

REFERENCE: 16/3/3/5/A6/36/2049/24

DATE: 29 August 2024

The Board of Directors
Oakhurst Lifestyle Estate (Pty) Ltd.
Postnet Suite 33
Private Bag X31
KNYSNA
6570

Attention: Mr. Ian Raubenheimer

E-mail: ianraubenheimer@gmail.com

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE DRAFT AMENDMENT REPORT IN TERMS OF PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED ESTABLISHMENT OF A RESIDENTIAL ESTATE ON A PORTION OF THE REMAINDER OF ERF NO. 2224 AND ERF NO. 2958, HOUT BAY.

1. The draft Amendment Report received by this Department via electronic mail correspondence on 21 August 2024, refers.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. This Directorate will provide comment on the draft Amendment Report within the 30-day commenting period, which commenced on 21 August 2024, and will advise you accordingly.
4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
5. The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully

Taryn
Digitally signed
by Taryn Dreyer
Date: 2024.08.29
11:42:20 +02'00'

Dreyer

pp **MR. ZAAHIR TOEFY**
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

CC: (1) Ms. Chantel Muller (Sillito Environmental Consulting (Pty) Ltd.)
(2) Mr. Andrew Greenwood (City of Cape Town)

E-mail: chantel@environmentalconsultants.co.za
E-mail: Andrew.Greenwood@capetown.gov.za

REFERENCE: 16/3/3/5/A6/36/2049/24

DATE: 20 September 2024

The Board of Directors
Oakhurst Lifestyle Estate (Pty) Ltd.
Postnet Suite 33
Private Bag X31
KNYSNA
6570

Attention: Mr. Ian Raubenheimer

E-mail: ianraubenheimer@gmail.com

Dear Sir

COMMENT ON THE DRAFT AMENDMENT REPORT IN TERMS OF PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED ESTABLISHMENT OF A RESIDENTIAL ESTATE ON A PORTION OF THE REMAINDER OF ERF NO. 2224 AND ERF NO. 2958, HOUT BAY.

1. The draft Amendment Report received by this Department via electronic mail correspondence on 21 August 2024, this Department's acknowledgement of receipt letter dated 29 August 2024, the landowner consent forms received by this Department via electronic mail correspondence on 05 September 2024, and the meeting held between officials of the Directorate and the Environmental Assessment Practitioner ("EAP") Mr. Adriaan Botha of Sillito Consulting (Pty) Ltd on 20 September 2024, refer.
2. This Directorate has considered the draft Amendment Report and has the following comments:
 - 2.1 Land Use Planning:
 - 2.1.1 The proposed development is consistent with most of the applicable spatial planning policies, except for the Southern District Plan, regarding a part of the proposal west of the Bokkemannskloof River which is designated "Open Space" in the District Plan.
 - 2.1.2 Regulation 8 of Government Notice No. R. 982 of 04 December 2014 (as amended) stipulates that a competent authority is required to inform the proponent or applicant of any factors that might prejudice the success of their application.
 - 2.1.3 Therefore, this amendment proposal will be referred to the Land Use Planning component within this Department. You will promptly receive the pertinent advice from this section as soon as it becomes available.
 - 2.2 Project description:
 - 2.2.1 According to the draft Amendment Report, the proposed amended development will comprise of the following:
 - 74 Dwelling houses: ranging from two-to-three bedrooms (~0.64ha);

- 8 very low-density single dwelling houses (~13ha);
- 20 two-bedroom and 4 one-bedroom apartments (~1.21ha);
- One centralised care centre comprised of 28 suites/rooms (~0.12m²). The care centre will also accommodate a reception/waiting area, lobby and lift, consulting/examining room, matron's office, administrative office, assisted shower and bath bathrooms, dining hall, kitchen, staff room and ablutions, storerooms (various), laundry, and basement parking;
- The existing "Old Dairy" building will be renovated and converted into a clubhouse facility comprised of recreation activities (including billiards, card games, gymnasium, yoga studio, sauna, lounge, function dining areas, outside dining terrace, and dressing rooms & ablutions) and offices for management functions. A swimming pool is proposed north of the clubhouse building whereas a bowling green and associated terraced seating are also proposed;
- Private roads (~1.16ha);
- Formal walkways along internal roads;
- Four storm water attenuation ponds and an existing dam will serve as storm water attenuation and retention functions. This will also be landscaped with indigenous vegetation endemic to the area to promote biodiversity;
- Bokkemenskloof River and associated delineated wetland (~1.81ha);
- An approximately 9ha open space area just south of the development footprint, which is too steep and too ecologically sensitive to develop; and
- An approximately 48.28ha area adjacent to the Table Mountain National Park, which is currently being managed by SANParks in terms of the National Environmental Management: Protected Areas Act. The area is being managed in accordance with a long-term management agreement between the landowner and SANParks.

2.2.2 The description of the amended proposal differs from that contained in the Environmental Management Programme ("EMPr") as there are discrepancies regarding the number of units and storm water attenuation ponds.

2.2.3 You are therefore required to confirm the correct description of the amended proposal and update the EMPr and Amendment Report, accordingly.

2.3 Process to be followed to amend the original Environmental Authorisation:

2.3.1 Regulation 31 of the EIA Regulations, 2014 (as amended) states:

"An environmental authorisation may be amended by following the process prescribed in this Part if the amendment will result in a change to the scope of a valid environmental authorisation where such change will result in an increased level or change in the nature of impact where such level or change in nature of impact was not—

(a) assessed and included in the initial application for environmental authorisation; or

(b) taken into consideration in the initial environmental authorisation;

and the change does not, on its own, constitute a listed or specified activity."

2.3.2 A meeting was held with the EAP to explain that although a pre-application was undertaken for the amendment and a subsequent application was submitted based on the understanding that no new listed activities are triggered by the proposed amendments (considering the original Environmental Authorisation authorised the clearance of indigenous vegetation within the authorised footprint, and the additional erf to be

included is less than 1ha and does not constitute a listed activity), as per Regulation 31 of the EIA Regulations, 2014 (as amended), an amendment is not possible for amendments, which on its own triggers a listed activity.

- 2.3.3 It was therefore advised that the proposed amendments of the Environmental Authorisation are incorporated in the Basic Assessment application for the proposed Oakhurst bridge on Erf No. 2224, Hout Bay (Reference No. 16/3/3/1/A6/36/2027/24). This will ensure the correct legal procedures are followed and that the application for the amendment of the Environmental Authorisation meets the requirements of the EIA Regulations.
- 2.3.4 In terms of the way forward, a request for the withdrawal of the amendment application should be submitted to the Directorate, along with the submission of a revised Basic Assessment application form. Thereafter, a draft Basic Assessment Report ("BAR"), which includes the amendment proposal can be made available for comment.
- 2.3.5 Be advised that in terms of Regulation 25(4) of the EIA Regulations, 2014 (as amended), the competent authority may replace an existing Environmental Authorisation where an amendment application has been applied for.

Regulation 25(4) states: *"The competent authority may replace an existing valid environmental authorisation with an environmental authorisation contemplated in this regulation, indicating the extent of replacement in the environmental authorisation, if the existing valid environmental authorisation is directly related to the application for environmental authorisation."*

2.4 EMPr:

- 2.4.1 Please ensure that the application reference is included on the cover page of the EMPr.
- 2.4.2 Page 8 must be amended to indicate: *"The EMPr should also adhere to the local authority (i.e. City of Cape Town) by law requirements as well as any other obligatory environmental and other legal requirements"*.
- 2.4.3 Page 9 (Terms of Reference) must be amended to indicate the EMPr was designed and produced in accordance with the EIA Regulations, 2014 (as amended).
- 2.4.4 According to page 7, six storm water attenuation ponds and two existing dams will serve as storm water attenuation and retention functions. However, according to pages 32, 34 and 47, five storm water attenuation ponds will be required. Please advise as to the correct number of storm water ponds to be constructed and rectify the relevant pages accordingly.
- 2.4.5 Page 38 states the following: *"Care should be taken not to construct any impermeable Amendment Application riers"*. Please amend this statement accordingly.
- 2.4.6 This Directorate's previous comment dated 18 October 2022 referenced "16/3/3/6/A6/36/2106/22" advised that paragraph 10.2(a) must be amended to indicate that the Environmental Authorisation and other relevant permits/authorisations must also be kept on site. The Comments and Responses Report indicated that the EMPr has been amended accordingly.

However, it is noted that this was not done. Please ensure that paragraph 10.2(a) on page 61 is amended accordingly.

- 2.4.7 Furthermore, the EMPr was not amended to include the requirement of environmental audit reports (to be completed by an independent external auditor), in accordance with the requirements of Regulation 34 of the EIA Regulations, 2014 (as amended). Please ensure that this requirement is included in the EMPr.
- 2.4.8 Please ensure that the Maintenance Management Plan ("MMP") is appended to the EMPr.
- 2.4.9 Further, please ensure that page 7 of the MMP is duly dated and signed by the proponent.
- 2.5 Confirmation of availability of services:
- 2.5.1 The Amendment Report indicates that based on the findings of the Engineering Services Report, the engineers concluded that sufficient civil engineering services are available within the vicinity of the proposed amended development and confirmation for capacity by the City of Cape Town has been requested for the water and sewer network, which will be made available as soon as received from the City of Cape Town.
- 2.5.2 It is noted that you did not provide confirmation from the City of Cape Town that water supply, solid waste removal, electricity supply and sewerage disposal services can be provided.
- 2.5.3 Confirmation of the availability of services from the service provider must be provided together with the final BAR.
- 2.6 Public Participation Process ("PPP"):
- 2.6.1 You are required to submit proof of the Public Participation Process being conducted for the draft Amendment Report. This will include (but is not limited to):
- Proof that registered interested and affected parties ("I&APs"), adjacent landowners, the ward councillor, and State Departments/organs of state were notified via email of the availability of the draft Amendment Report;
 - Proof that the draft Amendment Report was made available on the website of Sillito Environmental Consulting (Pty) Ltd.;
 - A Comments and Responses Report, including the comments received on the draft Amendment Report and the responses thereto;
 - A complete list of registered I&APs; and
 - All comments received from I&APs.
- 2.6.2 Please ensure that paragraphs 4, 5 and 6 on page 50 are completed upon completion of the PPP on the draft Amendment Report. The summary and proof of the public participation undertaken as part of the amendment application, must be included in the updated BAR.
- 2.6.3 Comments must be obtained from the City of Cape Town regarding the findings of the Traffic Impact Assessment.
- 2.6.4 **Please ensure that all comments are adequately addressed prior to the submission of the final BAR.**

2.7 Declarations by the applicant, Environmental Assessment Practitioner ("EAP") and specialists:

2.7.1 You are hereby reminded to include the signed declarations from the applicant, EAP, and specialists in the final BAR.

3. This Directorate awaits the request for the withdrawal of the current amendment application and revised application form and BAR for the bridge on Erf 2224, which incorporates the proposed amendments.
4. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.

The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully

Taryn
Dreyer
Digitally signed
by Taryn Dreyer
Date: 2024.09.20
12:21:09 +02'00'

pp **MR. ZAAHIR TOEFY**
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

CC: (1) Mr. Adriaan Botha/Ms. Chantel Muller(Sillito Environmental Consulting) Email:g.botha@environmentalconsultants.co.za/
chantel@environmentalconsultants.co.za
(2) Mr. Andrew Greenwood (City of Cape Town) E-mail: Andrew.Greenwood@capetown.gov.za

REFERENCE: 16/3/3/5/A6/36/2049/24

DATE: 29 August 2024

The Board of Directors
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Postnet Suite 33
Private Bag X31
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6570

Attention: Mr. Ian Raubenheimer

E-mail: ianraubenheimer@gmail.com

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FOR AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION IN TERMS OF PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED ESTABLISHMENT OF A RESIDENTIAL ESTATE ON A PORTION OF THE REMAINDER OF ERF NO. 2224 AND ERF NO. 2958, HOUT BAY.

1. The application form as received by this Department via electronic mail correspondence on 21 August 2024, refers.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. Following a review of the information submitted to this Department, the following is noted:
 - 3.1. The proposed amendment applied for entails a change in the development layout and to include an additional portion (*i.e.*, Erf 2958).
 - 3.2. The scope of the proposed amendment pertains to portions of the Remainder of Erf No. 2224 and Erf No. 2958.
 - 3.3. The amendment application includes an amendment of the Environmental Management Programme.
 - 3.4. The remaining extent of Remainder of Erf No. 2224 and Remainder of Erf No. 8354 will remain as per the current Environmental Authorisation.
4. Consent from landowner:
 - 4.1. According to page 8 of the application form, B. I. Scher and M.H. Derman are the landowners of the properties.
 - 4.2. **Please ensure that the consent from the above landowners is submitted to this Directorate as a matter of urgency.**
5. Public Participation:
 - 5.1. It is noted that the public participation process will meet the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended).

- 5.2. E-mail notification to interested and affected parties ("I&APs") is strongly supported. However, other means of notification for those I&APs will be required where no e-mail addresses are available, or where the likelihood of success of this electronic correspondence is expected to be low.
- 5.3. The Directorate may require that a hard copy of the reports also be submitted to the Department but will advise you accordingly. Where I&APs are unable to access electronic copies of the draft Amendment Report, a hard copy of the report must be made available. Alternatively, the EAP will be required to engage with I&APs, with respect to alternative methods of accessing electronic copies of the draft Amendment Report.
- 5.4. Your attention is drawn to Circular 0027 of 2021 regarding the electronic administration of EIA applications. The Directorate: Development Management (Region 1 and 2) will continue with the electronic submission of correspondence and has for this reason established a dedicated e-mail address for the submission of all correspondence to the Directorates. For the Cape Town office, the e-mail address is DEADPEIAAdmin@westerncape.gov.za.

This new electronic means of working is effective from 01 February 2022 and all general EIA queries, correspondence, applications, non-applications and reports must be e-mailed to the aforementioned email address.

- 5.5. In terms of good environmental practice, you are encouraged to engage with State Departments and other Organs of State early in the EIA process to solicit their inputs on any of their requirements to be addressed in the EIA process. Please note that this does not replace the requirement of making the draft Amendment Report available to State Departments.
- 5.6. The person conducting the public participation process must fulfil the requirements outlined in Chapter 6 of the EIA Regulations, 2014 (as amended) and must consider any applicable guidelines published in terms of Section 24J of NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 (as amended) as well as any other guidance provided by the Department.
6. Screening Tool:
- 6.1. This Directorate notes that a Screening Report (dated 08 July 2024) and confirmation of the relevant specialist studies to be conducted have been provided. A Site Sensitivity Verification Report has also been provided by the Environmental Assessment Practitioner ("EAP").
- 6.2. The following specialist assessments were identified in the Screening Report (dated 08 July 2024):
- 6.2.1 A Landscape/Visual Impact Assessment;
 - 6.2.2 An Archaeological and Cultural Heritage Impact Assessment;
 - 6.2.3 A Palaeontological Impact Assessment;
 - 6.2.4 A Terrestrial Biodiversity Impact Assessment;
 - 6.2.5 An Aquatic Biodiversity Impact Assessment;
 - 6.2.6 A Hydrology Assessment;
 - 6.2.7 A Socio-Economic Impact Assessment;
 - 6.2.8 A Plant Species Assessment; and
 - 6.2.9 An Animal Species Impact Assessment.

- 6.3. The following specialist assessments have been undertaken:
 - 6.3.1 A Botanical Compliance Statement;
 - 6.3.2 An updated Freshwater Opinion;
 - 6.3.3 A Herpetofauna Assessment;
 - 6.3.4 A revised Visual Impact Assessment; and
 - 6.3.4 An updated Traffic Impact Assessment.
- 6.4. The Directorate agrees with the EAP's motivation contained in the Site Sensitivity Verification Report dated September 2022, as included in Appendix I2 of the draft Amendment Report. Please note that should any of the commenting authorities request for any of these studies to be conducted, these will have to be undertaken.
- 6.5. Where an assessment protocol is prescribed for one of the environmental themes included in the Protocol (in this instance agriculture, aquatic biodiversity, archaeological and cultural heritage, and terrestrial biodiversity), the specialist assessment must comply with the Protocol.
- 6.6. Where a specialist assessment is required, but no specific environmental theme protocol has been prescribed, the level of assessment must be based on the findings of the site verification and must comply with Appendix 6 of the EIA Regulations, 2014 (as amended).
7. Please note that the Amendment Report must contain all the information as prescribed by Regulation 32 of the EIA Regulations, 2014 (as amended). Furthermore, the Amendment Report must contain the following:
 - An assessment of all impacts related to the proposed changes;
 - In terms of the EIA Regulations, 2014 (as amended), when considering an application, the Department must take into account a number of specific considerations including inter alia the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability;
 - Advantages and disadvantages associated with the proposed changes; and
 - Measures to ensure avoidance, management and mitigation of impacts associated with such proposed changes.
8. The amendment report must be submitted **within 90 days** of receipt (*i.e.*, calculated from 21 August 2024) of the amendment application by the competent authority.
9. If, however, significant changes have been made or significant new information has been added to the report, the applicant/EAP must notify the Department that an additional 50 days (*i.e.*, 140 days from the date of receipt of the application) will be required for submission of the report. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.
10. If the report is not submitted within 90 days, or 140 days where an extension is applicable, the application shall lapse in terms of Regulation 45 of the EIA Regulations, 2014 (as amended) and your file will be closed. Should you wish to continue, a new application form must be submitted.

11. The conditions stipulated in the Environmental Authorisation issued on 04 January 2016 (Reference No.: E12/2/4/1-A5/235-2058/10), and the amended Appeal Environmental Authorisation issued on 21 October 2021 (Reference No: 14/3/1/1/A6/36/0535/21) remain applicable until a decision on this amendment application is taken by this Department.
12. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.

The Directorate reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully

Taryn
Dreyer

Digitally signed
by Taryn Dreyer
Date: 2024.08.29
11:37:26 +02'00'

pp **MR. ZAAHIR TOEFY**
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

CC: (1) Ms. Chantel Muller (Sillito Environmental Consulting (Pty) Ltd.)
(2) Mr. Andrew Greenwood (City of Cape Town)

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TABLE MOUNTAIN NATIONAL PARK

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Ref: TMNP/Erf 2224

21 September 2024

Adriaan Botha
Sillito Environmental Consulting
Suite 401 Tokai on Main,
2 Burchell Road,
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Cape Town, 7945

Via e-mail: a.botha@environmentalconsultants.co.za

Attention: Wynand Lotus

**SUBSTANTIVE AMENDMENT APPLICATION AND POST-APPLICATION
DRAFT SUBSTANTIVE AMENDMENT IMPACT REPORT OAKHURST
LIFESTYLE ESTATE (PTY) LTD.**

DEADP Ref: E12/2/4/1-A5/235/2058/10

Your email dated 21 August 2024 and referenced SEC Project No: 070845 regarding the above matter refers.

SANParks has no direct interest in the amendment applied for, but notes that the application states that "The development will cover +-21ha (the remaining +-57ha being "rural" designation for conservation (a portion of which is currently being managed by SANParks, with the remainder, also proposed for SANParks management once the development has been established)". (Section 4.4, Pg. 19 of the 'Post-Application Draft Substantive Amendment Impact Report' dated August 2024)

The upper portion of the property (originally Erf 2224 Hout Bay) is acknowledged in the application as "An approximately 48.28ha area adjacent to the Table Mountain National Park, which is currently being managed by SANParks in terms of the National Environmental Management: Protected Areas Act. The area is being managed in accordance with a long-term management agreement between the landowner and SANParks". (Section 4.4, Pg. 19)

addo elephant

agulhas

augrabies falls

bontebok

golden gate highlands

karoo

kgalagadi transfrontier

knysna lake area

kruger

mapungubwe

marakele

mountain zebra

namaqua

table mountain

tankwa-karoo

tsitsikamma

lai-lais/richtersveld

vaalbos

west coast

wilderness



TABLE MOUNTAIN NATIONAL PARK

Address:
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7848

Tel: +27 021 701-0527

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We note that in Section A of the application the Executive Summary, it is stated that: "The remaining section of RE of Erf 2224 will remain as per the current Amended EA (Amended EA Ref: 14/3/1/1/A6/36/0535/21)".

We understand this to be the Appeal EA granted on the 19 September 2016 and that in terms of that authorisation, the following conditions remain applicable:

The residential erven will range in size, but will not exceed the minimum permissible extent. The remainder of the site will comprise of the following:

- An open space area of approximately 9ha just south of the developmental footprint, which is too steep and ecologically-sensitive to develop; and -
- An area of approximately 48.28ha adjacent to the Table Mountain National Park (TMNP) which is currently being managed by the South African National Parks ("SANParks"). The area is being managed in accordance with a long term management agreement between the landowner and SANParks.
- The 9ha open space area will be included into the contracted area managed by SANParks.

SANParks would appreciate confirmation thereof and clarity as to the specific area i.e. "...the remainder which is also proposed for SANParks management once the development has been established."

Yours faithfully,

Megan Taplin
Park Manager
Table Mountain National Park
SOUTH AFRICAN NATIONAL PARKS

addo elephant

agulhas

augrabies falls

bontebok

golden gate highlands

karoo

kgalagadi transfrontier

knysna lake area

kruger

mapungubwe

marakele

mountain zebra

namaqua

table mountain

tankwa-karoo

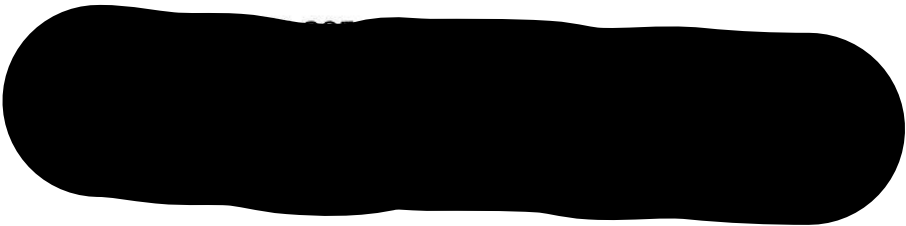
tsitsikamma

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vaalbos

west coast

wilderness



18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
6. The Environmental Authorisation ("*EA*") was subsequently granted, but later appealed by the Bokkemenskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 ("*the initial application*"). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for ("*the non-substantive amendment application*"), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;
 - 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd ("*the Applicant*").

9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the "*Present Application*"). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment ("*the Bridge Application*").
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 150006079 and 70607892 (*"the Planning Application"*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the "stub" roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure "A", together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure "B".
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

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26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the Northeastern Boundary by the inclusion of the road within the setback.
27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such plant scaping.

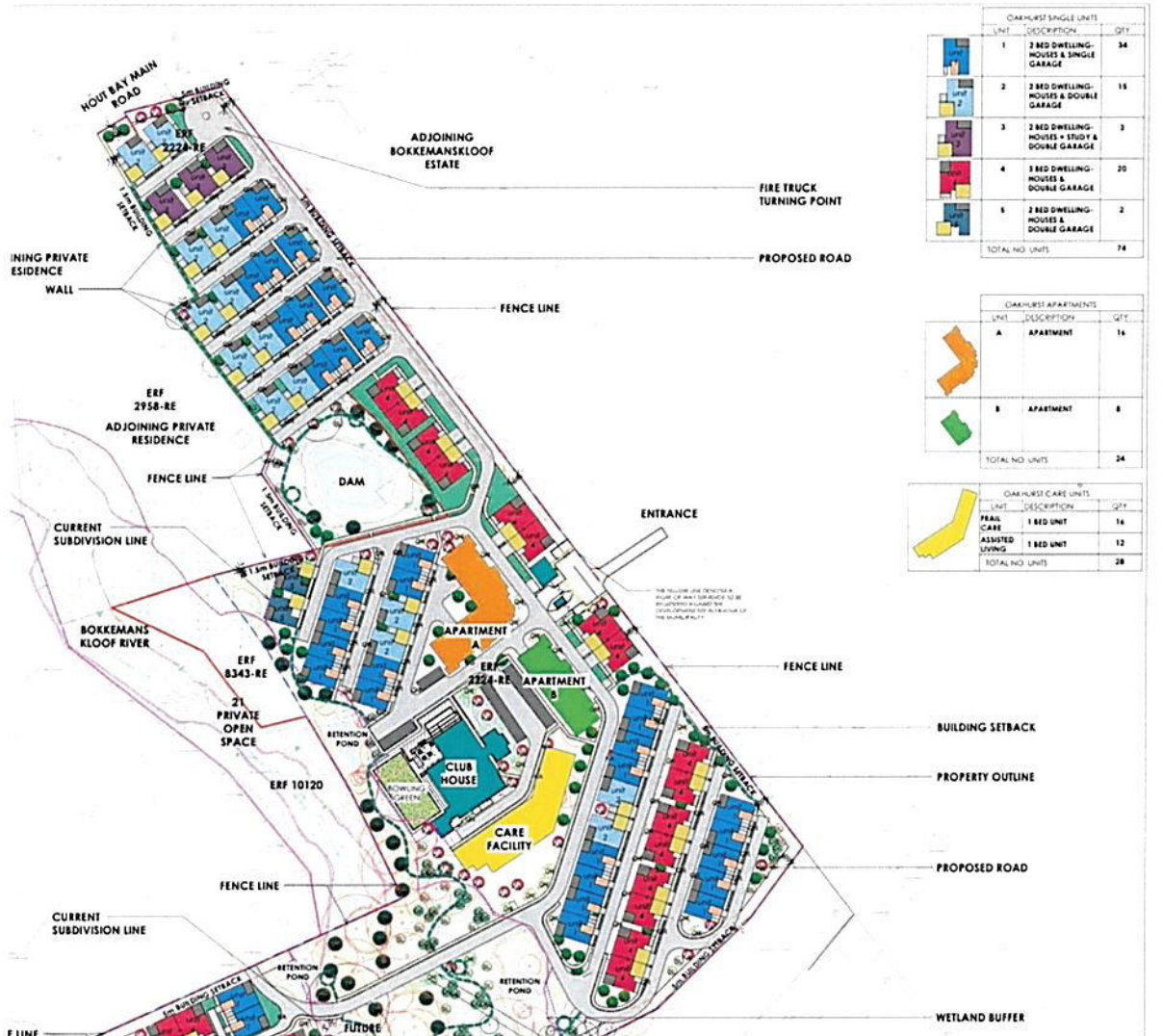


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Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

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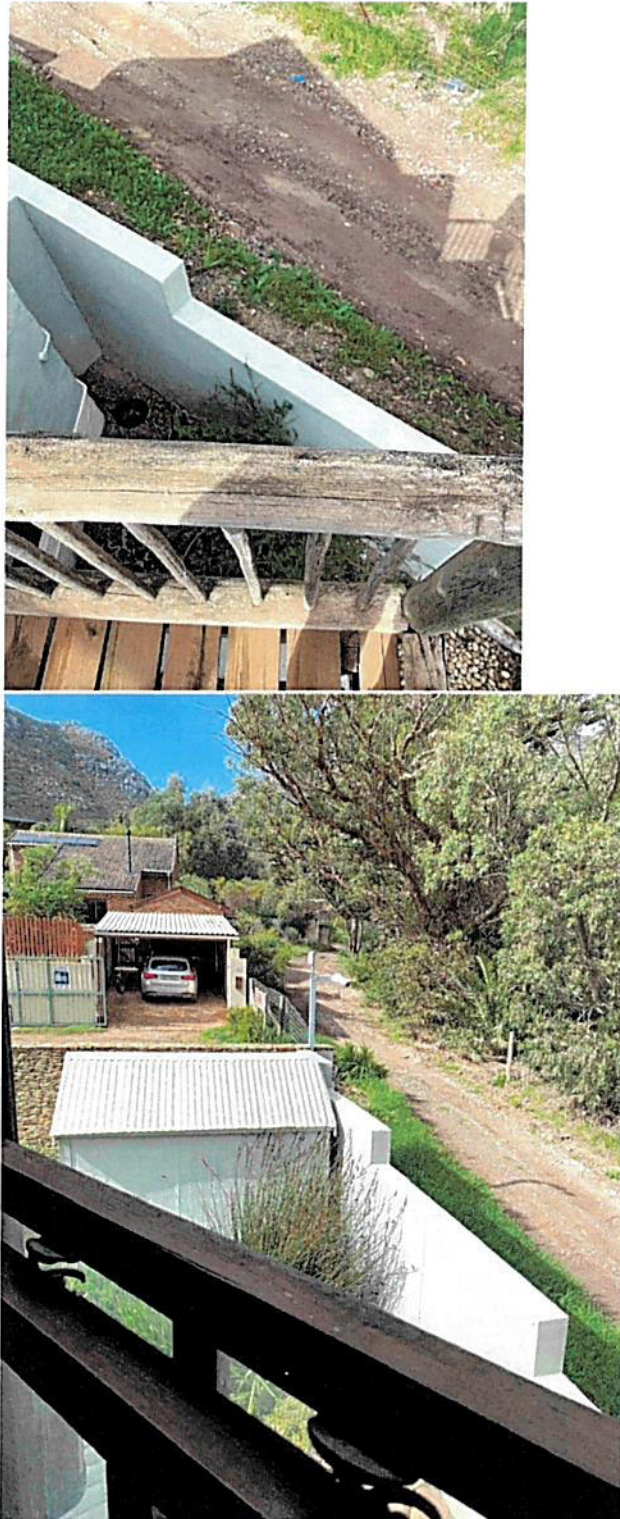
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- 29.4 The residents who's properties about this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
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30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

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38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
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The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and no longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

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GREG WALTON

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road

3 - Photograph of “old dairy” road

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ROBERT BURGESS

Tel: ABOVE
Email: NONE

18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
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8. During 2021, a non-substantive amendment to the initial application was applied for ("*the non-substantive amendment application*"), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*"the Applicant"*).

9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *"Present Application"*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

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15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*"the Bridge Application"*).
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17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

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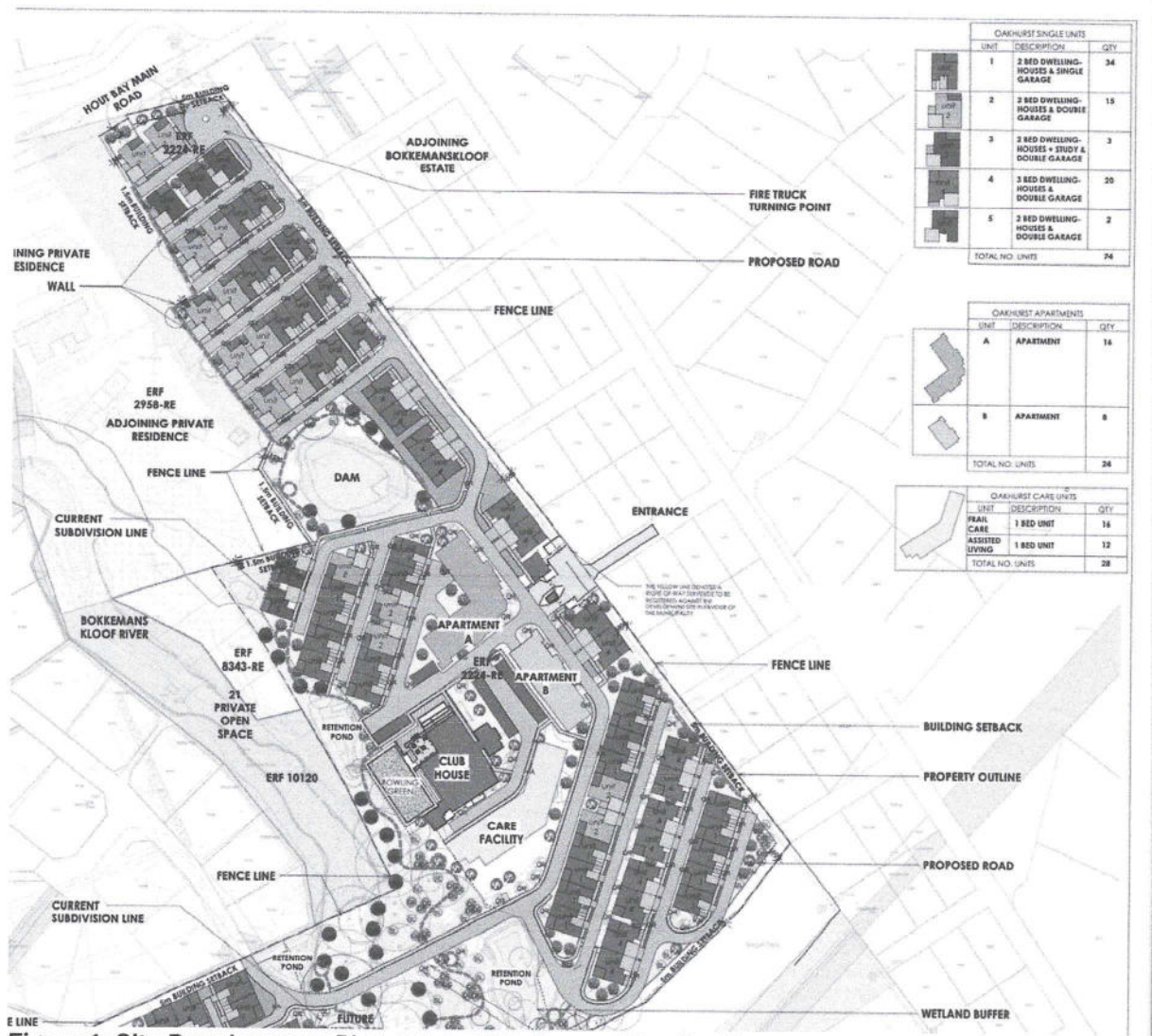


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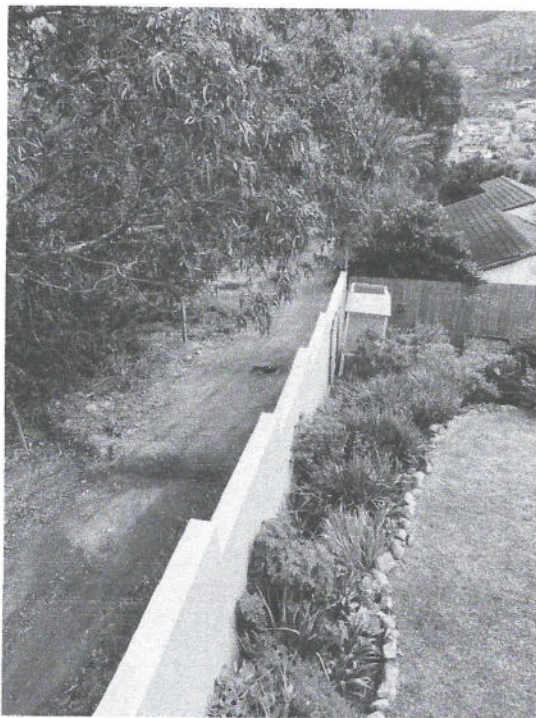
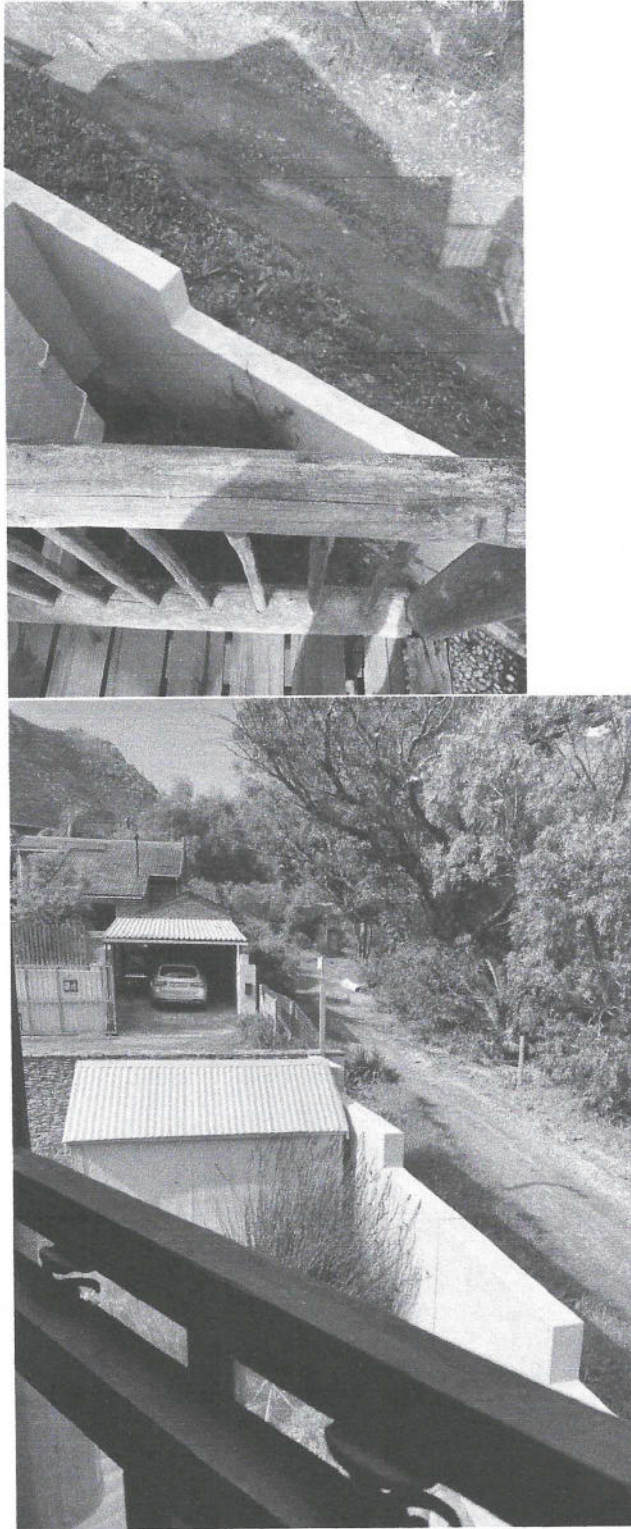


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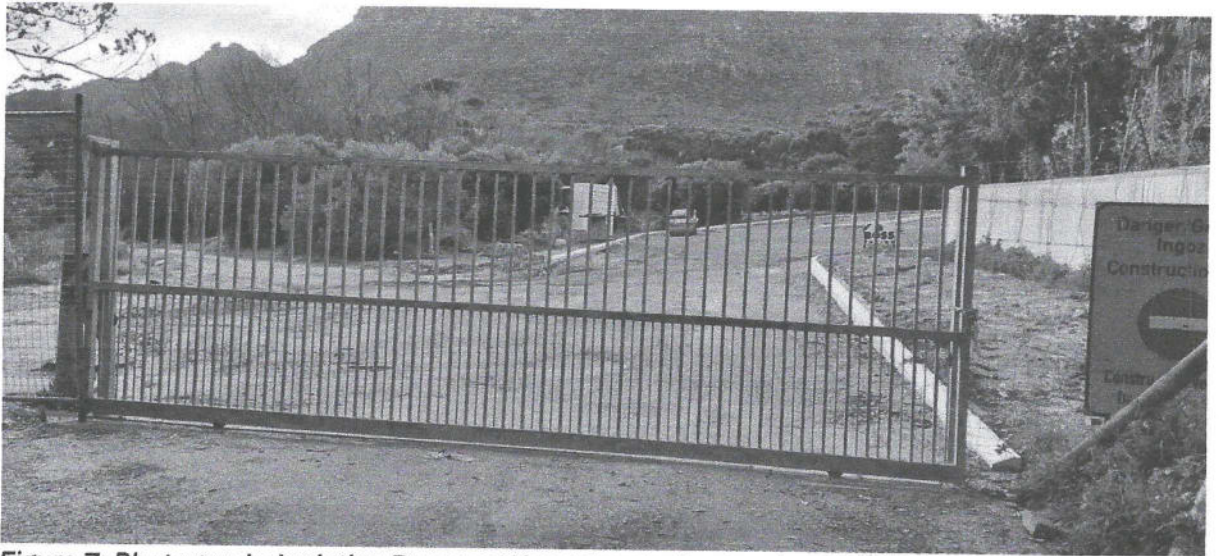
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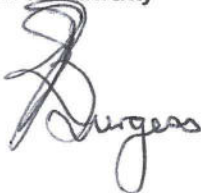
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Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*"the Planning Application"*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the "stub" roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure "A", together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure "B".
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

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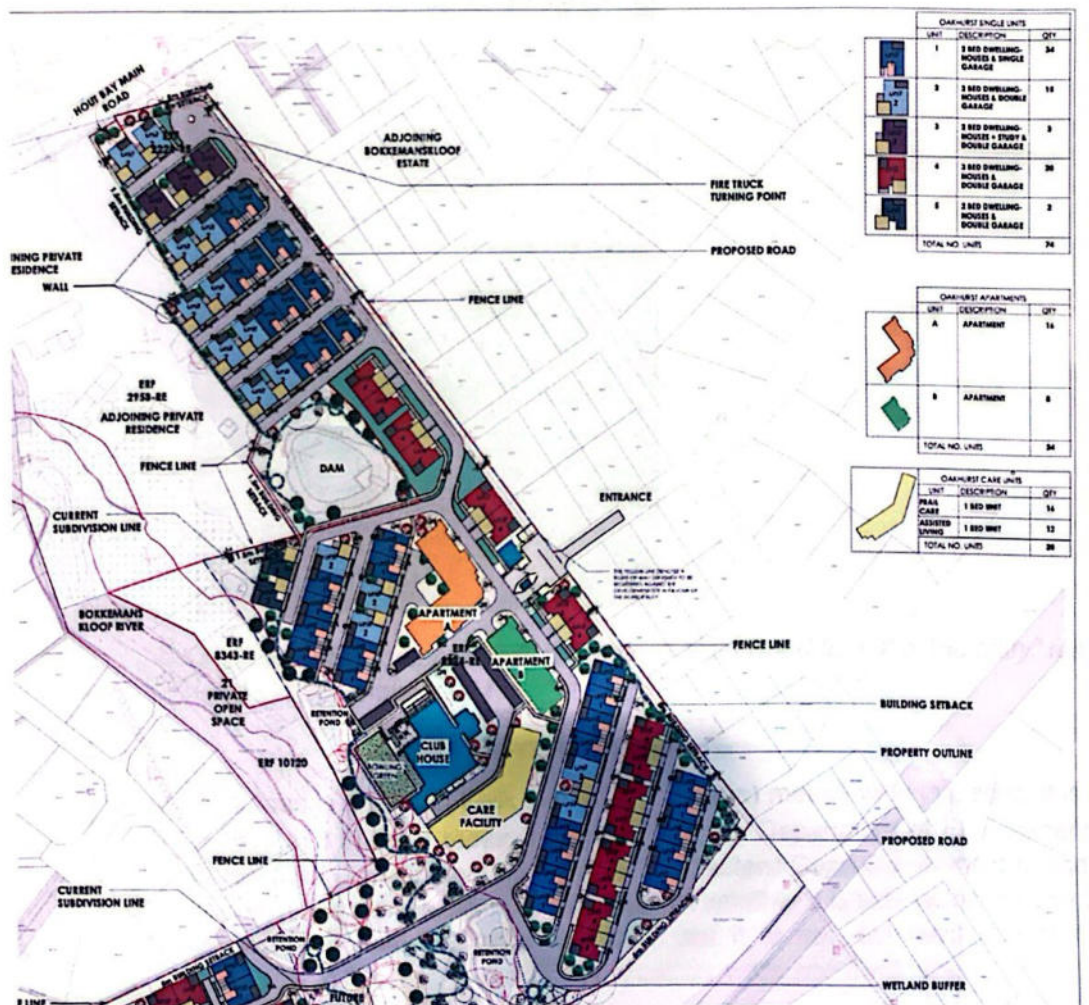


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- 29.5. In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6. The steep incline of the terrain makes it unsuitable for heavy construction vehicles.

