



Comments and Responses Report – Issues Trail as part of the Public Participation Process for the proposed Beach Boma at Virginia Beach

A Report for the BA Process: DM/0033/2014

September 2014

DOCUMENT DESCRIPTION

Client:

eThekweni Metropolitan Municipality

Project Name:

Basic Assessment Proposed Beach Boma at Virginia Beach, KwaZulu-Natal

Royal HaskoningDHV Reference Number:

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PURPOSE OF THE DOCUMENT

Public participation is a process that is designed to enable all interested and affected parties (I&APs) to voice their opinion and/ or concerns which enables the practitioner to evaluate all aspects of the proposed development, with the objective of improving the project by maximising its benefits while minimising its adverse effects. I&APs include all interested stakeholders, technical specialists, and the various relevant organs of state who work together to produce better decisions. A comprehensive public participation process has been undertaken as part of the Basic Assessment process for the proposed Beach Boma at Virginia Beach in support of the Application for Environmental Authorisation and a summary of the issues raised and responses in relation to these issues is provided in this Issues Trail. This Issues Trail provides a summary of concerns raised by I&APs. A full record of the public participation process and stakeholder / I&AP correspondence is available at Royal HaskoningDHV offices. The issues have been arranged into groups of similar issues, and are listed within each group in the date order in which they were received. The name, affiliation and date of the commentator are also indicated.

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| 1. WETLANDS, ECOLOGY AND FORESTS | | |
| Mr Correia has concerns relating to possible damage to the coastline. | Mr C Correia | Noted. Dune rehabilitation is planned for the area. The proposed project entails considerable dune rehabilitation, especially for the preferred option. Mitigation measures are included in the draft EMPr to prevent negative impacts. |
| The project falls within the coastal zone and there are no wetlands onsite. | DWA Water & Sanitation | Noted. |
| There must be no unacceptable impact on the quality of both surface and groundwater in the area. If pollution of any surface or groundwater occurs, it must be immediately reported to this Department and the appropriate mitigation measures must be employed. | DWA Water & Sanitation | Noted. |
| Although the proposed widening of the informal access road would result in loss of some fore dune vegetation and narrowing of the vegetated fore dune system, the entire development has the potential to benefit the environment in terms of the proposed rehabilitation of the dune cordon which will enhance the ecological functioning of the coastal ecosystem. | DAFF J Maivha | Noted. |
| Layout alternative A1 (preferred alternative) is recommended hence it will involve a much greater area of dune rehabilitation to alternatives A2 and A3. | DAFF J Maivha | Noted. |
| Widening of the access road should be eastwards to protect the milkwood trees (protected species in terms of the National Forest Act No 84 of 1998) from winds moving under the canopy that would result in their die back and eventual loss of habitat. | DAFF J Maivha | Noted. The approved layout will incorporate parking located on the eastern side of the access track. |
| A rehabilitation plan for the dunes should be compiled and | DAFF J Maivha | EThekweni Municipality is in possession of a DEA- |

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| submitted to DAFF offices for consideration. | | approved Dune Rehabilitation Environmental Management Plan for all dune rehabilitation work within the Municipality. This will be submitted to DAFF for consideration. |
| Protected trees (Milkwoods) should be demarcated and must strictly not be impacted upon by the proposed activity. | DAFF J Maivha | Noted. This will be incorporated in the EMPr. |
| The vegetation cutting plan which will be developed for trimming of coastal forest lining the development area and access road must be submitted to DAFF offices for approval prior to any activities commencing. | DAFF J Maivha | Noted. This will be incorporated in the EMPr. |
| DCC has no objection to the initiative to protect and regenerate the dunes and coastal forest in the Node. | Mr R Kirby on behalf of DCC | Noted. |
| Dune Scrub vegetation between the access road the airport be retained and enhanced. | Mr G Mullins on behalf of eThekwini EPCP | Noted. However, periodic trimming of the vegetation (according to the vegetation cutting plan) will be required for health and safety reasons, such as enabling line of sight for traffic flow. |
| Dune rehabilitation is not necessarily required on this site. I have proposed the formalisation of the existing pedestrian access routes to the beach to prevent any further loss of vegetative cover on the fore dune system due to trampling as a result of increased visitors to the site. The only areas that may require some rehabilitation are the areas surrounding the storm water outfall site currently being upgraded, the roadway and around the refurbished ablutions/Kiosk. | Mr Keith Walters | Noted. Dune rehabilitation will be applied in areas requiring attention has guided by the eThekwini EPCP department and the appointed Dune Rehabilitation specialist. |
| 2. EIA PROCESS | | |
| The operators of the rustic open restaurant and café have shown their commitment to introducing a facility of high standard. Strict care should be taken to the implementation of all the detailed planning to be included in the BAR. | Mr R Kirby on behalf of DCC | While a rustic restaurant or café is the preferred development option, the final option is still to be decided following a formal tender process. |
| Given the location of the Boma, the planned upgrade to the access | Mr G Mullins on behalf of | EThekwini Municipality is in possession of a DEA- |

