotel supply reservoir and blended with the municipal supply. Each new cottage will have a minimum rainwater storage capacity of 10 000 litres which equates to an approximate additional 280 000 litres for the entire new development. The existing hotel also has 3000m2 of roofing space which could be used for additional rain water harvesting.</p> <p>It is recommended that all the water be treated and disinfected at the main supply reservoir prior distribution to the hotel complex.</p> <p>In summary :</p> <ol style="list-style-type: none"> <li>1) Hotel demand per day : 52 750 litre</li> <li>2) Existing Storage provided on Site : 95 000Litres</li> <li>3) Future proposed storage: Spring 50 000Litres, Rainwater tanks 280 000 litres.</li> <li>4) Municipal Storage: 30 000 litres (based on current hotel facility).</li> <li>5) Total storage provided: 455 000 litres, or 8 days storage.</li> </ol>

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		<p><b>Solid Waste</b></p> <p>It is known that there are only 3 licensed waste sites on the entire Wild Coast and even the town of Kei Mouth has an un-licensed waste site and has continued development of residential units.</p> <p>In terms of Seagulls Hotel, a comprehensive solid waste management plan will be included in the Environmental Management Programme which will be a component of the EIA submission.</p> <p>The plan will promote waste minimisation strategies such as green purchasing, re-use, waste separation and recycling. All recyclables and solid waste will be stored in a waste storage area on site from where it will be removed to the new licensed landfill facility in Ibhika.</p> <p>The waste will be transported out on a regular basis by private contract. No waste will be buried or burned on site or in the surrounding area.</p> <p>In order to solve the on-going solid waste issue in Qolora Mouth, it is suggested that both Trennary's and Seagulls as well as all the cottage owners combine their efforts and appoint a private contractor to collect and transport solid waste to the Ibhika landfill facility.</p> <p><b>Sewerage Treatment</b></p> <p>The developer has appointed a respected sewerage specialist who has successfully designed and implemented sewerage treatment package plants for similar developments on the Wild Coast (Umgazi River Bungalows).</p> <p>The specialist has suggested that all existing septic tanks and soakaway systems be decommissioned and replaced by a Clear Edge Technologies Sewerage Treatment Plant.</p> <p>The final treated effluent emanating from this</p>			



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					<p>treatment plant will be used for irrigation purposes.</p> <p>A sewer pump stations with two pumps, one duty and the other standby, will be installed along the Eastern boundary of the site along the lowest outline. The sewer pump will have a dry well with a 2.5 x 2.5m dimension as well as a wet well of the same dimensions allowing the 4h storage based on ADWF, the depth of the sump will be dependent on the grade of the approaching pipe work. Pending the final layout of the site and the positioning of the sewer treatment plant it could be possible to eliminate the pump station. Treated Effluent from the sewer treatment plant will be pumped and disposed of at an approved location.</p>
				<p>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.</p>	<p>3.4 In order to minimize the visual impact, considerable planning has been taken into account regarding the height and aesthetic impact of the proposed new development on the surrounding area.</p> <p>The proposed additions have been designed in accordance with an architectural code and style (Cape Cod theme) and site development planning has considered the height impact with elevations. Based on this, there will be a combination between single and double storey units with the top section of the estate being solely single storey. No triple storey units have been planned for.</p> <p>It is important to note that there are existing double storey units which form part of the existing hotel.</p> <p>With regard to planned building heights the Wild Coast Spatial Development Framework 2005 provides the guideline for First Order nodes as follows:</p> <p><i>“Developments should not disturb/break existing tree lines i.e. height restriction – 5 storey for hotels where the view shed is protected and 2 storeys for all other developments”</i></p> <p>The architectural guidelines will be enforced and all</p>

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	<p>5. It appears that the developer is concentrating solely on maximum personal profit without regard for the interest of other occupants of the village and the broader community in general.</p>	<p>plans signed off by the architect to ensure that there is no deviation.</p> <p><b>3.5 The developer disagrees that he has no commitment to Qolora Mouth and is only interested in making a “quick buck”.</b></p> <p>The proposed development will be one of the largest private investments on the Wild Coast.</p> <p>The developer has made a significant investment in purchasing the rundown old Seagulls Hotel and he has already spent in excess of R2 million on the upgrading of the existing infrastructure.</p> <p>In excess of 30 part time jobs have already been created during the refurbishment of the existing infrastructure and the future upgrading of the hotel will also create extra much needed jobs in this impoverished area. The further upgrade to the hotel and the services will be funded by this proposed development at an estimated R5 million cost with another R20 million for the housing development.</p> <p>The developer is of the opinion that as a consequence of the proposed new development and upgrades to existing tourist infrastructure, the increase in number and type of tourist visiting Seagulls could significantly contribute to the creation of long term stable employment opportunities as well as skills development and training opportunities in the tourism sector for members of the surrounding local communities.</p> <p>The only objectors to this development taking place are some of the cottage owners whilst the majority of the local permanent residents welcome economic development in this area.</p>			

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				<p>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 fewer visitors to the area and a consequent loss of employment opportunities for the community.</p>	<p><b>3.6 This is highly debatable. Policy planning documentation which has taken extensive tourism planning into account has designated the area as a First Order Development Node. See Section 3.1</b></p>
				<p>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.</p>	<p><b>3.7 Wild Coast strategic planning documentation has strived to achieve a balance between sustainable development and environmental preservation and accordingly the Wild Coast spatial planning guidelines and policies classify Qolora Mouth as a First Order Node (Primary Node). First Order Nodes are areas which have been identified as having low environmental sensitivity.</b></p> <p>The land on which the existing Seagulls Hotel is located as well as the land on which the proposed development is to take place is largely disturbed. This disturbance takes the form of planted gardens as well as large quantities of alien vegetation interspersed amongst the indigenous vegetation.</p> <p>Building footprints will be re-aligned in areas were stands of protected indigenous plant species notably <i>Strelitzia nicolai</i> could be disturbed.</p> <p>The Environmental Impact Assessment undertaken for this proposed development provides an assessment of the potential negative impacts posed by the proposed development on the coastal and land biodiversity resources. These potential negative impacts will be mitigated in order to either avoid or reduce them. These mitigation measures will form part of the Environmental Management Plan for the proposed development.</p>
				<p>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.</p>	<p><b>3.8 In order to minimize the visual impact, considerable planning has been taken into account regarding the height and aesthetic impact of the proposed new development on the surrounding area.</b></p> <p>The proposed additions have been designed in accordance with an architectural code and style (Cape Cod theme) and site development planning has</p>

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					<p>considered the height impact with elevations. Based on this, there will be a combination between single and double storey units with the top section of the estate being solely single storey. No triple storey units have been planned for.</p> <p>It is important to note that there are existing double storey units which form part of the existing hotel.</p>
				9. I reserve the right to raise further objections when I have had an opportunity to study details of the development.	<b>3.9 Noted</b>
4	14/05/2012	Mr. CharlesAkeroyd	<p>Owner Cottage 23 Qolora Mouth PO Box 650212 Benmore 2010 <a href="mailto:oxenhope@icon.co.za">oxenhope@icon.co.za</a> (082) 901 4348 (011) 883 5239</p>	<p>As the owner of cottage 23 Qolora by Sea, I am writing to object to some aspects of the above proposed development.</p> <p>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:</p>	
				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 sufferers.	<b>4.1 See Comments in 3.3</b>

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				2) As regard household rubbish, including recyclable, there are currently no formal facilities of any kind in the area, Owners of cottages generally take away their recyclable, 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.	<b>4.2 A comprehensive solid waste management plan will be included in the Environmental Management Programme which will be a component of the EIA submission. The plan will promote waste minimisation strategies such as green purchasing, re-use, waste separation and recycling. All recyclables and solid waste will be stored in a waste storage area on site from where it will be removed to the new licensed landfill facility in Ibhika. The waste will be transported out on a weekly basis by private contract. No waste will be buried or burned on site or in the surrounding area.</b>
				3) For several years now there has been talk of establishing an Abalone Farm near Hall Points, 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.	<b>4.3 We are aware of the proposed abalone project but are yet to receive an update on the status of it. It must be borne in mind though that the sustainability of an abalone project is questionable due to the fluctuating sea temperatures experienced in the Wild Coast. Furthermore the Qolora area is to be developed as a First Order node and therefore the compatibility of an abalone farm within a first order node is further debatable due to stringent requirements on water quality, etc.</b>
				4) The plan indicates that most of the buildings closest to the 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.	<b>4.4 See Comments in section 3.2, 3.4 and 3.8</b>
				5) The developers seems to be concerned solely with the development of their own site, for their own benefit, and do not propose ant 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).	<b>4.5 See Comments in section 3.5</b>