- 29.7. There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.
30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31.

Figure 7: Photograph depicting Dorman Way, taken in September 2024

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present

Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and not longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.

44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.

45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.


CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

Bas Jansen



Chantal Meulenbroeks-Jansen



ANNEXURES:

A - Appeal Motivation

B - Letter of Approval of Planning Application Site Development Plan

FIGURES:

- 1 - Site Development Plan
- 2 - Photograph of Hout Bay Main Road from "old dairy" road
- 3 - Photograph of "old dairy" road
- 4 - Photograph of manhole on "old dairy" road
- 5 - Photograph of residence in close proximity to "old dairy" road
- 6 - Photograph of garage in close proximity to "old dairy" road
- 7 - Photograph of Dorman Way taken in September 2024

CHRIS SPARKS.

Date 17 September 2024

SEC PROJECT NUMBER 070845

Oakhurst Lifestyle Estate (Pty) Ltd

To whom this may concern

OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner (ERF 2842) and resident in Bokkemanskloof, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment, and I record my objections to and comments on the application for your attention.
4. I am registered as an “*interested and affected party*” to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

- 5 An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (“*the Competent Authority*”) on 5 October 2015.
- 6 The Environmental Authorisation (“*EA*”) was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
- 7 The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (“*the initial application*”). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.

- 8 During 2021, a non-substantive amendment to the initial application was applied for (*“the non-substantive amendment application”*), in respect of the following:
 - a. an extension of the period of the validity of the EA;
 - b. the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
- 9 The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
- 10 During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
- 11 Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *“Present Application”*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
- 12 The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
- 13 The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

- 14 The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
- 15 In addition to the Present Application, notice of the Applicant’s intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*“the Bridge Application”*).

16 Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.

17 The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

18 Access via the "Old Dairy" or "Clay Cafe" road will and has met many objections and will be strongly objected to by the residences in Bokkemenskloof.

Related Application which is pending

19 When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*"the Planning Application"*).

20 The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.

21 Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the "stub" roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.

22 We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.

23 The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.

24 The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

SITE PLAN



GROUNDS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

- 25 Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
- 26 The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the Northeastern Boundary by the inclusion of the road within the setback.
- 27 The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
- 28 Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such plant scaping.


29 I strongly object to the above application.

Yours Sincerely

A handwritten signature in black ink that reads "Chris Sparks". The signature is written in a cursive style with a horizontal line underneath the name.

Chris & Linda

A series of five thick black horizontal bars of varying lengths, centered on the page, which completely redact the signature and any text that might have been present below the name "Chris & Linda".



18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
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- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
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 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

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15. In addition to the Present Application, notice of the Applicant’s intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*“the Bridge Application”*).
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant’s Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
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19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure “**A**”, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure “**B**”.
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such landscaping.

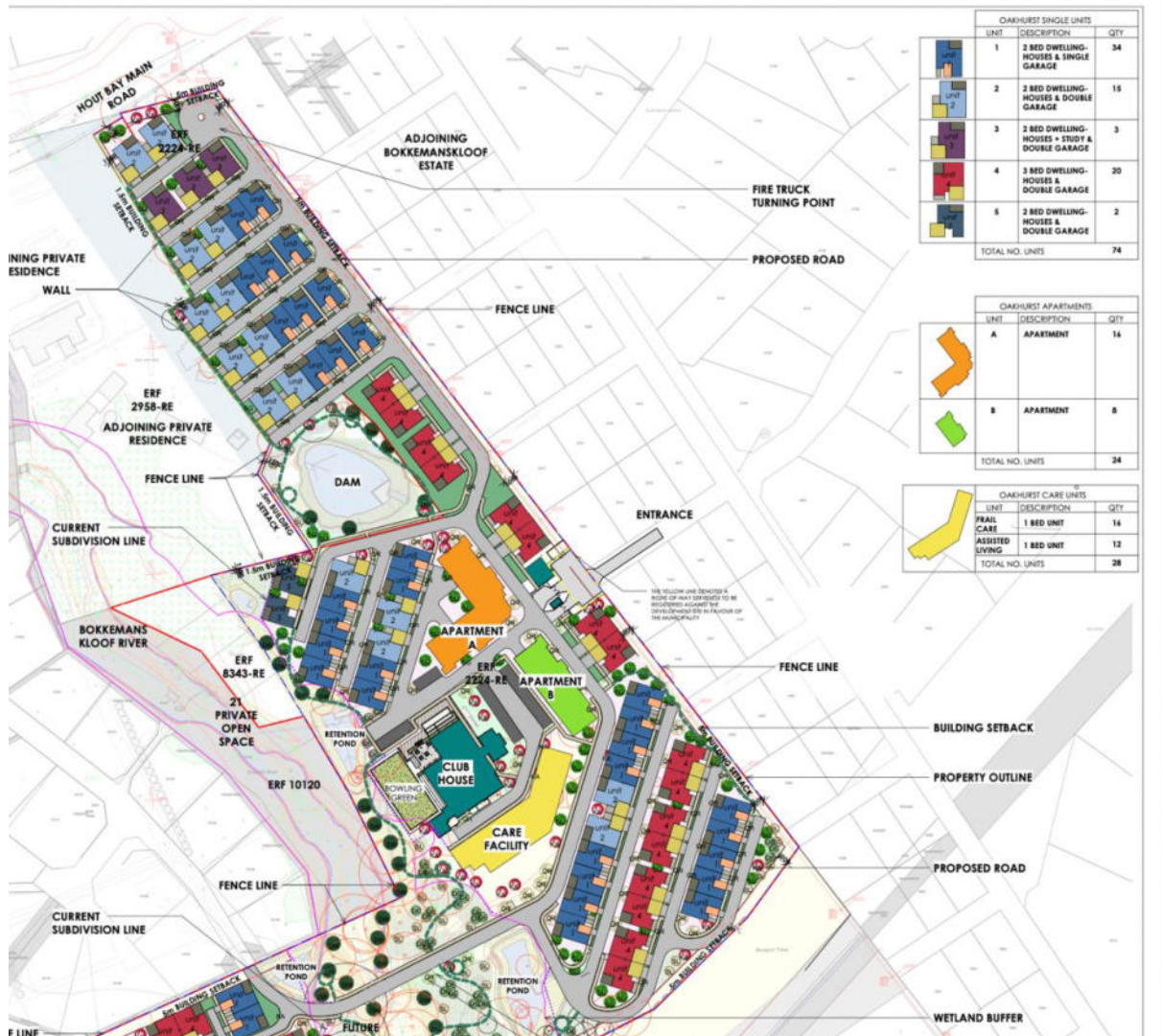


Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the “Old Dairy” or “Clay Cafe” road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction’s drivers to see

oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.

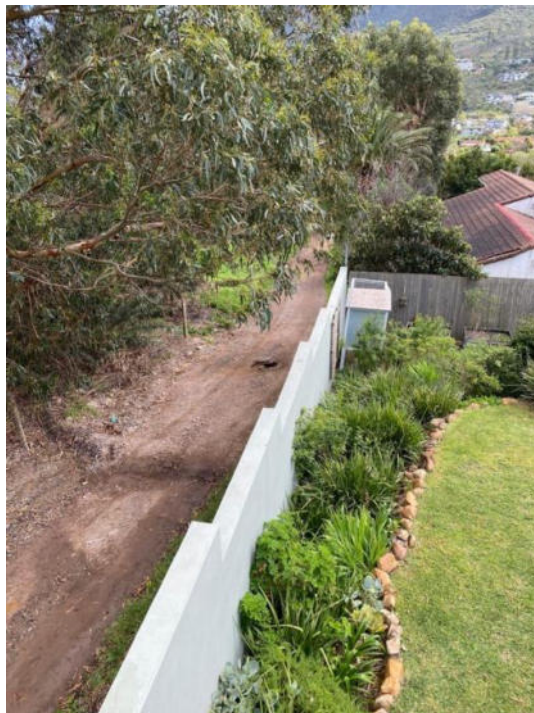
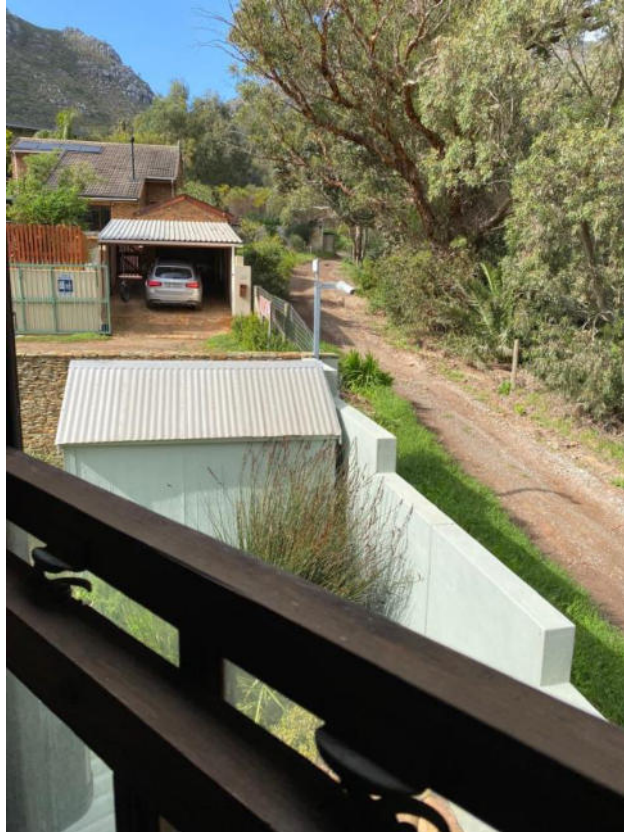


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CONCLUSION

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Cindy Rodkin

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FIGURES:

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20 September 2024

SEC Project Number 070845

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20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
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26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such landscaping.

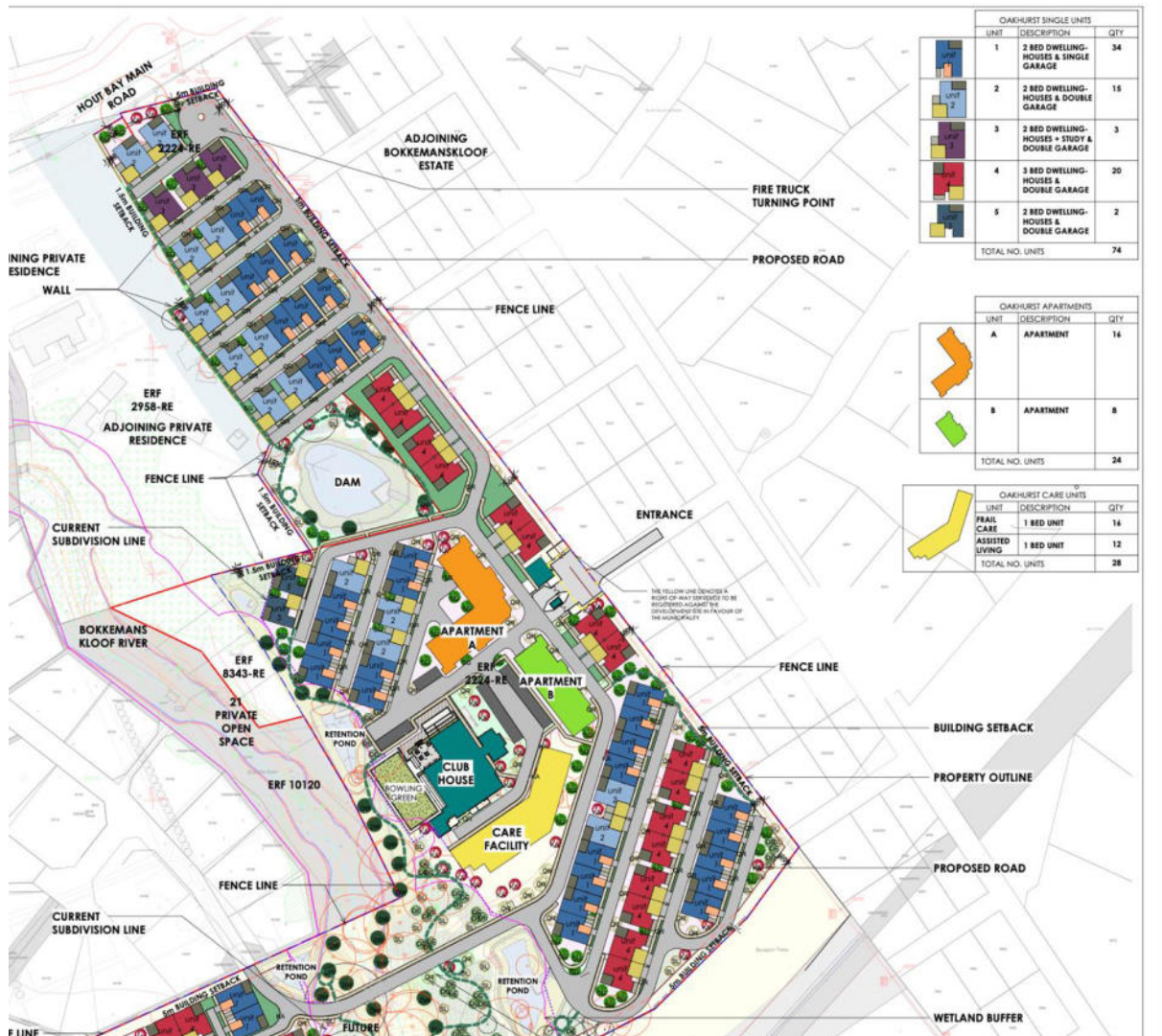


Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the “Old Dairy” or “Clay Cafe” road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction’s drivers to see

oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.

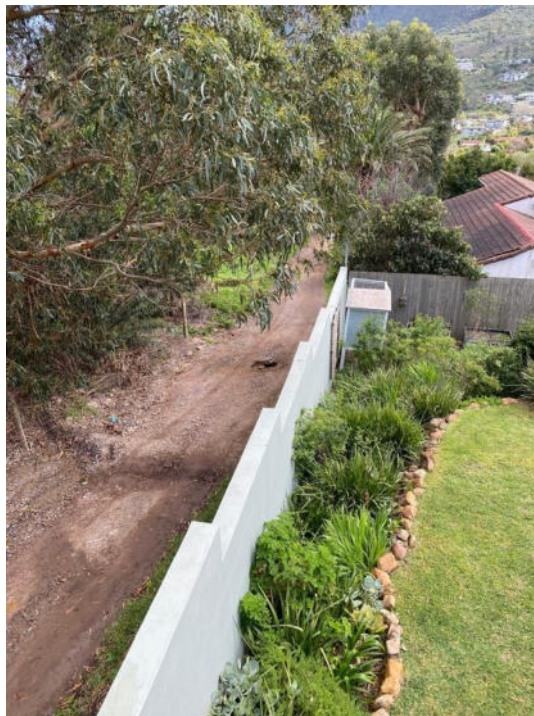
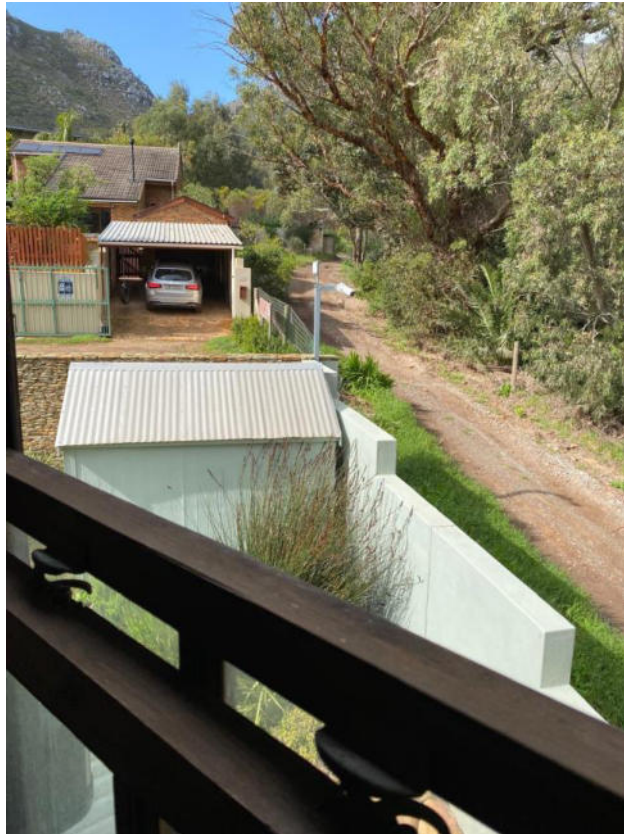
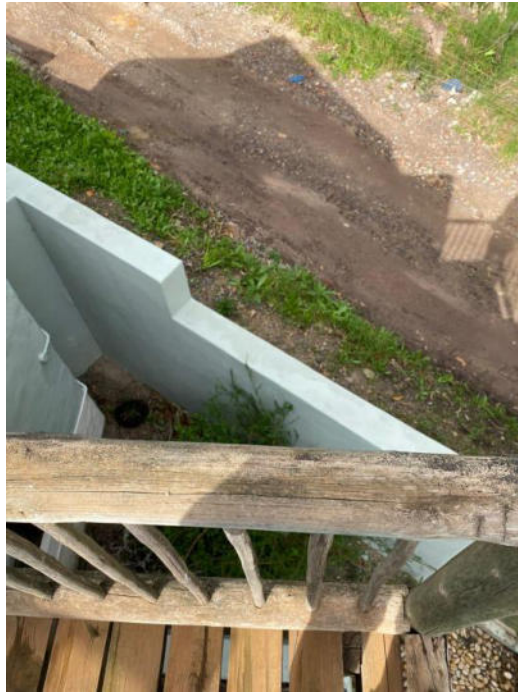


Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties abut this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and no longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully



Tracey Phillips

ANNEXURES:

A - Appeal Motivation

B - Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road

3 - Photograph of “old dairy” road

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5 - Photograph of residence in close proximity to “old dairy” road

6 - Photograph of garage in close proximity to “old dairy” road

7 - Photograph of Dorman Way taken in September 2024

18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemans, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
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7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 ("*the initial application*"). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for ("*the non-substantive amendment application*"), in respect of the following:
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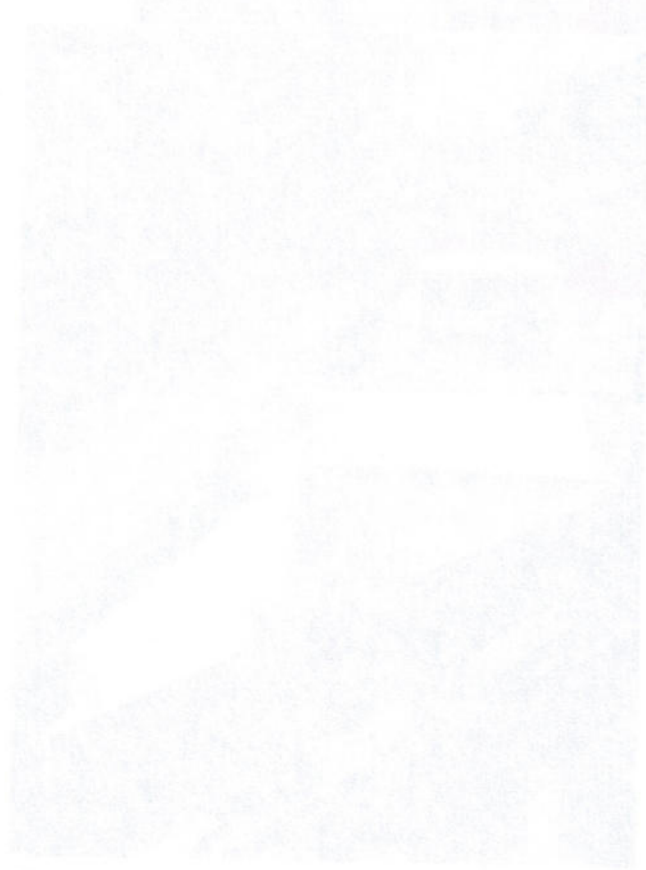


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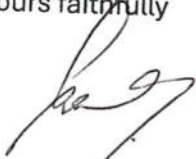
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CONCLUSION

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We trust that you find the above in order and look forward to hearing from you.

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Sean Paul

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Mobile: [REDACTED]

Email: [REDACTED]

18 September 2024

SEC Project Number 070845

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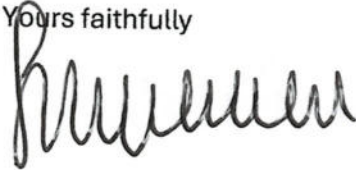
SAM

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René Hartgers

[REDACTED]

[REDACTED]

18 September 2024

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- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
 10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *“Present Application”*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

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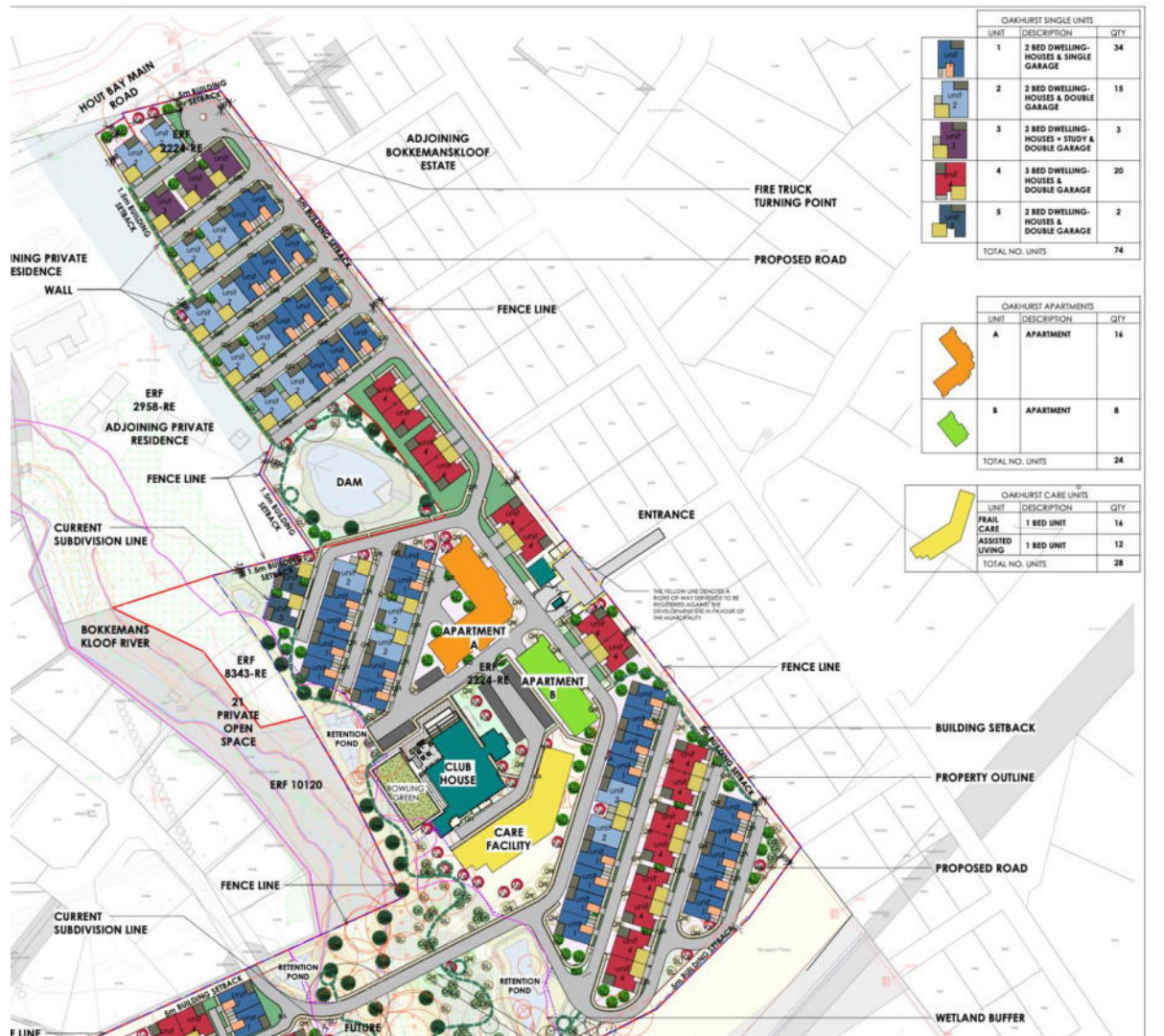


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Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

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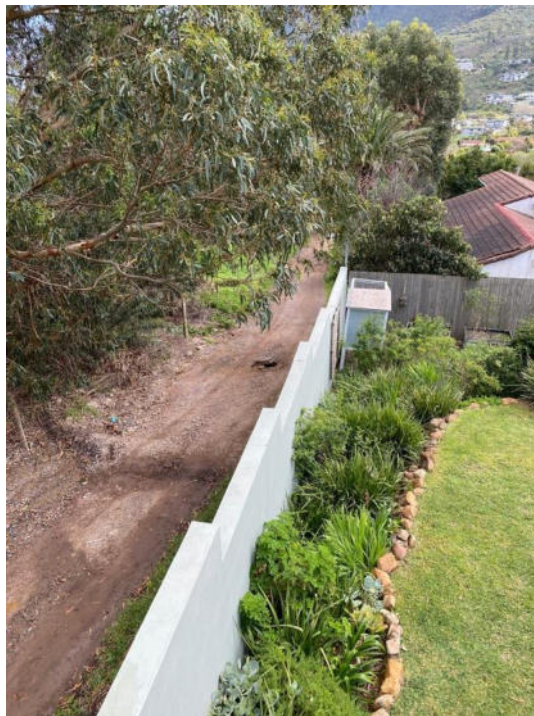
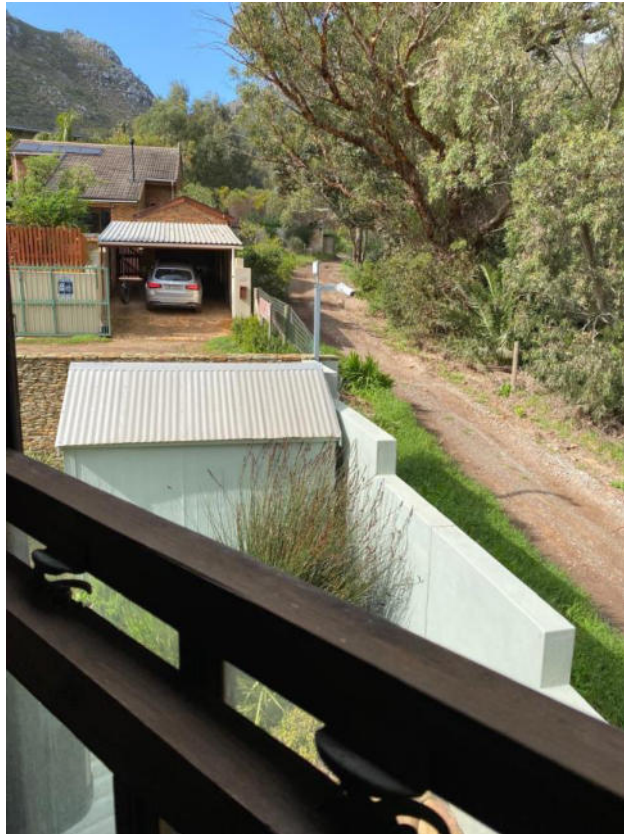


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- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
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The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and no longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink that reads "R Hartgers". The signature is written in a cursive style with a horizontal line underneath the name.

René Hartgers

ANNEXURES:

A - Appeal Motivation

B - Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from "old dairy" road


3 - Photograph of "old dairy" road

4 - Photograph of manhole on "old dairy" road

5 - Photograph of residence in close proximity to "old dairy" road

6 - Photograph of garage in close proximity to "old dairy" road

7 - Photograph of Dorman Way taken in September 2024



18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an *“interested and affected party”* to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (*“the Competent Authority”*) on 5 October 2015.
6. The Environmental Authorisation (*“EA”*) was subsequently granted, but later appealed by the Bokkemenskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (*“the initial application”*). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (*“the non-substantive amendment application”*), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;
 - 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).

9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the "*Present Application*"). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment ("*the Bridge Application*").
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure “**A**”, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure “**B**”.
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDINGS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.
27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such plantscaping.

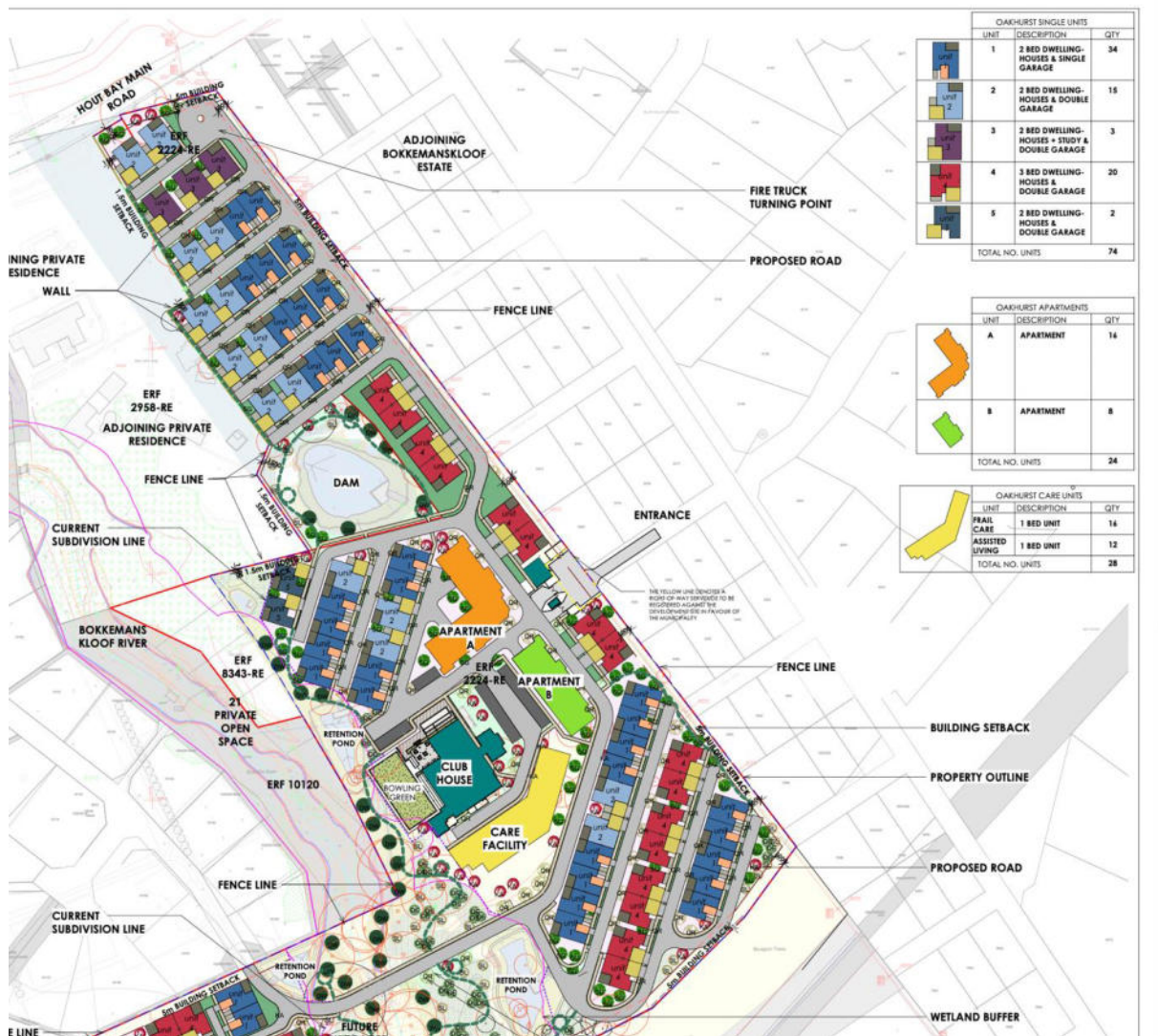


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29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the “Old Dairy” or “Clay Cafe” road. I oppose the use of this road during construction and at all for the following reasons:

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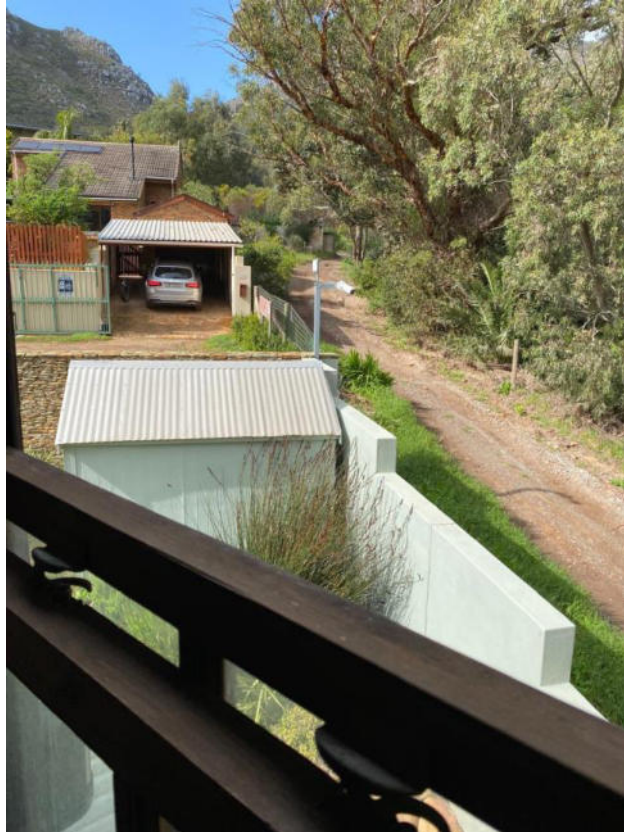
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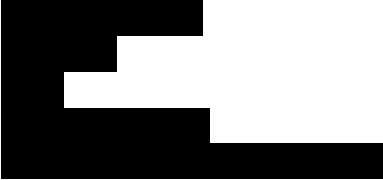
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18 September 2024

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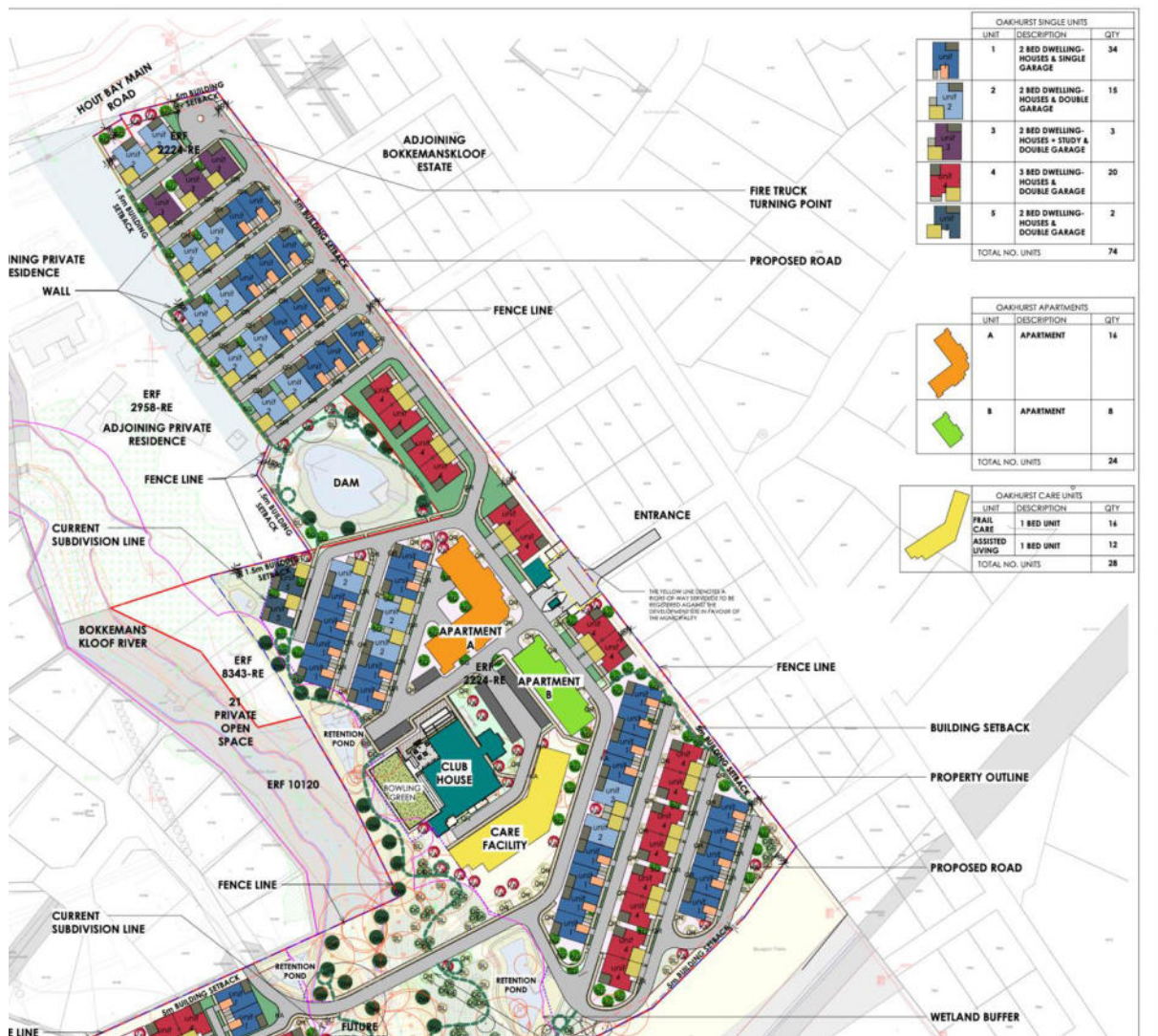


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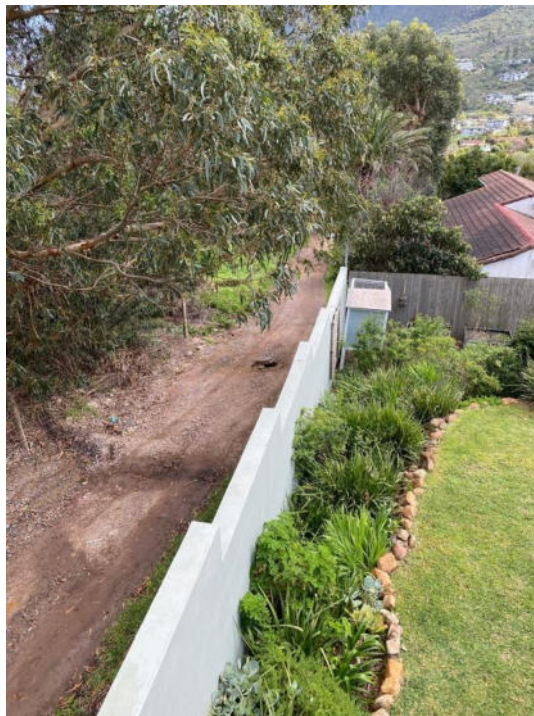
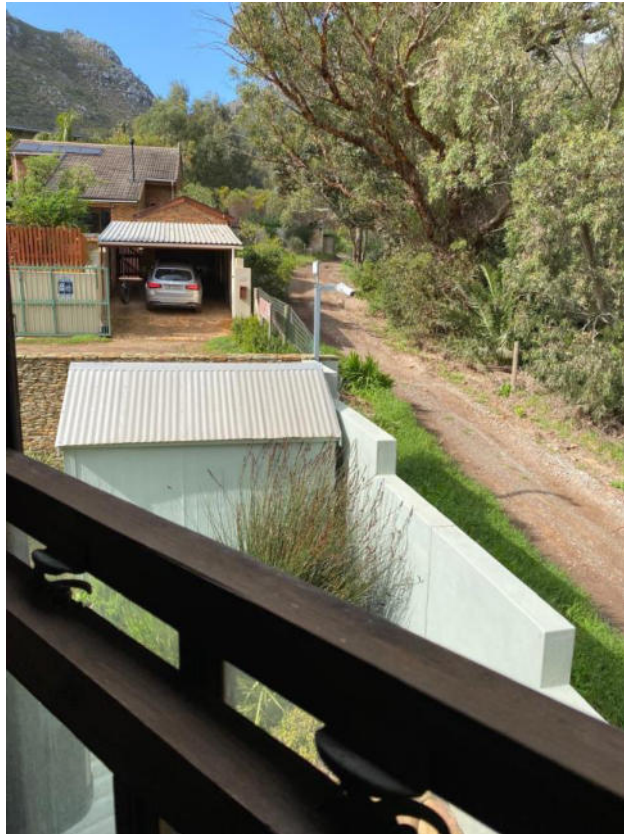


Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties abut this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and not longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully



Lynton Edmunds

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road


3 - Photograph of “old dairy” road

4 - Photograph of manhole on “old dairy” road

5 - Photograph of residence in close proximity to “old dairy” road

6 - Photograph of garage in close proximity to “old dairy” road

7 - Photograph of Dorman Way taken in September 2024



18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am the property owner of ERF 4756 which borders directly onto proposed development, and old dairy farm road as accessed from Main Road.
3. My interests stand to be directly and adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an “*interested and affected party*” to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (“*the Competent Authority*”) on 5 October 2015.
6. The Environmental Authorisation (“*EA*”) was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (“*the initial application*”). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (“*the non-substantive amendment application*”), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
 10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *“Present Application”*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant’s intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*“the Bridge Application”*).
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant’s Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure **“A”**, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure **“B”**.
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on my property. However, the Site Development Plan does not appear to indicate such landscaping.