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| and the establishment of additional parking in the primary dune cordon, a detailed report on the rehabilitation and management of the dune must be prepared by a suitably qualified specialist and submitted with the final Basic Assessment for approval. | eThekwini EPCP | approved Dune Rehabilitation Environmental Management Plan for all dune rehabilitation work within the Municipality. |
| Details regarding the long-term management of the site needs to be included in the final report. Aspects requiring attention include controlling access to rehabilitated dunes, management of sand movement, litter and control of informal squatter in the Dune Scrub. | Mr G Mullins on behalf of eThekwini EPCP | The long-term, management of the site will form part of the contractual lease agreement. This will include issues relating to access, control of litter and security. Management of sand movement is within the ambit of the City Coastal Engineers Department. Informal squatters will be managed by Human Settlement and Disaster Management Departments. In addition, eThekwini Municipality is in the process of formulating a management and planning framework for the area. |
| Detail as to how the refuse generated from function will be managed. | Mr G Mullins on behalf of eThekwini Solid Waste Department | Management of waste originating from the restaurant will be the responsibility of the Lessee and will be formalised in the proposed Contractual Lease Agreement. In terms of general public waste, collection services by Durban Solid Waste will be increased. |
| The Applicant is advised to contact the Civil Aviation Authority as the site is in close proximity to the Virginia Airport. | Mr G Mullins on behalf of eThekwini Framework Planning Branch | The Civil Aviation Authority has been notified. Glen Bryce, representing Virginia Airport has provided comment and is in support, except for concern raised in the parking adjacent to the airport. |
| 3. PLANNING, LAND-USE AND SERVICES | | |
| Option 1 – The considerably reduced area of the alternative site (approximately 35% smaller [than option 2]) coupled with its narrow | Mr M De Wet | The existing public toilets will be incorporated into the lease area should Alternative A1 or A3 be |

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| <p>profile will substantially reduce the useable area. To compensate for the loss in area, it is suggested that the existing public toilet facilities be upgraded to accommodate the Boma's patronage. A new layout will need to be prepared to establish the viability of the venture.</p> | | <p>selected. Urban-Econ Development Economists do recommend that that the 100m² footprint be considered for the kitchen/bar service component of the facility, and that provision for an additional 400m² – 800m² of out-door tables and seating be made to allow sufficient seating space to enhance the dining experience. This would allow for sufficient seating to make the restaurant economically viable.</p> |
| <p>DCC has no objection to the upgrading of roads, public parking and public amenities (toilets) as part of the rustic open air restaurant and café proposed in the BAR.</p> | <p>Mr R Kirby on behalf of DCC</p> | <p>Noted.</p> |
| <p>DCC considers that Option 3 of the development options is preferable to Option 1, as it appears to have the following advantages:</p> <ul style="list-style-type: none"> - A public vehicular and pedestrian link is provided to the new pier being built which will greatly enhance the amenity of this portion of beach in the Node. - There will be an increased provision in the number of parking bays available to residents, fishermen and tourists wanting to utilise the beach. | <p>Mr R Kirby on behalf of DCC</p> | <p>Noted. The approval of the development rests with the KZN DEDTEA.</p> |
| <p>It appears, however, that the developer may not be the end user after a public tender procedure for the site has been followed.</p> <p>This must raise a concern that the proposal in the EIA of a low key good quality open air restaurant and café may in fact turn out to become a shebeen or place of ill repute attracting clientele who may have scant respect for the sensitivity of the dune vegetation and cause damage by walking or sleeping in the dune vegetation which would have a huge negative impact on all future land uses in the Node.</p> <p>The City must ensure that suitable assurances are given to guarantee that this will not be permitted to happen by inserting the relevant and appropriate controls into the ongoing management and maintenance protocols of the lease to be established.</p> | <p>Mr R Kirby on behalf of DCC</p> | <p>EThekweni Municipality will have control of the tender process, the development and its operation from the onset.</p> |