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5	15/05/2012	Mr. Barry Galloway	Chairman of Qolora Residents Association. Owner Cottage 08 Qolora Mouth 5 Harewood Drive Nahoon 5241 <a href="mailto:barry@specpetroleum.co.za">barry@specpetroleum.co.za</a> (083) 6366740 (043) 736 1316	1. I hereby register as an interested and affected party to the proposed development of Seagulls Hotel site by the Seagulls Development Company. My detailed issues of concern will be submitted and raised at the pre hearing.	5.1 Noted, Mr Galloway was registered as an I&AP.
6	15/05/2012	Mr. Bing Kockott	Owner Cottage 21 Qolora Mouth 2 Ocean Way Gonubie <a href="mailto:bingsk@iafrica.com">bingsk@iafrica.com</a> (082) 568 4823 (043) 740 1045	1. I hereby register as an interested and affected party to the proposed development of Seagulls Hotel site by the Seagulls Development Company. The issues of concern consist of the following but not limited to:	6.1 Noted, Mr Kockott was registered as an I&AP
				2. The extent of the development and the impact this will have on the coastal and land bio diversity resources.	6.2 See Comments 3.1 and 3.7
				3. The impact on an already inadequate water supply.	6.3 See Comment 3.3
				4. 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.	6.4 See Comment 3.3 and 4.2
				5. 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.	6.5 See Comment 3.4, 3.6 and 3.8

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				6. Subsistence fishermen already place the scarce marine aquatic and rock life under pressure supplying the existing local residents and their persona 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.	<p><b>6.6 The marine resources of the South African coast are under the management of the National Department of Environmental Affairs and restrictions and regulations are controlled through the Marine Living Resources Act. The Department of Environmental Affairs – Oceans and Coast Directorate has been notified as an Interested and Affected Party in terms of the EIA stakeholder consultation process. They are yet to provide comment.</b></p> <p>It is further a principle of responsible tourism for the management and owners of Seagulls in conjunction with the local community and the cottage owners, to jointly ensure that the coastal resources are not over-exploited and work hand in hand with the coastal management authorities.</p> <p>Furthermore the potential job opportunities created by the proposed development and indirect SMME opportunities will further alleviate the subsistence dependency on the coastal resources.</p>
7	16/05/2012	Mr. JohnSmith	Owner Cottage 04 Qolora Mouth 18 Noel Graham Terrace <a href="mailto:kateb@bos.co.za">kateb@bos.co.za</a> (083) 280 6060	1. I hereby register as an interested and affected party to the proposed development of Seagulls Hotel site by the Seagulls Development Company.	7.1 Noted, Mr. Smith was registered as an I&AP.
8	22/05/2012	Mr. RobertFowlds	Owner Cottage 17 Qolora Mouth PO Box 69 Warner Beach 4140 <a href="mailto:robertf@isegen.co.za">robertf@isegen.co.za</a> (082) 449 6721 (031) 913 3200	1. I am the owner of a cottage on site 17, Qolora by 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:	8.1 Noted, Mr Fowlds was registered as an I&AP.
				2. 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	8.2 See Comment 3.3

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				the water resources will be adequately improved and the capacity increased, the development should not go ahead in its present proposed format.	
				3. 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.	<b>8.3 See Comments 3.3 and 4.2</b>
9	22/05/2012	Mr. Murray Du Plessis	Owner Cottage 07 Qolora Mouth 3 Villa Road Bonnie Doon East London 5241 <a href="mailto:mhi@iafrica.com">mhi@iafrica.com</a> (082) 05598965 (043) 735 2360	1. I am the owner of site 7 Qolora Mouth. I wish to register as an interested and affected party to the proposed development. The concerns I have are the following:	<b>9.1 Noted, Mr. DuPlessis was registered as an I&amp;AP.</b>
				2. The development will place excessive pressure on water resources which are currently inadequate and outdated.	<b>9.2 See Comment 3.3</b>
				3. 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.	<b>9.3 See Comments 3.1, 3.2, 3.7 and 6.6</b>
				4. I wish to reserve the right to raise further comments when i have had the opportunity to study further details of the development.	<b>9.4 Noted</b>
10	23/05/2012	Mr. L Joint	Owner Cottage 10 Qolora Mouth	1. 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	<b>10.1 See Comments 3.1, 3.2 and 3.7</b>



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<b>COMMENTS RECEIVED DURING THE COMMENTS PERIOD – May &amp; June 2012</b>					
				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.	
				2. 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	<b>10.2 See Comment 3.3</b>
				3. The electricity supply is currently inefficient, though it has been reasonable 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.	<b>10.3 Eya Bantu Electrical Engineers have done a survey of the existing electrical infrastructure. They found that in order to cater for the proposed development an upgrade from 150 amps to 450 amps or 315kva would be necessary.</b>  <b>Eya Bantu have subsequently requested this upgrade and Eskom have confirmed that they have the capacity for the upgrade and have quoted a figure of R182 109.30 for the upgrade with another R26 399.00 conversion fee.</b>
				4. 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.	<b>10.4 See Comment 3.3</b>
11	23/05/2012	Mr. BarryGalloway	Chairman of Qolora Residents Association. Owner Cottage 08 Qolora Mouth 2 Harewood Drive Nahoon 5241 <a href="mailto:barry@specpetroleum.co.za">barry@specpetroleum.co.za</a>	1. 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 DFA) or are the	<b>10.1 The developer is not Jumping the gun with assuming anything but has been following the procedures set in place to change the status of the zoning use of the property.</b>

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			(083) 6366740 (043) 736 1316	new owner jumping the gun and expecting this to be sanctioned by the relevant authorities? To my knowledge, no such application for change of status on property has been advertised, to begin with. I stand to be corrected.	
				2. 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.	<b>10.2 See Comments 3.1, 3.3, 3.4 and 3.7</b>
				3. 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.	<b>10.3 See Comment 3.3</b>

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				<p>4. The electricity supply is currently inefficient, though it has been reasonable 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.</p>	<p><b>10.4 See Comment 10.3</b></p>
				<p>5. 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 sewage. The Qolora cottage 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.</p>	<p><b>10.5 See Comment 3.3 and 4.2</b></p>
				<p>6. A current major concern is that there is no proper disposal of solid waste (and household garbage) at present. This has been an on-going 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.</p>	<p><b>11.6 See Comments 3.3 and 4.2</b></p>
				<p>7. While I welcome the upgrading of the Seagull Hotel, and a very limited development, I believe that the proposed 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</p>	<p><b>11.7 See Comments 3.1 and 3.2</b></p>

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				<p>construction will put paid to the holiday destination so many people seek.</p> <p>8. 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!!!!!!</p>	
12	23/05/2012	Mr. Robert Folds	<p>Owner Cottage 17 Qolora Mouth PO Box 69 Warner Beach 4140 robertf@isegen.co.za (082) 449 6721 (031) 913 3200</p>	<p>1. 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.</p>	12.1 See Comment 3.3
13	23/05/2012	Mr. MalcolmDuToit	<p>Owner Cottage 10 Qolora Mouth <a href="mailto:malcolm.dutoit@sabmiller.com">malcolm.dutoit@sabmiller.com</a></p>	<p>My concern around the proposed development is as follows:</p>	
				<p>1. 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 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.</p> <p>2. 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.</p>	<p>13.1 See Comments 3.1, 3.2, 3.3 and 3.4</p> <p>13.2 The road from Centane to Qolora Mouth is currently being upgraded independently by the Mnquma Local Municipality in planned phases from gravel to that of a black top surface.</p>

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					<p>The amount of extra traffic generated by tourists visiting Seagulls using this upgraded black top road is negligible and it is highly unlikely that these passenger vehicles would damage the road.</p> <p>In order to avoid pedestrians from being knocked down in Qolora Mouth traffic calming measures such as signage and speed bumps could be implemented as is the case in many similar seaside resort areas in south Africa.</p> <p>The upgrade of the road to the village and hotels is a Departmental (Government) project. It will serve the greater community of Qolora and will provide safe access to the entire community ones completed. The safety of the road users will be dependent on the measures implemented to warn traffic and pedestrians of potential dangers, and will be the responsibility of the road user.</p> <p>The new tarred road section will terminate just beyond the main entrance to the Seagulls Hotel. Engineers from Maketha Development Consultants involved with the design and construction of the road have confirmed that the entrance to Seagulls Hotel will be transitioned from Tarred to Gravel and that storm water will be channelled along the upstream side of the tarred road and discharged by means of piped crossings toward the lower or eastern side. These designs would have been subject to Departmental approvals.</p>
				3. Increase size of hotel will mean an increasing influx of migrant labour which could increase crime on the area.	<b>13.3 Noted</b>
				4. 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.	<b>13.4 This proposed development will be the largest investment made in this area estimated to be at least R20 million. The main reason for the infrastructural development of this size is due to the security of tenure. The sub-division and selling off is enabling further upgrades to the services and the existing hotel</b>