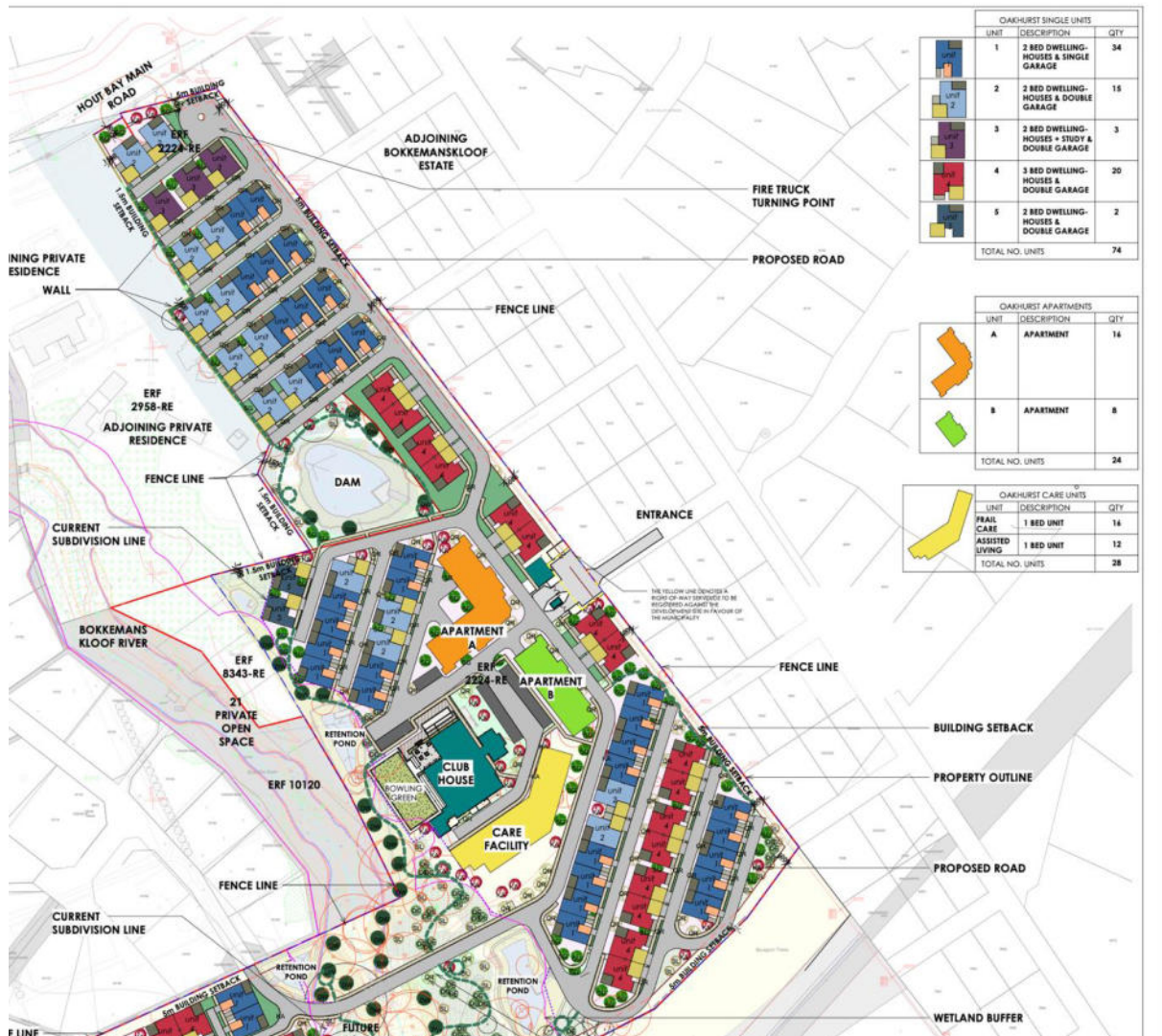


Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the “Old Dairy” or “Clay Cafe” road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction’s drivers to see

oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



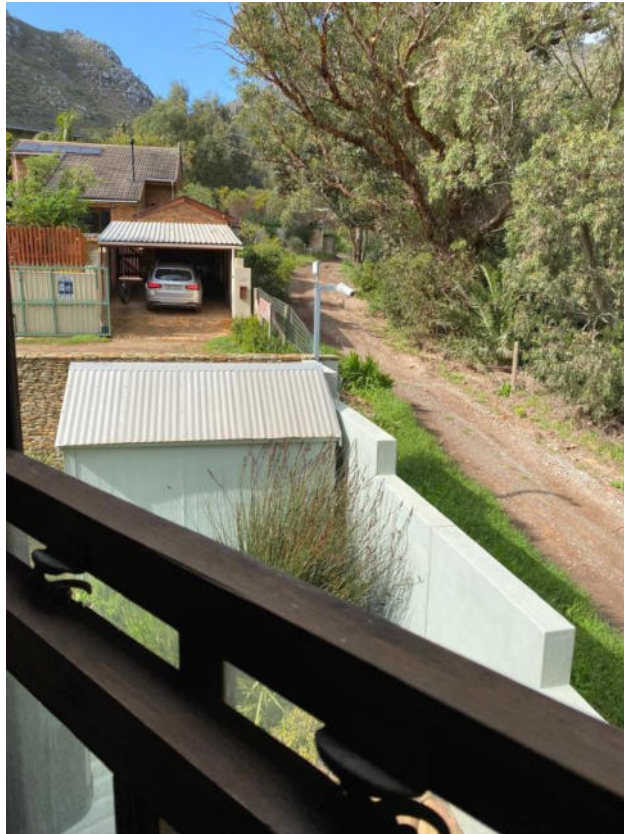
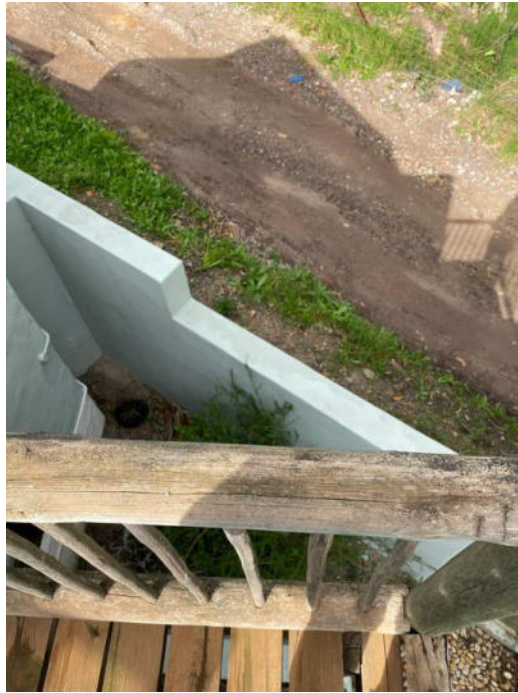
Figure 3: Photograph depicting how close this road runs to my property, no verge at all. It also shows the condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties, including my own home shown below. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.



Figure 4: Photograph depicting the proximity of the construction route to my home, taken in September 2024

- 29.4 I along with other residents who's properties abut this road are concerned for the condition and safety of our dwellings. We will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to our properties.
- 29.5 At my home, one of my bedrooms is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimentres) from the road. My neighbours property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of my home residential to construction access route, taken in September 2024

29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.

- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley residential area.
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Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
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34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents such as myself who works from home and is directly impacted by this development being so close. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information and studies on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be

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Process concerns

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42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.
43. The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and not longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.
44. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
45. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.

46. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to read "Sandy Dobrin". The signature is written in a cursive, flowing style.

Sandy Dobrin

ANNEXURES:

A - Appeal Motivation

B - Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from "old dairy" road


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18 September 2024

SEC Project Number 070845

To whom it may concern,

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1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an *“interested and affected party”* to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

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5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (*“the Competent Authority”*) on 5 October 2015.
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27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such landscaping.

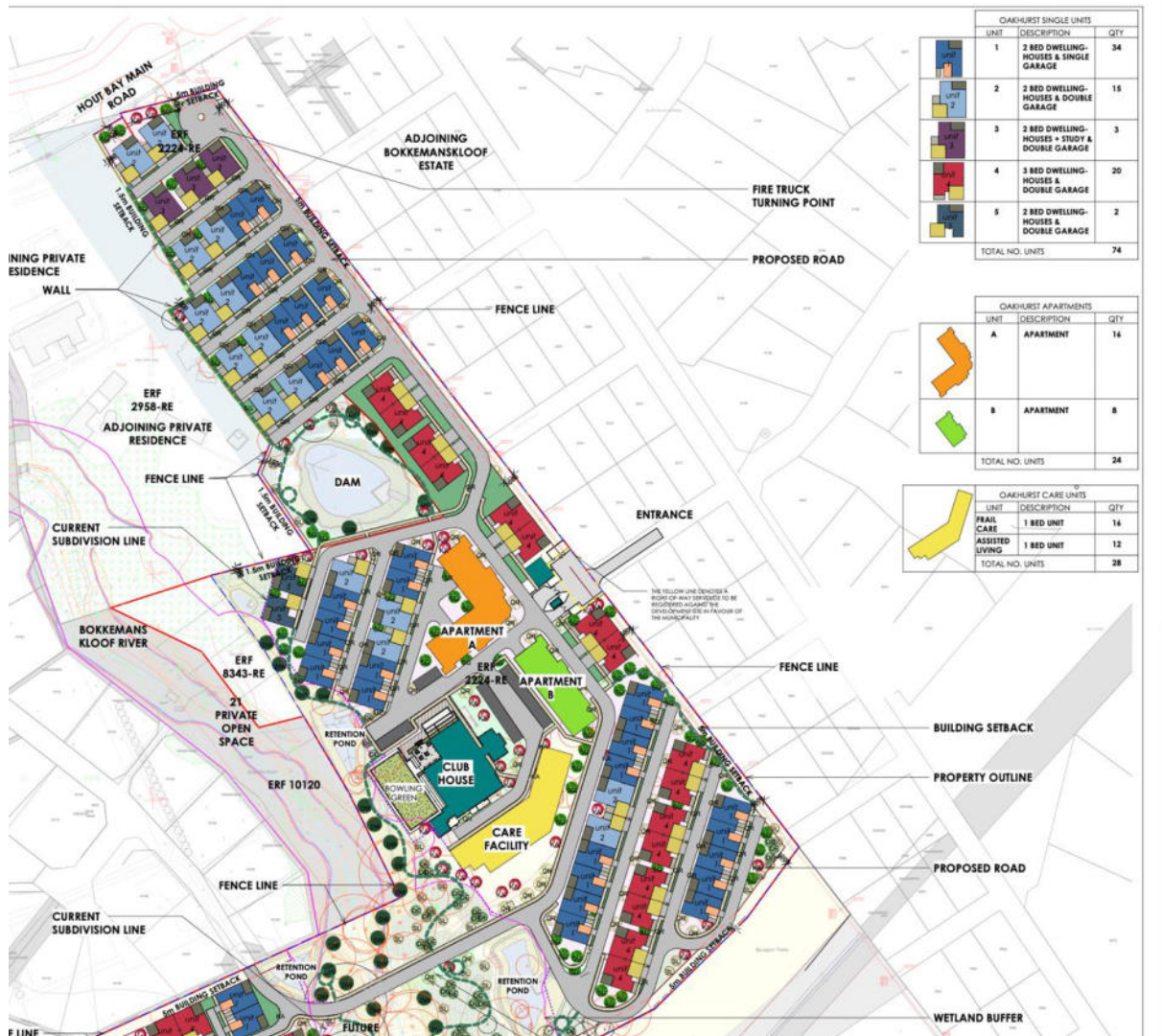


Figure 1: Site Development Plan annexed to Present Application

Access during construction

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29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction’s drivers to see

oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



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- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.

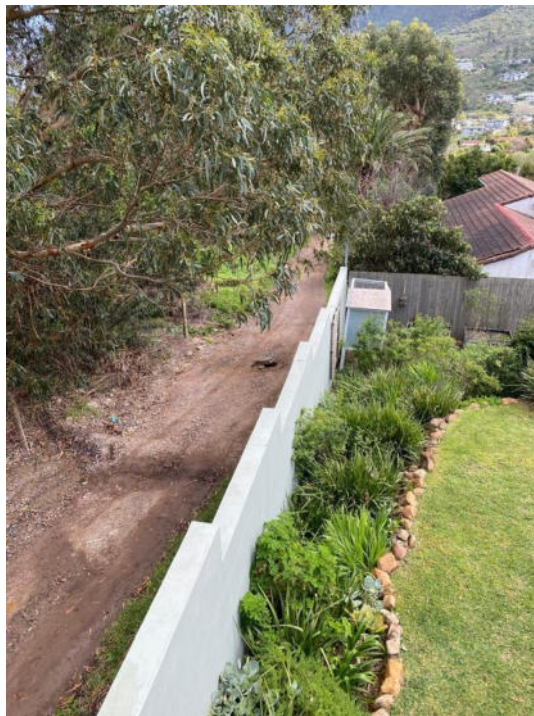
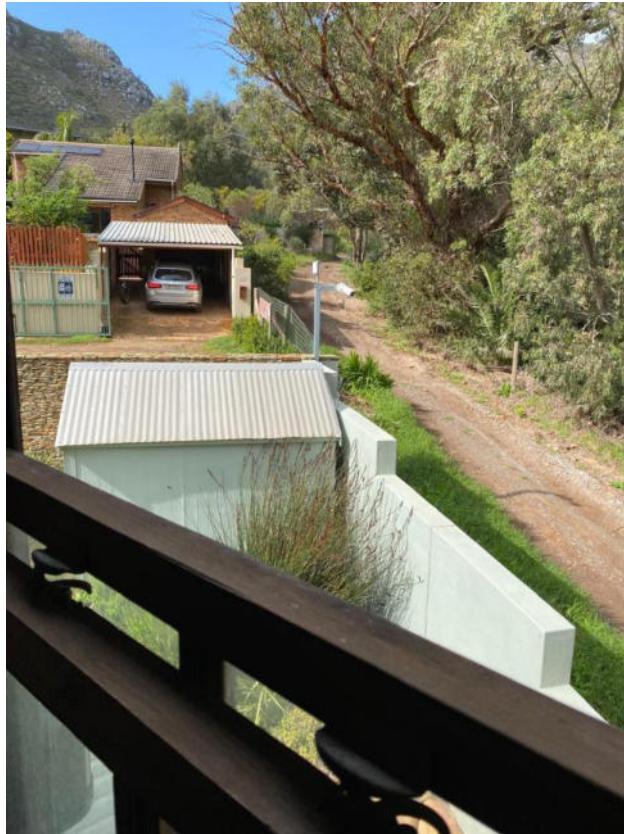


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- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
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32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

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43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

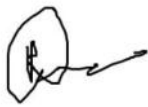
CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

Roger Coyles

A handwritten signature in black ink, appearing to read 'R. Coyles', with a long horizontal stroke extending to the right.

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road


3 - Photograph of “old dairy” road

4 - Photograph of manhole on “old dairy” road

5 - Photograph of residence in close proximity to “old dairy” road

6 - Photograph of garage in close proximity to “old dairy” road

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19 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an “*interested and affected party*” to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (“*the Competent Authority*”) on 5 October 2015.
6. The Environmental Authorisation (“*EA*”) was subsequently granted, but later appealed by the Bokkemenskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (“*the initial application*”). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (“*the non-substantive amendment application*”), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
 10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *“Present Application”*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant’s intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*“the Bridge Application”*).
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant’s Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure **“A”**, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure **“B”**.
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GROUNDINGS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such landscaping.

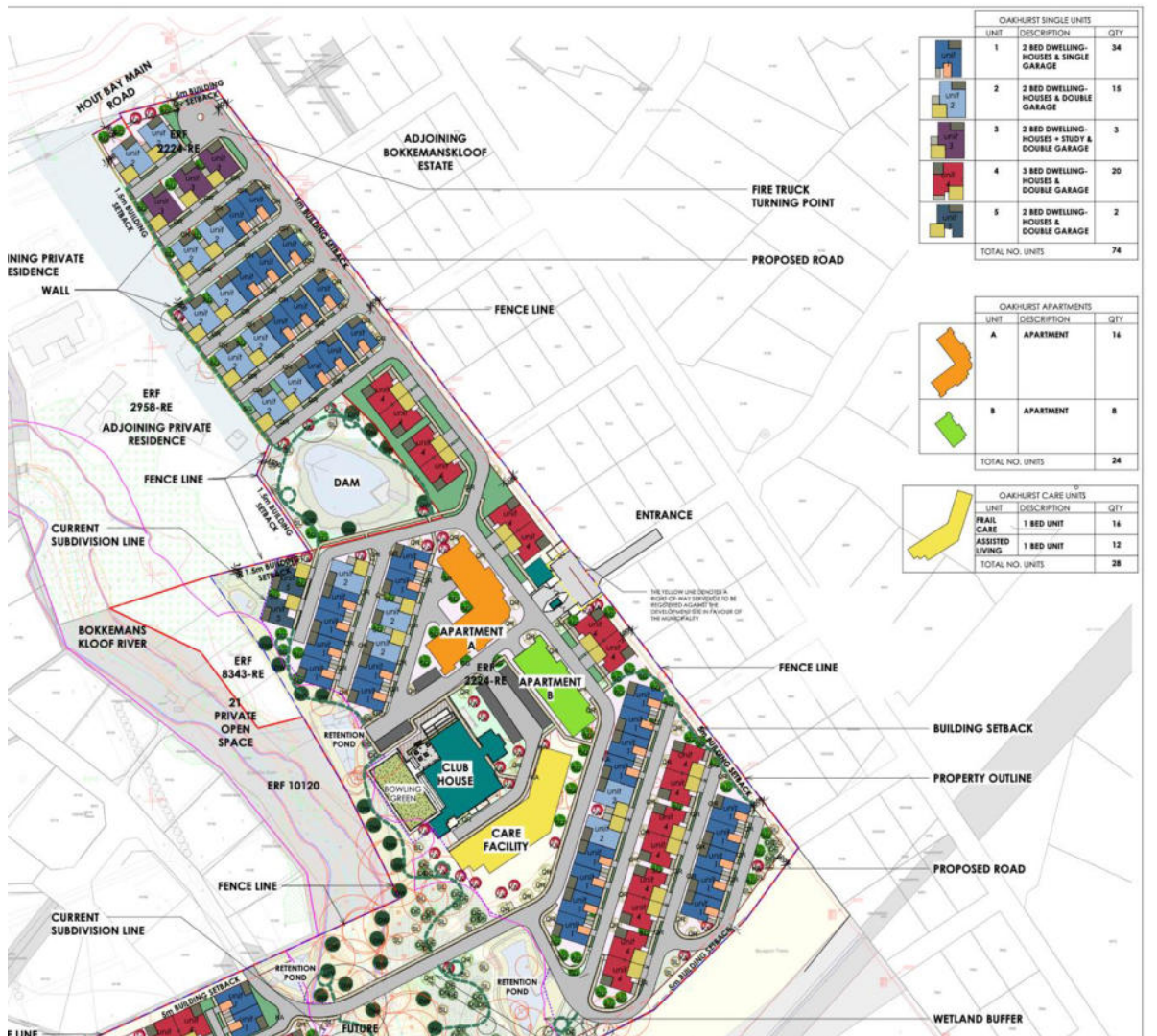


Figure 1: Site Development Plan annexed to Present Application

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29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the "Old Dairy" or "Clay Cafe" road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction's drivers to see

oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



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- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.

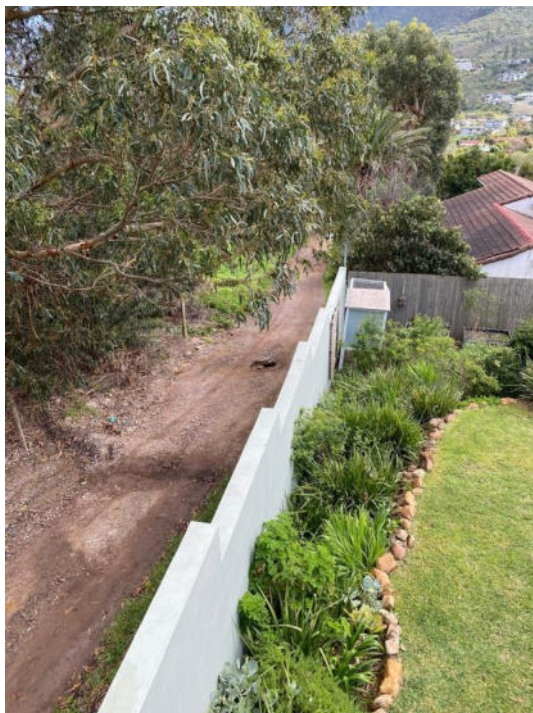
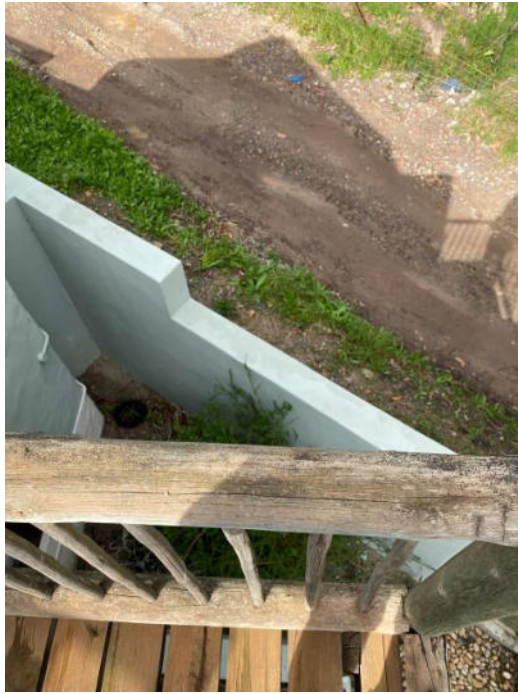


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- 29.4 The residents who's properties abut this road are concerned for the condition and safety of their dwellings. These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
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CONCLUSION

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Tel: 0836750450
Email: paola@newrecruit.co.za

18 September 2024

SEC Project Number 070845

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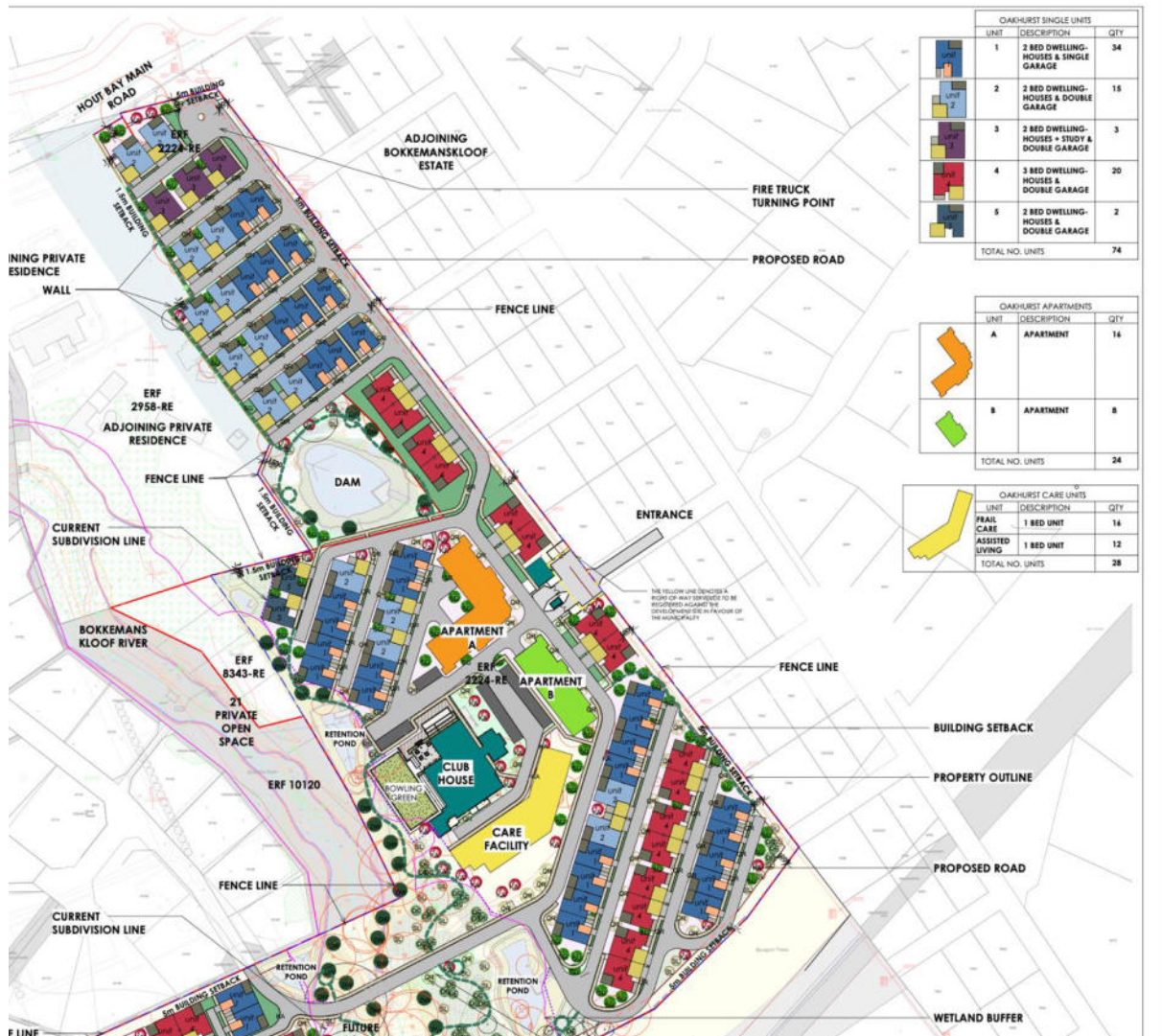


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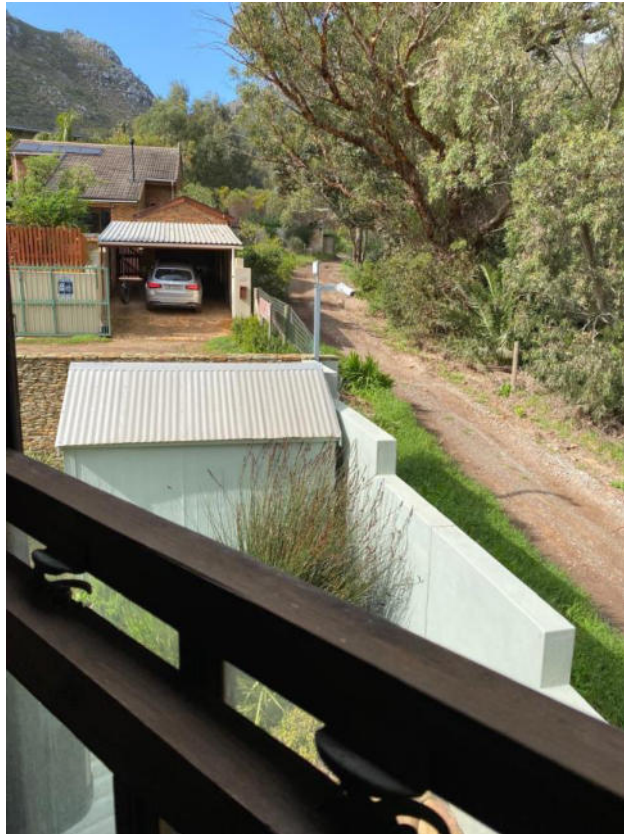
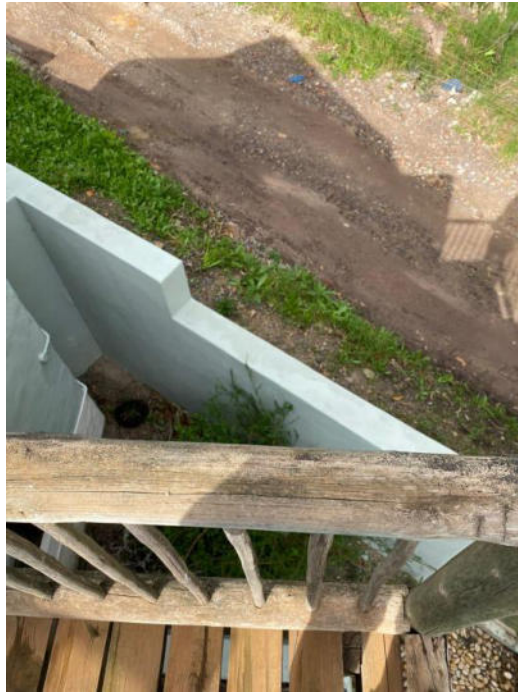
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34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and not longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

Paola Bellomusto

Paola Bellomusto

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road

3 - Photograph of “old dairy” road

4 - Photograph of manhole on “old dairy” road

5 - Photograph of residence in close proximity to “old dairy” road

6 - Photograph of garage in close proximity to “old dairy” road

7 - Photograph of Dorman Way taken in September 2024

Yann and Emma Dabbadie
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

17 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemans, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
6. The Environmental Authorisation ("*EA*") was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 ("*the initial application*"). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for ("*the non-substantive amendment application*"), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;
 - 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd ("*the Applicant*").

9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the "*Present Application*"). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment ("*the Bridge Application*").
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision

in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).

19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure “**A**”, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure “**B**”.
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDINGS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.
27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such landscaping.



Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the "Old Dairy" or "Clay Cafe" road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction's drivers to see oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



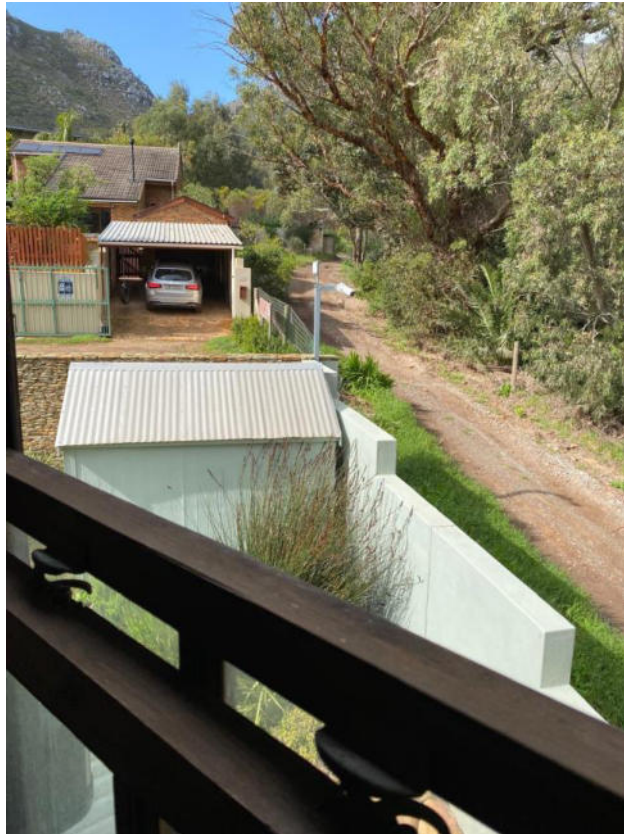
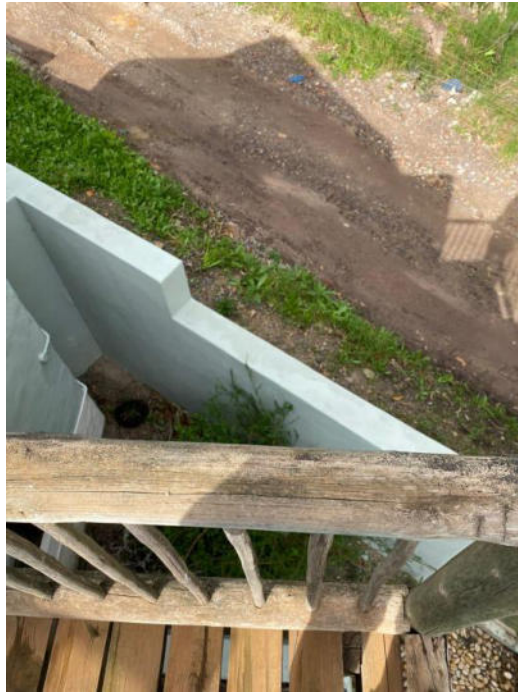
Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.



Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties abut this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

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39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and not longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
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CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

Yann Dabbadie

A handwritten signature in dark ink, appearing to be 'Yann Dabbadie', written in a cursive style with a long horizontal stroke at the end.

ANNEXURES:

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B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road

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Paul Miros



18 September 2024

SEC Project Number 070845

To whom it may concern,

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1. The above matter and your public participation process notification, dated 21 August 2024, refers.
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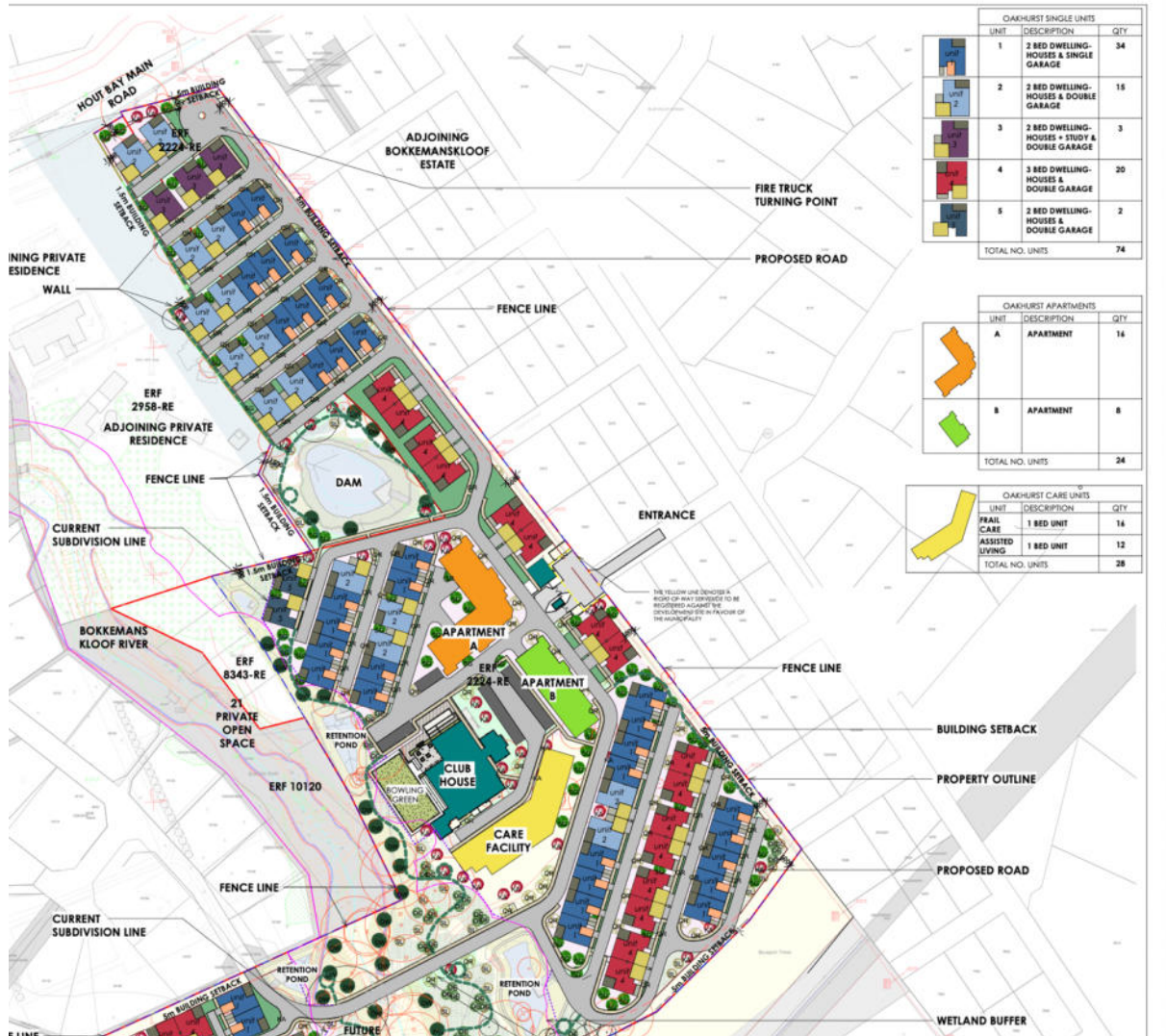


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43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
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45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

Paul Miros

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ANNEXURES:

A - Appeal Motivation

B - Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road

3 - Photograph of “old dairy” road

4 - Photograph of manhole on “old dairy” road

5 - Photograph of residence in close proximity to “old dairy” road

6 - Photograph of garage in close proximity to “old dairy” road

7 - Photograph of Dorman Way taken in September 2024

41 Bokkemanskloof Road
Hout Bay
7806
Tel: 0798999966
Email: dean.preston1@hotmail.com

18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemans, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an *"interested and affected party"* to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (*"the Competent Authority"*) on 5 October 2015.
6. The Environmental Authorisation (*"EA"*) was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (*"the initial application"*). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (*"the non-substantive amendment application"*), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*"the Applicant"*).
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
 10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *"Present Application"*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*"the Bridge Application"*).
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*"the Planning Application"*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the "stub" roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure "A", together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure "B".
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as "The Entrance" rather than an "alternate" or "secondary" entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the Northeastern Boundary by the inclusion of the road within the setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such plant scaping.



Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the “Old Dairy” or “Clay Cafe” road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction’s drivers to see oncoming traffic. These

driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



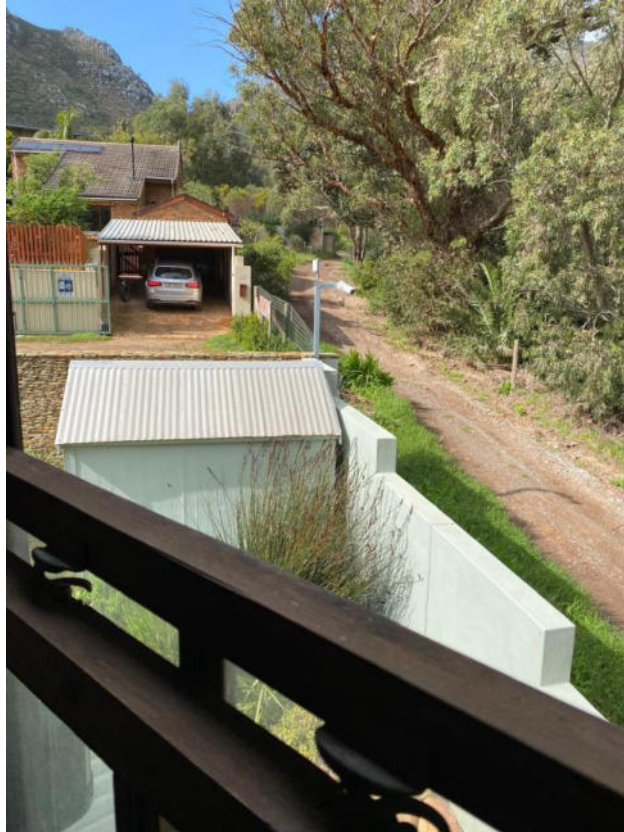
Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.



Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties about this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
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Dean Preston

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18 September 2024

SEC Project Number 070845

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CONCLUSION

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We trust that you find the above in order and look forward to hearing from you.