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| The Department is in support of the updated Layout Plan A1 presented in the report. Following the site visit, establishment of parking along the seaward side of the road is preferred. | Mr G Mullins on behalf of eThekweni EPCP | The approved layout will incorporate parking located on the eastern side of the access track. |
| The Department is NOT in support of the need to widen the road between the refurbished parking at the end of the runway and the Boma. | Mr G Mullins on behalf of eThekweni EPCP | Noted. This will be accommodated in the road design. Widening will not be instated; access at this narrow area can be kept to single lane passage. However, minor trimming of overgrown / overhanging will be required. |
| The proposal from Airport management perspective is fine except for the car parking on the extremities of the airport is of concern as it is placed on the over shoot of runway 23. | Glen Bryce, Virginia Airport | The informal parking area has been in existence for quite some time. |
| 4. WASTE | | |
| 4.1 Sewage Disposal | | |
| It is noted that the proposed activity includes an upgrade of the public toilet facilities to a conservancy tank (preferred) or septic tanks. This Department requires clarity as to whether there is existing sewage infrastructure within the project area and if connecting to the municipal sewage line has been considered an option for the project. This Department further requires clarity on the current method of sewage disposal. | DWA Water & Sanitation | The old existing septic tank systems will be inspected, and thereafter repaired and upgraded where necessary. The septic tank system will remain the Municipality's preferred method of sewage disposal thereby utilising existing infrastructure. There is no sewage pipeline which leads to the beach to service the toilets. Connecting to the landward sewer line is not feasible as this would require additional hard infrastructure in the coastal zone (e.g. pump station). |
| The Department awaits a copy of the Geotechnical and Geo-hydrological Report in order to provide more detailed comments with regards to the installation of a conservancy or septic tank. | DWA Water & Sanitation | Geotechnical information was sent to Ms T. Balmith on 14 August 2014 and is included as an annexure in this report. |

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| 4.2 Solid Waste Disposal | | |
| <p>Page 17 of the report indicates that solid waste will be disposed of at the Bissesar Road Landfill Site. Comments in this regard:</p> <ul style="list-style-type: none"> - Safety disposal certificates must be kept on record. - All waste generated from this project must be disposed of in a suitable manner so as not to cause any surface and groundwater pollution or a health hazard. - The recycling of suitable material (i.e. glass, paper, plastic, etc.) is encouraged by this Department, provided it is properly managed. | DWA Water & Sanitation | Noted. This will be incorporated in the EMPr. |
| 5. POLLUTION | | |
| Mr Correia has concerns relating to waste on the beach and water pollution. | Mr Correia | Management of waste originating from the restaurant will be the responsibility of the Lessee and will be formalised in the Contractual Lease Agreement. In terms of general public waste, collection services by Durban Solid Waste will be increased. Potential negative impacts during construction will be mitigated by means of the approved EMPr. |
| No forms of secondary pollution should arise from the disposal of sewage and refuse. Any pollution problems arising from the above development are to be addressed immediately by the applicant. | DWA Water & Sanitation | Management of waste originating from the restaurant will be the responsibility of the Lessee and will be formalised in the Contractual Lease Agreement. |
| The storage of materials, chemicals, fuels etc. to be used during the construction phase must not pose a risk to the surrounding environment. Such storage areas must be located out of the 1:100 year floodline of any water resource and unauthorised access to these areas must be controlled. Temporary bunds must be constructed around chemical or fuel storage areas to contain | DWA Water & Sanitation | Noted. This is incorporated in the EMPr. |

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| <p>possible spillages.</p> <p>It is important that any significant spillages of chemicals, fuels, etc. during the construction phase are reported to this office and other relevant authorities. In the event of a spill, the following steps can be taken:</p> <ul style="list-style-type: none"> - Stop the source of the spill; - Contain the spill; - All significant spills must be reported to this Department and other relevant authorities; - Remove the spilled product for treatment or authorised disposal; - Determine if there is any soil, groundwater or other environmental impact; - If necessary, remedial action must be taken in consultation with this Department; and - Incident must be documented. | <p>DWA Water & Sanitation</p> | <p>Noted. This is incorporated in the EMPr.</p> |
| <h2>6. GEOLOGY, SOILS AND TOPOGRAPHY</h2> | | |
| <p>Soil erosion on site must be prevented at all times i.e. pre-, during- and post- construction activities. Erosion control measures must be implemented in areas sensitive to erosion such as near water supply points, edges of slopes, etc. These measures could include the use of sand bags, hessian sheets, retention or replacement of vegetation.</p> | <p>DWA Water & Sanitation</p> | <p>Noted. EThekwini Municipality is in possession of DEA-approved Dune Rehabilitation and Soil Rehabilitation Environmental Management Plans for work within the Municipality. In addition, this is incorporated in the EMPr.</p> |
| <h2>7. HEALTH AND SAFETY</h2> | | |
| <p>Mr Calvert has concerns relating to both security and noise, i.r.t. the “Beach Bum” type of facility.</p> | <p>Mr B Calvert</p> | <p>The provision of increased security will be the responsibility of the Lessee and will be formalised in the Contractual Lease Agreement. All operations will be compliant with the municipal by-laws, such as</p> |