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					structures and amenities.
				5. Increased traffic past Barry Galloway resulting on noise and dust pollution.	<b>13.5 The main access road to Seagulls will be tarred thus reducing dust created by vehicles. Dust created during the construction phase of the proposed development will be controlled through regular dust suppression, by dampening individual construction sites, access roads, topsoil stockpiles etc.</b>
				6. Is this the thin end of the wedge where this could be used as a precedent for further development of cottages/ B&B and the like to proliferate thus spoiling what we have as a unique village with minimal traffic and people?	<b>13.6 See Comments 3.1 and 3.2</b>
				7. 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 emission around restaurant and delivery trucks?	<b>13.7 See Comment 3.3 and 10.3</b>
14	23/05/2012	Mrs J Gouws	SANRAL SANRAL House, Southern Life Gardens, 70 Second Avenue, Newton Park, Port Elizabeth <a href="mailto:gouwsj@nra.co.za">gouwsj@nra.co.za</a> (041) 398 3226	1. The notice (reference 6555.20) dated 11 May 2012 with respect to the application. The South African National Roads Agency SOC Limited (SANRAL) has no comments to offer, as the national road is not affected.	<b>14.1 Noted.</b>
15	24/05/2012	Mr. L.K.Pagel	Owner Cottage 26 Qolora Mouth PO Box 351 Gonubie 5256 <a href="mailto:rainseed@iafrica.com">rainseed@iafrica.com</a> (82)881 7300	1. As the owner of cottage 26 I am writing to object to some aspects of the proposed development:	<b>15.1 Noted, Mr. Pagel was registered as an I&amp;AP.</b>

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				2. 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.	<b>15.2 See Comments 3.1 and 3.3</b>
				3. There are no existing garbage facilities. Cottage owners usually their garbage home or at least remove the recyclable and burn the remainder. The developers do not state how they will deal with this issue.	<b>15.3 See Comments 3.3 and 4.2</b>
				4. Double storey units will obstruct views.	<b>15.4 See Comments 3.4 and 3.8</b>
				5. The sheer size of the development will spoil the atmosphere of the quite peaceful seaside village.	<b>15.5 See Comments 3.1, 3.2 and 3.7</b>
16	25/05/2012	Mr. MikeJahnig	EXR Construction Block 2 Kingfisher Office Park 28 Siphosethu Road Mount Edgecombe 4302 info@exrconstruction.co.za (082) 320 2791	1. I support this development in principal but would like to be sure that the infrastructure requirements have been correctly planned and thought out.	<b>16.1 Noted, See Comments 3.3</b>
				2. Electrical The electrical demand to this area will be nearly doubled, is the infrastructure Supply able to meet this demand?	<b>16.2 See Comment 10.3</b>
				3. Water I question whether the Raw Water pumps in the Qolora River will meet with double the demand.	<b>16.3 See Comment 3.3</b>
				4. Is the Raw water pipeline from the pumps to the Treatment Works capable to meet double the demand?	<b>16.4 See Comment 3.3</b>

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				5. 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 cannot meet the current demand during peak holiday periods.	<b>16.5 See Comment 3.3</b>
17	28/05/2012	Mr. ShanePagel	Owner Cottage 01 Qolora Mouth <a href="mailto:shane@pagel.co.za">shane@pagel.co.za</a> (082) 320 2791	1. I am the Trustee for the Lucal Trust who now own cottage no 1 Qolora (purchased from Russell Hulley). I must first mention that I only received the relevant information today 28/05/2012. 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:	<b>17.1 Noted, Mr Pagel has been registered as an I&amp;AP.</b>
				2. The current water system will be fully upgraded (at no expense to the cottage owners) so that it can carry the extra	<b>17.2 See Comment 3.3</b>
				3. The electricity supply be checked for the extra availability that will be required.	<b>17.3 See Comment 10.3</b>
				4. A refuse disposal system be built/ implemented that will be for the benefit of the whole community.	<b>17.4 See Comments 3.3 and 4.2</b>



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				5. The relevant Environmental Impact Study be performed.	<b>17.5 An Environmental Impact Study has been undertaken in the form of a Basic Environmental Assessment Report. An electronic copy of the draft BAR will be sent to all I&amp;AP's as soon as it is available.</b>
				6. The number of new rooms/ cottages/ houses be limited so that the ambiance on the area is not disturbed.	<b>17.6 See Comments 3.1, 3.2 and 3.7</b>
				7. All improvements to be done in an eco-friendly manner. (Sewerage, grey-water etc.)	<b>17.7 See Comment 3.3</b>
				8. Is there an offering from the developer for the upliftment of the village and community as a whole???	<b>17.8 See Comment 3.5</b>
				9. All improvements/ developments must be for the good of the community and the developer.	<b>17.9 See Comment 3.5</b>
18	28/05/2012	Mr. Brett Dustan	Imithi Services Environmental Practitioner representing the Qolora Residents Association PO Box 340 Gonubie 5256 <a href="mailto:bdustan@absamail.co.za">bdustan@absamail.co.za</a> (082) 377 6428 (043) 740 5842	1. 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?	<b>18.1 Noted, a BID was sent and awaits your formal comment.</b>
19		Mr. John Smith	Owner Cottage 04 Qolora Mouth 18 Noel Graham Terrace kateb@bos.co.za (083) 280 6060	1. Objections as per John Smith, cottage owner no 4	<b>19.1 Noted</b>

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				2. PRIVATE ISSUES – homes built on street close to boundry – overlooking my cottage.	<b>19.2 The dwellings are subject to building lines around the property where there is an impact on neighbours. Town Planning regulations for urban settlement at medium density have been applied. These regulations have been relaxed in many instances in order to ensure that impact is kept to a minimum.</b>
				3. AS PER JOCK	<b>19.3</b>
				4. SEWAGE SMELL	<b>19.4 See Comments 3.3 REFER TO THE SEWAGE PROCESS ENG</b>
20	31/05/2012	Mr. Brett Dustan	Imithi Services Environmental Practitioner representing the Qolora Residents Association PO Box 340 Gonubie 5256 bdustan@absamail.co.za (082) 377 6428 (043) 740 5842	1. 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:	<b>20.1 Noted</b>
				2. 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.	<b>20.2 See Comments 3.1 and 3.4</b>

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				<p>3. With reference to the Wild Coast Development Policy the following guidelines should be considered:</p> <ul style="list-style-type: none"> <li>• 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?)</li> <li>• 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.</li> <li>• 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).</li> <li>• 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).</li> <li>• 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).</li> </ul>	<p><b>20.3 See Comment 3.1</b></p>

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	<ul style="list-style-type: none"> <li>• 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).</li> <li>• 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).</li> <li>• 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').</li> <li>• There should be a buffer between the development and the natural coastal/dune forests (a 0m building line will not conform to this requirement).</li> </ul>				
	4. 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	<b>20.4 A sewer pump stations with two pumps, one duty and the other standby, will be installed along the Eastern boundary of the site along the lowest outline. The sewer pump will have a dry well with a 2.5 x 2.5m dimension as well as a wet well of the same dimensions allowing the 4h storage based on ADWF, the depth of the sump</b>			

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				rest of the development	will be dependent on the grade of the approaching pipe work. Pending the final layout of the site and the positioning of the sewer treatment plant it could be possible to eliminate the pump station. Treated Effluent from the sewer treatment plant will be pumped and disposed of at an approved location.
				5. 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.	<b>20.5 Noted, these letters have been received and included in the comments and response</b>
				6. 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	<b>20.6 Noted, See Comments 3.1, 3.2, 3.3, 3.4, 3.5, 3.7, 3.8, 4.2, 6.6, 10.3, 13.2 and 13.5</b>
				7. 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.	<b>20.7 See Comments 3.1, 3.3 and 3.7</b>
21	01/06/2012	Mr. Harland Wood	Co-Owner Cottage 02 Qolora Mouth 11 Cochrane Road Ladysmith 3370 harlandwood@telkomsa.net	1. 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 Anderson and Catherine Wood in whose estate the PTO to Site no2 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	<b>21.1 Noted</b>

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				<p>early 1900's to the present.</p> <p>Comments and objections to the proposed development:</p>	
				<p>2. We are supportive of social and economic development and associated job creation and income generation opportunities for the local community.</p>	<b>21.2 Noted</b>
				<p>3. 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:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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.</li> </ul>	<b>21.3 See Comments 3.1, 3.2 and 3.7</b>
				<p>4. We do have some concerns regarding the proposed developments at Seagulls, including the following aspects.</p>	<b>21.4 Noted</b>
				<p>5. 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.</p>	<b>21.5 See Comments 3.1, 3.2 and 3.3</b>
				<p>6. 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.</p>	<b>21.6 See Comment 3.7</b>

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				<p>7. 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 systems units that seepage into the surrounding springs and wetlands could cause large scale environmental pollution and affect the water supply of those cottages that draw their water supply from the 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.</p>	<p><b>21.7 See Comment 3.3</b></p>
				<p>8. There is mention of a storm water drainage system – where will this drain too? The beach or the surrounding wetlands? Such arrangements would not be acceptable.</p>	<p><b>21.8 The upgrade of the road to the village and hotels is a Departmental (Government) project. It will serve the greater community of Qolora and will provide safe access to the entire community ones completed. The safety of the road users will be dependent on the measures implemented to warn traffic and pedestrians of potential dangers, and will be the responsibility of the road user.</b></p> <p>The new tarred road section will terminate just beyond the main entrance to the Seagulls Hotel. Engineers from Maketha Development Consultants involved with the design and construction of the road have confirmed that the entrance to Seagulls Hotel will be transitioned from Tarred to Gravel and that storm water will be channelled along the upstream side of the tarred road and discharged by means of piped crossings toward the lower or eastern side. These designs would have been subject to Departmental approvals.</p> <p>It is envisaged that no storm water from the hill above the development will be channelled across the site thus contaminating the springs on the site. Storm water will be diverted with ground berms towards the access road</p>