Yours faithfully



Emma King / Bern Diener

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

19 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. We confirm that we are property owners and residents in Blue Valley/Bokkemans, Hout Bay situated within the vicinity of the proposed development, our full address and particulars are specified hereinabove.
3. Our interests stand to be adversely affected by the proposed substantive amendment and we record our objections to and comments on the application for your attention.
4. We are registered as an *“interested and affected party”* to the envisaged development.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (*“the Competent Authority”*) on 5 October 2015.
6. The Environmental Authorisation (*“EA”*) was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (*“the initial application”*). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (*“the non-substantive amendment application”*), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd ("*the Applicant*").
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
 10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the "*Present Application*"). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment ("*the Bridge Application*").
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
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We object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the Northeastern Boundary by the inclusion of the road within the setback.
27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

28. Furthermore, it was our understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such plant scaping.

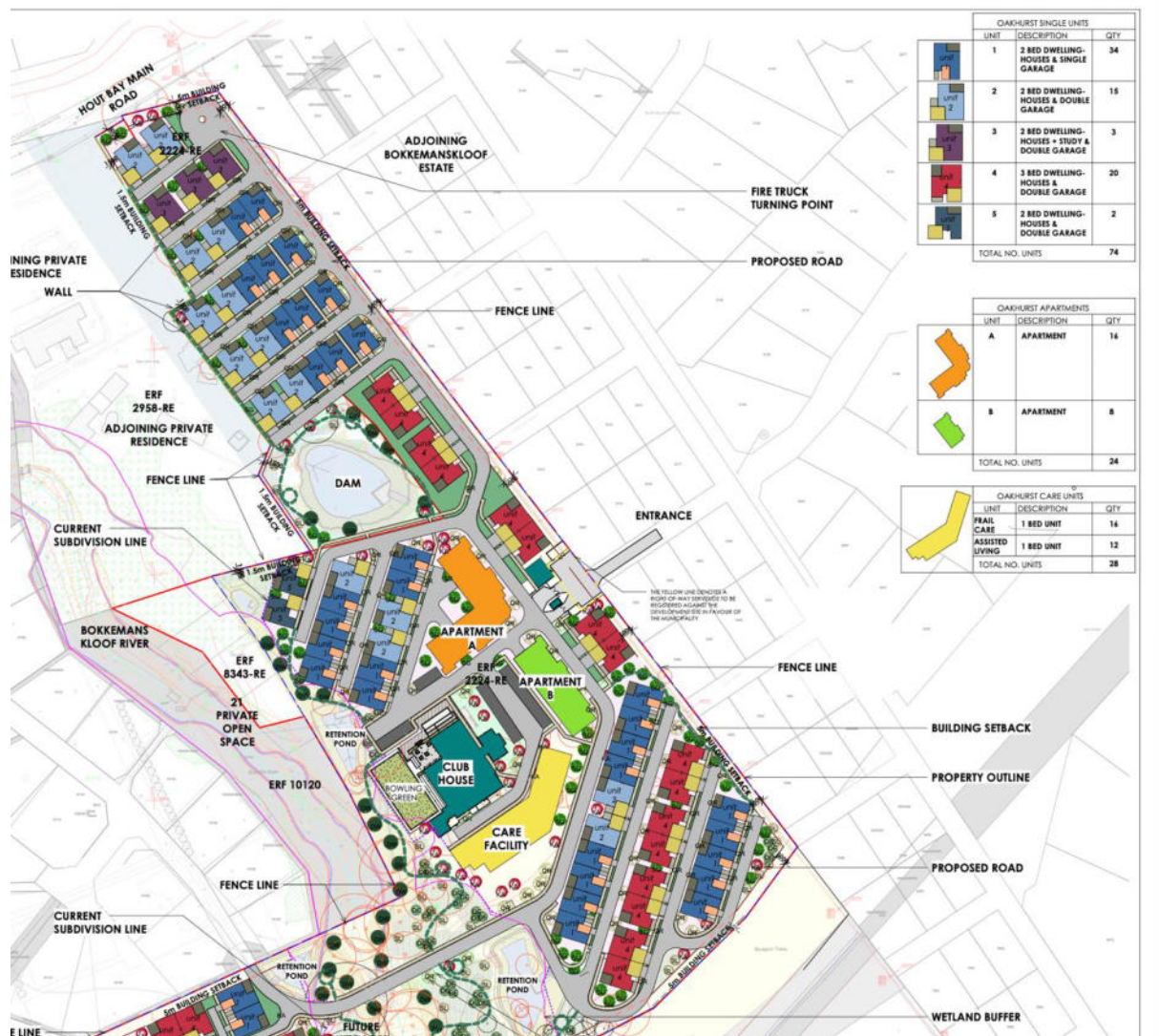


Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the "Old Dairy" or "Clay Cafe" road. We oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction's drivers to see oncoming traffic. These drivers will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. We propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which we submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



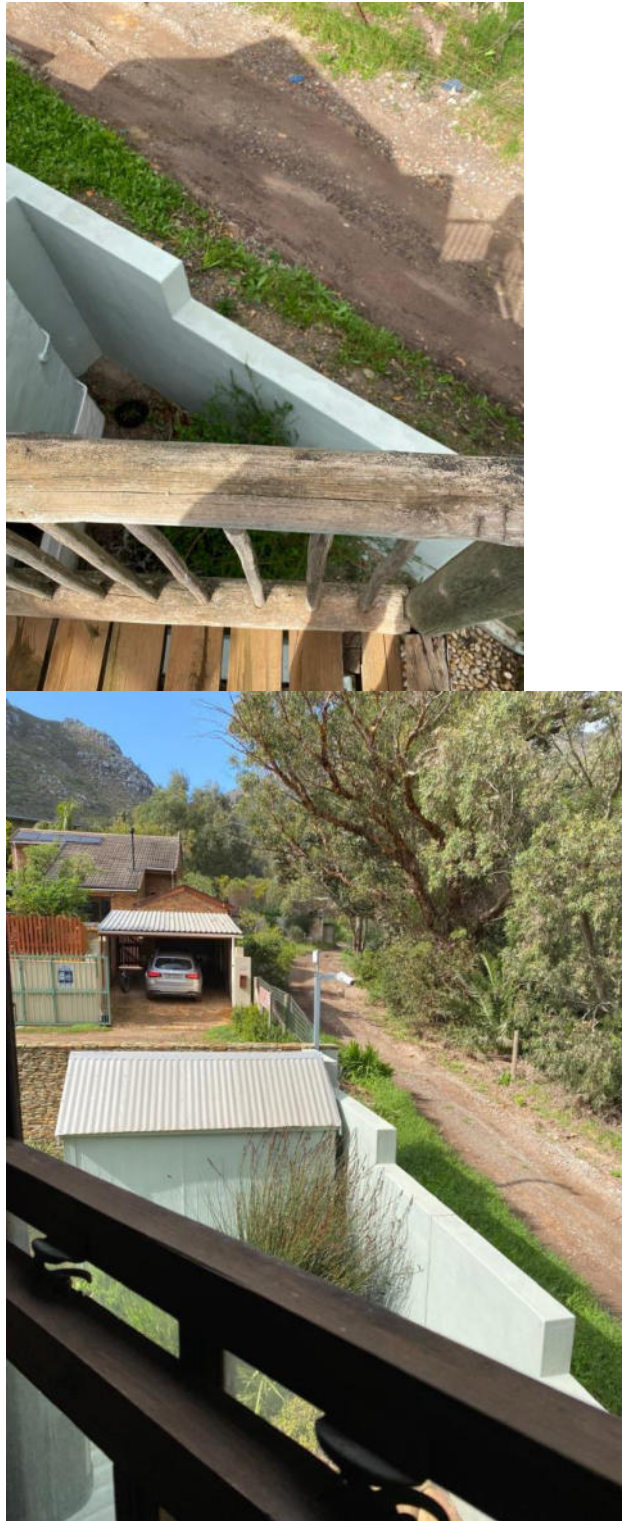
Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.



Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties about this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. We submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and no longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

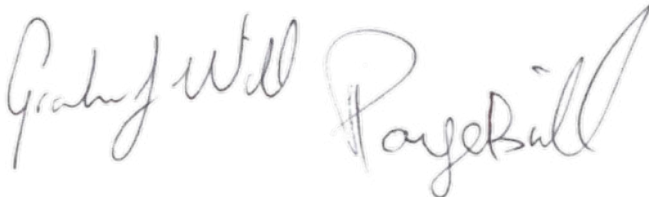
43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

The image shows two handwritten signatures in black ink. The signature on the left is 'Graham Will' and the signature on the right is 'Paige Will'. Both are written in a cursive, flowing style.

Graham Will

Paige Will

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road

3 - Photograph of “old dairy” road

4 - Photograph of manhole on “old dairy” road

5 - Photograph of residence in close proximity to “old dairy” road

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7 - Photograph of Dorman Way taken in September 2024

Ralf Huettmann



SEC Project Number 070845

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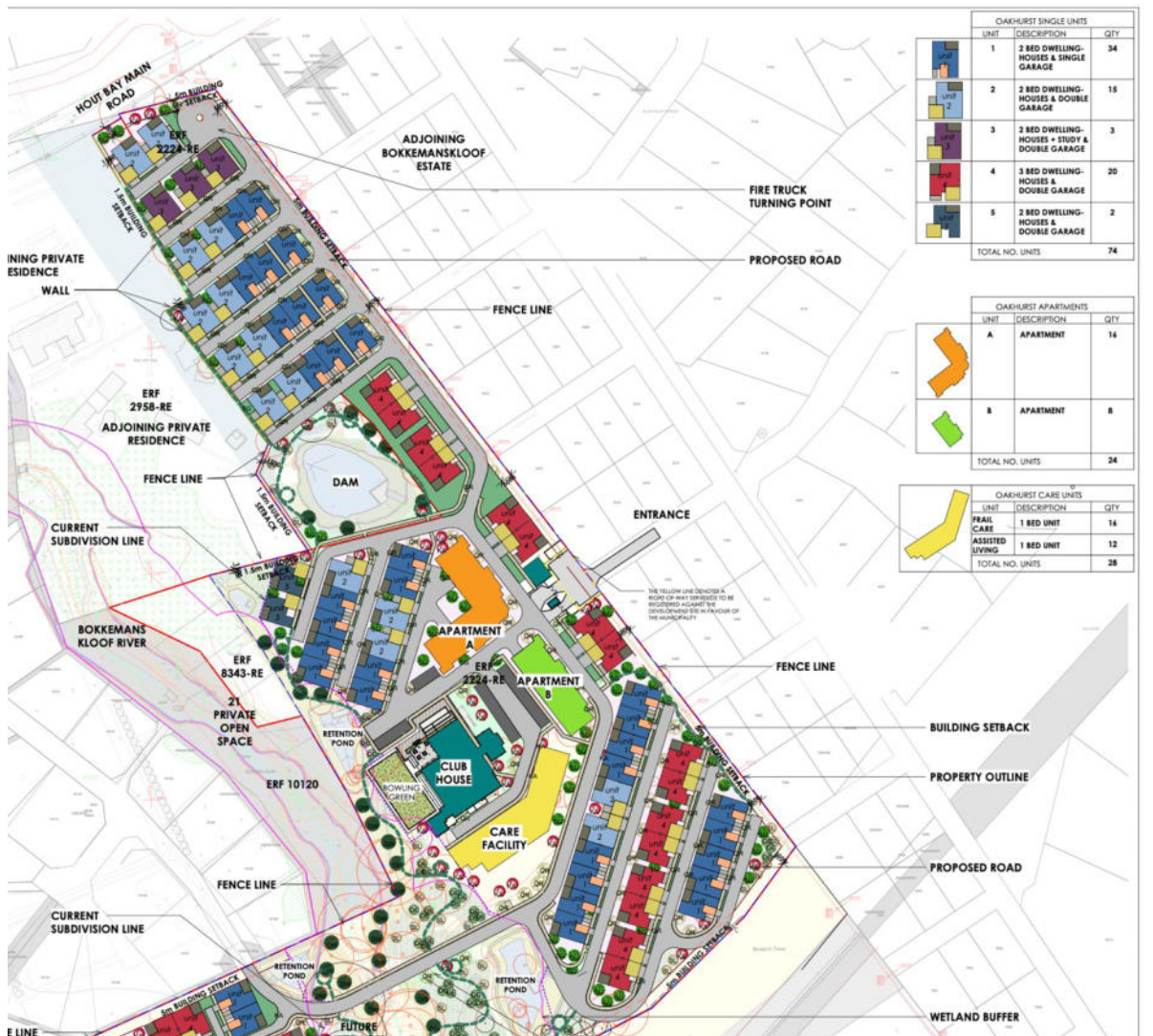


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Ralf Huettmann

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18 September 2024

SEC Project Number 070845

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 10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *“Present Application”*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant’s intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*“the Bridge Application”*).
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant’s Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 ("*the Planning Application*").
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the "stub" roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure "**A**", together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure "**B**".
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as "The Entrance" rather than an "alternate" or "secondary" entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such landscaping.

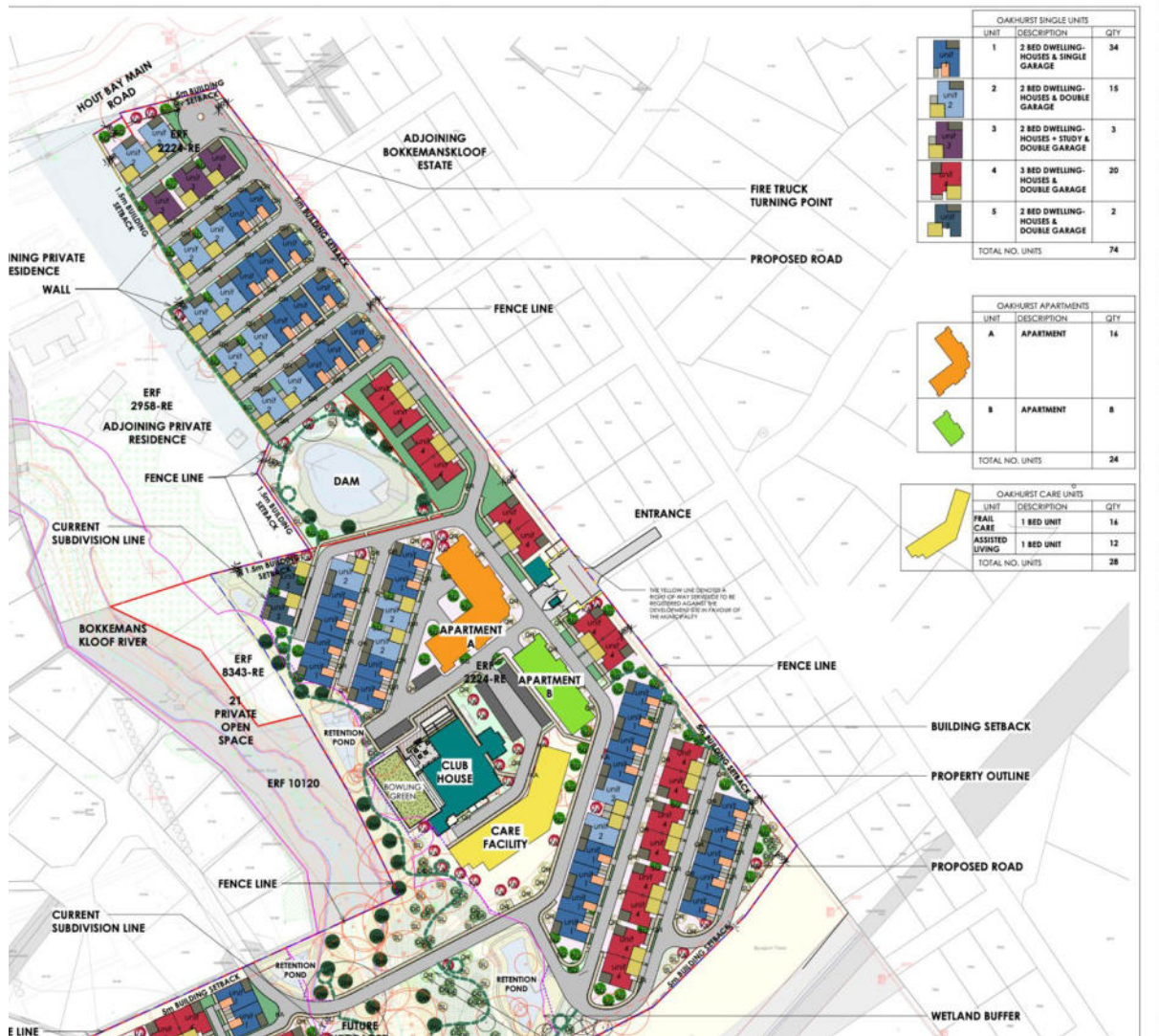


Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the “Old Dairy” or “Clay Cafe” road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction’s drivers to see

oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.



Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties abut this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and not longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

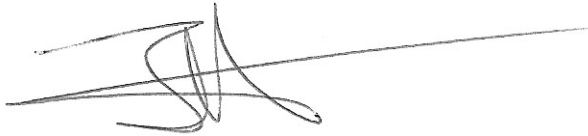
43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to be 'FH', with a long horizontal line extending to the right.A handwritten signature in purple ink, appearing to be 'BL', with a long horizontal line extending to the right.

Fredrik Hagelberg and Bianca Lindemann

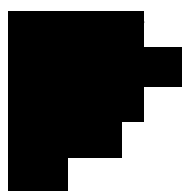
ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

- 1** - Site Development Plan
- 2** - Photograph of Hout Bay Main Road from “old dairy” road
- 3** - Photograph of “old dairy” road
- 4** - Photograph of manhole on “old dairy” road
- 5** - Photograph of residence in close proximity to “old dairy” road
- 6** - Photograph of garage in close proximity to “old dairy” road
- 7** - Photograph of Dorman Way taken in September 2024



Tuesday, 17 September 2024

To: Sillito Environmental Consulting

Dear Madam / Sir,

RE: SEC PROJECT NUMBER 070845 – NOTIFICATION OF SUBSTANTIVE AMENDMENTS, PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT

We are a Registered and Affected party in terms of this proposed development.

We are in full agreement with the contents of the letter from C&A Friedlander attorneys titled “OBJECTIONS AND COMMENTS ON:” (your proposed amendments), which you are in possession of.

We are directly affected by the proposed development, as our property is located directly on the boundary of the site in question. One of our major concerns is that we suspect that the old Oakhurst Farm dirt road, which is immediately next to our property, will be used for vehicular access during the construction. We do not believe that vehicular access during construction has been properly considered, or addressed, in your Environmental Impact Assessment.

Yours sincerely,

H.R. Bischoff
Digitally signed by H.R. Bischoff
DN: cn=H.R. Bischoff, c=ZA,
ou=WSP in Africa, ou=Property
Coastal,
email=holger.bischoff@wsp.com
Date: 2024.09.17 16:48:29
+0200

H. Bischoff Pr.Tech.Eng

10 Pine Street
Hout Bay
7806
Tel: 082-8201041
Email: holger.bischoff@wsp.com

18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am the property owner of ERF 5364 which borders directly onto proposed development, and old dairy farm road as accessed from Main Road.
3. My interests stand to be directly and adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
6. The Environmental Authorisation ("*EA*") was subsequently granted, but later appealed by the Bokkenskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 ("*the initial application*"). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for ("*the non-substantive amendment application*"), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).

9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *“Present Application”*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant’s intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*“the Bridge Application”*).
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant’s Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

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20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure “A”, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure “B”.
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on my property. However, the Site Development Plan does not appear to indicate such landscaping.



Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the “Old Dairy” or “Clay Cafe” road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction’s drivers to see

oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting how close this road runs to my property, no verge at all. It also shows the condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties, including my own home. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.
- 29.4 I along with other residents whose properties abutt this road are concerned for the condition and safety of our dwellings. We will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to our properties.
- 29.5 My property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 4: Photograph depicting proximity of my home residential to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley residential area.
30. The residents of Blue Valley have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 5: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Blue Valley propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents such as myself who works from home and is directly impacted by this development being so close. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information and studies on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

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38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
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Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
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42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.
43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raised in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
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45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours sincerely


A handwritten signature in black ink, appearing to read 'HB' or similar initials, written in a cursive style.

Holger Bischoff
082-8201041

ANNEXURES:

A - Appeal Motivation

B - Letter of Approval of Planning Application Site Development Plan



18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemans, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
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- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
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14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant’s intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*“the Bridge Application”*).
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant’s Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure **“A”**, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure **“B”**.
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDINGS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such landscaping.

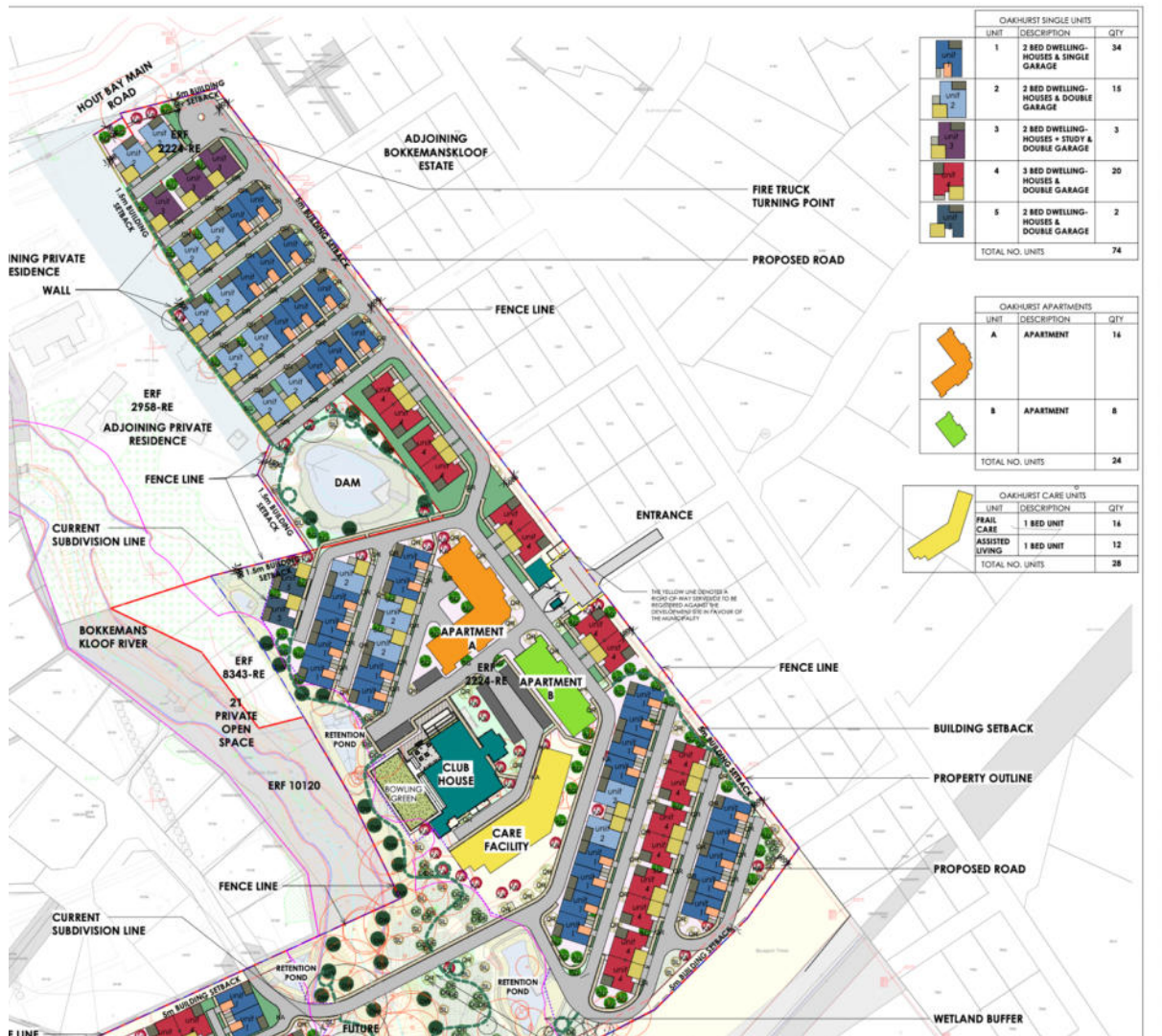


Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the “Old Dairy” or “Clay Cafe” road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction’s drivers to see

oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.



Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties abut this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and not longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

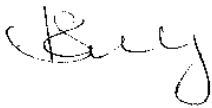
43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'S. Kelly', is positioned below the closing text.

Samantha Kelly

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road

3 - Photograph of “old dairy” road

4 - Photograph of manhole on “old dairy” road

5 - Photograph of residence in close proximity to “old dairy” road

6 - Photograph of garage in close proximity to “old dairy” road

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay Bsituated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
6. The Environmental Authorisation ("*EA*") was subsequently granted, but later appealed by the Bokkemenskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 ("*the initial application*"). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for ("*the non-substantive amendment application*"), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
 10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *“Present Application”*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

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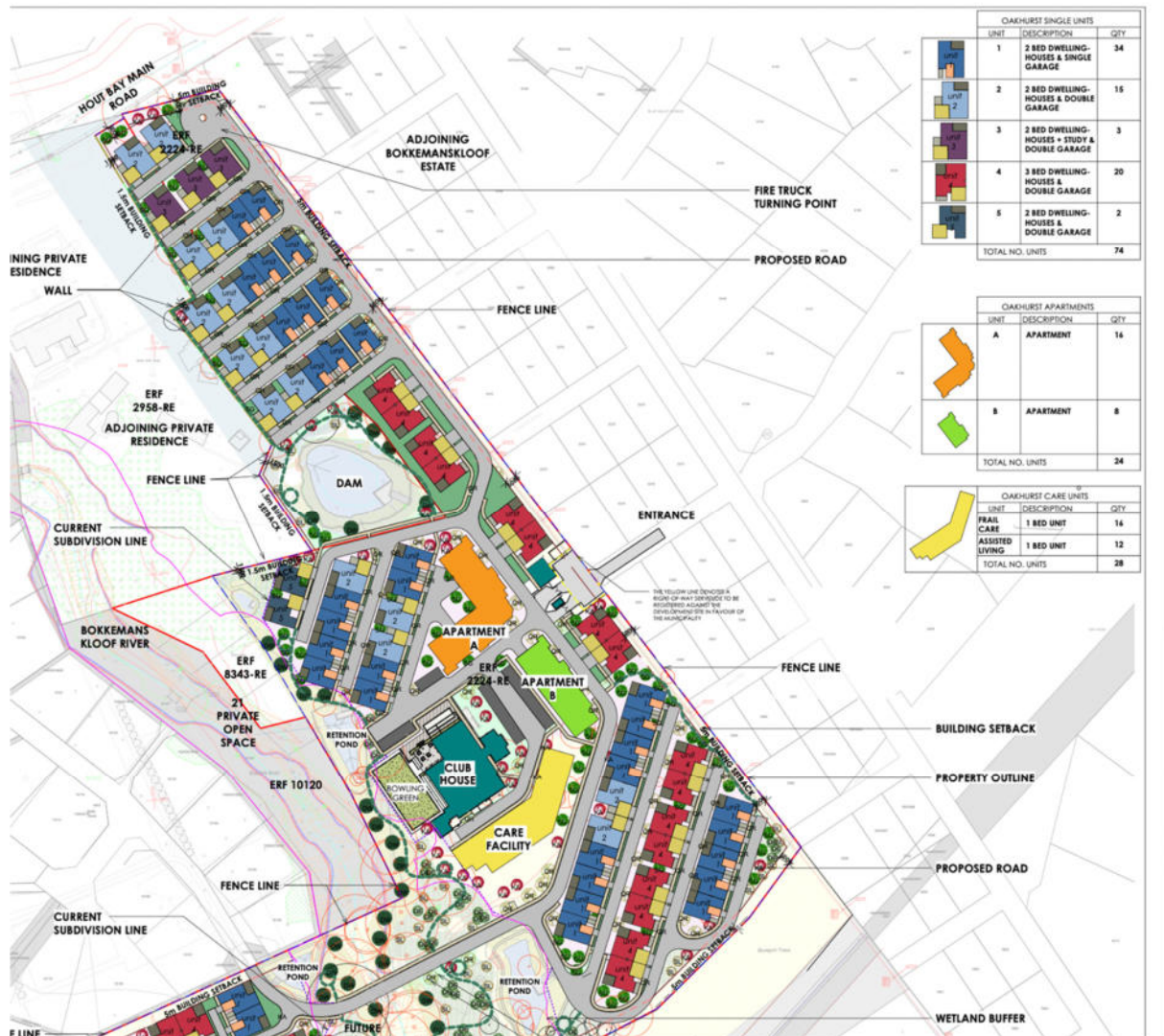


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CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully



Katherine Jane Whitehorn

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Mr. Kevin James Stocks & Mrs. Samantha Stocks
33 Bokkemanskloof Road
Bokkemanskloof Estate
Hout Bay
7806
Tel: 083 700 6295
Email: Kevin.Stocks@msim.mu

18 September 2024

SEC Project Number 070845

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26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the Northeastern Boundary by the inclusion of the road within the setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such plant scaping.

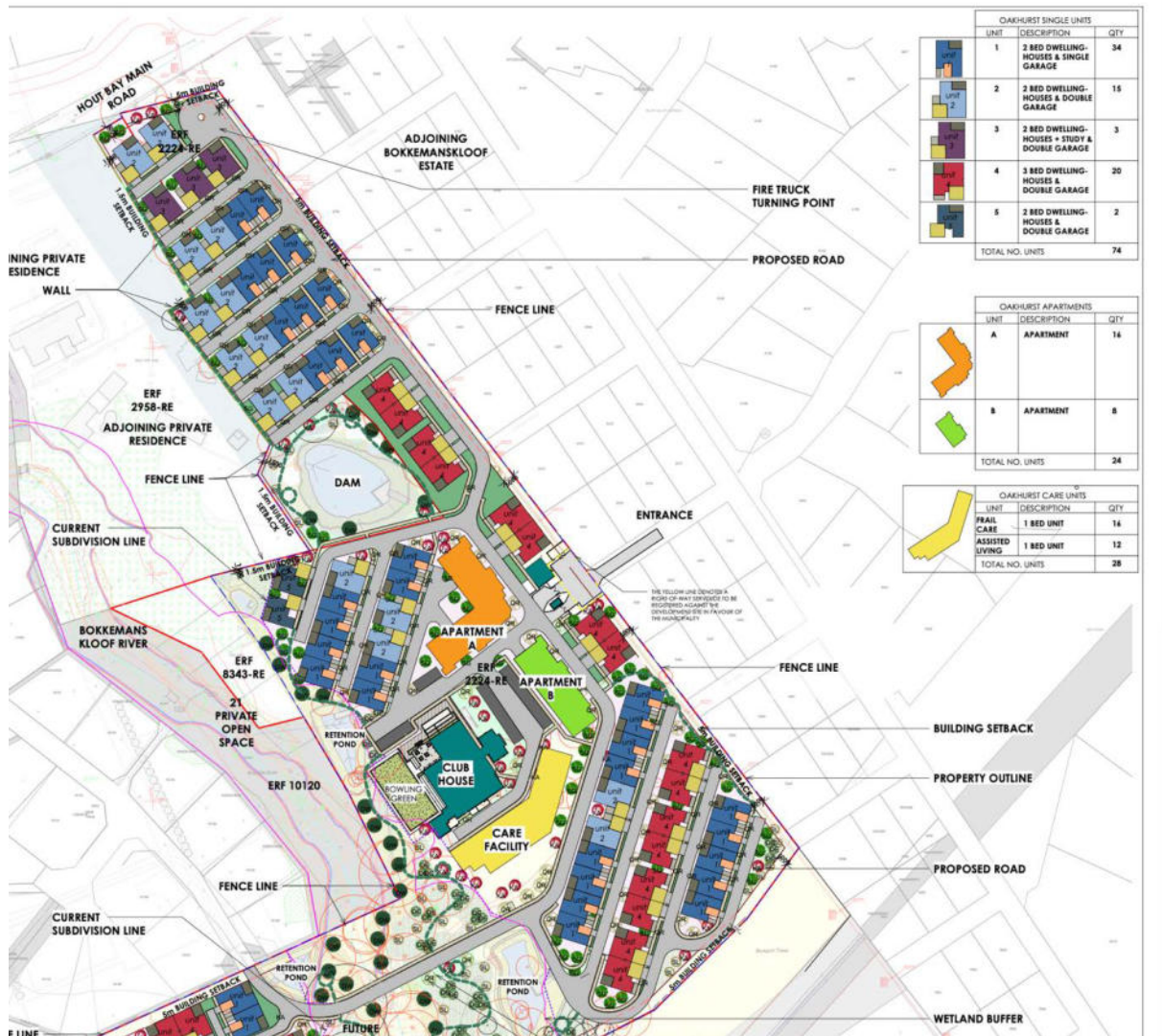


Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the “Old Dairy” or “Clay Cafe” road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction’s drivers to see

oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.

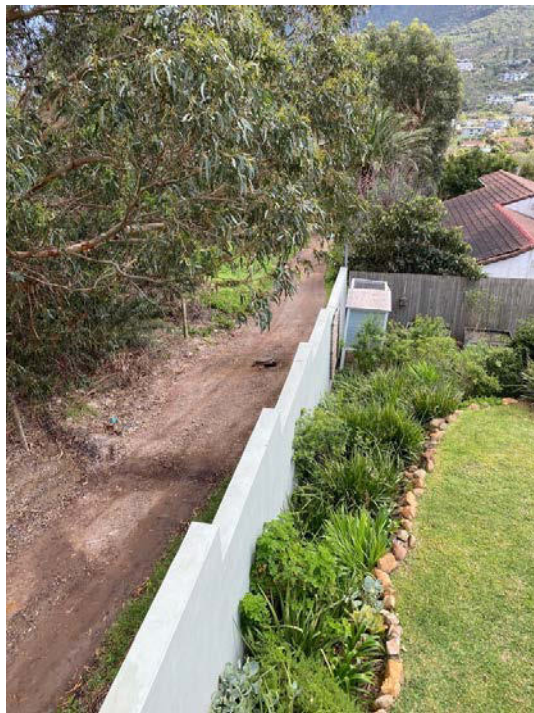
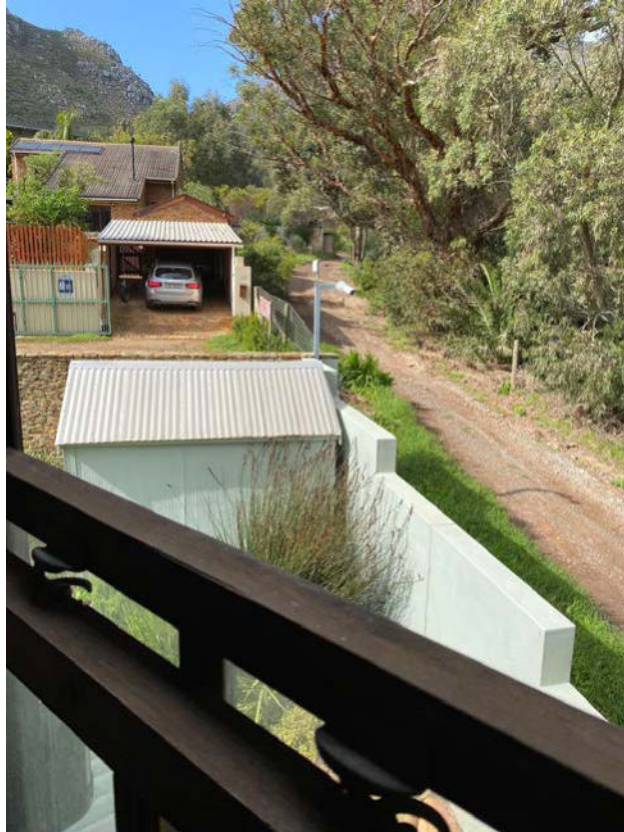


Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties about this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and no longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

Kevin Stocks

Kevin James Stocks

Samantha Stocks

ANNEXURES:

A - Appeal Motivation

B - Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from "old dairy" road

3 - Photograph of "old dairy" road

4 - Photograph of manhole on "old dairy" road

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6 - Photograph of garage in close proximity to "old dairy" road

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18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
6. The Environmental Authorisation ("*EA*") was subsequently granted, but later appealed by the Bokkemenskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 ("*the initial application*"). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for ("*the non-substantive amendment application*"), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd ("*the Applicant*").
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
 10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the "*Present Application*"). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Caper Town.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment ("*the Bridge Application*").
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

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18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 150006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
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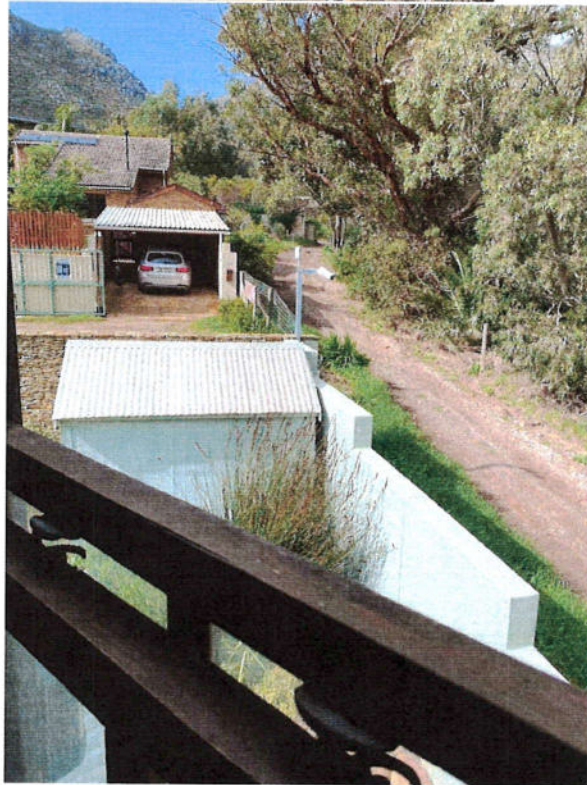
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Paolo Avondo



Sevi Avondo


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18 September 2024

SEC Project Number 070845

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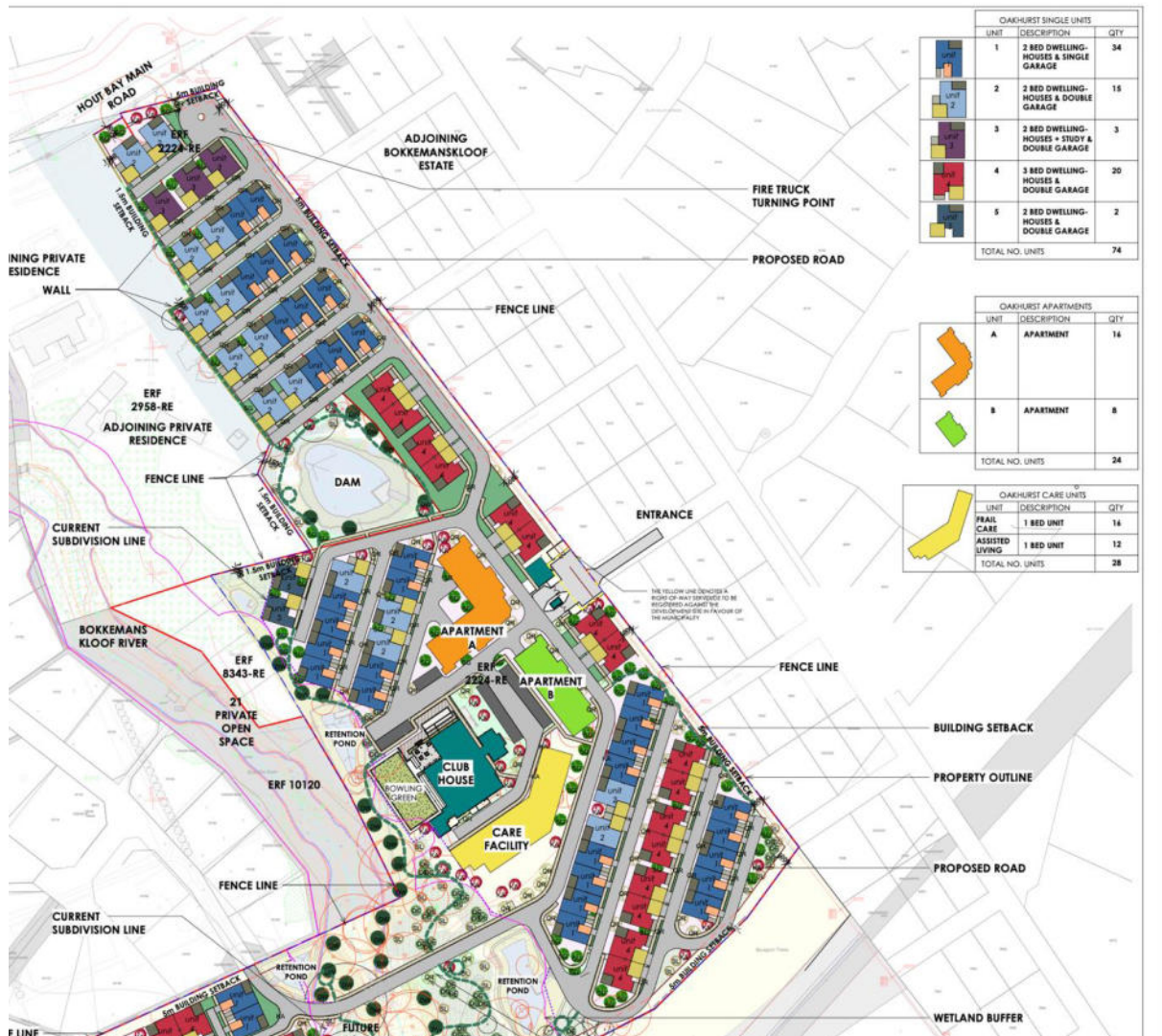



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18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an *“interested and affected party”* to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (*“the Competent Authority”*) on 5 October 2015.
6. The Environmental Authorisation (*“EA”*) was subsequently granted, but later appealed by the Bokkemenskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (*“the initial application”*). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (*“the non-substantive amendment application”*), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
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 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

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15. In addition to the Present Application, notice of the Applicant’s intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*“the Bridge Application”*).
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant’s Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

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18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
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22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
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27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such landscaping.