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| Mr Correia has concerns relating to security and noise. | M C Correia | noise restrictions. The provision of increased security will be the responsibility of the Lessee and will be formalised in the Contractual Lease Agreement. All operations will be compliant with the municipal by-laws, such as noise restrictions. |
| 8. HERITAGE | | |
| <i>No Issues or comments received to date</i> | | |
| 9. STORMWATER MANAGEMENT | | |
| It is imperative that there is proper management of stormwater on the site during and after construction. The development of a stormwater management plan and subsequent implementation of the said plan would help facilitate this. | DWA Water & Sanitation | Noted. A stormwater management plan is currently being developed by eThekweni for the proposed development area. In addition, the Geotechnical report indicates that the soil of the site is amenable to drainage, which is currently taking place. |
| After construction, the site should be contoured to ensure free flow of run-off and to prevent pending of water. Drainage must be controlled to ensure that runoff from the site will not culminate in off-site pollution or result in damage to properties downstream of any stormwater discharge. | DWA Water & Sanitation | Noted. This will be incorporated in the EMPr. |
| 10. WATER RESOURCE MANAGEMENT | | |
| <i>No Issues or comments received to date</i> | | |
| 11. ECONOMIC DEVELOPMENT | | |
| Mr Kader wishes to set up a take away selling Halaal bunny chows, | Mr Kader | The preferred type of food outlet/restaurant facility is |

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| burgers and other food using braai facilities. | | still to be decided following a formal tender process. |
| The need and desirability of the proposed project has the potential to benefit the environment, society and local communities in terms of socio economic aspects. | DAFF J Maivha | Noted. |
| This project will improve the area and add value to Durban as a tourism hub. | Mr C Preele | Noted. |
| Option 1 – This are would be an option as the toilets and infrastructure of water and power are there, but the area needed for a Beach Boma type restaurant is +/- 1000m ² for it to be feasible as a business to accommodate (50-200 patrons). The sustainability and success will be of utmost importance to make sure that it is an attraction to the public and tourists alike. | Mr M. De Wet | Noted. The existing public toilets will be incorporated into the lease area should Alternative A1 or A3 be selected. Urban-Econ Development Economists do recommend that that the 100m ² footprint be considered for the kitchen/bar service component of the facility, and that provision for an additional 400m ² – 800m ² of out-door tables and seating be made to allow sufficient seating space to enhance the dining experience. However, the approval of the development site rests with the KZN DEDTEA. |
| Option 2 – this area is first option as this area +/- 1000m ² is naturally there and the addition of the stormwater pipe and walkway overhead will help to offer more for patrons, public and tourists as a viewpoint very much, like Moyo Restaurant near Ushaka. An artistic example and area plan for outlay of feasible area was provided. | Mr De Wet | Noted. Although the size of the area is likely to ensure the economic viability of the area, as suggested by Urban-Econ Development Economists, the approval of the development site rests with the KZN DEDTEA. |
| DCC has no objection to responsible development which will result in an improvement of the use of the Beachwood/Virginia Airport Node (hereafter referred to as the Node) as an amenity for the citizens of Durban and surrounding neighborhood. | Mr R Kirby on behalf of DCC | Noted. |
| DCC has no objection to the initiative to establish the rustic open air restaurant and café because it will introduce economic activity and security to the Node. | Mr R Kirby on behalf of DCC | Noted. |
| 12. ELECTRICITY | | |
| <i>No Issues or comments received to date</i> | | |