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					<p>along the western boundary of the site to tie into the storm water network of the new tarred road.</p> <p>On site storm water will be detained as to allow the 1in 50 year flood to be released under the 1 in 5 year flood conditions. This will greatly reduce any possible flood damage. <i>It is common practice in Buffalo City and all new developments are subject to these requirements in BCM. Natural storm water courses across the site will be retained as much as possible as these have been carved by nature and at present show little sign of stress.</i></p>
				<p>9. 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.</p>	<p><b>21.9</b> Nutec side cladding which is a material specifically designed for use in coastal environments will be used to clad the buildings. The product looks like wood but is manufactured from fibre cement. Material used for windows and doors will take the form of either timber or anodised aluminium. The cladding will be painted a light blue.</p>
				<p>10. 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?</p>	<p><b>21.10</b> All of these units form part of the existing hotel which has been in existence for over 40 years.</p>
				<p>11. 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.</p>	<p><b>21.11</b> See Comment 3.3 All the units construction plans will be vetted by the developer’s architect and energy conservancy will form part of this brief. The stipulation will also be mandatory that all new abodes are to have a minimum of 10 000 litres water storage tanks.</p>
				<p>12. The implementation of environmentally appropriate sewerage system is important,</p>	<p><b>21.12</b> See Comments 3.3 and 4.2</p>



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				including solid waste disposal.	
				13. 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.	<b>21.13 Noted</b>
22	04/06/2012	Mr. Landile Jack	Department of Water Affairs Water Quality Management PO Box 7019 East London 5200 043 701 0257	1. We have received your background information document regarding the proposed activities at Seagulls Beach Hotel and the site was visited on the 29 May 2012.	<b>22.1 Noted, The DWA has been registered as an I&amp;AP</b>
				2. 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.	<b>22.2 Noted</b>
				3. 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 authorisation of water use 21 (e) according to the National Water Act 36 of 1998. The contact person in the Department to assist in the authorisation will be Ms. Lizna Fourie at fouriel@dwa.gov.za.	<b>22.3 Noted, a General Authorisation for the release of treated effluent in terms of Section 21 (e) of the NWA will be applied for.</b>
				4. With regards 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.	<b>22.4 See Comment 3.3 and 4.2. The ADM were notified as part of the public participation process.</b>

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				5. Based on the above information, this office has no objection towards the proposed activity at Seagulls Beach Hotel. Should you require more information please do not hesitate to contact this office.	<b>22.5 Noted</b>
23	05/06/2012	Mr. Goodman Sahula	Estate Manager : Centane Indigenous Forest Management Department of Agriculture Forestry and Fisheries.  047 491 7337 0781204 700 Sahulag@webmail.co.za	1. 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.	<b>23.1 Noted, Mr. Sahula was registered as an I&amp;AP and a copy of the draft BAR would be made available.</b>
24	06/06/2012	Mr. Harland Wood	harlandwood@telkomsa.net	1. Attached please find two letters for your attention in regard to the proposed Seagulls development. 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: <a href="mailto:harlandwood@telkomsa.net">harlandwood@telkomsa.net</a>	<b>24.1 Hi Harland</b>  <b>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.</b> <b>Regards</b> <b>Brendon Steytler</b>
25	06/06/2012	Mr. Harland Wood	harlandwood@telkomsa.net	1. I would appreciate it if you could please register the following persons who are the joint owners of cottage no2 at Qolora as interested and affected parties for the public participation process related to the proposed Seagulls development. <ul style="list-style-type: none"> <li>• C.J Hunter 17 Wherry Road, Muizenberg, 7945, <a href="mailto:cateian@telkomsa.net">cateian@telkomsa.net</a></li> <li>• H.S Wood 11 Cochrane Road, Ladysmith, 3370, <a href="mailto:harlandwood@telkomsa.net">harlandwood@telkomsa.net</a></li> <li>• L.A Andersen PO Box 15387, Beacon Bay,</li> </ul>	<b>25.1 Noted, all of the requested people were registered as I&amp;AP's. An electronic copy of the draft BAR would be sent as soon as it is available.</b>

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				<p data-bbox="1122 300 1366 323">5200, <a href="mailto:linda@agrofert.co.za">linda@agrofert.co.za</a></p> <p data-bbox="1028 357 1514 528">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.</p> <p data-bbox="1028 564 1514 647">I have also attached a copy of a letter submitted to the designated officer in regards to the proposed development.</p>	

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<b>COMMENTS RECEIVED DURING THE PRE-DFA TRIBUNAL HEARING – 17 July 2012</b>					
1	17/07/2012	Mr. Brett Dustan	Imithi Services Environmental Practitioner representing the Qolora Residents Association PO Box 340 Gonubie 5256 bdustan@absamail.co.za (082) 377 6428 (043) 740 5842	1. Wanted to know if the property had a valid Title deed.	1.1 The property owners have requested attorney's to validate the title deed. The attorneys Rob Behr and Qina based in Umtata investigated the validity and Mr Qina personally spoke to the registrar of Deeds based in Umtata. The Registrar, Mr Mantanga, stated that as far as he is concerned that the deed was valid and that they do not keep invalid deeds at the deeds office. The developer also requested a new conveyer's certificate from Christo Barnard. Mr Barnard has many years experience with the Umtata deeds office and was mandated to investigate and also advise on the status of the clauses in the title deed.
				2. Said that in principal the Qolora cottage owners had no objection to the proposed development.	1.2 Noted
				3. Said that they were concerned with the height of the units, especially the double storey units.	1.3 Revised architectural guidelines have been prepared by the architect. The height of the double storey units will be regulated and that standard double storey height is applied to those buildings which are proposed to be double storey (See Appendix D).
				4. Said that some of the proposed units on the western side had zero metre building lines.	1.4 A 5m building line has been proposed adjacent to the street and 3m on the sides. This is standard practice. A 0m building is proposed parallel to the beach to accommodate existing footprints. There are no neighbours which can be impacted upon in this area.
				5. Said that the number of proposed units were more than the number of existing units in Qolora Mouth which would more than double the population residing in Qolora.	1.5 The proposed units are 23 in total. The density is below municipal land use regulations which guide developments of this nature and the actual extra development is only on 1.5 hectares as the current hotel is on the other hectare.
				6. Asked why sewerage has to be pumped up the hill to the package plant and suggested moving the package plant down the hill and pumping treated effluent up the hill to irrigation area.	1.6 A sewer pump stations with two pumps, one duty and the other standby, will be installed along the Eastern boundary of the site along the lowest outline. The sewer pump will have a dry well with a 2.5 x 2.5m dimension as well as a wet well of the same dimensions allowing the 4h storage based on ADWF, the depth of the sump will be dependent on the grade of the approaching pipe work. Pending the final layout of the site and the positioning of the sewer treatment plant it could be possible to eliminate the pump station. Treated Effluent

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					from the sewer treatment plant will be pumped and disposed of at an approved location.
				7 Asked if the sewage package plant would have a backup plan	<b>1.7 A sewer pump stations with two pumps, one duty and the other standby, will be installed along the Eastern boundary of the site along the lowest outline. The sewer pump will have a dry well with a 2.5 x 2.5m dimension as well as a wet well of the same dimensions allowing the 4h storage based on ADWF, the depth of the sump will be dependent on the grade of the approaching pipe work.</b>
2	17/07/2012	Mr. Barry Galloway	Chairman of Qolora Residents Association. Owner Cottage 08 Qolora Mouth 2 Harewood Drive Nahoon 5241 barry@specpetroleum.co.za (083) 6366740 (043) 736 1316	1. Stated that there was a continual problem with water supply from Amathole District Municipality	<b>2.1 Noted, Close interaction between the all water consumers and the Municipality will be required to maintain a sustainable water supply, and infrastructure</b>
				2. Said that he would like an investigation done on the reliability of this water source in terms of how much water is actually supplied by Amathole and what the actual problems are.	<b>1.2 Refer to previous comment earlier in this response item</b>
				3. Stated that he wants a copy of the comments and response issues to date, prior to the final Tribunal Hearing in August.	<b>1.3 Noted. A copy of all comments and response will be sent to Mr. Galloway prior to the DFA Hearing.</b>
				4. Stated that in his opinion the proposed water provision suggested by the Engineers would not be sufficient for the sustainability of the proposed project.	<b>1.4 Refer to previous comment earlier in this response item</b>