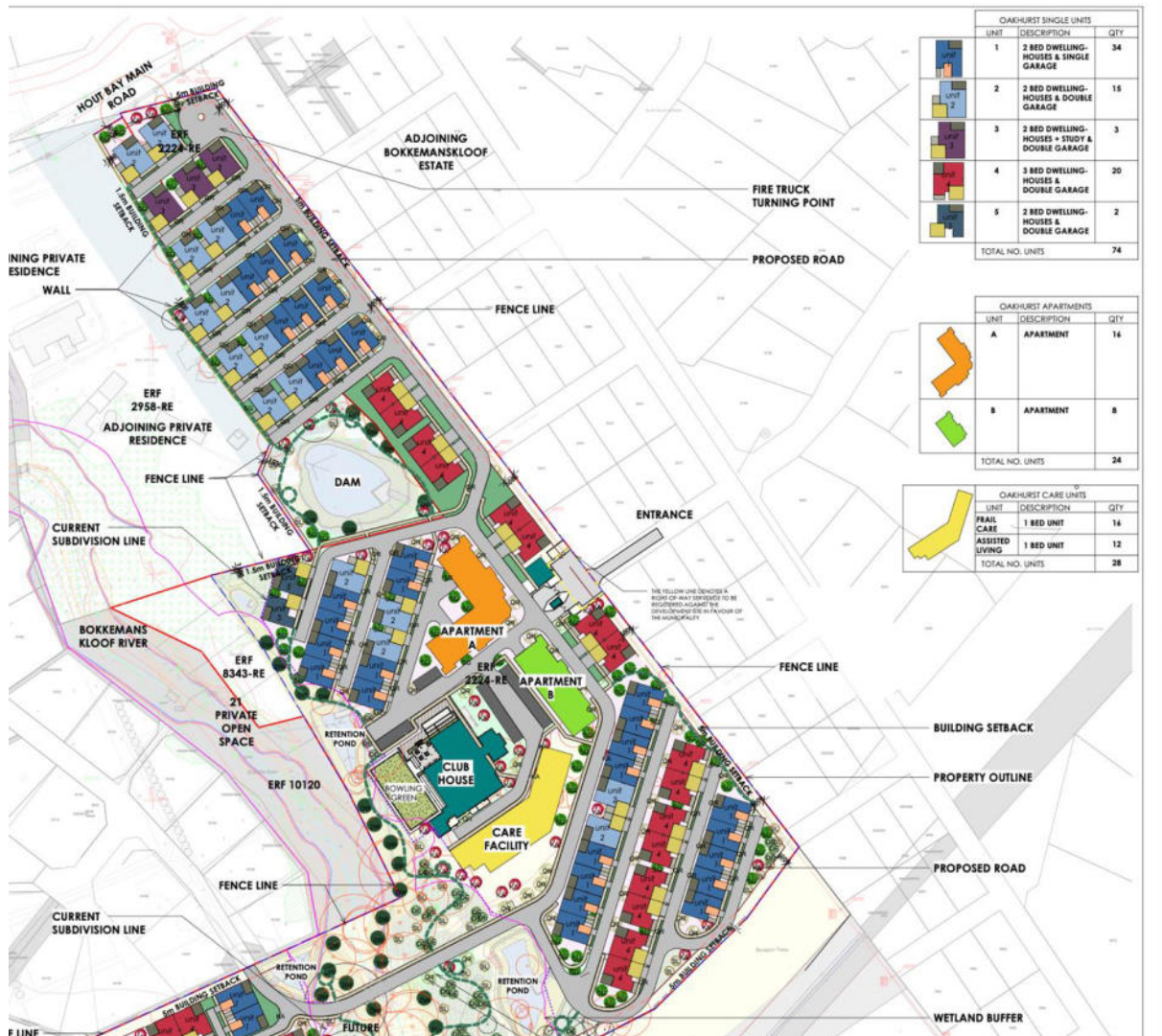


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Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

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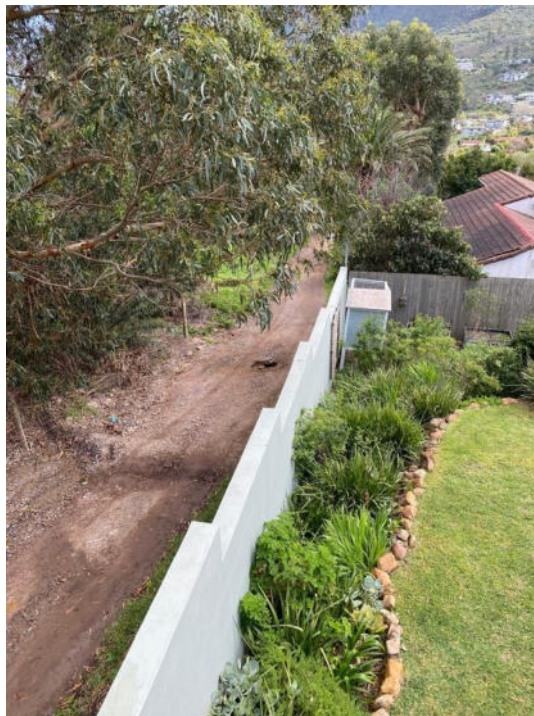
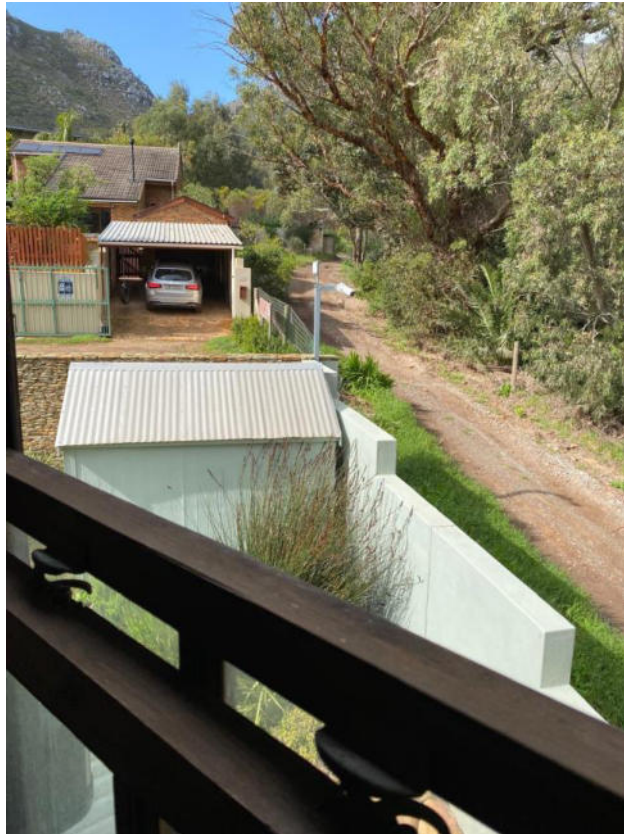
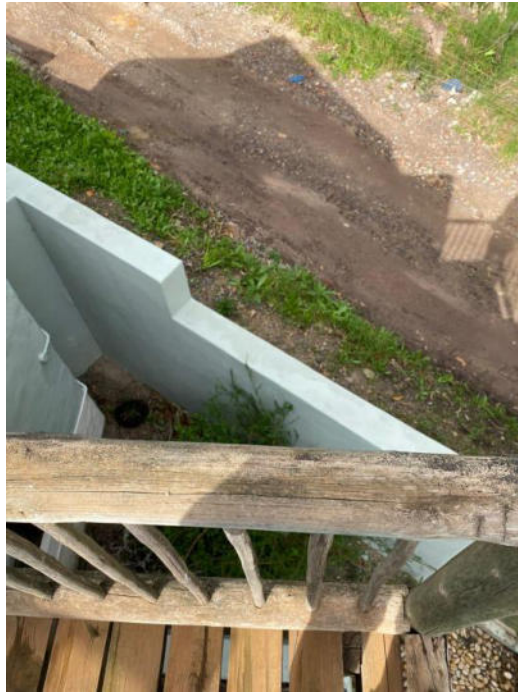


Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

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- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
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30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
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The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and not longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
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CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

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ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

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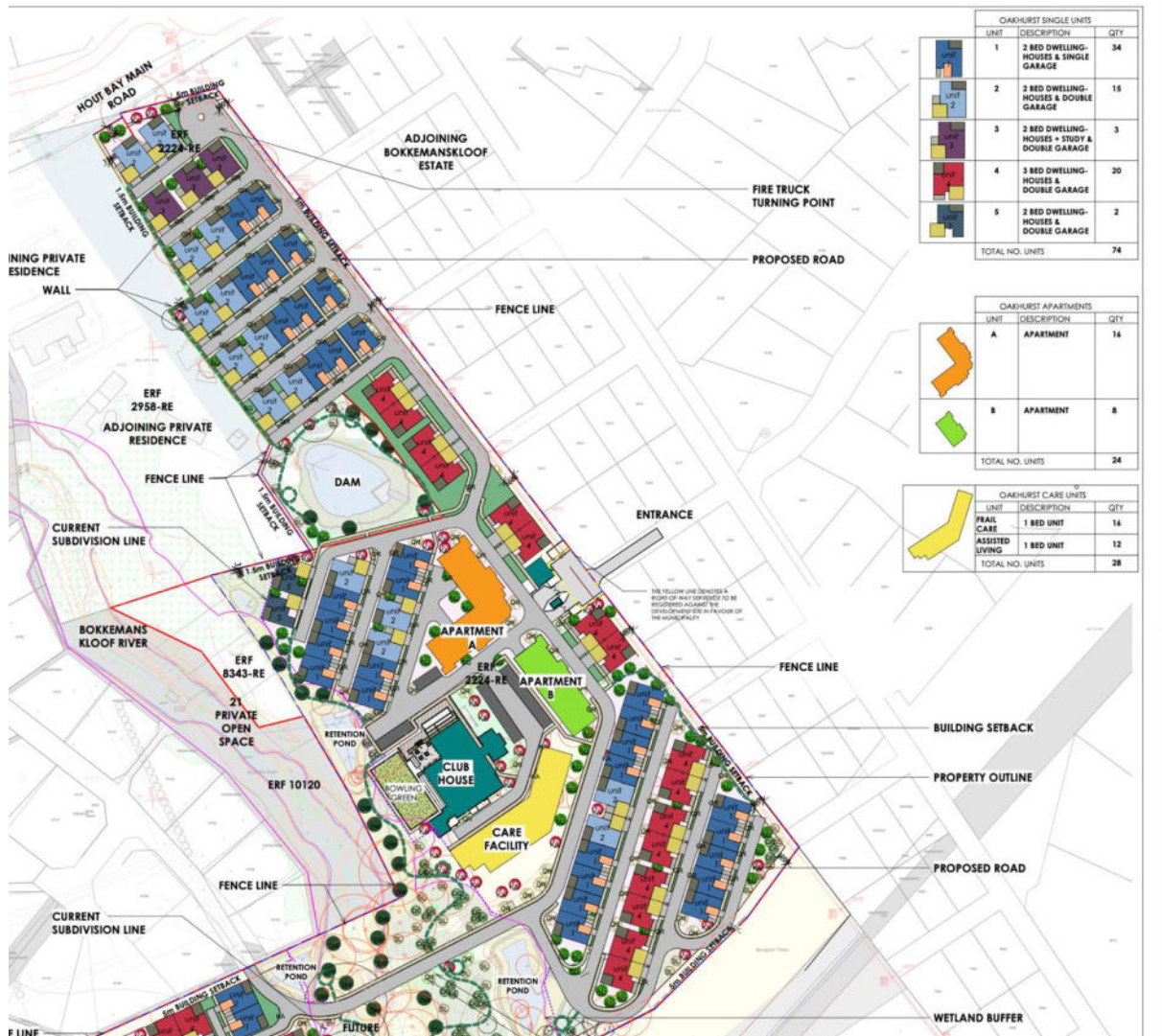


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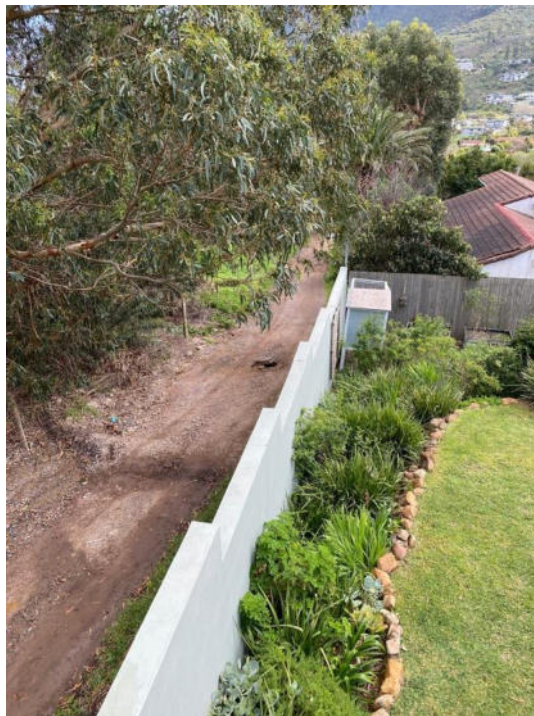
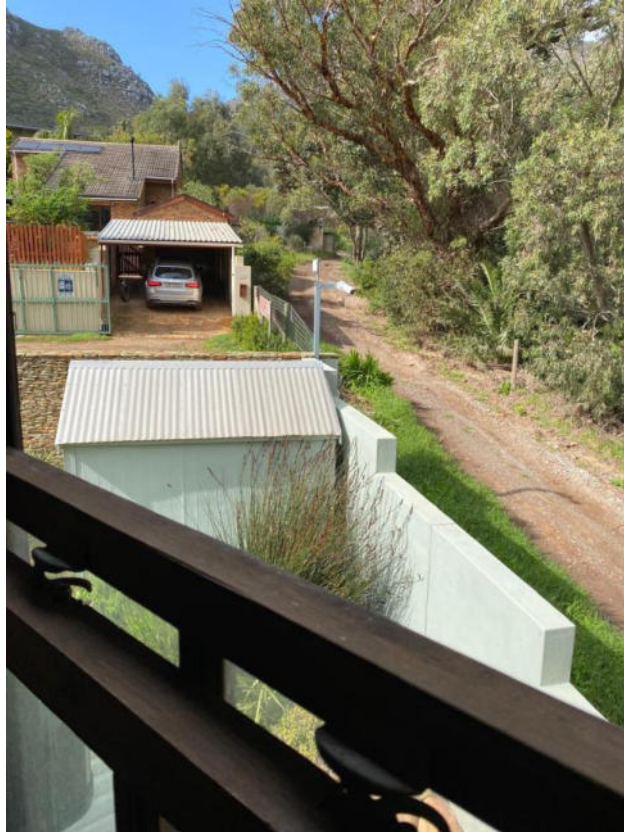


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2. I confirm that I am a property owner and resident in Blue Valley/Bokkemans, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an *“interested and affected party”* to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (*“the Competent Authority”*) on 5 October 2015.
6. The Environmental Authorisation (*“EA”*) was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (*“the initial application”*). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (*“the non-substantive amendment application”*), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;
 - 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).

9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the "*Present Application*"). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment ("*the Bridge Application*").
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure “**A**”, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure “**B**”.
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDINGS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.
27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such plantscaping.

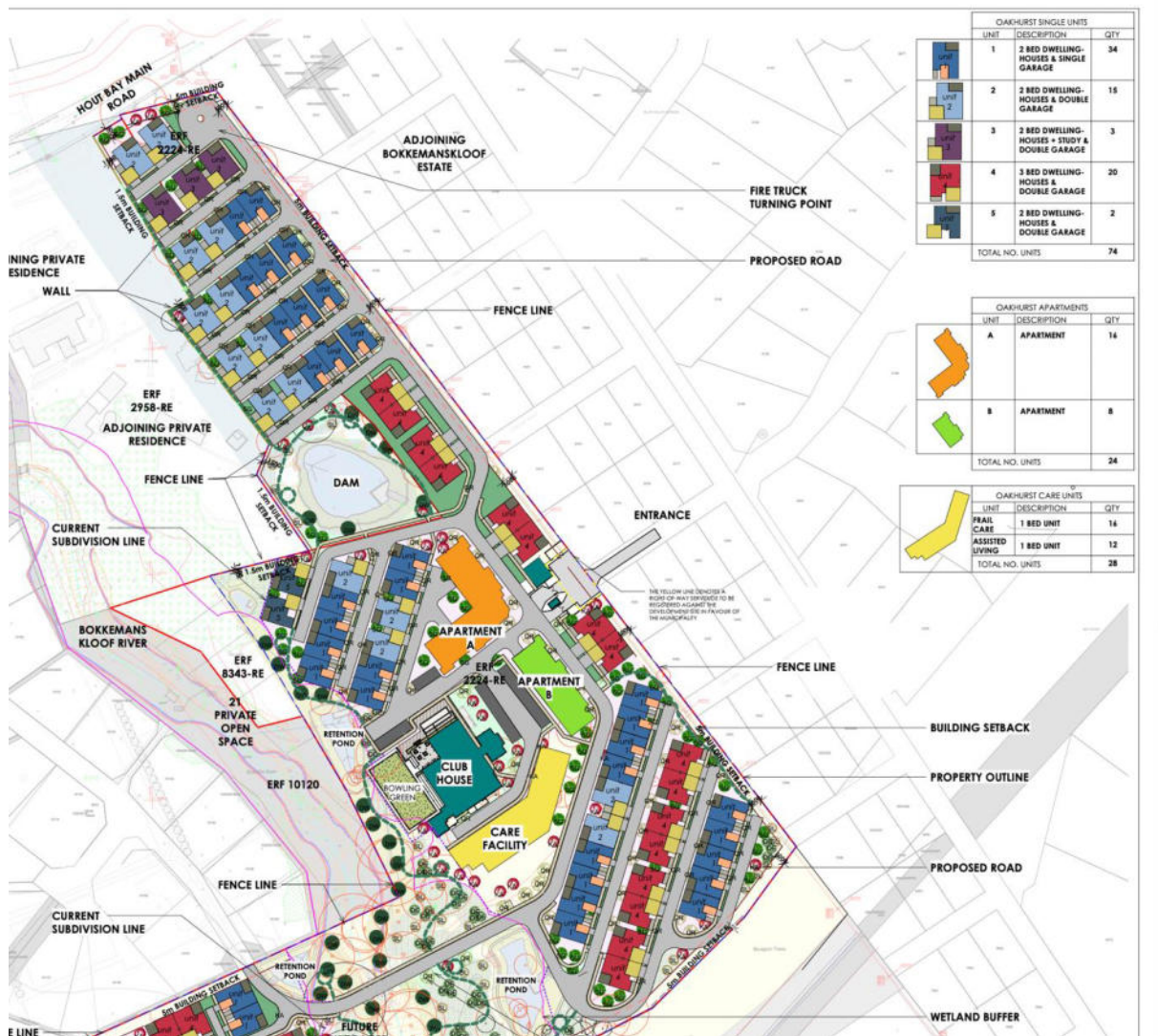


Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the “Old Dairy” or “Clay Cafe” road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction’s drivers to see oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.

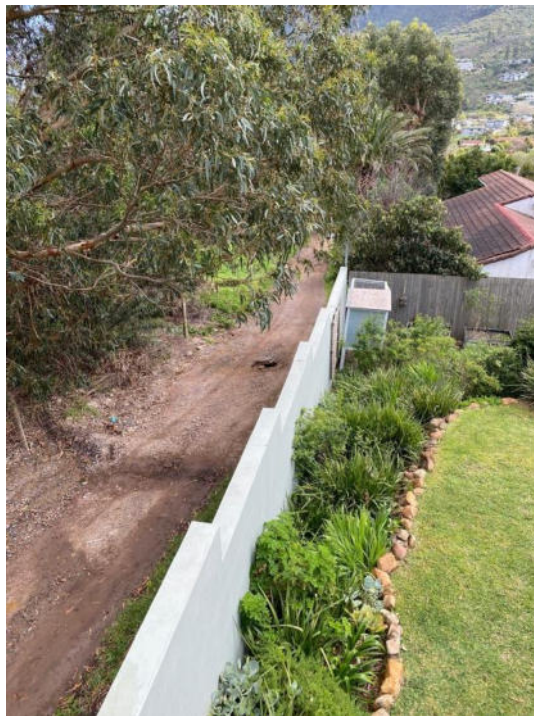
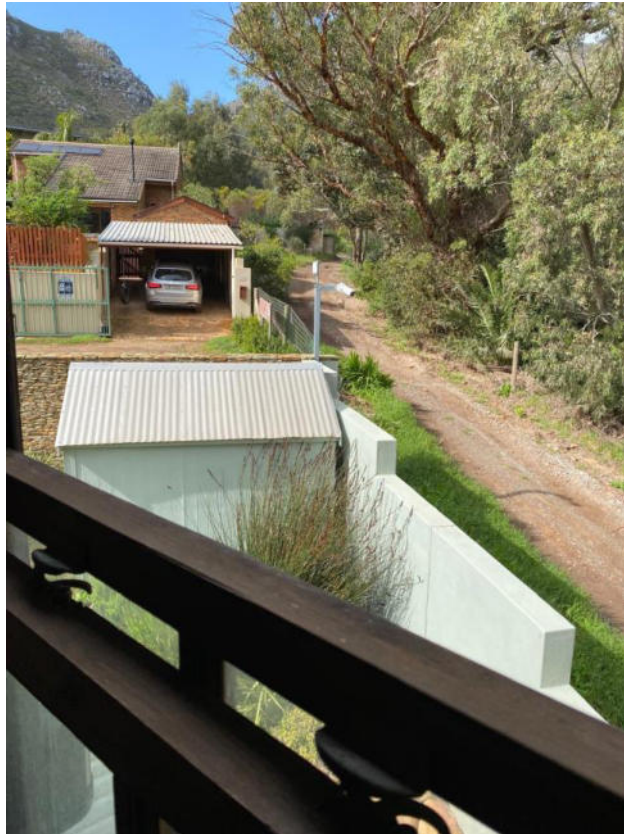
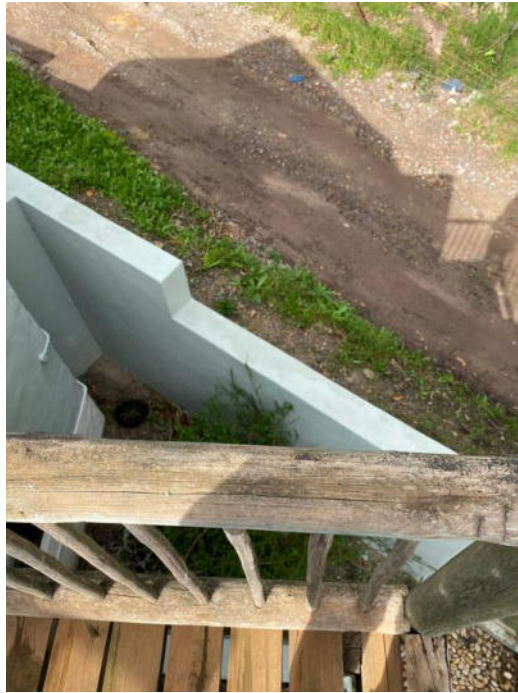


Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties abut this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. I note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is my view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and not longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raised in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. I am of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

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

Ian Adams

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road

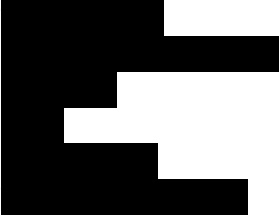
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18 September 2024

SEC Project Number 070845

To whom it may concern,

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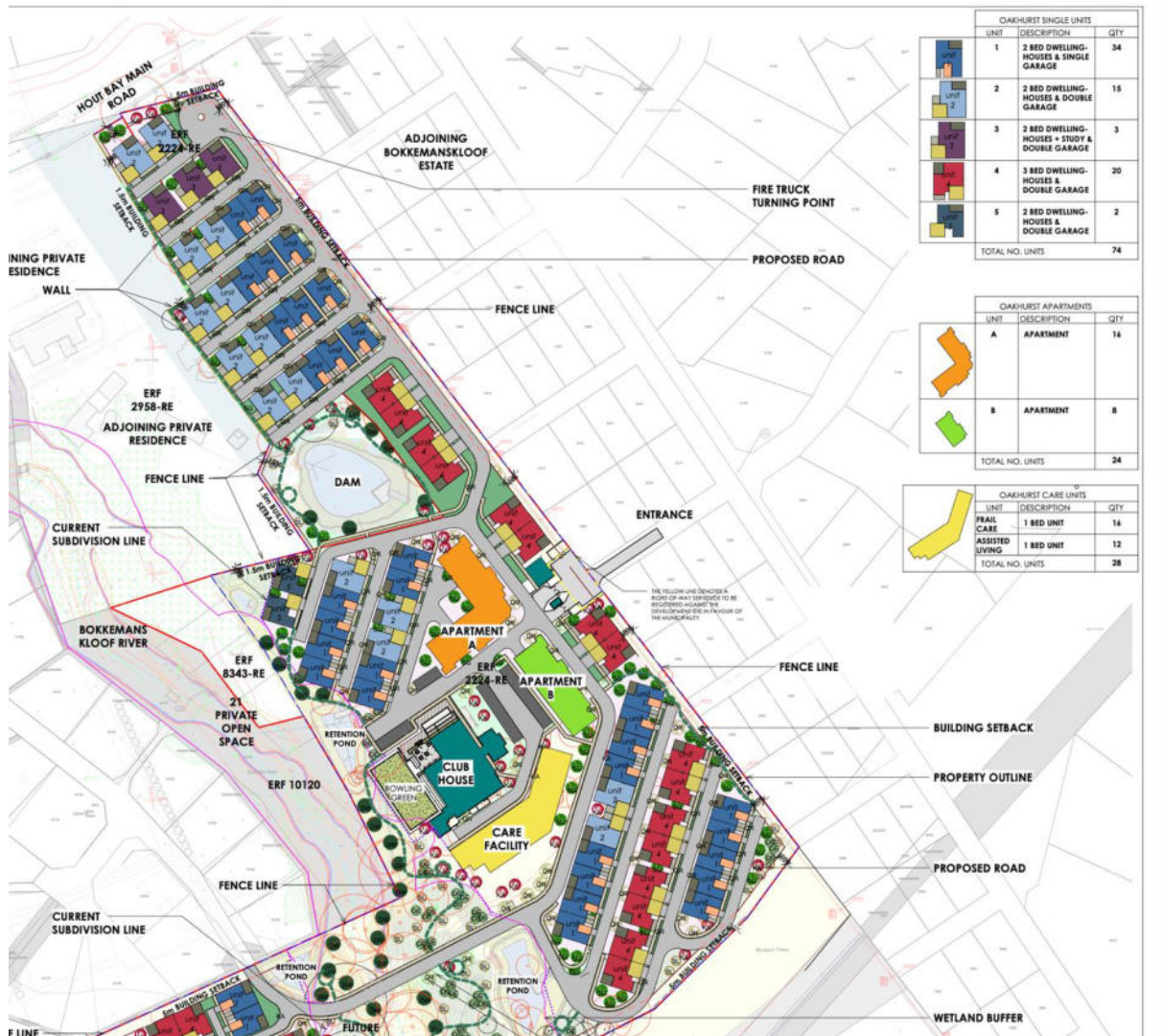


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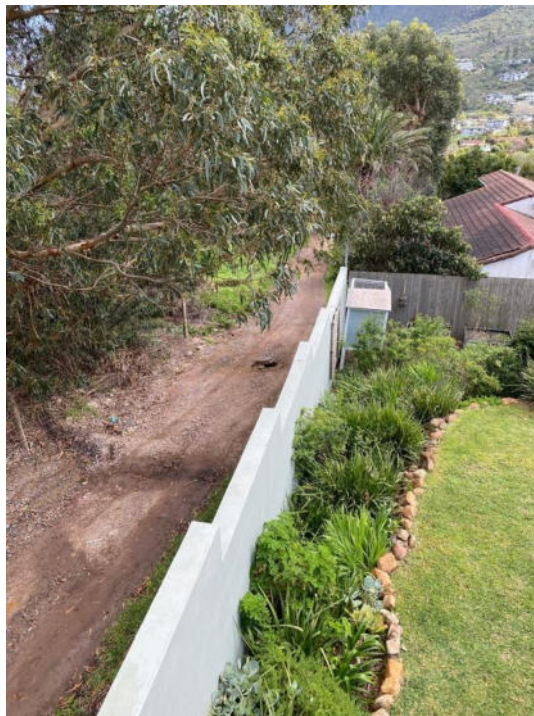


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- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.
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36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures. Constant levels of noise have been proven to negatively impact health. I specifically have bought property in an area close to nature and away from roads and traffic for this reason. I am already chronically ill and can from a health perspective not afford additional heavy impact on my health. I will not hesitate taking legal actions when the noise levels are above the legally acceptable levels and impacting my health.

Traffic Impact Assessment Report

37. I note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is my view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed. The amount of traffic has also increased significantly in Hout Bay and specifically on that road as it is part of one of the three only accesses in and out of Hout Bay.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
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44. I am of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready. This can be put as a condition to the approval of plans to avoid any doubts in this regard.
45. The developer should not be allowed to use completely inappropriate access, because the Main Entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

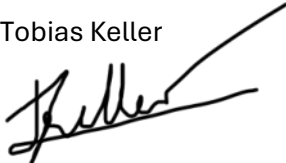
CONCLUSION

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I trust that you find the above in order and look forward to hearing from you.

Yours faithfully

Tobias Keller



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FIGURES:

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18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemans, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an “interested and affected party” to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (“the Competent Authority”) on 5 October 2015.
6. The Environmental Authorisation (“EA”) was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (“the initial application”). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (“the non-substantive amendment application”), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;
 - 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (“the Applicant”).

9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the "Present Application"). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment ("the Bridge Application").
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (“the Planning Application”).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure “A”, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure “B”.
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUPS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the Northeastern Boundary by the inclusion of the road within the setback.
27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such plant scaping.

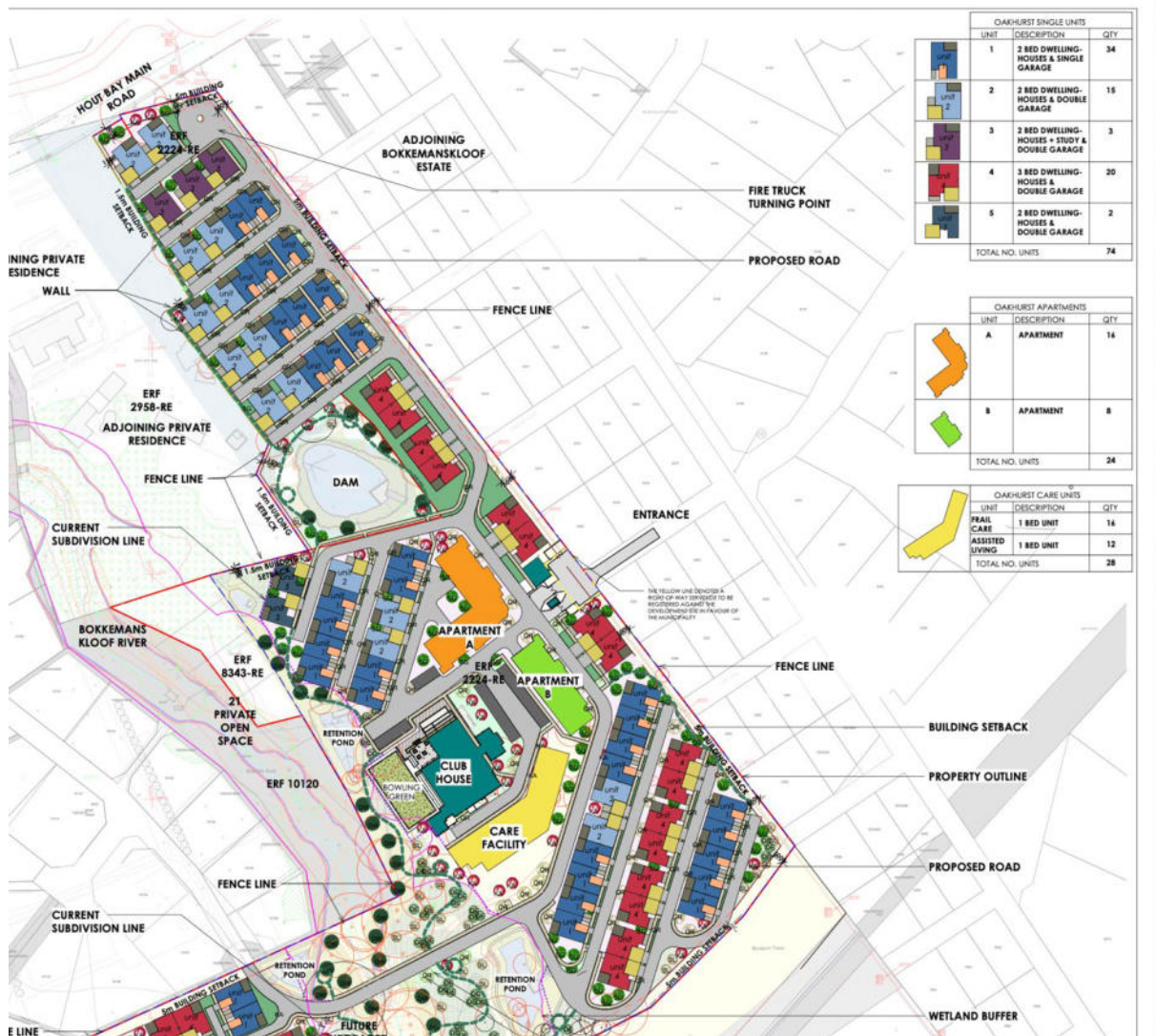


Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the "Old Dairy" or "Clay Cafe" road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction's drivers to see oncoming traffic. These driver will have extremely limited time to turn a large

vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.



Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties about this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. Figure 7: Photograph depicting Dorman Way, taken in September 2024

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state 'refer to town planner comments', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and no longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

Handwritten signatures of Andrew Boule and Helen Meintjes in blue ink.

Andrew Boule & Helen Meintjes
5 Bokkemenskloof Road

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road

3 - Photograph of “old dairy” road

4 - Photograph of manhole on “old dairy” road

5 - Photograph of residence in close proximity to “old dairy” road

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6a Blue Valley Avenue
Hout Bay
7806
Tel:0834146536 & 0730875651
Email: mickywiswedel@gmail.com; vikki.loles@gmail.com

18 September 2024

SEC Project Number 070845

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Figure 1: Site Development Plan annexed to Present Application

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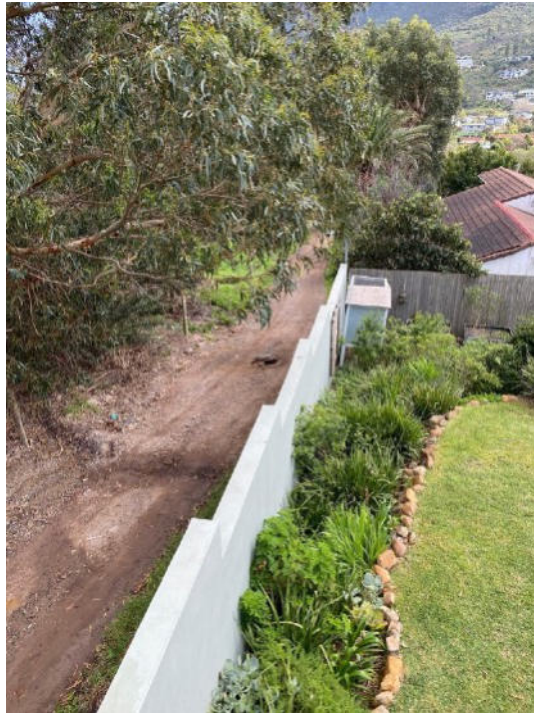
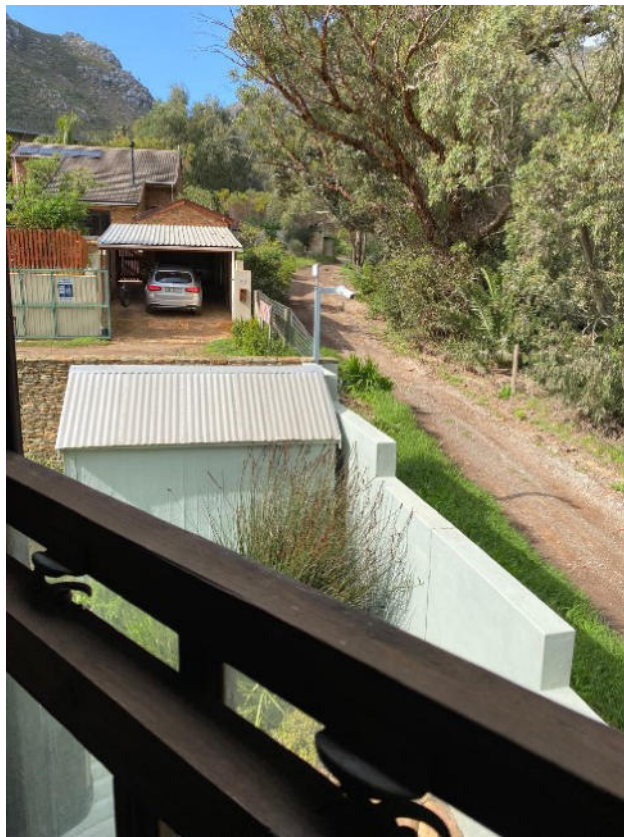


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CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

The image shows two handwritten signatures in black ink. The signature on the left is 'M. Wiswedel' and the signature on the right is 'V. Loles'. Below the signatures is a horizontal line.

Micky Wiswedel & Vikki Loles

ANNEXURES:

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B – Letter of Approval of Planning Application Site Development Plan

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19 September 2024

SEC Project Number 070845

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16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant’s Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
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27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such landscaping.

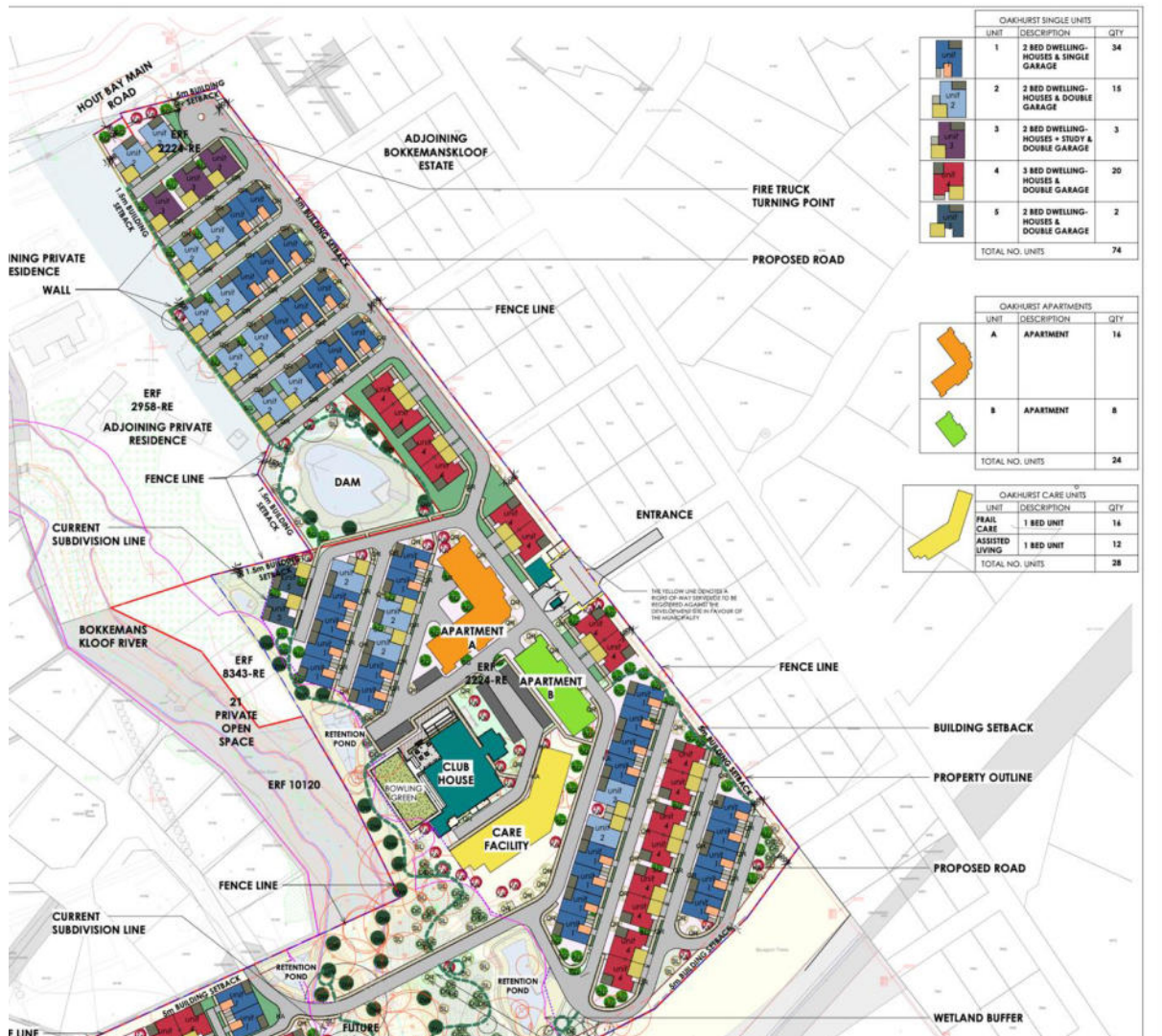


Figure 1: Site Development Plan annexed to Present Application

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oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.