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| 13. ACCESS (including TRAFFIC) | | |
| I support any upgrade to Virginia Beach. I believe the beach front road should be extended from one end of the Airport to the other with various parking areas. This road should only be accessible from 5am to 9am with gates. | Mr B Calvert | One goal of this proposed development is to increase dune rehabilitation. Extending the beach front road is not feasible as this would require extensive removal of coastal forest. The vision for the area is multi-purpose and multi-patron, and enabling better coastal access. Restricting access is deemed inappropriate. |
| Mr Correia has concerns relating to traffic and parking facilities | Mr Correia | An internal formal traffic study has been done which indicates that the design and capacity of the existing access road and Fairway Road are adequate to support anticipated increase in traffic. As a low key development, the provision of extensive parking is not deemed necessary. Parking will however be formalised. This will be attached for ease of reference. |
| The Department has no objection to the proposed development of Virginia Beach. However, a thoroughfare must be provided for Municipal vehicles to access the beach for cleaning purposes. All other relevant legislation must be adhered to. | Mr Peggie Moodley (eThekweni Municipality - Park and recreation) | Noted. Beach access will be maintained for emergency and authorised vehicles only. |
| I am not in favour of the sacrificial walkway to the north in Option1 and do not see the need for such. | Mr Keith Walters | Noted. As previously stated dune rehabilitation is required in certain areas. Installation of a walk way will facilitate control of footfall within the rehabilitated dune by providing a formalised route toward the pier, thus preventing trampling. |
| 14. GENERAL | | |
| The contents of the draft Environmental Management Programme (EMPr) titled " <i>Draft Environmental Management Programme for the</i> | DWA Water & Sanitation | Noted. |

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| <p><i>Virginia Beach Proposed Beach Soma and Beachfront Upgrade</i>” (Appendix F, dated July 2014) is noted. Compliance to the approved EMPr must be audited regularly by the designated Environmental Control Officer.</p> | | |
| <p>Notwithstanding the above, the responsibility rests with the applicant to identify any sources of pollution from his undertaking and to take appropriate measures to prevent any pollution of the environment. Failure to comply with the requirements of the National Water Act (Act 36 of 1998) could lead to legal action being instituted against the applicant.</p> | <p>DWA Water & Sanitation</p> | <p>Noted. This is incorporated in the EMPr.</p> |
| <p>Mitigation measures for the construction phase as outlined in the DBAR should be made conditions of environmental authorisation.</p> | <p>DAFF J Maivha</p> | <p>Noted.</p> |
| <ul style="list-style-type: none"> - The DCC members are anxious to establish a Joint Planning Committee with the City of Durban to consider the short, medium and long term planning of both the Virginia Airport property and the Beachwood Golf Course property. - There are many mutual features which need to be taken into account when the planning of this extremely important footprint of Ethekewini’s beachfront takes place. - The primary infrastructural services of roads and access, sewage, storm water and land usage are all issues which should be considered within the framework of one overall plan. - The City are strongly urged not to grant concessions on a piecemeal basis which will have a detrimental impact on future planning which in every likelihood will become very costly to rectify. - We would welcome discussions on establishment of the aforementioned Joint Planning Committee mentioned as a matter of urgency before any final decision on land uses in the Node, which will have an impact on the DCC, are finalised. | <p>Mr R Kirby on behalf of DCC</p> | <p>Noted.</p> <p>Currently there is no Joint Planning Committee with the City of Durban, Virginia Airport and Beachwood Golf Course. The establishment of such a committee would be done through the Economic Development and Planning Cluster, at eThekewini Municipality. The relevant Department has been informed of this request from DCC, and has indicated it will consider the proposal for implementation.</p> <p>To note, this not envisaged as a long term proposal (the restaurant facility specifically), but rather a short term lease for a temporary structure with conditions attached.</p> |

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| <p>Following a site meeting with DEA Oceans & Coasts officials on 25 July 2014, the Department does not object to the development, provided that beach access is not restricted for any user groups, and that adequate stormwater and waste management measures are implemented</p> | <p>DEA Oceans and Coasts</p> | <p>Comments made during this site visit were noted.</p> |
| <p>A development of this nature will be of significant benefit to the surrounding community and for Durban as a whole as it will enable many people to make use of an attractive open space that many are simply unaware exists. There are a number of reasons for this:</p> <ul style="list-style-type: none"> - The project will have a positive impact on the environment when the dunes and vegetation are rehabilitated and the subsisting bush is fenced off – preventing the misuse thereof for settlements and dwellings which are currently in existence. - A revitalised area will promote tourism by attracting a number of locals from across the city and much further afield. - Increased activity in the vicinity will reduce the security risk as it is currently a somewhat isolated area. <p>Due to the foreseen benefit of this proposal, I hereby lend my full support to its implementation.</p> | <p>Shaun Ryley, Ward 36 Councillor – eThekweni Municipality</p> | <p>Noted.</p> |