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3	17/07/2012	Mr. Mike Coleman	DFA Tribunal Committee Member	1. Stated that because the proposed project was located in the Transkei there were inherent problems in terms of clear cut laws and regulations for land planning.	3.1 This is acknowledged. A response has been obtained from a conveyancing attorney from Mthatha. A response is awaited from the Registrar of Deeds. There is nothing that
				2. Said that there were no planning legislation for rural areas and that Wild Coast Spatial Guidelines were not Spatial Policy.	3.2 Correct. The Development Facilitation Act was the only piece of planning legislation that could be used in these areas. Hence this application was prepared.
				3. Asked if the NEMA Coastal Act could be applied to this development in terms of planning	3.3 This has been dealt with previously. This area is excluded as it is a proclaimed first order node.
				4. Suggested that Information on the current title deed be obtained from the Registrar of Deeds	3.4 Application has been made to the Mthatha Registrar of Deeds Office, as well as prominent and experienced conveyancing attorney in Mthatha.
				5. Suggested that any restrictions on the Deed of Grant needed to be amended	3.5 Application to amend / remove restrictive conditions of title has been done.
				6. Was upset that neither the Department of Economic Development and Environmental Affairs (DEDEA) nor Department of Rural Development and Land Reform (DRDLR) were present at Pre-Hearing.	3.6 Noted,
				7. Said that he wanted in-depth information regarding the line of sight of double storey buildings and the potential impact that they could have on surrounding cottage owners.	3.7 A cross section elevation plan has been prepared with 2 lines of site diagrams as well as clear photo's that will be presented at the hearing to be held on the 16 <sup>th</sup> August at Seagulls.
4	17/07/2012	Mr. Brian van der Deckon	DFA Tribunal Committee Member (Chairman)	1. Asked if there were any land claims on the property.	4.1 We have a letter indicating that there is no land claim.
5	17/07/2012	Mr. Herman Le Roux	DFA Tribunal Committee Member	1. Said that he required more Geo-tech information on the proposed site	5.1 Geo-tech is comprehensive and included

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				2. Stated that he sees the Wetland area as a feature that could be incorporated into the design of the development and that the proposed development within this site should be re-looked at.	5.2 This has been done. The team has reviewed the first SDP and have completed changes. The SDP has been re-planned around the wetland areas. The density has been reduced by 3 units from 26 to 23 new units on the estate section.
				3. Said that he was concerned with the position of the proposed Sewage Package Plant in close proximity to Wetland.	5.3 This has been reviewed. The Package Plant has been repositioned to another position, at a low point, where the effluent will be processed. This is a more suitable position.
				4. Was satisfied that Solid Waste Management Plan would be dealt with in the EMP	5.4 Noted
				5. Wanted more information on the Cape Cod theme for the proposed development.	5.5 The buildings to be clad with the cement fibre NU TECH board which looks like wood. Photos and concept to be presented at the meeting on the 16 <sup>th</sup> August.
6	17/07/2012	Mr. Rodney Offord	DFA Tribunal Committee Member	1. Stated that he required more information pertaining to the stormwater management plan for the existing road	6.1 The upgrade of the road to the village and hotels is a Departmental (Government) project. It will serve the greater community of Qolora and will provide safe access to the entire community ones completed. The safety of the road users will be dependent on the measures implemented to warn traffic and pedestrians of potential dangers, and will be the responsibility of the road user.  The new tarred road section will terminate just beyond the main entrance to the Seagulls Hotel. Engineers from Maketha Development Consultants involved with the design and construction of the road have confirmed that the entrance to Seagulls Hotel will be transitioned from Tarred to Gravel and that storm water will be channelled along the upstream side of the tarred road and discharged by means of piped crossings toward the lower or eastern side. These designs would have been subject to Departmental approvals.  It is envisaged that no storm water from the hill above the development will be channelled across the site thus

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					<p>contaminating the springs on the site. Storm water will be diverted with ground berms towards the access road along the western boundary of the site to tie into the storm water network of the new tarred road.</p> <p>On site storm water will be detained as to allow the 1in 50 year flood to be released under the 1 in 5 year flood conditions. This will greatly reduce any possible flood damage. <i>It is common practice in Buffalo City and all new developments are subject to these requirements in BCM. Natural storm water courses across the site will be retained as much as possible as these have been carved by nature and at present show little sign of stress.</i></p>
7	17/07/2012	Mrs Pumza	DFA Tribunal Committee Member	1. Asked for detailed information on how the community would be involved in the project in terms of long term job creation and not only during the construction period	7.1 The tourism industry is the main source of job creation in this area and the extra permanent jobs will have a positive financial impact of the community. The shorter term construction jobs will be created during the construction phase and other tourism related work is also possible.
8	17/07/2012	Mr. Siyasakha Joni	Municipal Planner Mnquma Local Municipality	1 Stated that in principal the MLM supported the proposed project and that they would be sending a letter of support to the applicant	8.1 Noted. This letter has been received (See Appendix D)
				2 Said that the MLM were currently working on a detailed spatial development framework for Qolora Mouth	8.2 Noted
9	17/07/2012	Mr. Bing Kockott	Owner Cottage 21 Qolora Mouth 2 Ocean Way Gonubie bingsk@iafrica.com (082) 568 4823 (043) 740 1045	1 Wanted information on the validity of the Deed of Grant and the restrictions of the Grant	9.1 See response 26.1.1
				2 Wants a copy of the Comments and Response document to date	9.2 A copy of the comments and response will be sent to Mr. Kockott prior to the DFA Hearing



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				3 Stated that the proposed double storey buildings would restrict his line of sight	<b>9.3 Line of site diagrams will be presented with photo's at the meeting on the 16<sup>th</sup> August.</b>
				4 Was concerned with the adequacy of the current Municipal infrastructure to accommodate the proposed development	<b>9.4 See response 3.3</b>
				5 Requested detailed information on the proposed water supply (i.e. How much is available and how much will be used per person/per day)	<b>9.5 See response 3.3</b>
				6 Expressed concern that an influx of tourists would put strain on the Marine resources in the area (i.e. oysters, mussels etc.).	<p><b>9.6 The marine resources of the South African coast are under the management of the National Department of Environmental Affairs and restrictions and regulations are controlled through the Marine Living Resources Act. The Department of Environmental Affairs – Oceans and Coast Directorate has been notified as an Interested and Affected Party in terms of the EIA stakeholder consultation process. They are yet to provide comment.</b></p> <p>It is further a principle of responsible tourism for the management and owners of Seagulls in conjunction with the local community and the cottage owners, to jointly ensure that the coastal resources are not over-exploited and work hand in hand with the coastal management authorities.</p> <p>Furthermore the potential job opportunities created by the proposed development and indirect SMME opportunities will further alleviate the subsistence dependency on the coastal resources.</p>
				7 Stated that at present there are 21 cottage owners and that the proposed development would more than double the population of Qolora Mouth.	<b>9.7 Noted</b>

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10	17/07/2012	Mrs Gwen Sgwabe	Department of Agriculture, Forestry and Fisheries	1 Stated that they wanted a copy of the draft Basic Assessment so that DAFF could make comments	<b>10.1 An electronic copy of the draft BAR will be sent to Mrs Sgwabe as soon as it is available.</b>
11	17/07/2012	Mr. Rufus Hulley	Representing Qolora Development Forum	1 Stated that the Qolora Development Forum had not been contacted regarding the DFA he then apologised when he realised that the Headman for Qolora Mouth had signed a letter of support for the proposed development.	<b>11.1 Noted. (See Appendix D) for letter of support from the local community.</b>

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1	16/08/2012	Mr. Mike Coleman	DFA Tribunal Committee Member	1. Stated that New Architectural Guidelines means that a Homeowners Association amendment is needed.	1.1 These issues were included as annexures 4,5,6 & 14 in the DFA response dated 10 <sup>th</sup> September 2012
				2. Wanted to know how and who would enforce the architectural guidelines.	1.2 This issue was included as annexure 14 in the DFA response dated 10th September 2012
				3. Wanted to know if the Hotel and Estate be the same style.	1.3 Detailed Architectural guidelines were included as annexures 4,5,6 in the DFA response dated 10th September 2012 and annexure 3 in the amended DFA response dated 19 September 2012.
				4. Wanted to know what the status is regarding the right to a view.	1.4 Information included as annexures 5, 6, 9 & 10 in the DFA response dated 10th September 2012.
				5. Stated that a community resolution is needed with regard to the irrigation of treated effluent and the development in general.	1.5 Information included as annexures 11, 12 in the DFA response dated 10th September 2012 and annexure 2 in DFA response dated 19 September 2012.
				6. Stated that the Department of Rural Development and Land Reform needed to attend the above meeting as well.	1.6 An Invitation was sent to the responsible manager and official at EL office. Information included as annexure 12 in the DFA response dated 10th September 2012
2	16/08/2012	Mr. Herman Le Roux	DFA Tribunal Committee Member	1. Soil survey at wetland – not needed anymore	2.1 Noted – additional geo-tech information was included as annexure 1 in the DFA response dated 19th September 2012
3	16/08/2012	Mr. John Smith	Owner Cottage 04 Qolora Mouth 18 Noel Graham Terrace kateb@bos.co.za (083) 280 6060	1. Stated that the Restrictive conditions were questionable / due process?	3.1 Information included as annexure 3 in the DFA response dated 10th September 2012.
				2. POA is not valid	3.2 See annexure 3 in DFA response dated 10 September 2012
				3. Stated that height restrictions are needed	3.3 Noted – See annexures 4, 5, 6, 9 of DFA response dated 10 <sup>th</sup> September 2012. Also see annexure 3 of DFA response dated 19 September.