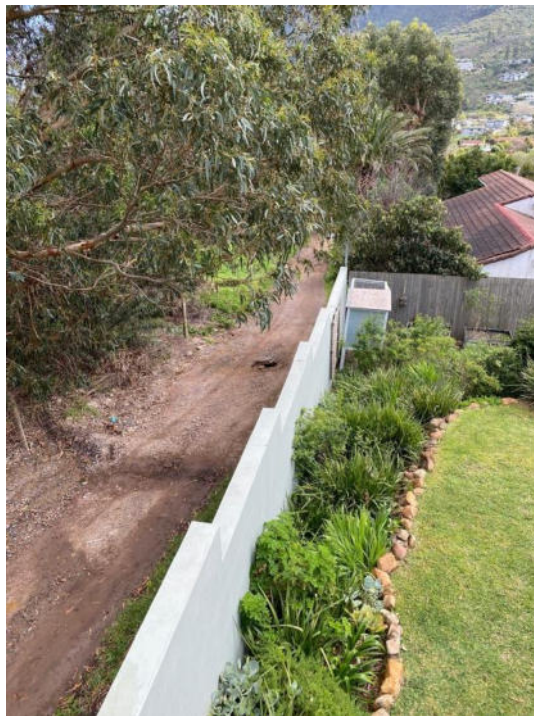
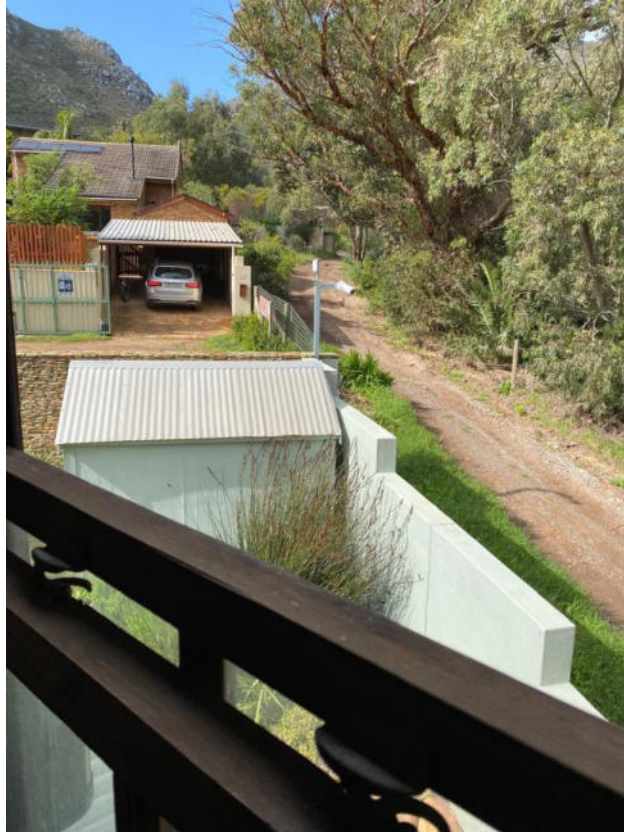


Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties abut this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and not longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'M. van den Heever', written in a cursive style.

Michael van den Heever

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road

3 - Photograph of “old dairy” road

4 - Photograph of manhole on “old dairy” road

5 - Photograph of residence in close proximity to “old dairy” road

6 - Photograph of garage in close proximity to “old dairy” road

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19 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. We confirm that we are property owners and resident in Blue Valley/Bokkemanskloof, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. Our interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. We are registered as an “*interested and affected party*” to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (“*the Competent Authority*”) on 5 October 2015.
6. The Environmental Authorisation (“*EA*”) was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (“*the initial application*”). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (“*the non-substantive amendment application*”), in respect of the following:
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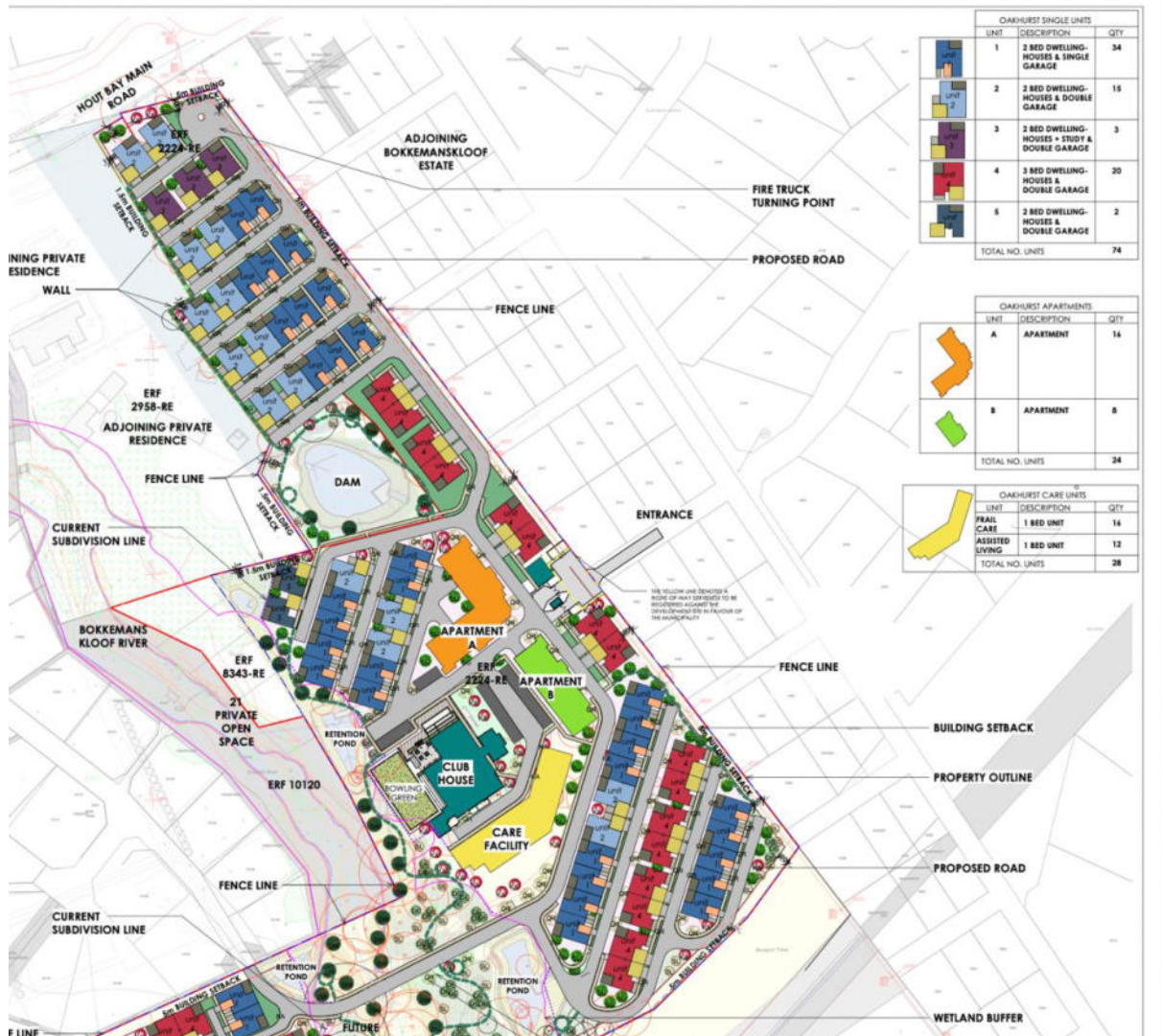


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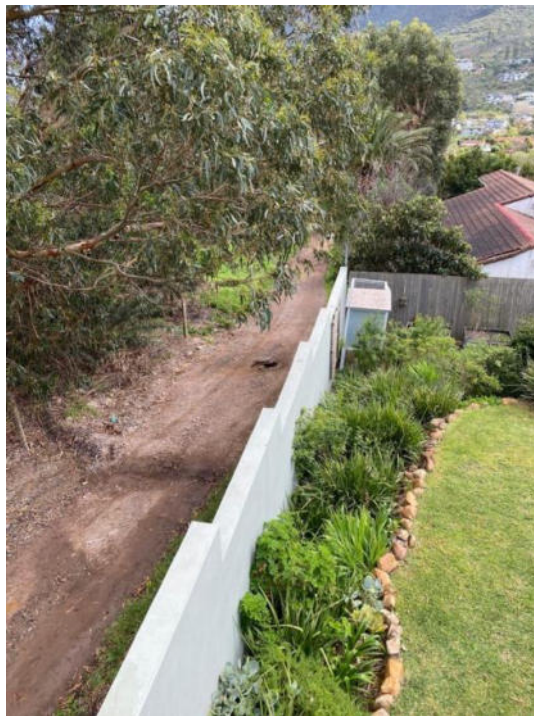


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CONCLUSION

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NIKKI SHEPHERD & GAVIN DETTMER

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7 Pine Street
Hout Bay
7806
Tel: 083 258 6152
Email: hadi@houtbay.co.za

19 September 2024

SEC Project Number 070845

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14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment ("*the Bridge Application*").
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision

in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).

19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure “**A**”, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure “**B**”.
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDINGS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.
27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such landscaping.

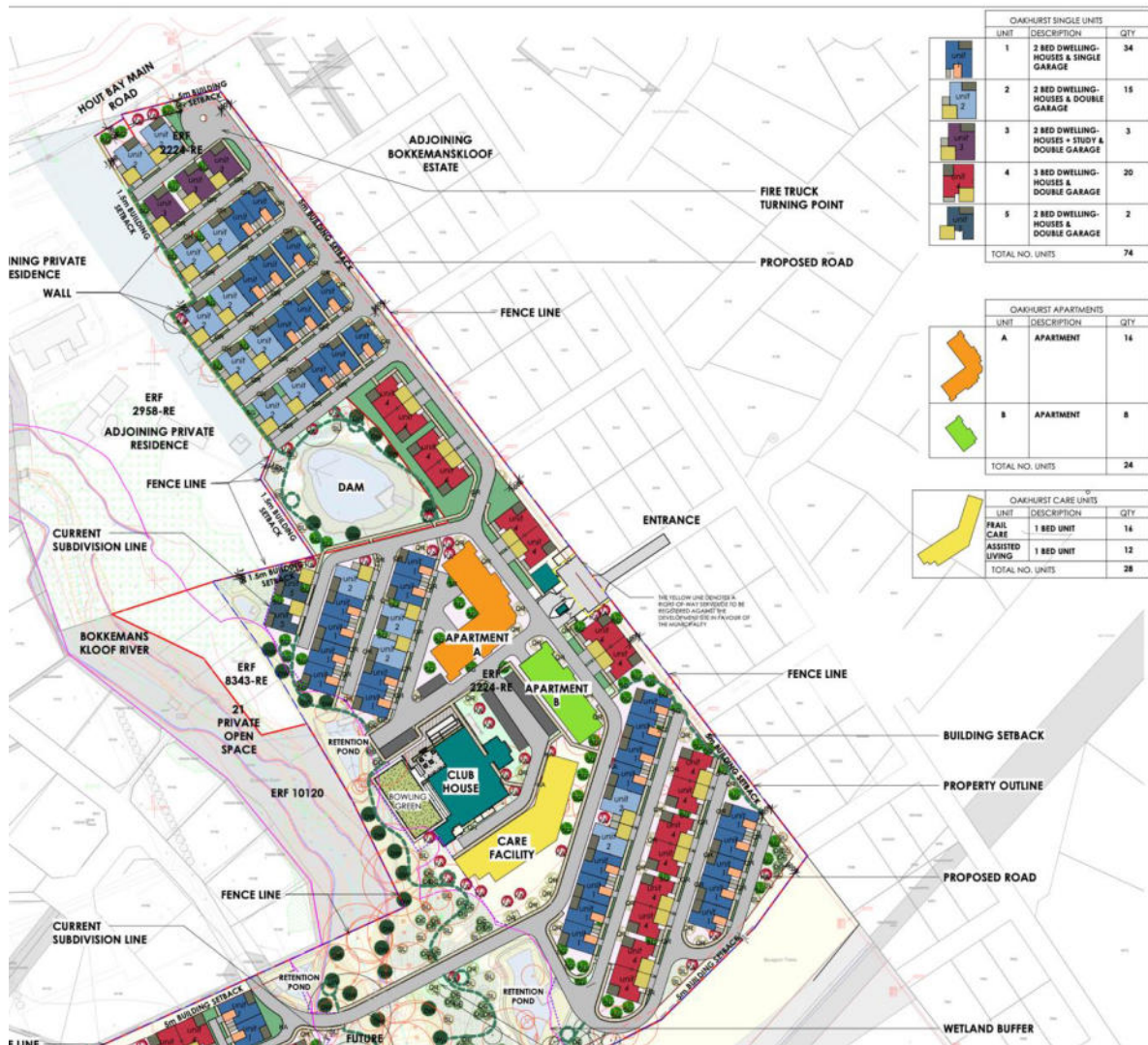


Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the "Old Dairy" or "Clay Cafe" road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction's drivers to see oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



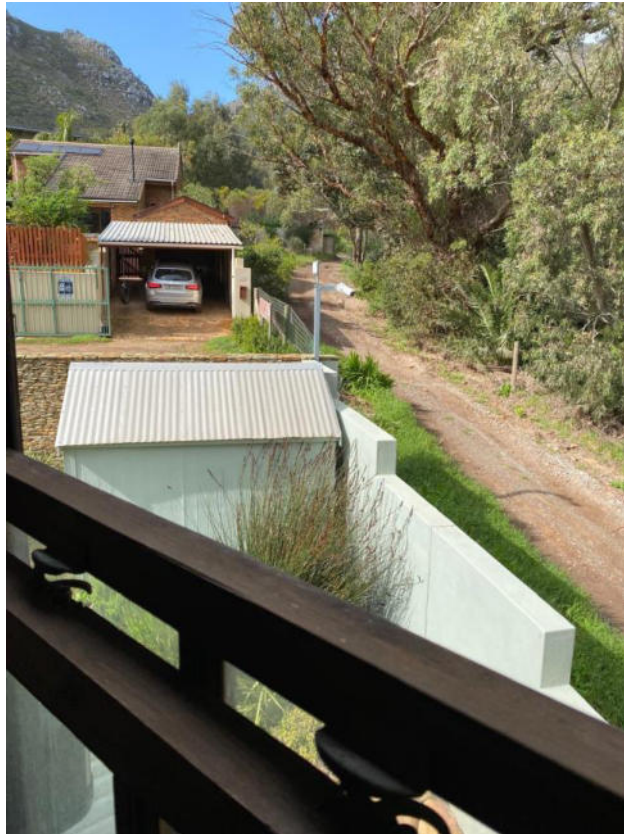
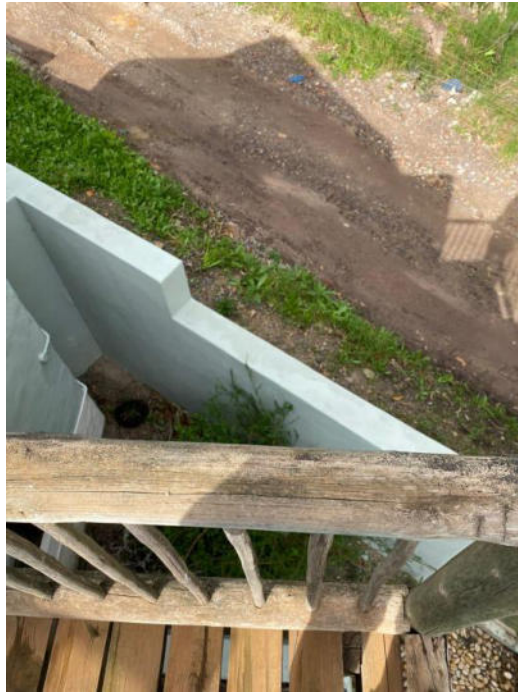
Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.



Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties abut this road are concerned for the condition and safety of their dwellings. These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and not longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Hadi Ertinger', written in a cursive style.

Hadi Ertinger

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road


3 - Photograph of “old dairy” road

4 - Photograph of manhole on “old dairy” road

5 - Photograph of residence in close proximity to “old dairy” road

6 - Photograph of garage in close proximity to “old dairy” road

7 - Photograph of Dorman Way taken in September 2024



18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification dated 21 August 2024 refer.
2. I confirm that I am a property owner and resident in Bokkemanskloof, Hout Bay situated in the vicinity of the proposed development, my full address and particulars as specified hereinabove.
3. I hereby request to be registered as an interested and affected party to the envisaged development.
4. My interests stand to be adversely affected by the proposed substantive amendment. I herein record my objections to and comments on the application for your attention.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (“*the Competent Authority*”) on 5 October 2015.
6. The Environmental Authorisation (“*EA*”) was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (“*the initial application*”). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (“*the non-substantive amendment application*”), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;
 - 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (“*the Applicant*”).
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.

10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the "*Present Application*"). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Cape Town.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
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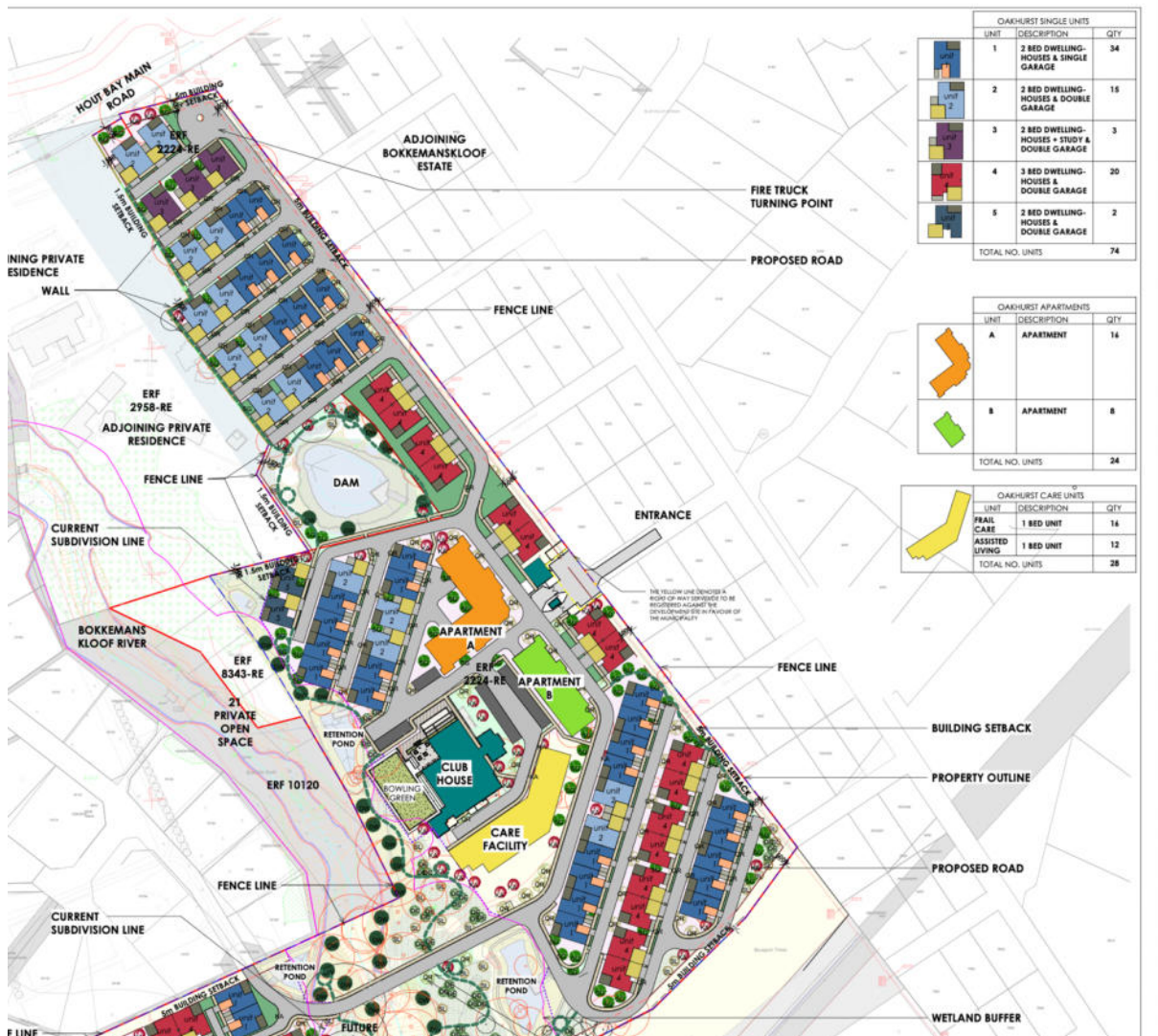


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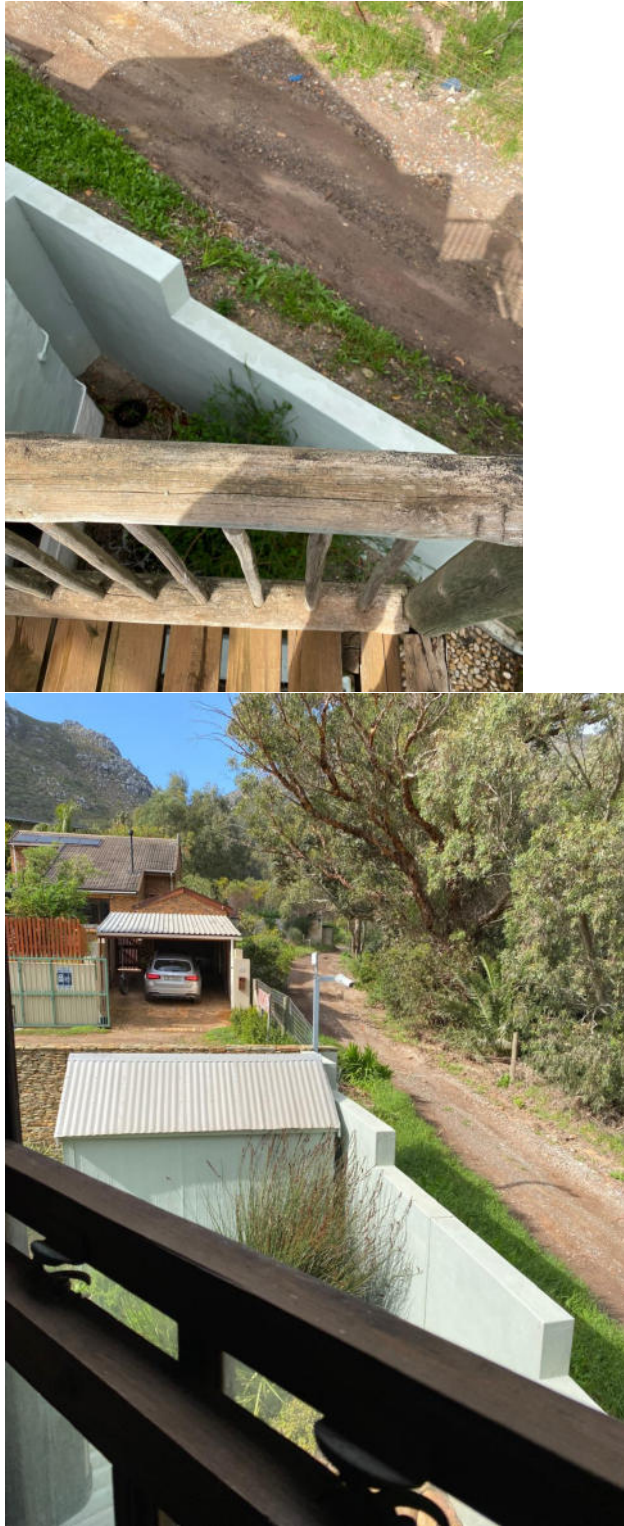
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37. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
38. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

39. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
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42. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
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44. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

I strongly object to the Present Application based on the submissions contained hereinabove.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Suzanne Powell', enclosed within a hand-drawn circle.

Suzanne Powell

ANNEXURES:

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FIGURES:

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18 September 2024

SEC Project Number 070845

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1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an “*interested and affected party*” to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (“*the Competent Authority*”) on 5 October 2015.
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 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *“Present Application”*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
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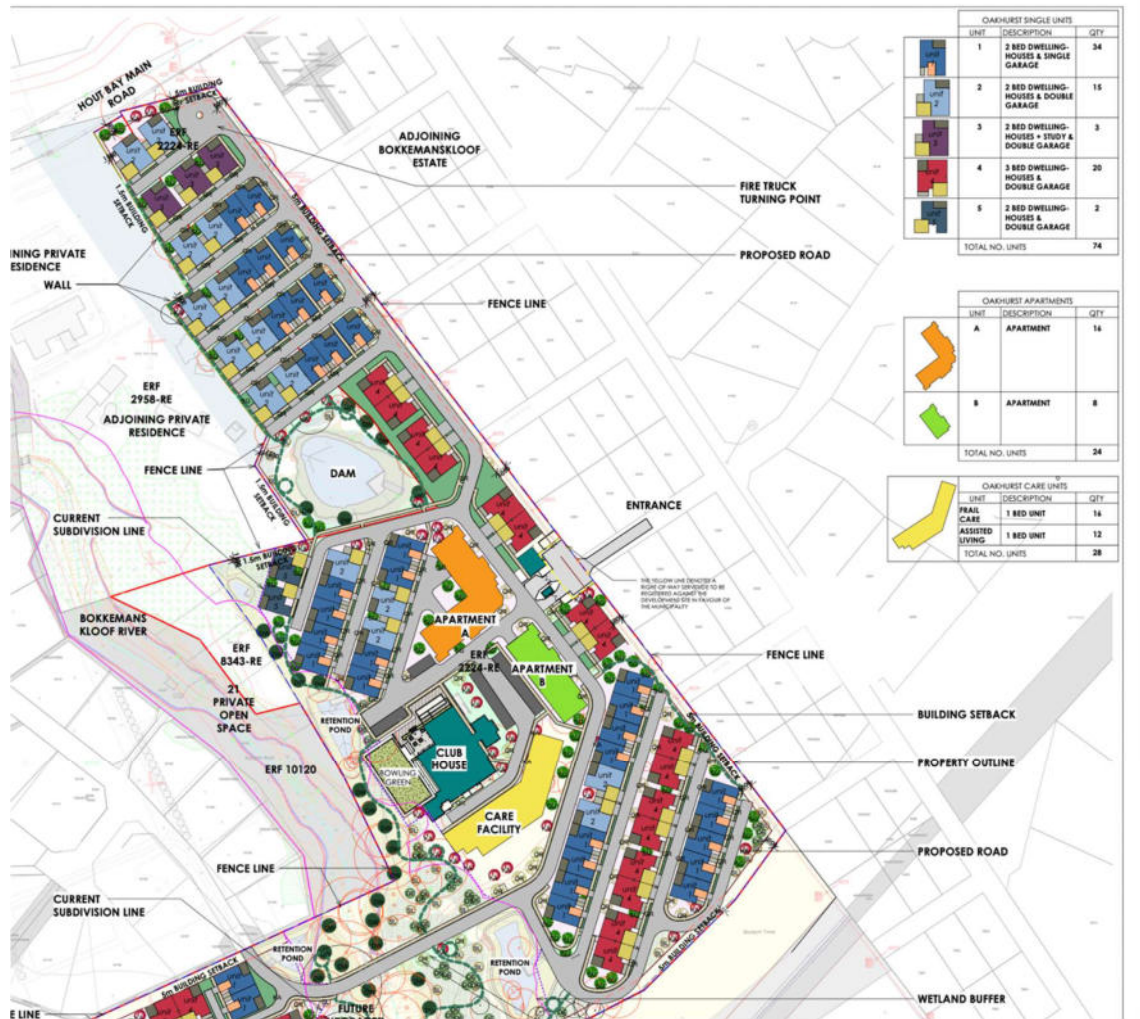


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CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to read "Jennifer Heynecke". The signature is fluid and cursive, with the first letter being a large capital 'J'.

Jennifer Heynecke

ANNEXURES:

A - Appeal Motivation

B - Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from "old dairy" road

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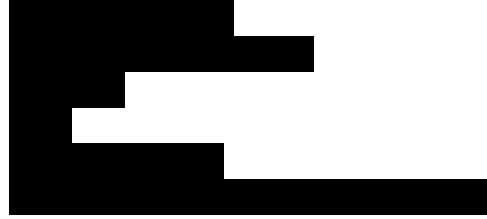
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Jozeften Louise Alfonsine Keppens



18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
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7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 ("*the initial application*"). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for ("*the non-substantive amendment application*"), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
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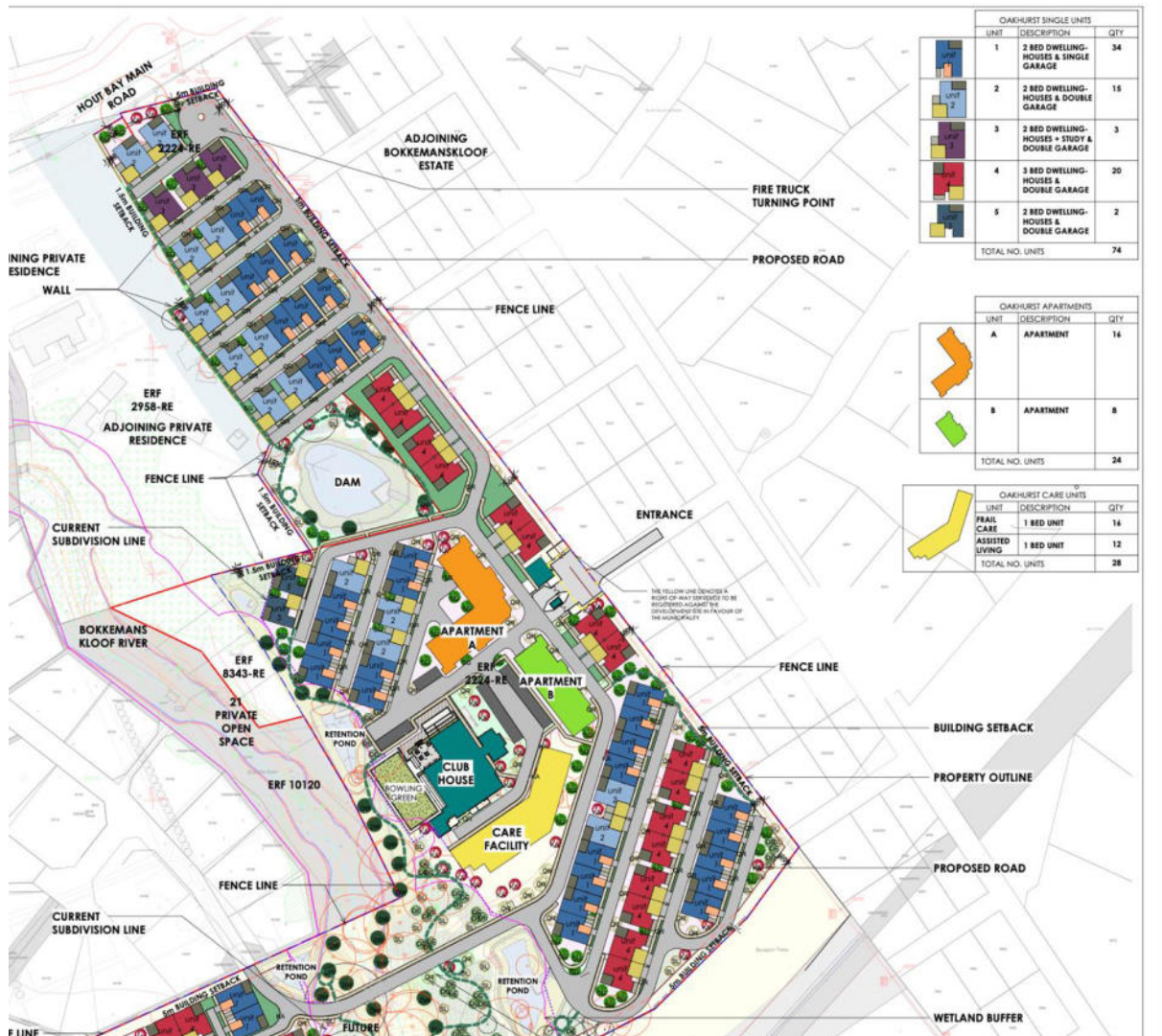


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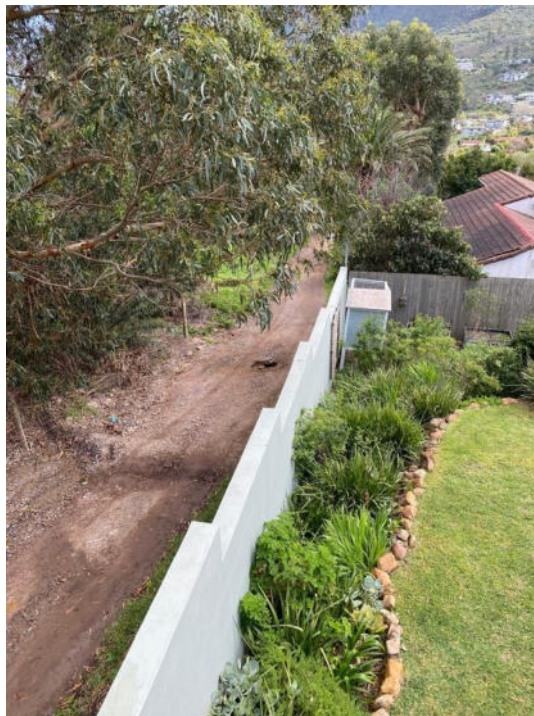
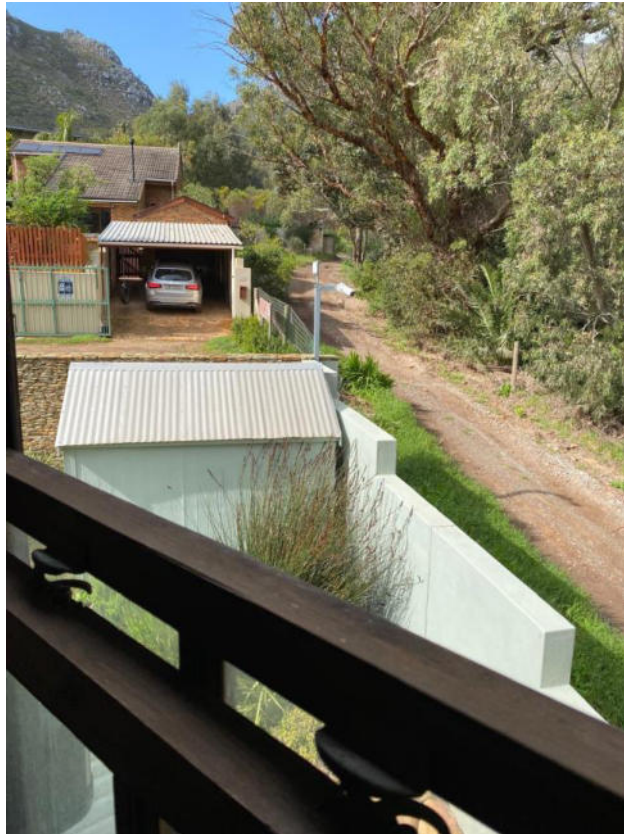
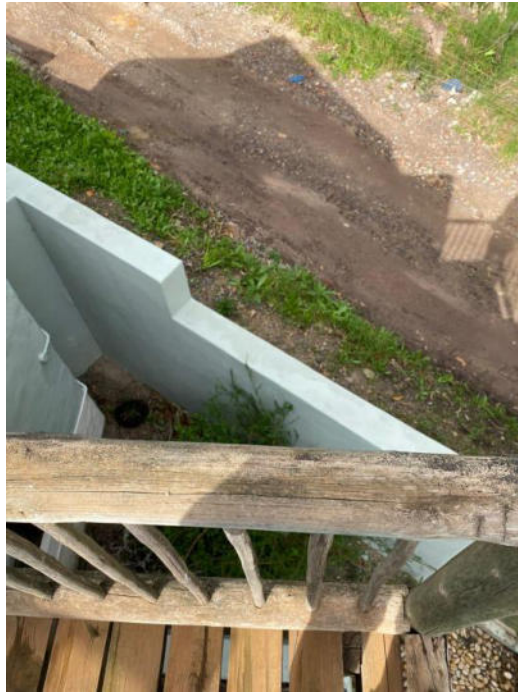


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Bongani Ngwanya

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Mary & Mark Jakins

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

18 September 2024

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I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the Northeastern Boundary by the inclusion of the road within the setback.
27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such plant scaping.

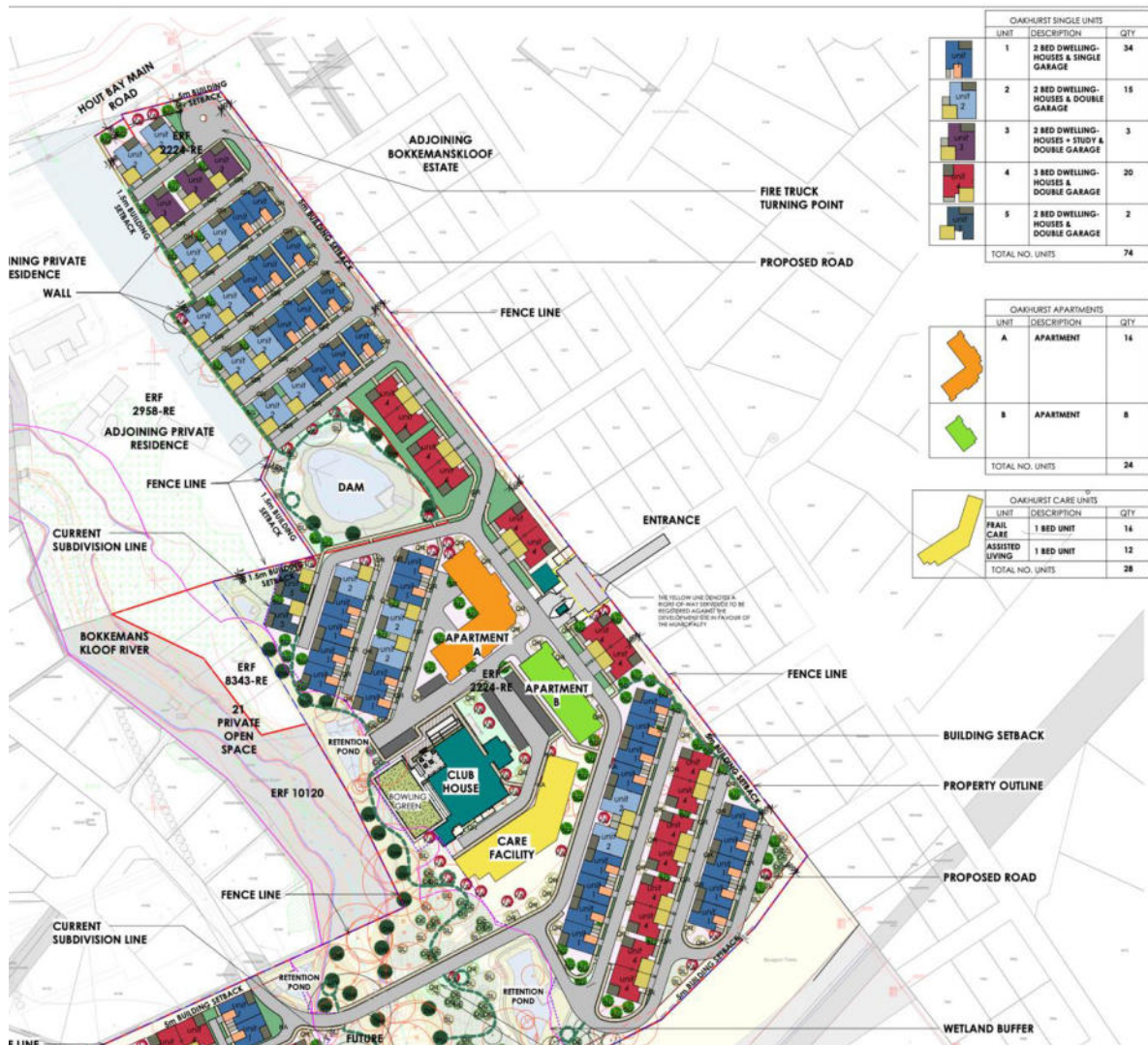


Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the "Old Dairy" or "Clay Cafe" road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction's drivers to see oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



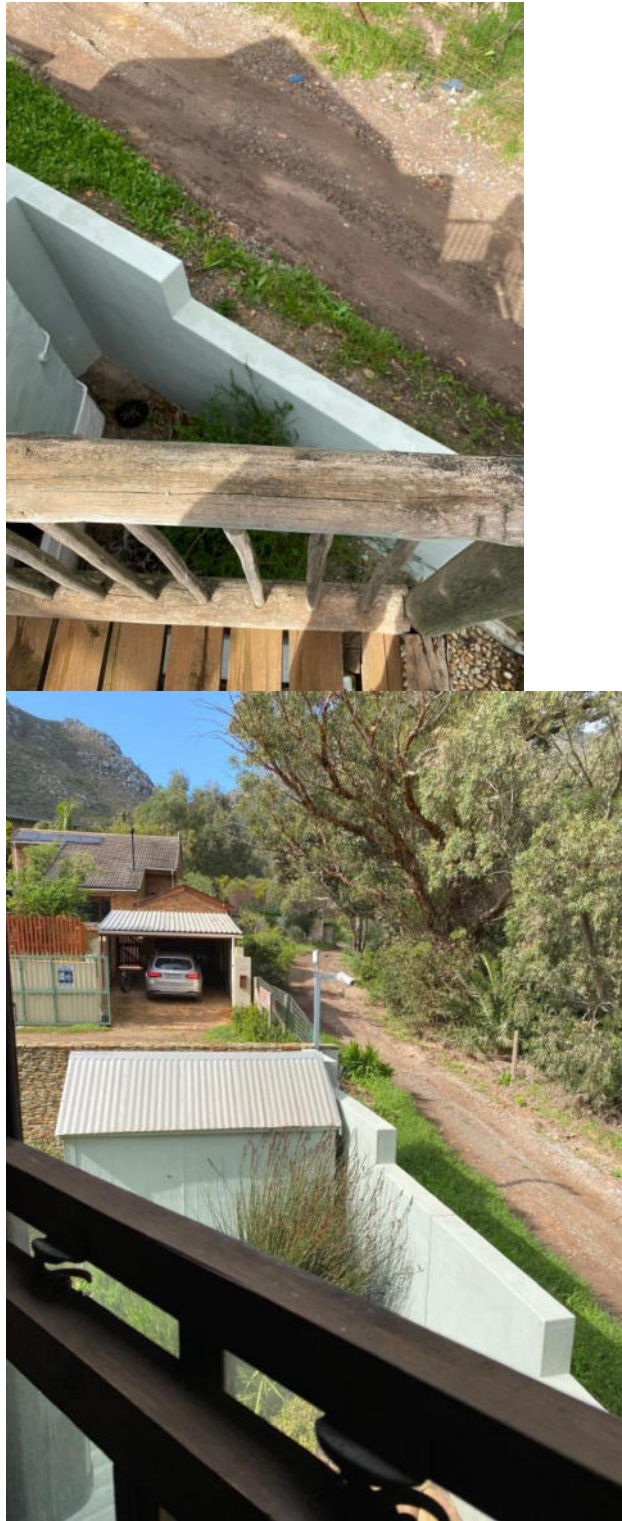
Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.



Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties about this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31.

Figure 7: Photograph depicting Dorman Way, taken in September 2024

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and no longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

M A P Jakins M E Jakins

MARY & MARK JAKINS

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road


3 - Photograph of “old dairy” road

4 - Photograph of manhole on “old dairy” road

5 - Photograph of residence in close proximity to “old dairy” road

6 - Photograph of garage in close proximity to “old dairy” road

7 - Photograph of Dorman Way taken in September 2024



19 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemanskloof, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
6. The Environmental Authorisation ("*EA*") was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 ("*the initial application*"). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for ("*the non-substantive amendment application*"), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
 10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *“Present Application”*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Cape Town.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant’s intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*“the Bridge Application”*).
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant’s Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Street or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch Street acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this primary access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure “**A**”, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure “**B**”.
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

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25. Birch Street is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch Street has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman Way indicated, nor any proof that access via Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the Northeastern Boundary by the inclusion of the road within the 5 (five) metre setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
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Figure 1: Site Development Plan annexed to Present Application

Access during construction

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29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction's drivers to see

oncoming traffic. These drivers will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “Old Dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



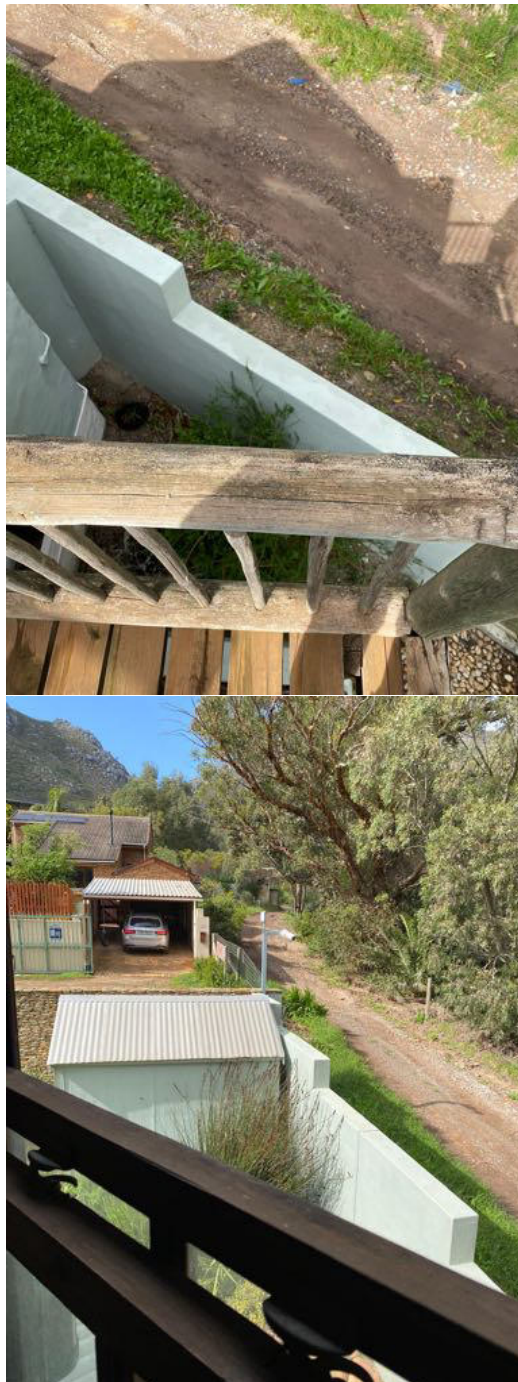
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- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this “Old Dairy” road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.
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31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

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32. The construction hours proposed are unreasonably long, when regarding the residential nature of the development environment.
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CONCLUSION

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We trust that you find the above in order and look forward to hearing from you.

Yours faithfully



Deon Durholtz



Lara Atkinson

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FIGURES:

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18 September 2024

SEC Project Number 070845

To whom it may concern,

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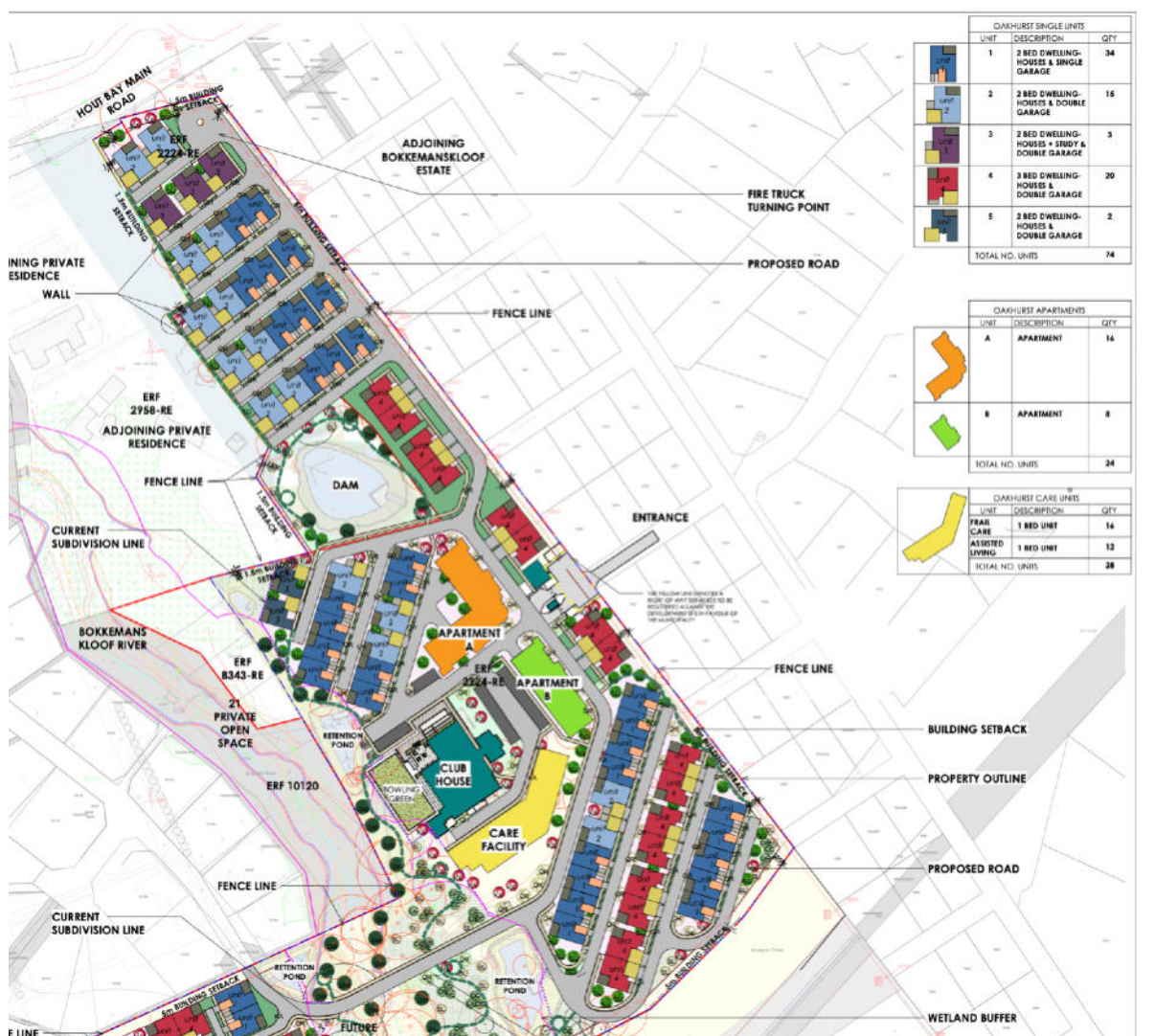


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Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

29.2. This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

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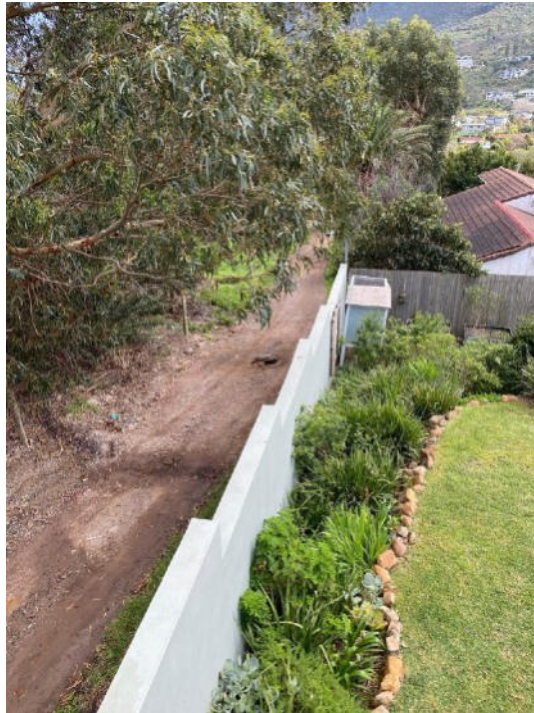
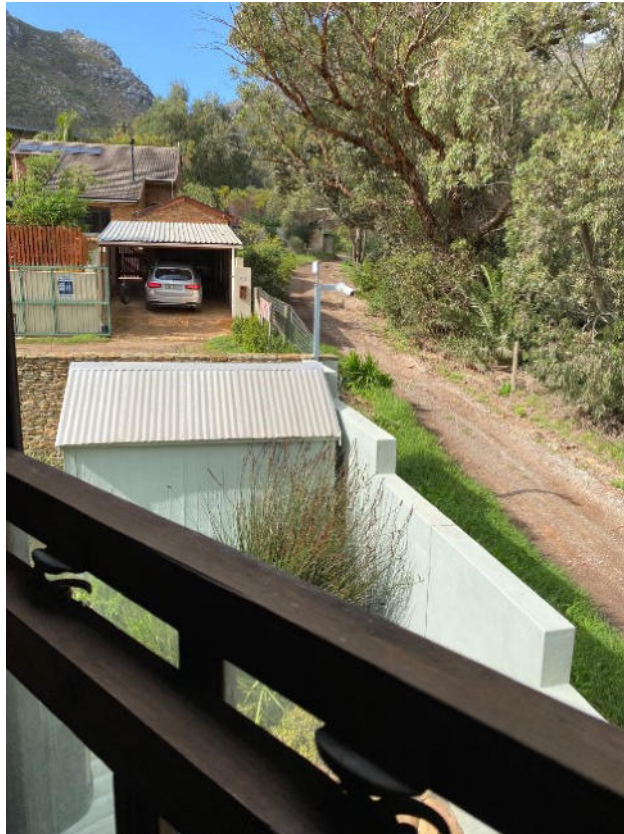


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Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6. The steep incline of the terrain makes it unsuitable for heavy construction vehicles.

- 29.7. There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.
30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



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Figure 7: Photograph depicting Dorman Way, taken in September 2024

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present

Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
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43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.

44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.

45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully



Elke Wiswedel

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road

3 - Photograph of “old dairy” road

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18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an *“interested and affected party”* to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (*“the Competent Authority”*) on 5 October 2015.
6. The Environmental Authorisation (*“EA”*) was subsequently granted, but later appealed by the Bokkemenskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (*“the initial application”*). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (*“the non-substantive amendment application”*), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
 10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *“Present Application”*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant’s intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*“the Bridge Application”*).
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant’s Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
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23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure **“A”**, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure **“B”**.
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I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

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25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the Northeastern Boundary by the inclusion of the road within the setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

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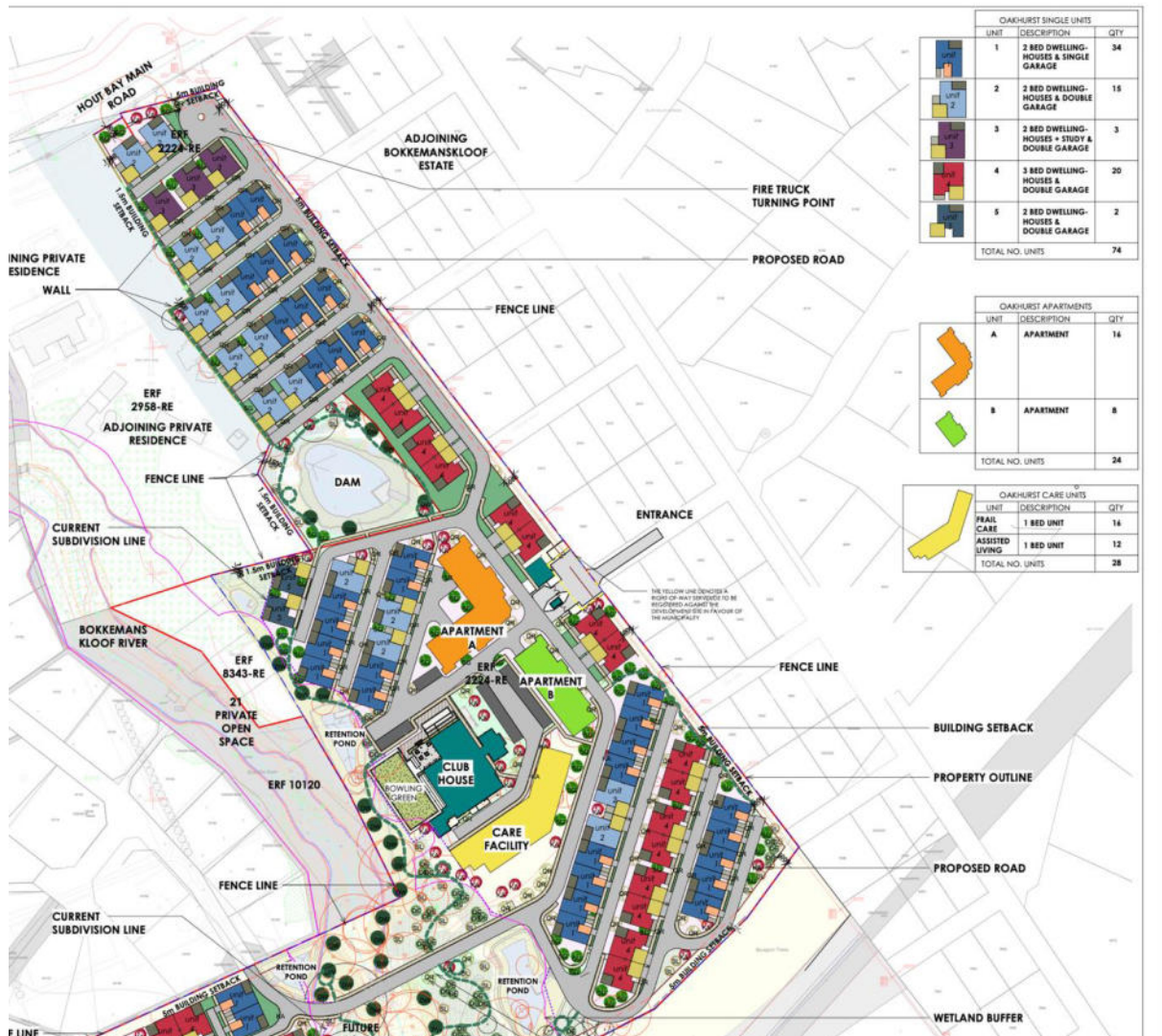


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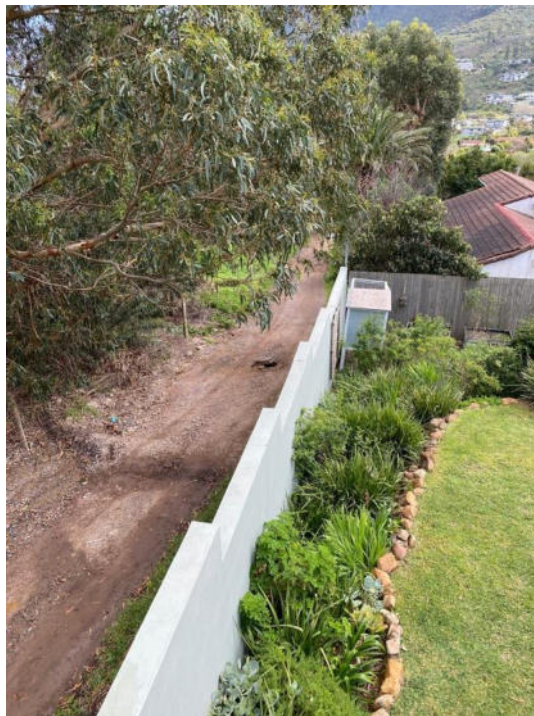
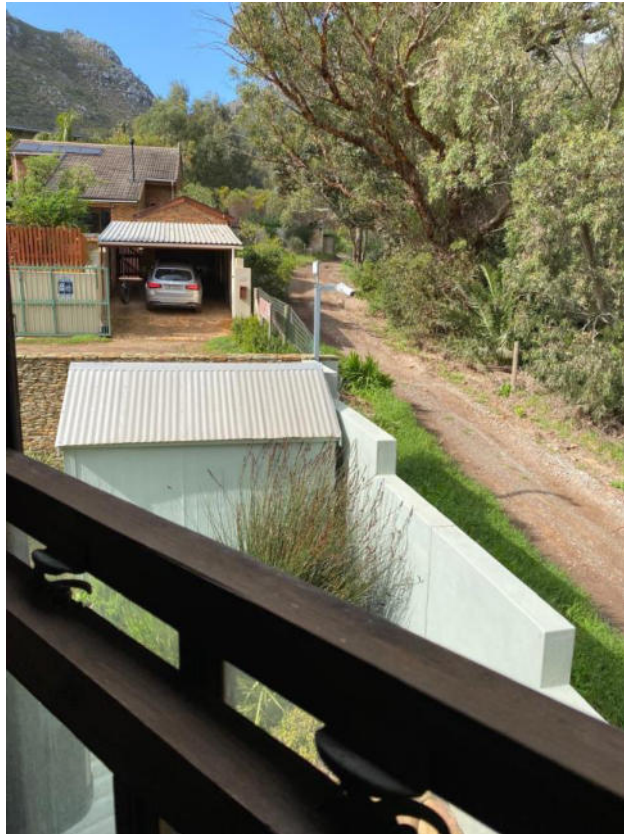


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GPR Liddle

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ERF : 6140

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18 September 2024

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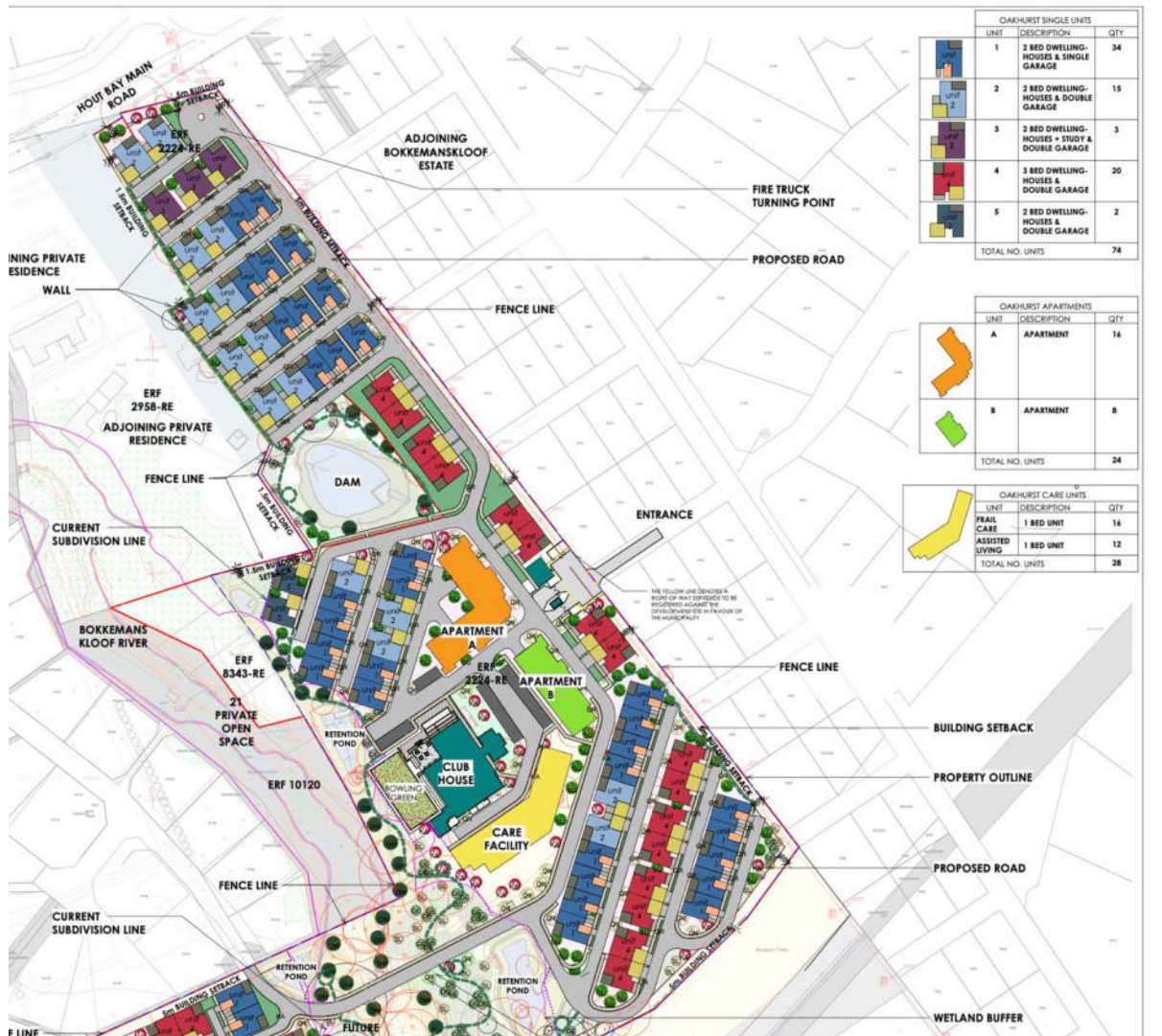


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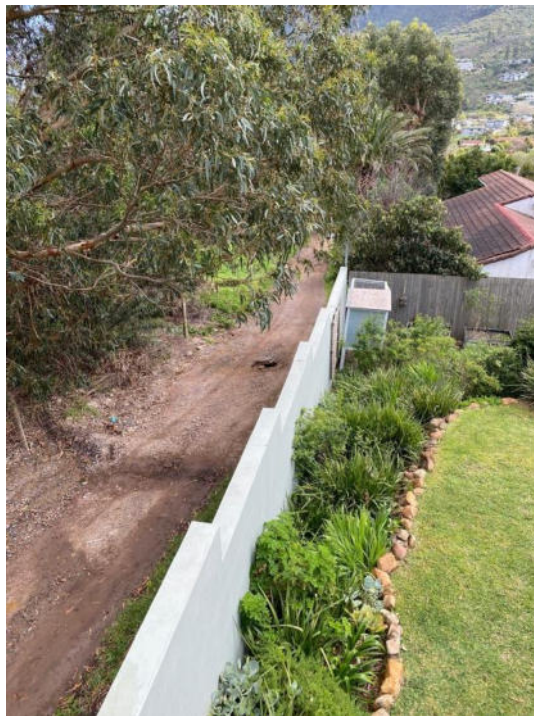
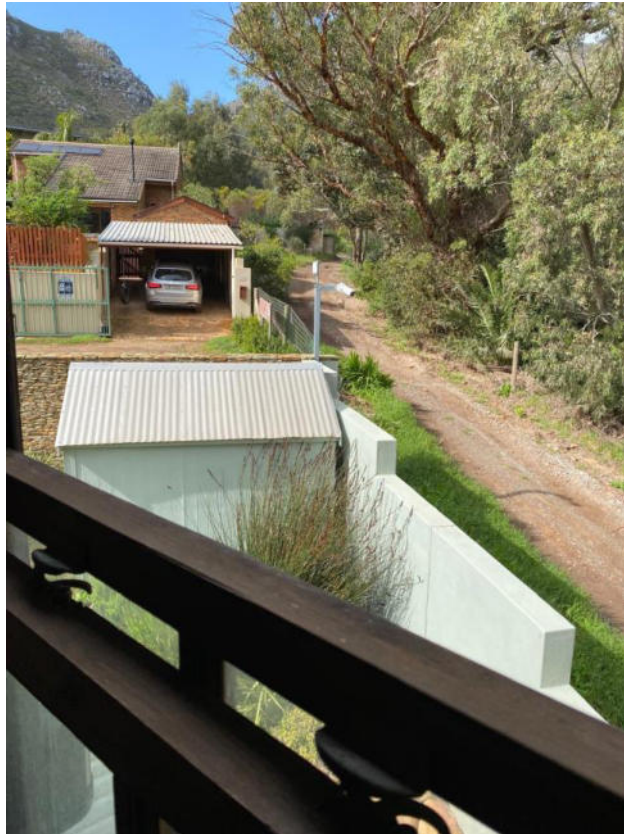
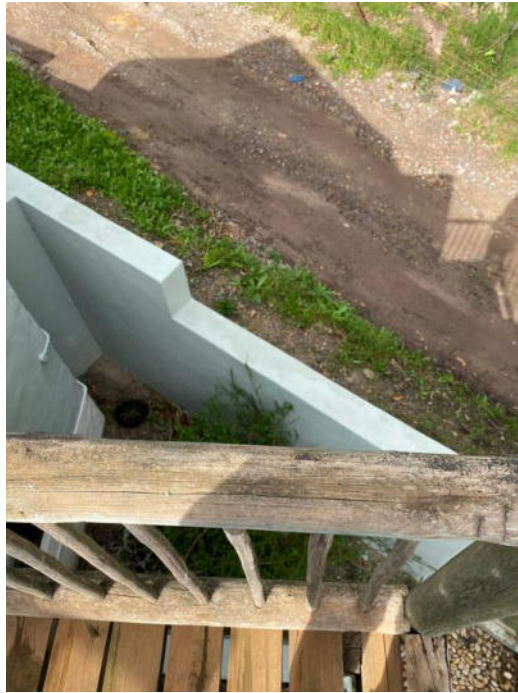


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Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

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31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

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41. There are far too many documents (thousands of pages) for the layman to read.
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43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
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45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

Peter Searll



ANNEXURES:

A - Appeal Motivation

B - Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

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3 - Photograph of “old dairy” road

4 - Photograph of manhole on “old dairy” road

5 - Photograph of residence in close proximity to “old dairy” road

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6 Blue Valley Avenue
Hout Bay
7806
Email: elsasmythe1@gmail.com Tel: 083 282 9096
Email: chris.smythe23@gmail.com Tel: 082 412 3400

18 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemanns, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an *“interested and affected party”* to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (*“the Competent Authority”*) on 5 October 2015.
6. The Environmental Authorisation (*“EA”*) was subsequently granted, but later appealed by the Bokkemannskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (*“the initial application”*). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (*“the non-substantive amendment application”*), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;
 - 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).

9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the "*Present Application*"). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Cape Town.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment ("*the Bridge Application*").
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure **“A”**, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure **“B”**.
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the Northeastern Boundary by the inclusion of the road within the setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such plant scaping.



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29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the "Old Dairy" or "Clay Cafe" road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction's drivers to see

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- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



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Elizabeth Smythe



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18 September 2024

SEC Project Number 070845

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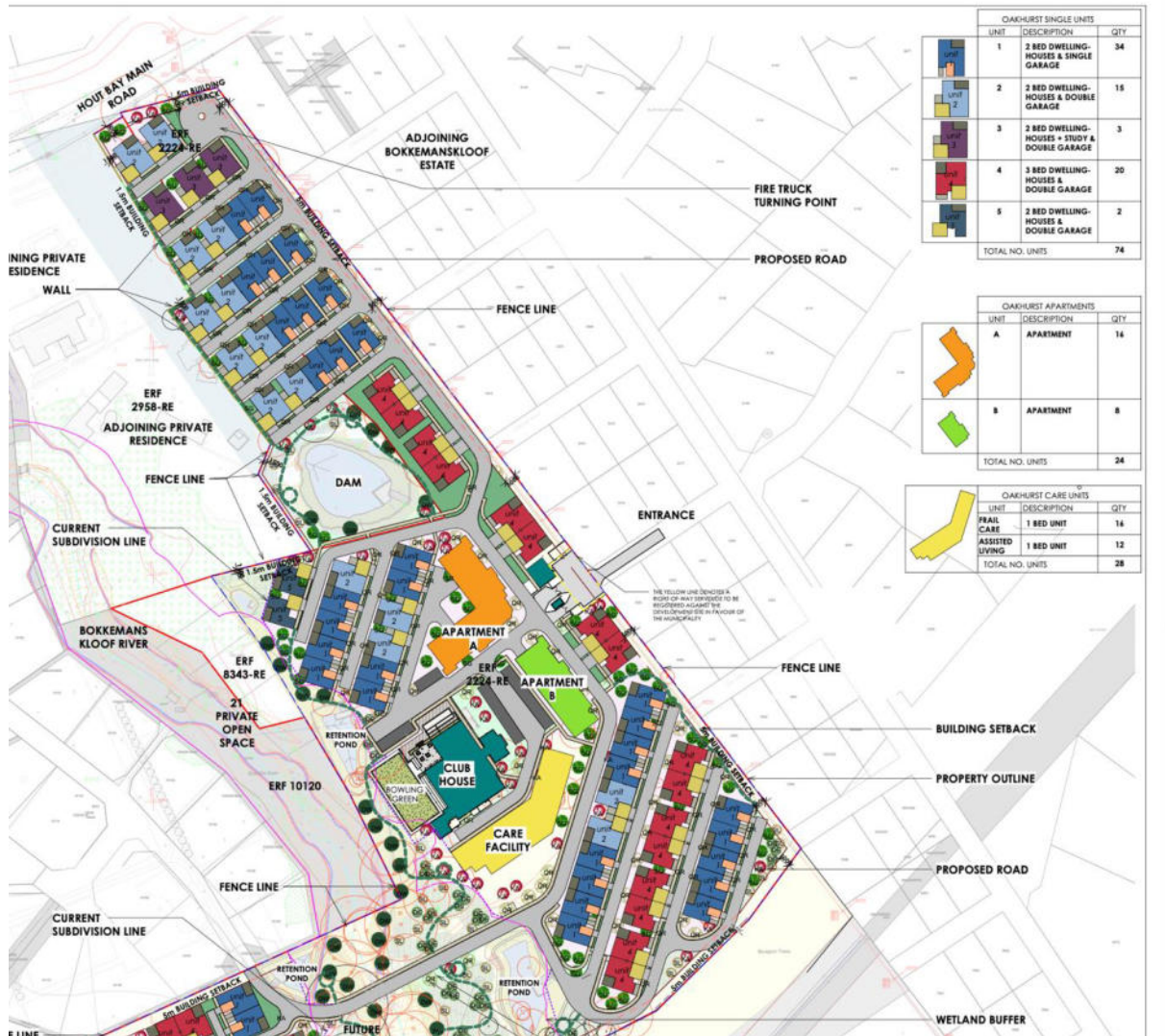


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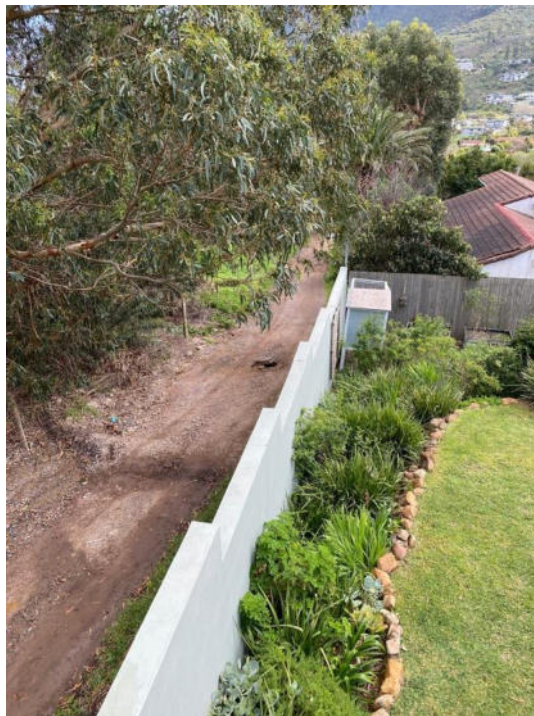
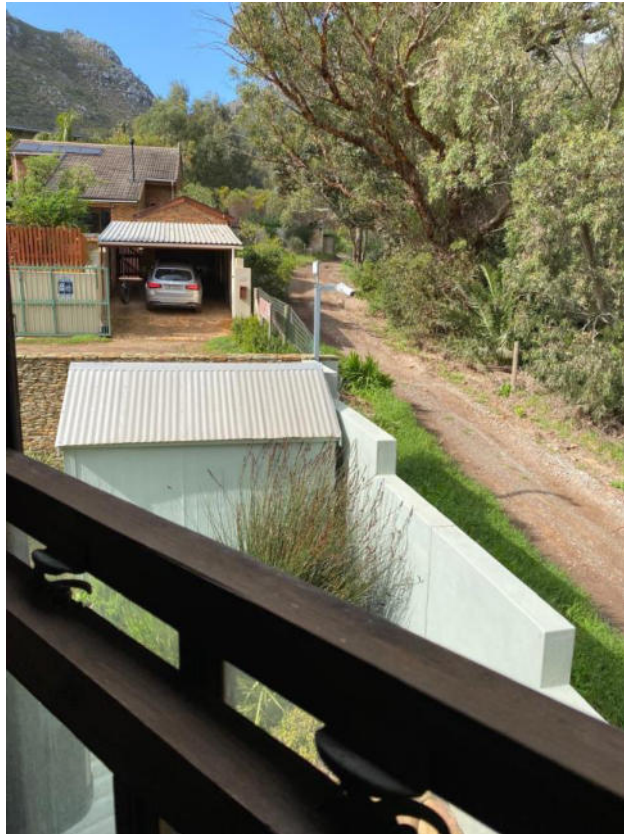


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32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

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40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and no longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully



Tom Thring

ANNEXURES:

A - Appeal Motivation

B - Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from "old dairy" road

3 - Photograph of "old dairy" road

4 - Photograph of manhole on "old dairy" road

5 - Photograph of residence in close proximity to "old dairy" road

6 - Photograph of garage in close proximity to "old dairy" road

7 - Photograph of Dorman Way taken in September 2024

6 Ash Lane
Hout Bay
7806
Tel: 0720187391
Email: Paul.steenkamp@icloud.com

20 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
6. The Environmental Authorisation ("*EA*") was subsequently granted, but later appealed by the Bokkemenskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 ("*the initial application*"). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.

8. During 2021, a non-substantive amendment to the initial application was applied for (*“the non-substantive amendment application”*), in respect of the following:
 - 8.1. an extension of the period of the validity of the EA;
 - 8.2. the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *“Present Application”*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant’s intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*“the Bridge Application”*).

16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*"the Planning Application"*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the "stub" roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure "**A**", together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure "**B**".
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUND OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.
27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.
28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such plantscaping.



Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the “Old Dairy” or “Clay Cafe” road. I oppose the use of this road during construction and at all for the following reasons:

29.1. This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction’s drivers to see oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

29.2. This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road I to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



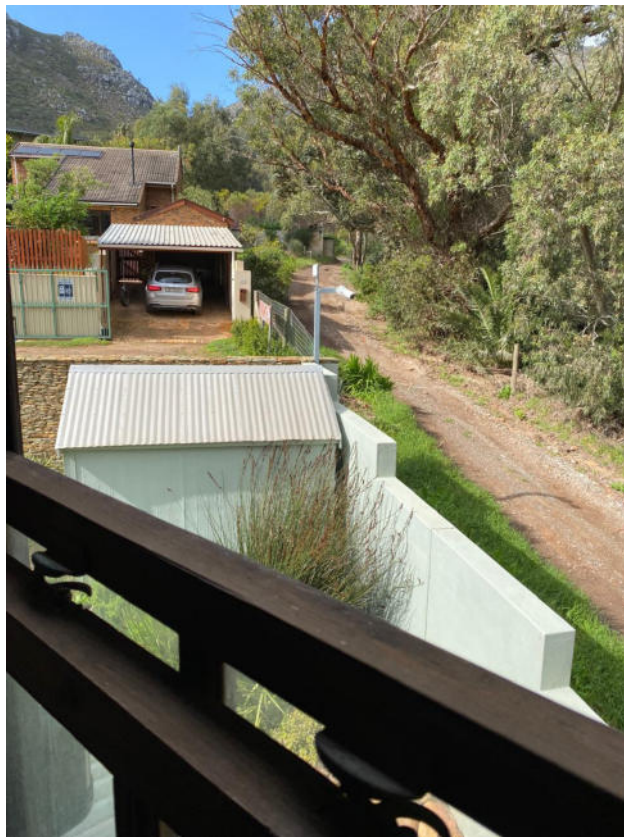
Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3. This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.



Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4. The residents who's properties abut this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5. In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

29.6. The steep incline of the terrain makes it unsuitable for heavy construction vehicles.

- 29.7. There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.
30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31.

Figure 7: Photograph depicting Dorman Way, taken in September 2024

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
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Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
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CONCLUSION

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20 September 2024

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28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such plantscaping.
29. The city has confirmed in Annexure A attached that there should be no more than 71 1-storey detached and linked houses and 24 two storey apartments. However in the documentation it looks as if they are proposing that the darker blue units are two story, and so the numbers don't add up.

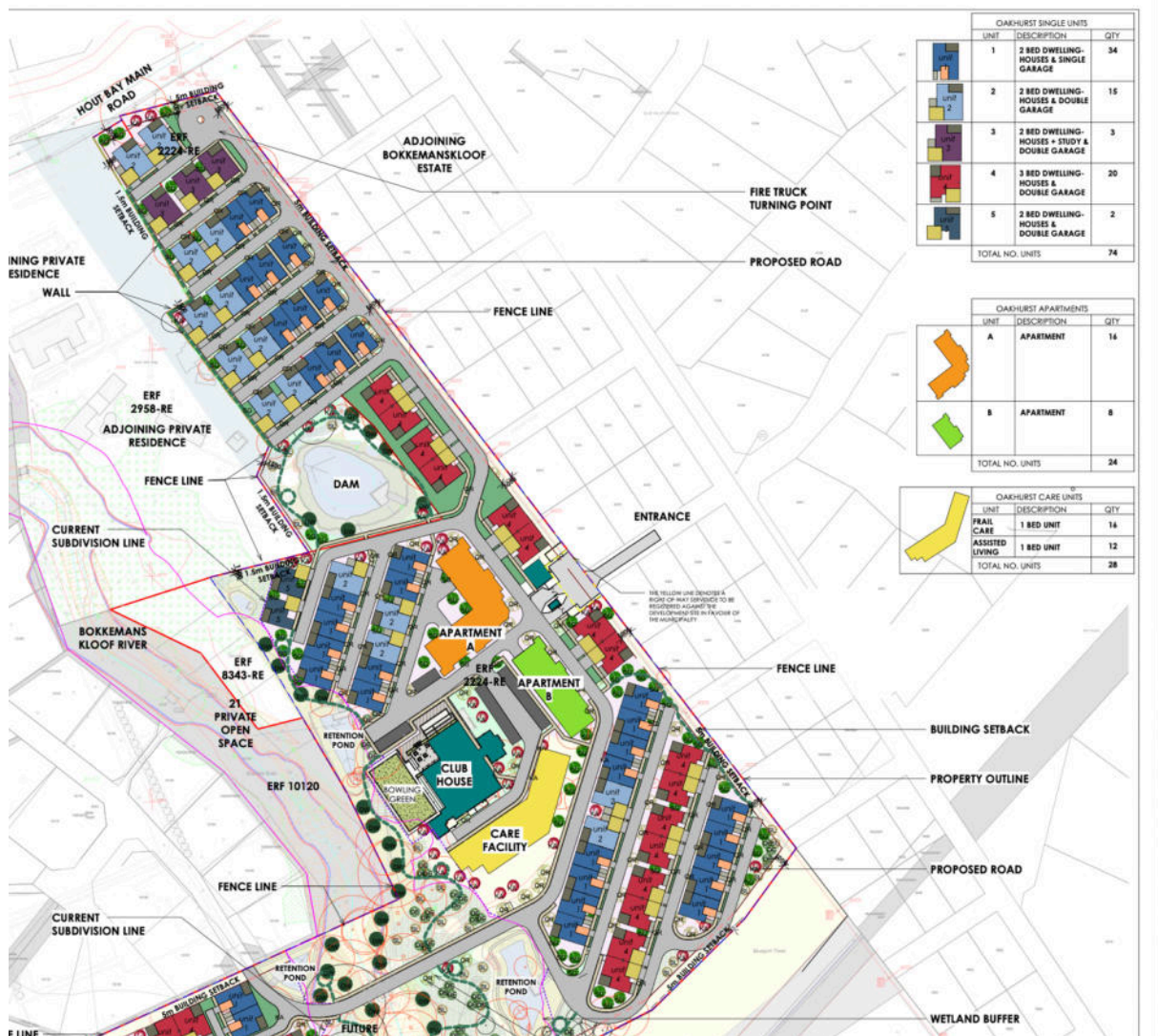


Figure 1: Site Development Plan annexed to Present Application

Access during construction

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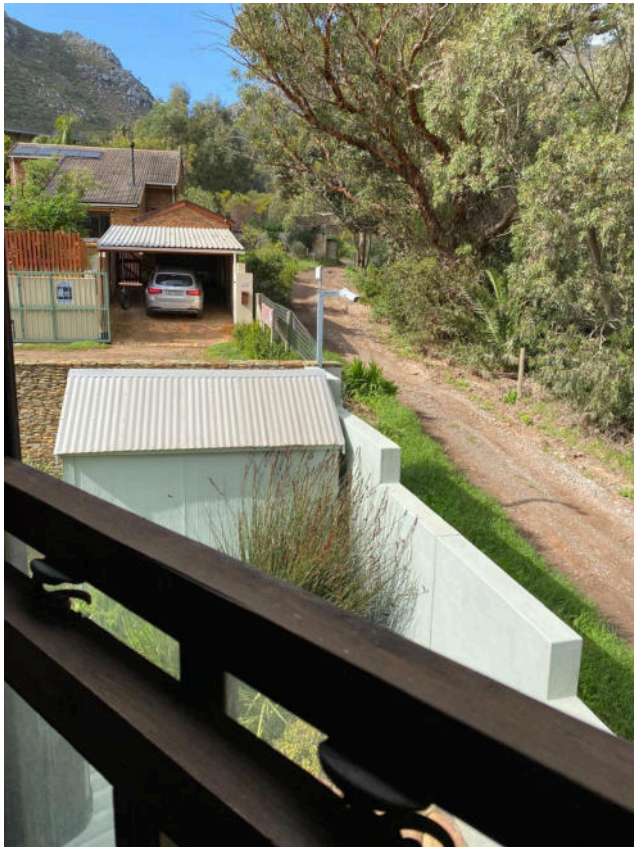
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44. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
45. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.

46. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

Michael Scott

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ANNEXURES:

- A** - Appeal Motivation
- B** – Letter of Approval of Planning Application Site Development Plan

FIGURES:

- 1** - Site Development Plan
- 2** - Photograph of Hout Bay Main Road from “old dairy” road
- 3** - Photograph of “old dairy” road
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

19 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemens, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an *"interested and affected party"* to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning (*"the Competent Authority"*) on 5 October 2015.
6. The Environmental Authorisation (*"EA"*) was subsequently granted, but later appealed by the Bokkemenskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 (*"the initial application"*). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for (*"the non-substantive amendment application"*), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*"the Applicant"*).
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
 10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *"Present Application"*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant's intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*"the Bridge Application"*).
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant's Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Hout Bay.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*"the Planning Application"*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the "stub" roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure "A", together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure "B".
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I/we object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as "The Entrance" rather than an "alternate" or "secondary" entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.
27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such landscaping.

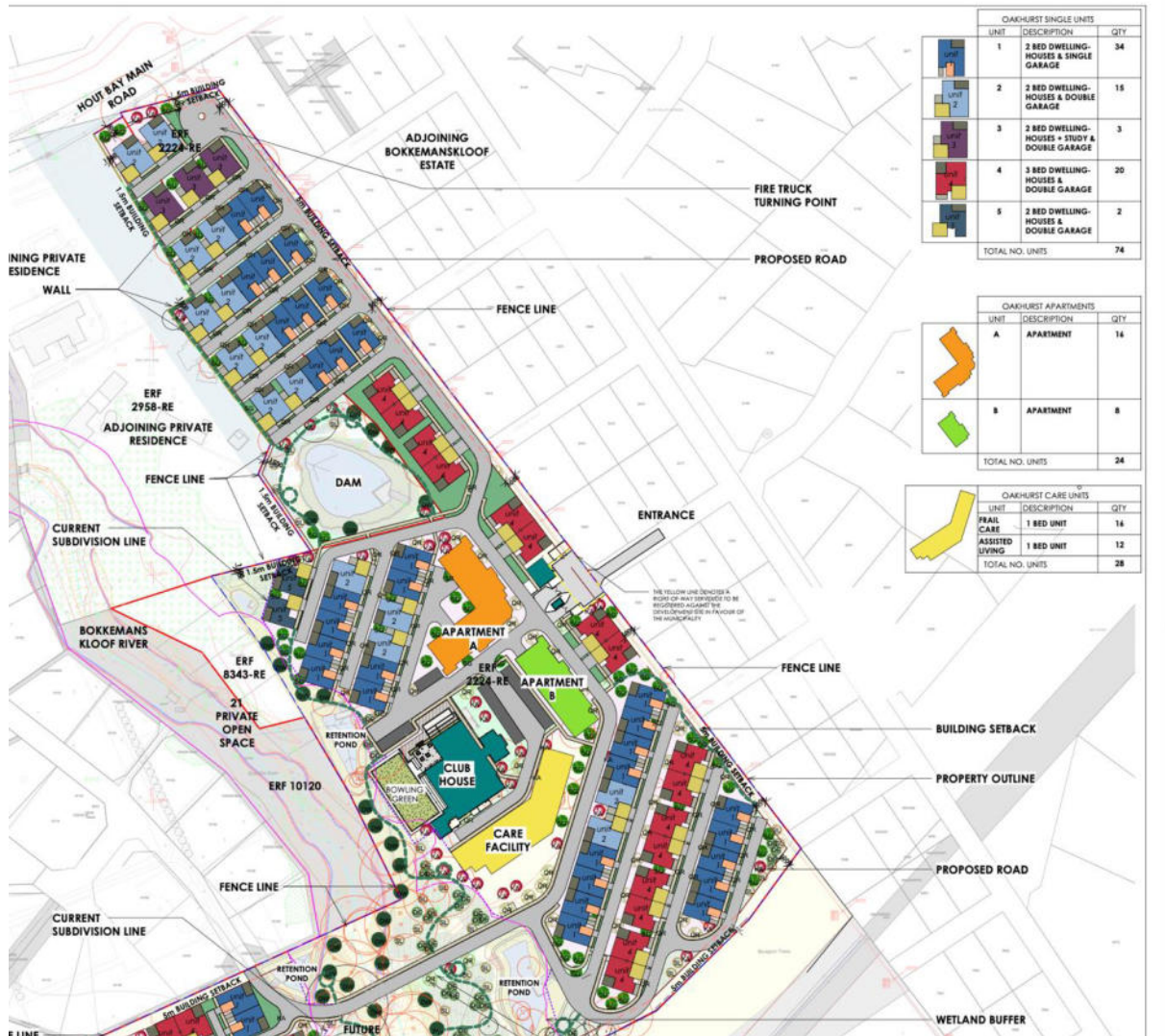


Figure 1: Site Development Plan annexed to Present Application

Access during construction

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cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



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- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.

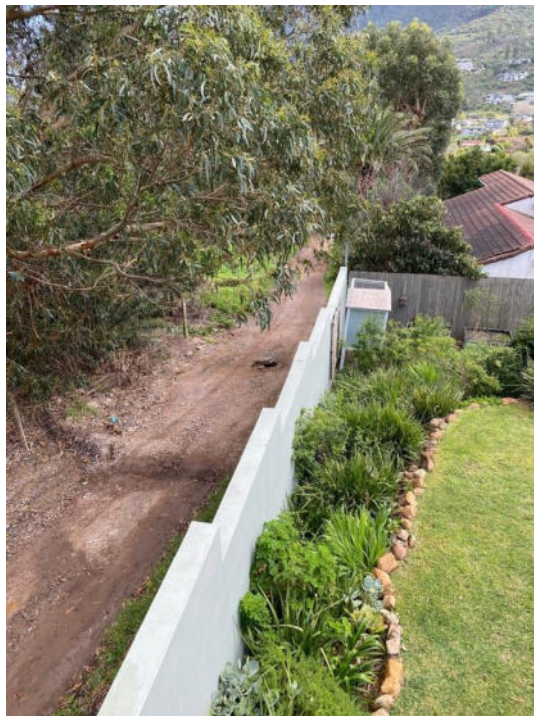
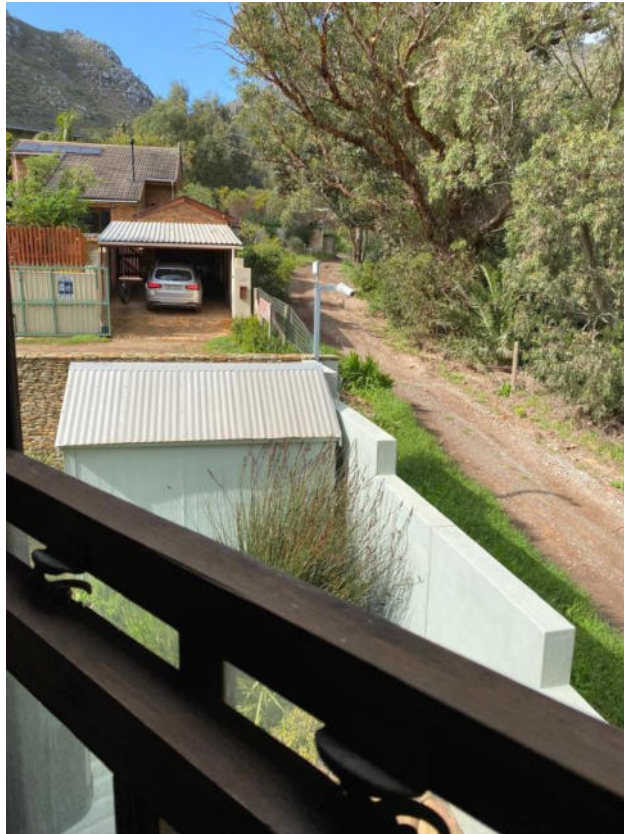
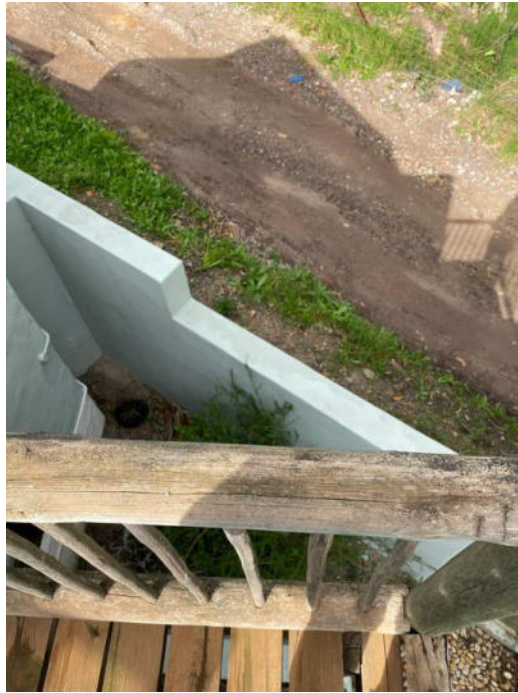


Figure 4: Photograph depicting old the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents who's properties abut this road are concerned for the condition and safety of their dwellings These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
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CONCLUSION

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Shayne van den Heever

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35 Bokkemanskloof Rd
Hout Bay
7806
Tel: 082-456 2670
Email: dave@wcpt.co.za

18 September 2024

SEC Project Number 070845

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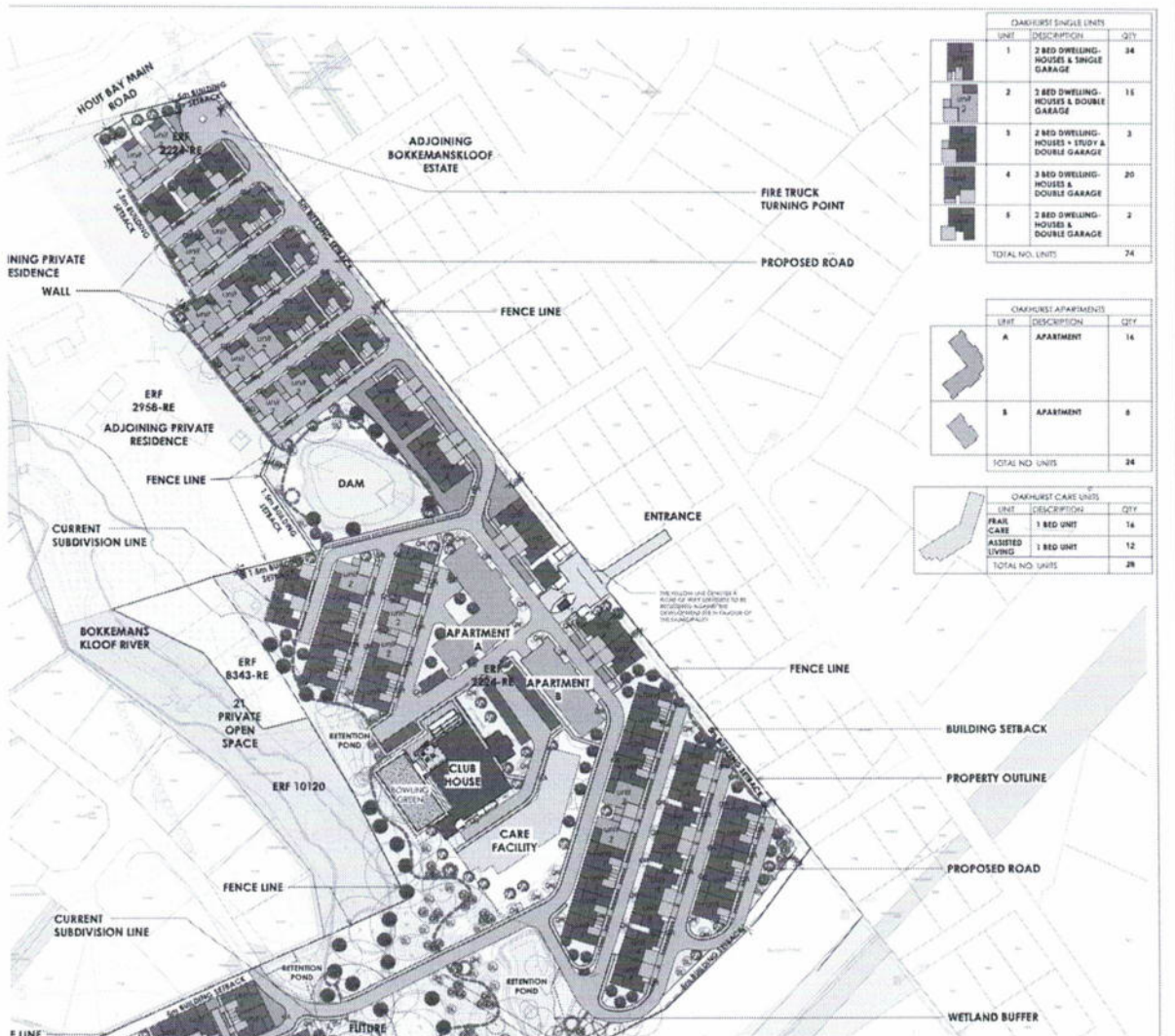


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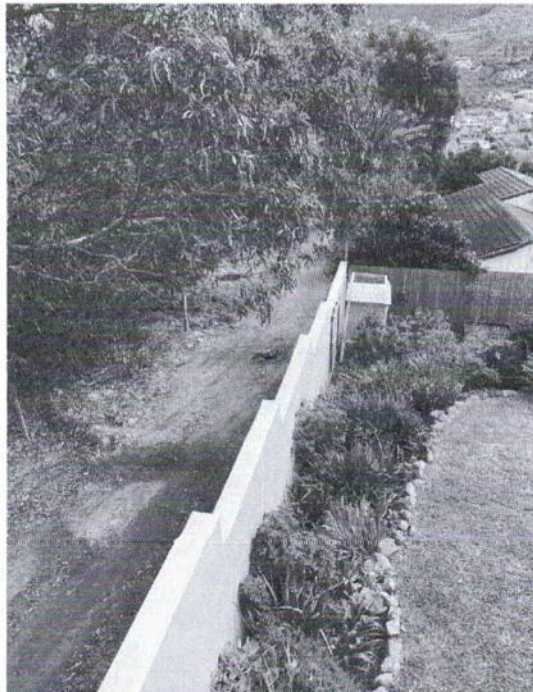
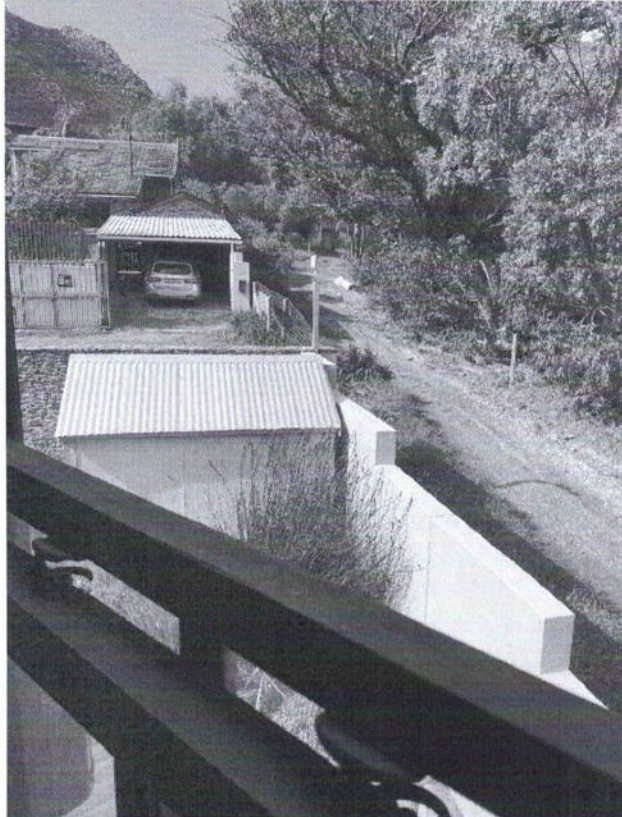


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42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and no longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.

43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Dave Mills', with a large, stylized flourish at the end.

Dave Mills (and wife Fiona Mills)

ANNEXURES:

A - Appeal Motivation

B - Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from "old dairy" road


3 - Photograph of "old dairy" road

4 - Photograph of manhole on "old dairy" road

5 - Photograph of residence in close proximity to "old dairy" road

6 - Photograph of garage in close proximity to "old dairy" road

7 - Photograph of Dorman Way taken in September 2024



23 September 2024 (Please note I was given an extension till 7 October to comment because I was removed from the I&A parties list in error)

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemans, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
6. The Environmental Authorisation ("*EA*") was subsequently granted, but later appealed by the Bokkemanskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
7. The Appeal was dismissed on 19 September 2016 and the EA was authorised under EIA reference number: E12/2/4/1-A5/235-2058/10 ("*the initial application*"). The initial application was valid for a period of 5 (five) years expiring on 18 September 2021.
8. During 2021, a non-substantive amendment to the initial application was applied for ("*the non-substantive amendment application*"), in respect of the following:
 - 8.1 an extension of the period of the validity of the EA;

- 8.2 the holder of the EA would be changed from B I Scher and M H Derman to Oakhurst Lifestyle Estate (Pty) Ltd (*“the Applicant”*).
9. The non-substantive amendment application was granted on 21 October 2021 under EIA reference number 14/3/1/1/A6/36/0535/21.
 10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
 11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the *“Present Application”*). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
 12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
 13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Cape Town.

Amendments to the Application

14. The Present Application differs to the Pre-Application Draft Substantive Amendment Impact Report. The noteworthy amendments pertain to the addition of erf 8343 and erf 2958, Hout Bay to the EA, the typology and number of proposed dwellings, as well as access to the development site.
15. In addition to the Present Application, notice of the Applicant’s intention to upgrade an existing bridge on the development site, namely the Draft Basic Assessment Report, was published for comment (*“the Bridge Application”*).
16. Similarly to the Present Application, the Bridge Application has been previously published for comment, and according to the Applicant’s Environmental Consultants the comments received in response to the previous Bridge Application resulted in significant changes to the application which necessitated an additional public participation.
17. The Bridge Application is essential to the success of the envisaged development, without the approval thereof, the primary access point cannot be achieved. The alternative access, previously proposed by the Applicant, is via Birch Street and which is entirely unacceptable to the residents of Blue Valley Avenue and Bokkemanskloof.

Related Application which is pending

18. When considering the Present Application, it is important to note that there is an appeal pending in respect of the decision to conditionally approve an application for subdivision, consolidation, rezoning, departures and implementation of a subdivision in phases in terms of the Municipal Planning By-Law, 2015 before the City of Cape Town with case ID 1500006079 and 70607892 (*“the Planning Application”*).
19. The appeal is still pending, the outcome of which may affect the EA, particularly in respect of the issue of access.
20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Blue Valley Avenue and Bokkemenskloof and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a refuse service and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
23. A copy of the Appeal motivation is enclosed herewith for your perusal and consideration, marked annexure **“A”**, together with the correspondence from the City of Cape Town recording its decision to conditionally approve the Planning Application, marked annexure **“B”**.
24. The present application therefore cannot be assessed in isolation but must be considered within the context of the related and pending applications relevant to the envisaged development.

GROUNDS OF OBJECTION

I object to the Present Application as a result of the process followed by the Applicant in bringing such application, the amendments proposed by the applicant, the information presented in the application particularly the site plan, and the omission of pertinent information.

Site Plan

25. Birch Lane is referred to as “The Entrance” rather than an “alternate” or “secondary” entrance. Birch has already been designated and agreed by council for use by refuse removal, emergency access and engineering maintenance only. There is still no Main Entrance via Dorman way indicated, nor any proof the Dorman Way is approved for this use.
26. The 5 (five) metre setback, which has been confirmed by the City of Cape Town in its approval of the Planning Application, has been reduced on the North Eastern Boundary by the inclusion of the road within the setback.

27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

28. Furthermore, it was my understanding from the Planning Application and the approval thereof that the setback would be landscaped in order to further reduce the visual and privacy impact on the residents of Blue Valley. However, the Site Development Plan does not appear to indicate such landscaping.



Figure 1: Site Development Plan annexed to Present Application

Access during construction

29. It is not easily ascertainable from the Environmental Management Plan how the site will be accessed during the construction phase. From an email trail provided, it appears that access during construction may be via Hout Bay Main Road on a dirt road commonly referred to as the “Old Dairy” or “Clay Cafe” road. I oppose the use of this road during construction and at all for the following reasons:

29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction’s drivers to see

oncoming traffic. These driver will have extremely limited time to turn a large vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



Figure 3: Photograph depicting condition of the proposed construction access route and exposed man hole, taken in September 2024

- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.

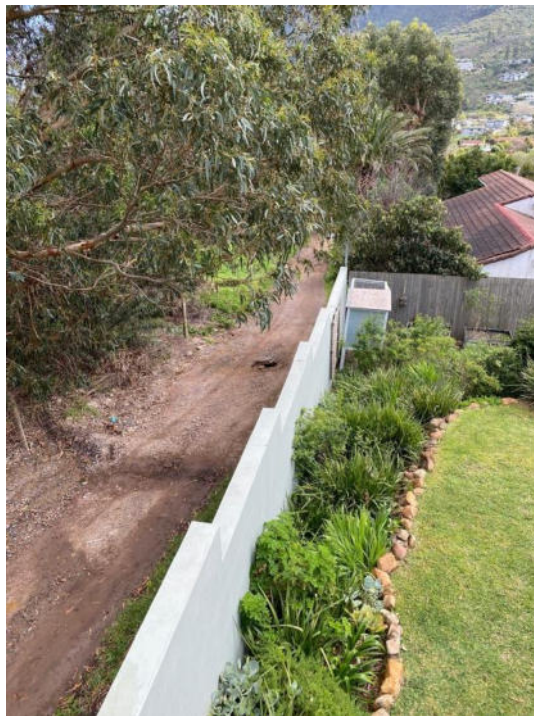
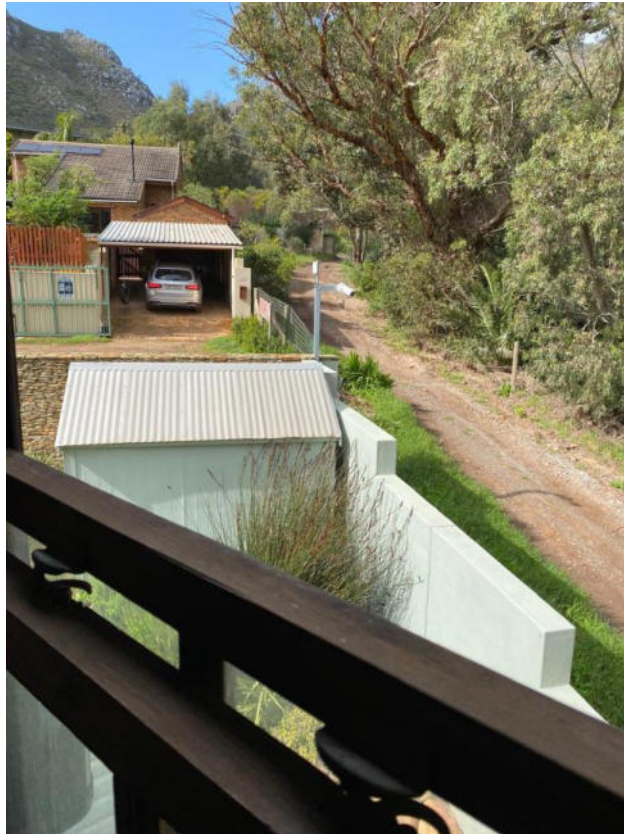


Figure 4: Photograph depicting the proximity of the construction route and residential properties, taken in September 2024

- 29.4 The residents whose properties abut this road are concerned for the condition and safety of their dwellings. These residents will not hesitate to submit formal complaints with the relevant authorities against the developer and landowner for any damage caused to their properties.
- 29.5 In one instance, the dwelling (a bedroom) is a mere 50cm (fifty centimetres) from the boundary wall of the property. In light thereof, the bedroom wall is a total of 2.5 (two metres and five hundred centimetres) from the road. The neighbouring residential property garage and boundary wall are continuous and are therefore vulnerable to the impact of heavy construction vehicles utilising this road.



Figures 5 and 6: Photographs depicting proximity of residential dwellings to construction access route, taken in September 2024

- 29.6 The steep incline of the terrain makes it unsuitable for heavy construction vehicles.
- 29.7 There are storm water pipes near the surface of this road. Should these pipes be damaged or collapse it will cause stormwater issues in the Blue Valley Township.

30. The residents of Hout Bay have maintained that Dorman Way should be the primary access point to the development. The route is objectively suitable for this purpose as well as for access during the phase of construction.



31. *Figure 7: Photograph depicting Dorman Way, taken in September 2024*

Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
33. The residents of Hout Bay propose that no more than 8 (eight) hours of construction be conducted per day during the week as per normal working hours, commencing no earlier than 8:00 (eight o'clock) in the morning, and ending no later than 17:00 (five o'clock) in the afternoon.
34. The proposed construction duration of 11 (eleven) hours per a day, and 6 (six) days per a week is unreasonably long and is unacceptable to the residents within the vicinity of the development site, particularly for those people who work from home. Furthermore, construction on weekends and public holidays is unacceptable.
35. From a health and safety perspective, workers on site will need to be provided with special noise mitigating equipment to protect hearing, but according to the Present Application, the receiving environment need only be informed that construction will take place.
36. I submit that additional information on the health risks from the anticipated noise and air pollution generated by this project ought to be provided for in the Present Application and mitigating measures taken, particularly whether the noise from the construction at such close proximity poses a risk to the hearing of the residents. In addition, information ought to be provided regarding what mitigation measures will be taken by the Applicant to protect abutting residents (many who work from home) from these risks and the suitability of the mitigating measures.

Traffic Impact Assessment Report

37. We note further that the Traffic Impact Assessment Report used to support the Present Application is dated 2022.
38. The Planning Application has taken place since the preparation of this report and the access routes have been amended.
39. The report refers to Birch Street as an access point, a highly contentious issue between these parties. It is our view that this report is outdated and should not be used in support of this application, alternatively should have been updated to reflect the access currently being proposed.

Process concerns

40. Many of the documentation submitted by the Applicant's Environmental Consultants is either incorrect and/or outdated or significant changes have been made. These changes raise questions as to how many other changes have been made which cannot be assessed in the detail necessary in the time provided.
41. There are far too many documents (thousands of pages) for the layman to read.
42. For instance, there are objections from the residents of Hout Bay that are missing, and many of the responses to the objections state '*refer to town planner comments*', but none are attached or able to be located.

The Applicant's Environmental Consultants removed a number of Interested and Affected Parties and mistakenly removed at least two other parties (John Cooper and Jenny McNulty) and reverted to using a very old and no longer used email address for Sandy Dobrin, when the latest one has been provided. It is not known how many other Interested and Affected Parties have been mistakenly removed.


43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink on a light blue background. The signature is written in a cursive style and appears to read "M. Newbery".

ANNEXURES:

A - Appeal Motivation

B - Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from "old dairy" road


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4 - Photograph of manhole on "old dairy" road

5 - Photograph of residence in close proximity to "old dairy" road

6 - Photograph of garage in close proximity to "old dairy" road

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19 September 2024

SEC Project Number 070845

To whom it may concern,

RE: OBJECTIONS TO AND COMMENTS ON THE SUBSTANTIVE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PLAN FOR THE PROPOSED OAKHURST RESIDENTIAL DEVELOPMENT ON A PORTION OF REMAINDER OF ERF 2224, ERF 8343 AND ERF 2958, HOUT BAY

1. The above matter and your public participation process notification, dated 21 August 2024, refers.
2. I confirm that I am a property owner and resident in Blue Valley/Bokkemanns, Hout Bay situated within the vicinity of the proposed development, my full address and particulars are specified hereinabove.
3. My interests stand to be adversely affected by the proposed substantive amendment and I record my objections to and comments on the application for your attention.
4. I am registered as an "*interested and affected party*" to the envisaged development, alternatively I hereby request to be registered by way of this correspondence.

BACKGROUND TO THE PRESENT APPLICATION

5. An initial environmental application (Final Basic Assessment Report – FBAR) was submitted to the Department of Environmental Affairs and Development Planning ("*the Competent Authority*") on 5 October 2015.
6. The Environmental Authorisation ("*EA*") was subsequently granted, but later appealed by the Bokkemannskloof Homeowners Association and various residents of Ash, Birch, Conifer, Olinia, Restio, Ruschia and Saffron Lanes in Hout Bay.
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10. During 2022, a substantive amendment application was published for comment as part of the public participation process. The applications sought to amend the initial development layout and include an additional portion, being Erf 2958, Hout Bay. This application was objected to by at least 29 (twenty-nine) households within the vicinity of the envisaged development in Hout Bay.
11. Thereafter and for almost 2 (two) years no further public notification in respect of the EA was received, until now, when the Post-Application Draft Substantive Amendment Impact Report was published for comment (the "*Present Application*"). The Present Application appears to be an amended version of the Pre-Application Draft Substantive Amendment Impact Report and seeks to amend the development layout and include additional land namely erf 2958, Hout Bay and erf 8343, Hout Bay.
12. The Substantive Amendment Impact Report and annexures are exceptionally voluminous and were considered in conjunction with the previous substantive amendment application, together with the annexures thereto as well as the related application in terms of the Municipal Planning By-Law, 2015, which is ongoing.
13. The extent of the documentation involved, the number of supporting documents, the discrepancies between these documents, and use of outdated documentation has created unnecessary confusion regarding what is being applied for, the impact thereof on the interested and affected parties as well as how the application has evolved whilst taking into account the intrinsically linked process before the City of Capetown.

Amendments to the Application

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20. Issues raised in the appeal predominantly focus on the issue of access, which has been contested between the residents of Hout Bay and the Applicant for several years, particularly the use of Birch Lane or any of the “stub” roads in the Blue Valley Township which is opposed by the residents. The use of Dorman Way as the primary access point to the development was proposed as a viable alternative.
21. We note that the Present Application confirms Dorman Way shall be the primary access to the development with Birch acting as a services and emergency entrance only.
22. The appeal, however, raised the viability of this access point in light of the fact that it traverses private land, requires the construction of a traffic circle as well as the upgrade of a Bridge on the development site, all of which require consent and/or applications to be finalised before the access route is achievable.
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GROUNDINGS OF OBJECTION

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Site Plan

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27. The retention of the full 5 (five) metre setback is imperative for the residents of the Blue Valley area who share a boundary with the envisaged development.

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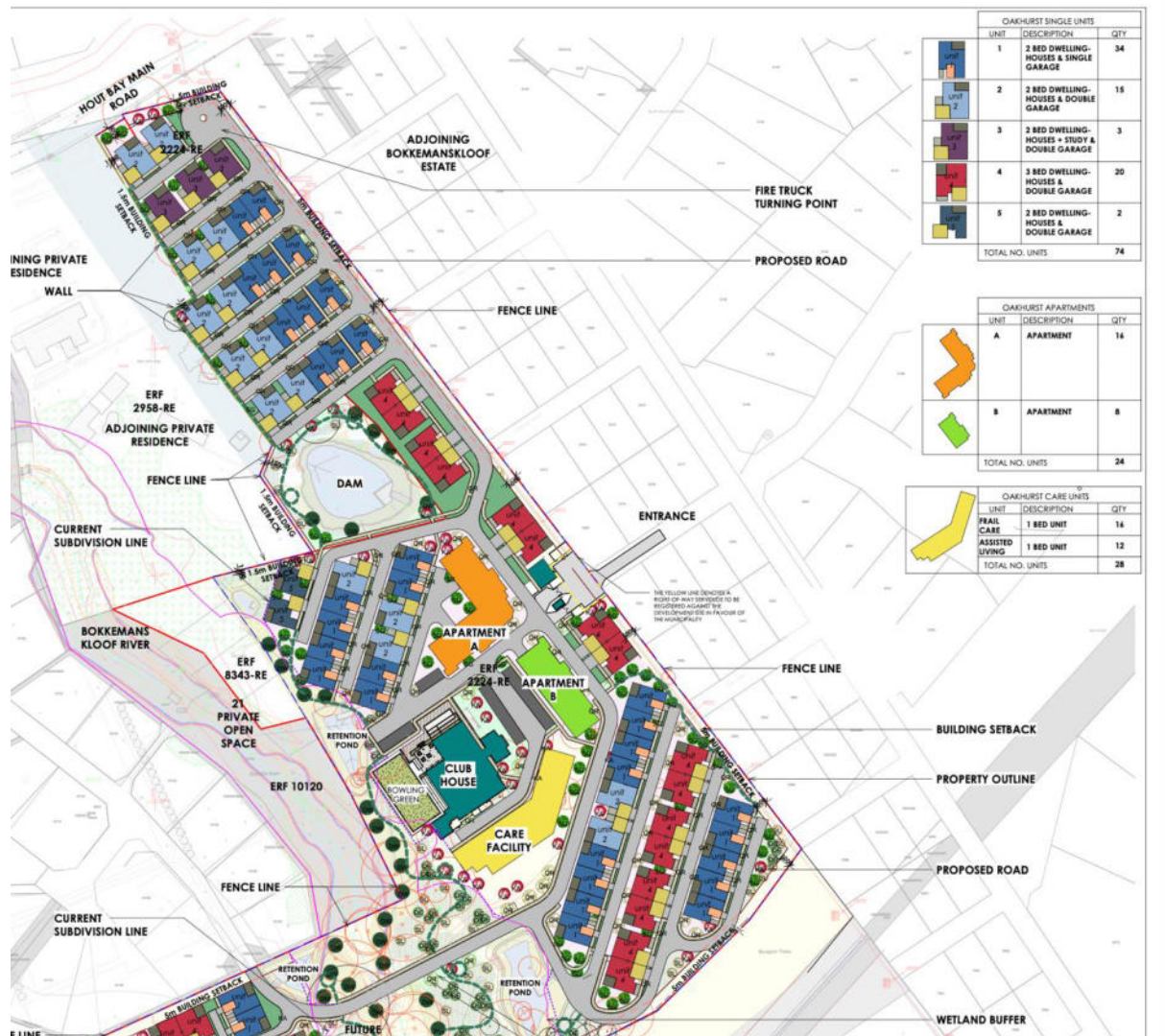


Figure 1: Site Development Plan annexed to Present Application

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29.1 This road enters and/or exits onto Hout Bay Main Road on a blind corner. It remains a dangerous intersection, particularly for large trucks which require sufficient space to turn. It will not be possible for the construction's drivers to see oncoming traffic. These driver will have extremely limited time to turn a large

vehicle into the busy road, with cars and trucks driving quite fast around the blind corner. This is likely to cause many serious accidents.



Figure 2: Photograph depicting Hout Bay Main Road from the “old dairy” road, taken in September 2024

- 29.2 This road is a soft dirt track that is only 3 (three) metres wide in places. It is in a very bad state of repair. I propose that the Department of Environmental Affairs and Development Planning of the Western Cape Government attend a site visit and assess this road to establish whether it is satisfactory for use by construction vehicles, which I submit that it is not, not least due to the proximity of this road to residential boundary walls and dwellings.



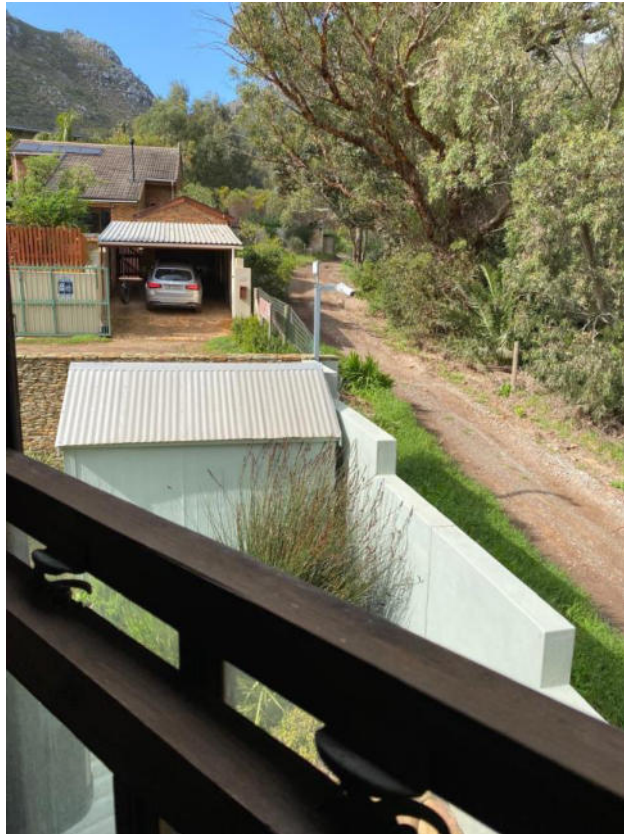
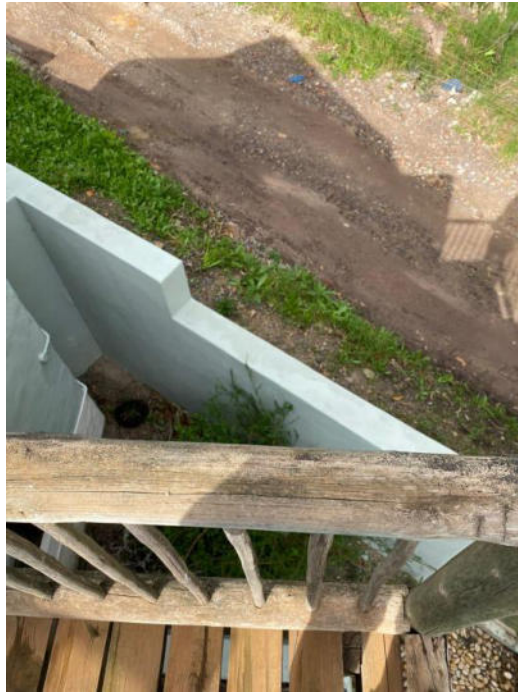
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- 29.3 This road travels along the boundary of several residential properties and is in close proximity to the Blue Valley Township. The use of the road by construction vehicles will negatively impact these residences by causing noise and nuisance of intolerable levels.



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Impact of construction

32. The construction hours proposed are unreasonably long, when regard is had to the residential nature of the development environment.
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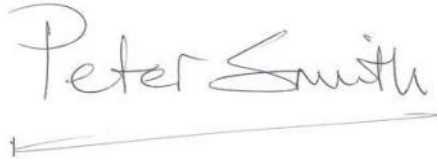
43. Furthermore, in the light of ongoing doubt as to the agreed primary (and alternative) access routes for the Oakhurst Lifestyle development, our points raise in an appeal of the council's approval of the development still stands and should be considered as part of the comments submitted in this public participation process (see attached). Before construction begins, proof needs to be provided that there will be a circle built on Main Road and that the access will be via Dorman Way and the new bridge and the new estate currently under construction. The ongoing refusal to use Dorman Way for construction, the absence of this route on any plans, and the absence of any proof that access has been granted via Dorman Way and the new estate, throws into doubt whether the intention is EVER to develop the alternative access route as the MAIN ROUTE and Entrance for the development.
44. We are of the view that council should enforce that new circle be built on Main Road and access for the building of the Oakhurst Estate be via Dorman Way. As shown visually, these roads will be far more suitable when ready.
45. The developer should not be allowed to use completely inappropriate access, because the main entrance via Dorman Way that the developer proposed for Main Entrance to the Oakhurst Lifestyle Estate is not proven possible or ready to use.

CONCLUSION

We strongly object to the Present Application based on the submissions contained hereinabove.

We trust that you find the above in order and look forward to hearing from you.

Yours faithfully

A handwritten signature in cursive script that reads "Peter Smith". A horizontal line is drawn underneath the signature.

Peter Smith

ANNEXURES:

A - Appeal Motivation

B – Letter of Approval of Planning Application Site Development Plan

FIGURES:

1 - Site Development Plan

2 - Photograph of Hout Bay Main Road from “old dairy” road

3 - Photograph of “old dairy” road

4 - Photograph of manhole on “old dairy” road

5 - Photograph of residence in close proximity to “old dairy” road

6 - Photograph of garage in close proximity to “old dairy” road

7 - Photograph of Dorman Way taken in September 2024