| <p>15. COASTWATCH</p> | | |
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| <p>CoastWatch is of the opinion that analysis of the site (which although zoned “airport” is recognised as a site with conservation value) would support retreating all infrastructure from the back beach and dune cordon, and together with a more formalised access this would fulfill the requirements of coastal managers at a reduced cost to the taxpayer.</p> | <p>See formal comment from received from Dr Andrew Mather, attached as an annexure to this report.</p> | |

15.1 Specialist Report

The terms of reference for the study are not given and the content of the report is aligned with its title description i.e. vegetation mapping.

It offers no interpretation on the functional aspects of the vegetation.

The lack of analysis provided in the basic assessment report is apparent. It is evident that a simple “vegetation assessment” cannot suffice as “specialist input” to the BAR. The specialist report is, at best, a list of plants encountered in the area under consideration. This amounts to a horticultural exercise, where no analyses or interpretation is given on the information presented, nor is there any attempt to look at the relationship between geomorphology and habitat structure and form.

The specialist identifies two habitat types, an early seral stage and more definitive dune forest structure, yet does not comment on the evidence before him, which speaks volumes on the coastal processes at work at this point. Quite clearly, there is a need to consider the site from an historical perspective, given the significant changes wrought in the region over the last 100 years, particularly with the establishment of the Virginia airport, which changed the backdune landscape.

In our opinion, the specialist input is inadequate and does not lend itself to decision-making on the part of the EAP, the applicant, or the authorities. More analysis is required.

The purpose of the vegetation report was to ensure that protected tree species were accounted for. The ToR to the specialist was to identify and locate protected tree species and to inform the layout plan in respect to avoiding critical dune elements.

The vegetation report will be revised to include information deemed necessary for this development.

It is however noted that this intended temporary development is proposed in the existing footprint and all potential impacts on the surrounding vegetation are deemed to be positive – with the re-instatement of fencing and increased policing/security as well as the proposed dune rehabilitation. All potential vegetative impacts, particularly during the construction phase, will be mitigated via the implementation of the EMPr.

15.2 Project Description

Coastwatch recognises the need to ensure access for all to the beaches of eThekweni and applauds the initiative to upgrade and improve facilities, however, it is incumbent upon the Municipality, as the guardian of coastal management in the area, to ensure that it abides by sustainable development principles, as well as those contained within the Integrated Coastal Management Act (ICM Act).

Noted. This is a high use area for fishermen. Back-of-beach facilities do exist but are in a poor state. eThekweni proposes to upgrade and increase these facilities, and proposes to do so in full alignment with the ICM Act. According to the ICM Act beach access must be provided and, despite being a high risk area, the Act provides for temporary structures in such areas, as per the implementation of coastal set-back/management lines – additional detail is provided in Dr Andrew Mather’s response to these

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| <p>It is evident that in considering the proposed project, it is important to commence with an analysis of the present situation, which inevitably leads to the question, “are the existing facilities in the correct position?” As noted, the Municipality will consider simply upgrading the existing facilities if they are “unsuccessful” in their bid to establish additional facilities. Coastwatch sees no consideration of the question posed above and as such, consideration of this proposal is recommended and should in effect be considered an “alternative” to be incorporated into the BAR.</p> | <p>comments.</p> <p>The ICM Act specifically mandates the municipality to provide for access to the coastal zone and accompanying public amenity. Access has been historically provided to the coastal zone at this point, a spatial area where neighbouring access to the coast is restricted; by the Beachwood golf course to the south and the coastal forest adjacent the airport to the North.</p> <p>This particular access point has been reported to the DEA and is reflected as such, on the Municipality’s coastal access database.</p> <p>Taking consideration of Dr Mather’s response, retreat of these facilities will be considered if/once they are damaged by storm surges or predicted sea level rise. Defence of these two small buildings would not be considered an option.</p> <p>It is noted that the repair/re-painting etc. of the ablution facilities do not trigger a listed activity and it is therefore not deemed reasonable to have included this as an alternative.</p> <p>An analysis of the present situation, as requested by Coastwatch, will indicate a currently stable beach which has experienced no damage- particularly during the 2007 storm surge event. Sea Level Rise predictions and their interpretations are fully in support of this nature of development in a high risk area.</p> |
| <p>The scant information provided, in the “specialist report”, if correctly analysed, would indicate that much of the “pioneer” habitat described may be attributed to the positioning of the existing ablution facility. Possibly an ALTERNATIVE option, is to RETREAT the ablution facility leeward and implement a low key, managed access point. It follows that the “alternative” design options provided cannot be considered to be “alternatives” as anticipated in the spirit of the NEMA EIA regulations.</p> | <p>There is no evidence to support this statement. While retreat is the ideal scenario, closing the beach will not prevent people from forcibly accessing the beach at this point. Alternatively, this is an existing high use area, and this action proposed will ultimately limit</p> |