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				4. Stated that Units 21+22 were an invasion of privacy onto property/dwelling	3.4 Noted – See revised Site Development Plan annexure 1 in DFA response dated 10 September 2012 as well as annexure 4, 5, 6 & 9 in DFA response of 10 September 2012.
				5. Stated that he objected to this development as he believed that there was insufficient water services and they were not sustainable.	3.5 Noted
				6. Stated that he was not happy with the architectural style	3.6 Noted – See annexure 1,2,4,5,6,9 & 10 in DFA response dated 10 <sup>th</sup> September 2012 and annexure 1 in DFA response dated 19 September 2012
				7. Stated that the water supply has been unproven	3.7 See Response 3.3 in Comments and Response dated May –June 2012 above.
				8. Stated that he wants to see a low density development	3.8 See Response 3.1 in Comments and Response dated May –June 2012 above.
				9. Stated that the use of trees to hide the development would be ineffective.	3.9 Noted, Much of the natural bush on the coastal side will be retained where practical. In addition indigenous landscaping will be used to screen buildings.
				10. Questioned the validity of current Spatial Planning	3.10 See annexure 8 in DFA response dated 10 September 2012
				11. Wanted to know about the proposed package plant and who will be responsible if it packs up	3.11 See annexure 13 in DFA response dated 10 September 2012
4	16/08/2012	Mr. Brett Dustan	Imithi Services Environmental Practitioner representing the Qolora Residents Association PO Box 340 Gonubie 5256 bdustan@absamail.co.za (082) 377 6428 (043) 740 5842	1. Wanted to know if development was in line with the Integrated Coastal Management Act 2008	4.1 DEDEAT MANDATE  In terms of Section 38(1) of ICMA 2008, The Premier of each coastal province must, within two months of the commencement of this Act, designate a provincial organ of state to function as the lead agency for coastal management in the province and must ensure that there is at all times a lead agency for coastal management in the province which is responsible to the MEC.

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					<p>DEDEAT is the designated lead agent for the implementation of the National Integrated Coastal Management Act [ICM Act] in the Province of the Eastern Cape. The ICM Act inter alia provides for a 1 km Coastal Protection Zone, which applies to the whole RSA Coast, including the Wild Coast.</p> <p>Other DEDEAT mandates include:</p> <ul style="list-style-type: none"> <li>• They are responsible for the management of the 1 Km Coastal Conservation Area which was established under Provincial legislation, and which is still in force.</li> <li>• They are responsible for the implementation of the National Environmental Management Biodiversity Act [NEMBA] in the Eastern Cape, inclusive of the Wild Coast.</li> <li>• They are responsible for Climate Change and Waste Management.</li> <li>• They have a major mandate regarding economic development in the Province, with the Wild Coast as a priority area.</li> </ul> <p><b>WILD COAST DEVELOPMENT POLICY (2001)</b></p> <p>In the late 1990's, following a very extensive consultation process, the Wild Coast Spatial Development Initiative developed a Spatial Plan and Guidelines which were in 2001 formally published in the Provincial Gazette. In terms of provincial legislation this document has a higher status than normal policies and guidelines, and it can therefore be used effectively for regulatory and enforcement purposes. This Policy is still in force.</p> <p>In line with the above mandates and building on the existing WCTDP (2001), DEDEAT have developed the 2012 SPATIAL AND ENVIRONMENTAL MANAGEMENT GUIDELINES FOR THE WILD COAST OF THE EASTERN CAPE PROVINCE.</p> <p>According to DEDEAT (2012), the objective of the spatial planning and environmental management guidelines for the Wild Coast is thus for DEDEAT to, in terms of its dual mandate of both economic development and environmental management, establish a spatial instrument to guide and facilitate development of the Wild Coast.</p>

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					<p>In this regard its aim is to create a balance between the development of an under-developed, high poverty region and the protection of an environment which is nationally and internationally recognized as being of exceptional value and importance. The hope would then be to put a framework in place that could be supported by the widest possible range of stakeholders, including coastal communities.</p> <p>Spatial and Environmental Management Guidelines for the Wild Coast (SEGWC)</p> <p>DEDEAT have restricted the planning domain of the SEGWC to the 1 Km Coastal Corridor because as a rule, South African legislation related to environmental management seeks to regulate development in the coastal zone of the RSA, for this purpose a coastal corridor of 1 km from the High Water Mark of the Sea often defines the coastal protection zone.</p> <p>DEDEAT (2012) state that, a critical objective of all existing coastal zone legislation and policy is to promote nodal development and to prevent ribbon development of the coastal zone. Nodal development inter alia allows for infrastructure to be provided at growth points, while attempting to maintain the scenic, visual and biodiversity value of areas outside nodes.</p> <p>Principles for Nodal Development on the Wild Coast</p> <p>According to DEDEAT the primary purpose of nodal development is to ensure that:</p> <ul style="list-style-type: none"> <li>a) Intensive development takes place in consolidated areas where infrastructure and services can be supplied efficiently and cost-effectively.</li> <li>b) Development takes place in areas of lower environmental sensitivity and that areas of high environmental sensitivity and importance are protected.</li> <li>c) The scenic beauty and biodiversity of large sections of coast are left untouched, as this is the primary resource</li> </ul>

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					<p>that causes tourists to want to visit the Wild Coast.</p> <p>d) An unavoidable implication of the principle of nodal development is that some areas must remain undeveloped!</p> <p><b>PRINCIPLES OF SUSTAINABLE DEVELOPMENT ON THE WILD COAST</b></p> <p>Based on relevant legislation and policies applicable to the coastal zone of the RSA and therefore also to the Wild Coast, DEDEAT have proposed that the following principles should guide sustainable development of the Wild Coast:</p> <ul style="list-style-type: none"> <li>• Development on the Wild Coast and in Wild Coast communities must take place and at an accelerated rate. If endemic poverty persists, efforts to protect the environment will in the long term not succeed.</li> <li>• In order to facilitate essential development more development nodes must be created and the size of some nodes increased.</li> <li>• Development should be nodal in nature, meaning that there should also be areas that remain undeveloped. Development nodes should cater for a range of types and scales of development.</li> <li>• Infrastructure provision must be focussed on development nodes.</li> <li>• Developments and economic activities that do not specifically need to be in a coastal location should be located outside the Coastal Corridor, in this case more than 1 kilometre from the coast.</li> <li>• Estuaries that are still pristine and undeveloped should be retained in that state and all development should have a suitable buffer with estuaries, at least 100 metres in most cases.</li> </ul>

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					<ul style="list-style-type: none"> <li>• Developments and economic activities that are potentially polluting should not be located near rivers and estuaries.</li> <li>• The immediate coastal zone is a resource common to all and should not be exclusively occupied by large developments that prevent public use of the coastal area.</li> <li>• The rights of communities that have historically occupied and used the coastal corridor must be acknowledged. Such communities should however not expand within the coastal corridor.</li> <li>• Spatial planning must attempt to redress imbalances of the past, and must promote equity.</li> <li>• Existing formal Protected Areas must be expanded and new formal Protected Areas established. In this regard the targets set in the Presidential Program of Action, and specifically Outcome 10, should be pursued.</li> <li>• Remaining Indigenous Forest on the Wild Coast must be protected and forest clearing of any kind should only be permitted under exceptional circumstances. Indigenous Forest rehabilitation projects should be strongly encouraged.</li> <li>• Spatial planning for the Wild Coast should as far as possible be aligned with existing plans and policies, including The Eastern Cape Provincial Spatial Development Plan and the Spatial Development Frameworks of coastal Municipalities.</li> </ul> <p style="text-align: center;"><b>LAND USE CATEGORIES FOR THE WILD COAST</b></p> <p>In order to give effect to the objectives and principles outlined above, DEDEAT have proposed a number of different land-use classifications which include:</p> <p>a) Town - Port St Johns is currently the only formally</p>



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					<p>established town on the Wild Coast, but it is recommended that the following areas should be considered for town establishment: Qolora, Qora Mouth, Hole-in the Wall/Coffee Bay, Mthata Mouth/Mdumbi and Mzamba. This will be subject to infrastructure development of the required scale and standard.</p> <p>b) First Order Nodes - Areas that in terms of low environmental sensitivity and existing infrastructure and/or the feasibility of providing infrastructure can accommodate intensive development. Actual or proven potential supply of municipal services such as bulk water, sewerage and waste management is a basic condition for any area to have 1st Order Node status. Developments that do not need to be in the coastal zone should however still wherever possible be placed outside the immediate coastal zone, inclusive of a buffer with estuaries.</p> <p>c) Second Order Nodes - Areas with significant constraints to development, e.g. and which can accommodate moderate levels of tourism, resort and cottage development. One key difference between a Second Order Node and a Third Order Node would be that in a Second Order Node more than one fairly substantial development could take place, while in a Third Order Node only one development will generally be permitted.</p> <p>d) Coastal Settlements - Areas in which coastal communities were historically settled, i.e. occupied before 1992, when legislation regulating development in the Wild Coast 1km corridor first took effect. Only local residential and agricultural use permitted, subject to a Local Area Plan agreed between DEDEAT and community.</p> <p>e) Third Order Nodes - Areas within Biodiversity and Landscape Management Areas that have been specifically identified as suitable for tourism/resort developments. The scale of development will be</p>

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					<p>determined by the nature of the receiving environment, but 3rd Order Nodes should not be located in green-fields areas. Excepting in areas that already contain substantial existing development, e.g. cottages, there should not be more than one resort/tourism development in a specific 3rd Order Node.</p> <p>f) Biodiversity and Landscape Management Areas - Areas in which no development or land-use other than live-stock grazing is permitted, excepting in identified 3rd Order Nodes. Some Biodiversity and Landscape Management Areas will contain one or more 3rd Order Nodes and in other B&amp;LMA's no development will be permitted, as there are no areas suitable for development.</p> <p>g) Protected Areas - Formally proclaimed Protected Areas. These areas are included for mapping purposes, but are not subject to this Policy, but to the policies of the applicable Management Agency.</p> <p>h) Protected Area Expansion Areas - Areas that are formally approved by a Protected Area Management Agency for the purposes of either expanding existing Protected Areas or the establishment of new formally proclaimed Protected Areas. Generally the provisions applicable to a B&amp;LMA will apply to these areas. Should Protected Area Expansion for such an area not be successful, it will revert to the status of a Biodiversity and Landscape Management Area.</p> <p>i) Indigenous State Forests - Areas that are under the jurisdiction of DAFF and therefore not the sole mandate of DEDEAT or ECPTA. Any development in these areas generally requires two authorizations, one from DAFF and one from DEDEAT.</p> <p><b>NODAL DEVELOPMENT IN QOLORA MOUTH</b></p> <p>According to the Wild Coast Tourism Development Policy (2001); Wild Coast Spatial Development Framework (2005) and the Draft Spatial and Environmental Management</p>

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					<p>Guidelines for the Wild Coast (2012), Qolora Mouth along with Kobb In, Hole-in the Wall, Coffee Bay, Mthatha Mouth, Mdumbi and Mzamba have been identified by DEDEAT as First Order Nodes (Primary Nodes) which are defined as <i>“areas with low environmental sensitivity with existing infrastructure and/or the feasibility of providing infrastructure which can accommodate intensive development”</i>.</p> <p>In terms of the Wild Coast Spatial Development Framework (2005) the intent of a Primary Node is <i>“Intensively developed nodes to cater for holiday and leisure activities with large hotels and cluster developments. Private sector investment is encouraged in a diverse range of holiday and leisure products, facilities and enterprises. Primary attraction is the amenities provided by the built environment.”</i></p> <p>The Mquma Municipality Spatial Development Framework of 2009 as well as the Strategic Environmental Assessment of 2009 has identified the Qolora First Order Node as the 4th most important node within Mquma, after Butterworth, Nqamakwe and Centane.</p> <p>As a matter of interest, the Wild Coast Tourism Development Policy (2001), defines Second Order Nodes as <i>“areas that are less developed and urban in nature, being more focused on ‘family holiday’ tourism and recreation facilities, provided by both the development and the environment. Within these nodes, cottages, cluster complexes and family hotels may be developed.”</i></p> <p>These spatial planning, guideline and policy documents consistently define First Order Nodes (Primary Nodes) as <i>“the most urban and extensively developed resort areas and accordingly, the focus within these nodes should be on the recreational experience provided by the development and not specifically the environmental experience”</i>.</p> <p>Consequently, Qolora Mouth which is the only First Order Node along the Mquma Municipality coastline has been prioritised for development as well as infrastructure investment.</p>

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					<p style="text-align: center;"><b>ALIGNMENT WITH COASTAL PROTECTION ZONE</b></p> <p>According to Section 16(1) of the ICMA the coastal protection zone consists of:</p> <p><i>(a) land falling within an area declared in terms of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as a sensitive coastal area within which activities identified in terms of section 21(1) of that Act may not be undertaken without an authorisation;</i></p> <p><i>(b) any part of the littoral active zone that is not coastal public property;</i></p> <p><i>(c) any coastal protection area, or part of such area, which is not coastal public property;</i></p> <p><i>(d) any land unit situated wholly or partially within one kilometre of the highwater mark which, when this Act came into force—</i></p> <p style="padding-left: 40px;"><i>(i) was zoned for agricultural or undetermined use; or</i></p> <p style="padding-left: 40px;"><i>(ii) was not zoned and was not part of a lawfully established township, urban area or other human settlement;</i></p> <p><i>(e) any land unit not referred to in paragraph (d) that is situated wholly or partially within 100 metres of the high-water mark;</i></p> <p><i>(f) any coastal wetland, lake, lagoon or dam which is situated wholly or partially within a land unit referred to in paragraph (d) or (e)</i></p> <p><i>(g) any part of the seashore which is not coastal public property, including all 5 privately owned land below the high-water mark;</i></p> <p><i>(h) any admiralty reserve which is not coastal public property;</i></p> <p><i>or</i></p> <p><i>(i) any land that would be inundated by a 1:50 year flood or storm event.</i></p> <p>In the case of Seagulls Beach Hotel Section 16 (d)(ii) would apply. This 1km coastal corridor is managed by DEDEAT which was appointed by the Premier under Section 38(1) of the ICMA 2008 as the lead agency for coastal management in the Province of the Eastern Cape.</p>

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					<p style="text-align: center;"><b>PURPOSE OF THE COASTAL PROTECTION ZONE</b></p> <p>In terms of Section 17 of the ICMA 2008, the coastal protection zone is established for enabling the use of land that is adjacent to coastal public property or that plays a significant role in a coastal ecosystem to be managed, regulated or restricted in order to:</p> <p><i>(a) protect the ecological integrity, natural character and the economic, social and aesthetic value of coastal public property;</i></p> <p><i>(b) avoid increasing the effect or severity of natural hazards in the coastal zone;</i></p> <p><i>(c) protect people, property and economic activities from risks arising from dynamic coastal processes, including the risk of sea-level rise; 20</i></p> <p><i>(d) maintain the natural functioning of the littoral active zone;</i></p> <p><i>(e) maintain the productive capacity of the coastal zone by protecting the ecological integrity of the coastal environment; and</i></p> <p><i>(f) make land near the seashore available to organs of state and other authorised persons for</i></p> <p><i>(i) performing rescue operations; or</i></p> <p><i>(ii) temporarily depositing objects and materials washed up by the sea or tidal waters.</i></p> <p>In terms of DEDEAT’s dual mandate of both economic development and environmental management within the coastal protection zone of the Wild Coast they have compiled a number of spatial planning guideline and policy documents (i.e. 2001 Wild Coast Tourism Development Policy; 2005 Wild Coast Spatial Development Framework and the 2012 Draft Spatial and Environmental Management Guidelines for the Wild Coast).</p> <p>These policy and guideline documents have been used as instruments to align coastal development on the Wild Coast with the principals and guidelines set out in Section 17 of the ICMA of 2008.</p> <p>In terms of the proposed Seagulls Hotel and Lifestyle Estate</p>

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					Development, it is our opinion that the development is fully in line with DEDEAT's policy and guidelines which have been developed in cognisance of the Integrated Coastal Management Act. As decision makers in terms of the NEMA application (Basic Assessment) and in terms of the ICMA, the DEDEAT will assess the development for alignment and compliance thereto.
				2. Stated that he wants to see natural bush from the Beach	4.2 Much of the natural bush on the coastal side will be retained where practical. In addition indigenous landscaping will be used to screen buildings.
5	16/08/2012	Mr. Herman Le Roux	DFA Tribunal Committee Member	1. Wanted to see more information on the proposed package plant	5.1 See annexure 13 in DFA response dated 10 September 2012
				2. Wanted a better indication of the wetland on Site Development Plan	5.2 See annexure 1 in DFA response dated 10 September 2012
				3. Wanted information regarding the waste licence and if it was part of the Basic Assessment Report	5.3 The estimated annual throughput of the Waste Water Treatment facility is 8000 cubic metres per annum (at an average of 60% occupancy). An application will be made in terms of Listing Notice No.1 Activity 11 as published in G.N. No 718 of the National Environmental Management Waste Act. This listing requires a Basic Assessment. This Basic Assessment Study will be commissioned as soon as the details of the plant have been finalised. Public participation information will be incorporated into the study.
6	16/08/2012	Mr. Rodney Offord	DFA Tribunal Committee Member	1. Wanted to know if the current water use license was valid and whether the extension was valid.	6.1 See annexure 7 in DFA response dated 10 <sup>th</sup> September 2012
7	16/08/2012	Mr. Brett Dustan	Imithi Services Environmental Practitioner representing the Qolora Residents Association PO Box 340 Gonubie 5256 bdustan@absamail.co.za (082) 377 6428	1. Wanted to see Homeowners Association agreement and the architectural guidelines combined into the draft Homeowners association agreement.	7.1 See annexure 4, 5, 6,9,10 & 14 of DFA response dated 10 September.