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| | <p>access for the public, with concerns for fishermen who fish for their livelihoods. There are no other 'site/location alternatives'.</p> <p>This proposal seeks to provide improved facilities for all at this particular site, and the alternative options are those designs put forward by eThekweni Municipality in consultation with their EPCP department.</p> |
| <p>15.3 Layout Alternatives</p> | |
| <p>The layout alternatives are based upon the apparent economic basis for establishing restaurants, access points etc. There appears to be little consideration of dune and beach sediment dynamics and coastal processes which would inform on the positioning or placement of the described structures. Furthermore, the addition of "dune rehabilitation" as a possible "mitigation" is noble, but is it wise? A more thorough analysis of the study area under the specialist investigations would inform on such matters from a scientific perspective, rather than an arbitrary sketch plan based on recent aerial imagery.</p> | <p>The layout alternatives are not based on an economic basis but rather the initial use of the existing footprint and thereafter, with the preferred alternate, the negotiated agreement balancing development, access and dune rehabilitation.</p> <p>Beach sediment dynamics and erosion profiles have been taken into account. (See Dr Mather's formal comment and additional information provided). It is noted, that this stretch of beach was not subject to the high levels of erosion of the 2007 exceptionally abnormal, tidal surge event. The existing toilets were not inundated or damaged by erosion.</p> <p>In addition, the proposed restaurant facility is to be a temporary (removable) structure on a short term lease agreement.</p> |
| <p>15.4 Need & Desirability</p> | |
| <p>CURING ILLS It is disputed that further development of facilities in the region will "improve" the poor socio-economic state of the beach through (implied) greater public presence and control. The socio-economic</p> | <p>Recent experience with the Central Durban Beachfront upgrade provides specific measureable proof that improvement of facilities and greater public</p> |

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| <p>problems associated with this portion of beach / dune are common to many vegetated dune areas of eThekweni and beyond, and it would be irrational to take such an approach to open space and natural habitat areas, in general. As indicated above, an assessment and understanding of the natural processes at work in this area should be the basis of any real proposal for development.</p> | <p>presence/ control <u>does</u> improve poor/historical unsociable behaviour. The comment made by Coastwatch is therefore incorrect.</p> <p>This is an existing access point which is currently under siege. The Municipality has a legal responsibility, in terms of the ICM Act, to provide <u>safe</u> access and amenity in addition to protecting coastal vegetation.</p> <p>Integrated coastal management requires balancing relationships and responsibilities and its key focus is on facilitating sustainable coastal development. In this instance, this proposed temporary development with its accompanying dune rehabilitation, is fully in keeping with the Act's principles.</p> <p>The natural processes at work in this area have been the subject of extensive investigation by the Municipality over many years – as evidenced in the attached report.</p> |
| <p>ALTERNATIVE LOCATION</p> <p>Coastwatch would also question as to why this area is being considered for such facilities? This is said, when the same undesirable social issues arise at places such as “Rocket Hut” La Lucia (a few hundred metres along the beach), where such facilities may be more easily accommodated within the back beach, in areas readily frequented by the public.</p> | <p>As previously detailed this is the only reasonable public access point in this vicinity. There are existing ablution facilities (although requiring repair) and it is evident that there is a need to access the beach by the public at this point.</p> <p>As detailed previously this access has been included in the eThekweni Beach Access Implementation Plan. This access point (ECA No. 3122) is rated as ‘high’, is to remain open and has been prioritised for upgrading.</p> <p>Efforts are being made by the Municipality to appropriately respond to all coastal access provided and deal with undesirable social issues elsewhere as well.</p> |
| <p>BEACH DRIVING</p> | <p>At the outset it is noted, that while this beach access</p> |