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			(043) 740 5842		
8	16/08/2012	Mr. Chris William-Wynn	DFA Tribunal Committee Member	1. Wanted information on the NEMA process	8.1 See Indwe Environmental Consulting DFA presentation dated 16 August 2012
				2. Wanted to know if the springs are on site or off site	8.2 the springs that will be used for water abstraction are on site.
				3. Wanted to know if consent has been obtained for the use of the proposed area for irrigation by treated effluent	8.3 Information included as annexures 11, 12 in the DFA response dated 10th September 2012 and annexure 2 in DFA response dated 19 September 2012.
				4. Show high water mark on SDP	8.4 See annexure 1 in DFA response dated 10 September 2012. See DFA presentation dated
				5. Wanted to know if there was legitimate access to portion 15 on Sub/layout- Erf 34	8.5 See DFA presentation dated 26 September 2012
				6. Wanted to know how Section 14/15 of the Integrated Coastal Management Act would impact on the proposed development.	8.6 The High Water Mark (estimated from aerial photography) shows that there should not be any conflict with cadastral boundary of the subject property along the coast. See revised Site Development Plan.  In terms of Section 15 the development should not cause any adverse erosion or accretion within the coastal public property (beach area).
				7. Wanted information pertaining to the new tarred Road – Phases and timeframes	8.7 Noted

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1	21/08/2012	Mr. Brett Dustan	Imithi Services Environmental Practitioner representing the Qolora Residents Association PO Box 340 Gonubie 5256 bdustan@absamail.co.za (082) 377 6428 (043) 740 5842	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:	
				1. 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.	<b>1.1 Noted See final DFA presentation dated 27 September 2012</b>
				2. 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.	<b>1.2 Noted – See revised Site Development Plan</b>
				3. Sites 21 and 22 are also at a lower point than the proposed site for the sewer package plant and the question is how the sewer from these 2 sites is going to be dealt with, also considering that to link up with the package plant would in all likelihood require excavation through the wetland.	<b>1.3 The project civil engineer confirms that this is feasible and that the cottages sit at a level of 9.5m, ground level at the plant is 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.</b>
				4. Wanted to know if the Integrated Coastal Management Act had been taken into account with this development	<b>1.4 See detailed information in annexure 8 of DFA response dated 10 September 2012</b>
2	12/09/2012	Mr. Bing Kockott	Owner Cottage 21 Qolora Mouth 2 Ocean Way Gonubie bingsk@iafrica.com (082) 568 4823 (043) 740 1045	1. We have only received the responses to our concerns and objections yesterday, 11th 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 13th 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	<b>2.1 Noted – The DFA hearing was postponed to the 27 September 2012</b>



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				from the previous meeting and would also like a copy of the original DFA application for the development proposal.	
3	13/09/2012	Mr. Steve Clarke	Bax Kaplan Incorporated 0866 349770	<p>1. Hi Bing,</p> <p>Dave de la Harpe and I have chatted briefly about the matter this morning at court.</p> <p>You have done what he suggested I do, namely seek a postponement and a copy of the application.</p> <p>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.</p> <p>I would also like the department contact details and reference as soon as possible.</p> <p>Regards,</p> <p>Steve Clarke.</p>	3.1 Noted
4	25/09/2012	Mr. Steve Clarke	Bax Kaplan Incorporated 0866 349770	<p>Hi all,</p> <p>Herewith letter today dispatched to the tribunal, the original of which is being hand delivered in Bisho.</p> <p>I will report on the response as soon as it is received.</p> <p>Regards,</p> <p>Steven Clarke.</p>	
				<p>1. We act on behalf of the Qolora Residents Association and on behalf of Mr Jonathan Smith the owner of Cottage 04, Qolora Mouth.</p> <p>We have been provided with a copy of an application relating to Farm 119, Centane which declares that the application is made in terms of the Development Facilitation Act and its regulations.</p>	4.1 Noted

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	<p>The application is directed toward :</p> <ol style="list-style-type: none"> <li>1. the rezoning of the property;</li> <li>2. the subdivision of the property;</li> <li>3. the approval of the proposed development including the granting of permissions for the establishment of infrastructure and of buildings;</li> <li>4. The removal of restrictions contained within the exiting Deed of Grant.</li> </ol> <p>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.</p> <p>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.</p> <p>The effect of the judgment is that Chapters 5 and 6 of the Act have been declared invalid from inception.</p> <p>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.</p> <p>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.</p>				

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				<p>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.</p> <p>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.</p> <p>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.</p> <p>Our clients accordingly object to the entire application on the basis of illegality.</p> <p>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.</p> <p>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, Centane will not be further considered or proceeded with in terms of the Development Facilitation Act.</p> <p>Failing receipt of the required undertaking our</p>	

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				clients, joined by others, will move for appropriate relief before the High Court.	
5	26/09/2012	Mr. Brett Dustan	Imithi Services Environmental Practitioner representing the Qolora Residents Association PO Box 340 Gonubie 5256 bdustan@absamail.co.za (082) 377 6428 (043) 740 5842	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:	
				1. 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.	<b>5.1 Noted</b>
				2. 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.	<b>5.2 The project civil engineer confirms that this is feasible and that the cottages sit at a level of 9.5m, ground level at the plant is 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.</b>
				3. 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.	<b>5.3 The developer has appointed a respected sewerage specialist who has successfully designed and implemented sewerage treatment package plants for similar developments on the Wild Coast (Umgazi River Bungalows).</b>  <b>The specialist has suggested that the out flows from the existing hotel septic tanks as well as from the proposed new sewer lines be piped to a pump station located on the eastern boundary along the lowest outline.</b> <b>The effluent will then be pumped to the Clear Edge Technologies Sewerage Treatment Plant located on the golf course to the west of the site.</b>

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					<p>Once the effluent has been treated and disinfected it will be used to irrigate the golf course.</p> <p>The proposed pump station will have a minimum of 12 hours retention time allowing for interrupted power supply and maintenance. Contingencies for the pump station will include a high level alarm light as well as a secondary standby pump. Both the primary and secondary pumps will also be linked to the Hotel standby generator.</p> <p>The proposed treatment plant will be a minimum of 200 metres from the nearest dwelling and the irrigation of treated effluent shall be controlled.</p> <p>In order to address the possibility of the malfunction of the treatment plant an irrigation/emergency pond with a 14 day external storage capacity will be constructed.</p> <p>The level of services will be in accordance with the guidelines for permissible utilization and disposal of treated sewage effluent. Department of National Health and Population Development.</p>
				<p>4. 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.</p>	<p>5.4 The height restrictions are indicated in the Architectural Guidelines under the planning controls table. There are individual height restrictions for the various units (maximum height difference between the average natural ground level of the particular site and the ridge line of the roof). The height restrictions range from 5.40 metres to 9.50 metres depending on the site and its natural elevation and relative position to sight lines. The SDP plan as such does not have the height restrictions on it – reference must be made to the Architectural Guidelines which will be linked to the Home Owners Association.</p>

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				<p>5. 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.</p>	<p><b>5.5 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.</b></p> <p>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.</p> <p>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.</p>
				<p>6. 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.</p>	<p><b>5.6 This has been incorporated into the Home Owners Association Constitution.</b></p>
				<p>7. 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.</p>	<p><b>5.7 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.</b></p>

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				8. 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.	<b>5.8 We note this. A geo-technical report will only indicate what to found on and what the water table will be and this is seasonal and will vary from the summer to winter. Our team believe that there is ample indication of what the soil conditions are in the area based on the reports produced to date and the second geo-technical report that was completed in this area of the site.</b>

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<b>COMMENTS RECEIVED AFTER REVIEW OF DRAFT BASIC ASSESSMENT November - December 2012</b>					
1	09/11/2012	Mr. Bing Kockott	Owner Cottage 21 Qolora Mouth 2 Ocean Way Gonubie bingsk@iafrica.com (082) 568 4823 (043) 740 1045	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.	<b>1.1 A notification letter was submitted to the National Department of Agriculture on the 11<sup>th</sup> May 2012 informing them of the application for the establishment of land development area in terms of Section 31 of the Development Facilitation Act 67 of 1995.</b>  In response the Department of Agriculture informed the applicant that they had no objection to the development of the Seagulls Beach Hotel and Lifestyle Estate. Furthermore they recommended that the property be incorporated into the Mnquma Local Municipality. (See Appendix J)
				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	<b>1.2 Noted</b>



COMMENT	DATE	PERSON	ORGANISATION/FARM NO/PROPERTY NO	COMMENTS	RESPONSE
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				<p>creating a bedroom with an ensuite extending into the natural vegetation.</p> <p>Where to from here – can we ever expect the height restrictions and other conditions ever being complied with or implemented.</p>	