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| <p>While “illegal” beach driving is a noted problem within the study area, Coastwatch understands that this has been an historical problem and is also bathed in land legal matters, which cloud the ability to manage such activities in this area. Surely beach access for vehicles could be more easily controlled through a boom gate, rather than the construction of restaurants and other facilities on the foredune and beach system, at this point?</p> | <p>point did encounter significant problems irt illegal beach driving, this dispute between the City and the DEA has long since been resolved with access onto the beach now restricted, and limited to legitimate City operation – cleaning, lifesaving etc. No land legal matters cloud the Cities ability to manage access – a specific requirement from the Cities Parks and Recreation Department.</p> <p>The purpose of the temporary restaurant facility is not to control beach access, however, access onto the beach will be controlled.</p> <p>In addition, security will be in place to report illegal driving on the beach and additional signage of regulations will be erected.</p> <p>It is further noted that the proposed restaurant facilities are proposed to be temporary in nature and will not include any traditional construction activities.</p> |
| <p>THE NEED FOR DUNE REHAB</p> <p>It must be stated that “dune rehabilitation”, is effectively a horticultural response to unstable dune systems and unfortunately, is undertaken in an ad hoc manner based on the anthropogenic belief that “stable dunes” are preferable to “unstable dunes”. To repeat the above, a sound investigation of the coastal dynamics in effect in this area would inform of the need and desirability of dune rehabilitation. It should be noted that in considering the species list within the “specialist report”, the dune is comparatively diverse when viewed against other similar systems. What is however important, is to consider “why” such diversity and “what” does this say about this portion of coastline? The answer is obvious, but needs to be appreciated by those advocating the development.</p> | <p>Coastwatch is incorrect in assuming that a sound investigation of dune dynamics has not been undertaken by the City and whose long history informed the three alternatives proposed.</p> <p>It should also be noted that the significant portion of dune rehabilitation proposed in the preferred option, is the reinstatement of dune vegetation on the existing hardened access road / currently disturbed footprint and is not in fact dune stabilisation, as alleged by Coastwatch.</p> <p>The intent of the Municipality in this proposed activity is to proactively protect the coastal environment (including dune vegetation) as well as the coastal inhabitants and visitors.</p> |

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| <p>The term “environmentally friendly” architecture is utilised in the proposal and images of wooden, rustic structures are incorporated into the report. Coastwatch would question whether such structures would fulfil the role of “improving control” in this area? Such structures effectively do not limit people movement which, presently, is the cause of much of the perceived “deterioration” of the area. In contrast, retreating all infrastructure from the back beach and dune cordon, with a more formalised access would align with coastal management objectives, at a reduced cost to the taxpayer.</p> | <p>The images provided in the BAR where for illustrative purposes only.</p> <p>The proposed development does not propose to limit people movement but rather control, manage and direct such movement via formalised access points / boardwalks – a system successfully implemented in the Durban Central Beachfront Upgrade.</p> <p>This comment implies that people movement is the perceived cause of deterioration in the area. This is refuted – unsociable behaviour and squatting are the biggest causes of deterioration with the current informal nature of access, allowing parking in sensitive dune areas being the lesser of all problems experienced.</p> <p>The development aims to guide people and increase appreciation and awareness. By providing formalised access points and aesthetic fencing (e.g. eThekweni Central Beachfront), public access can be controlled to prevent damage. In terms of retreat, people will still access the area regardless of the structures in place.</p> |
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15.5 Conclusion

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| <p>Given the paucity of scientific information used to motivate this proposal and the obvious conflict that this development has with both ICMA and the stated coastal policies of the Province and eThekweni Municipality, Coastwatch wishes to record its opposition to this proposal.</p> | <p>Coastwatch has misinterpreted the intent of the ICM Act as there is no obvious conflict with the Act or policies of the province and eThekweni Municipality. This point was confirmed by DEA Oceans and Coasts officials, when visiting the site to ensure that the development conforms to the ICM Act.</p> <p>The Act requires the State, as trustee of coastal public property, to ensure that coastal public property</p> |
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| | <p>is <u>used</u>, <u>managed</u>, <u>protected</u>, <u>conserved</u> and <u>enhanced</u> in the interests of the whole community, as opposed to a few individuals or groups.</p> <p>The development application fully conforms to these, sometimes conflicting, requirements.</p> |
| <p>It is recommended that the applicant provides either stronger motivation, grounded in sound scientific rational thinking to support the proposal, or alternatively considers other areas for the establishment of such facilities.</p> | <p>Additional reports are included substantiating comment made.</p> |
