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**GEORGE**  
6530

**Attention: Ms. Melissa Mackay**

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Dear Madam

**RE: REQUEST FOR COMMENTS ON THE PART 2 AMENDMENT APPLICATION OF THE EXISTING ENVIRONMENTAL AUTHORISATION FOR HOUSE VOGEL / THE HAPPY PLACE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY.**

1. Your request for comment from the sub-Directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 23 August 2021, refers.
2. The Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") is a Specific Environmental Management Act under the umbrella of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). The NEM: ICMA sets out to manage the nation's coastal resources, promote social equity and best economic use of coastal resources whilst protecting the natural environment. In terms of Section 38 of the NEM: ICMA, the Department of Environmental Affairs and Development Planning ('the Department') is the provincial lead agency for coastal management in the Western Cape as well as the competent authority for the administration of the "Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) "Public Launch Site Regulations". The Department, in pursuant of fulfilling its mandate, is implementing the Provincial Coastal Management Programme ("PCMP"). The PCMP is a five (5) year strategic document, and its purpose is to provide all departments and organisations with an integrated, coordinated and uniform approach to coastal management in the Province. A key priority of the PCMP is the Estuary Management Programme, which is predominantly implemented through the Estuary Management Framework and Implementation Strategy ("EMFIS") project. The Department is implementing estuary management in accordance with the NEM: ICMA and the National Estuarine Management Protocol ("NEMP"). Relevant guidelines, Estuarine Management

Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone.

3. The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:

3.1. It is noted that the owner of Erf 2103 Piesang Valley, and holder of the EA, wishes to amend the current EA (which was issued by the Department on 17 September 2018) for a single residential dwelling to provide a day care, training and rehabilitation centre for domestic animals. Two cottages are proposed to be utilised for staff accommodation and a separate unit is for the proposed training centre. The applicant wishes to replace the approved single residential dwelling with the proposed rescue facility. All structures will be raised above ground on stilts, including dog kennels.

3.2. The NEM: ICMA is not listed as relevant legislation for the proposed development in the draft Amendment Assessment Report (2021). The NEM: ICMA should be listed as relevant legislation, as the proposed maintenance activities will occur within the estuarine functional zone ("EFZ") as well as within the coastal protection zone ("CPZ") and the purpose of the CPZ should be considered in the application. Due to the effects of climate change, it was predicted that the Western Cape would experience, *inter alia*, changes in temperature, decrease in rainfall and an increase in the frequency and magnitude of storm surges along the coast. It is in the light of this complex and dynamic nature of the coastline that the NEM: ICMA was promulgated. The NEM: ICMA provides a framework for the integrated management of the coast with the aim of preserving, protecting, extending and enhancing the status of coastal public property and securing equitable access to the benefits and opportunities of the coast. As such, the NEM: ICMA provides for various zones and provides a framework for the management of these zones.

3.3. The proposed development layout is set to occur seaward the coastal management line ("CML") for the Garden Route District as noted in the amendment report. The increased effects of climate change, sea level rise and increased storm surges in coastal environments obliges the Department to take a more cautious approach when considering developments along the coast and estuaries. The technical delineation of the CML project was to ensure that development is regulated in a manner appropriate to risks and sensitivities in the coastal zone. The CML was informed by various layers of information including biodiversity, estuarine functionality, risk to flooding, wave-run-up modelling, *inter alia*, and was delineated in conjunction with and supported by other organs of state including the Local and District Municipalities, CapeNature and all other organs of state represented on the steering committee for the Garden Route District CML project. The principal purpose of the CML is to protect coastal public property ("CPP"), private property and public safety; to protect the CPZ; and to preserve the aesthetic value of the coastal zone. The use of CMLs is of particular importance in response to the

effects of climate change, as it involves both a quantification of risks and pro-active planning for future development.

- 3.4. The draft Amendment Assessment Report indicated that the proposed rescue centre will be located within 100m of the highwater mark of the Piesang River, as such the proposed development will occur within the EFZ. The applicant is advised to consider the Western Cape Estuarine Management Framework and Implementation Strategy: Best Practice Activity Guidelines (2019) which is a value resource for the nature of the proposed development and can be found on the Departmental website at:

<https://www.westerncape.gov.za/eadp/files/atoms/files/WC%20EMFIS%20Activity%20Guidelines.pdf>

- 3.5. The draft Amendment Assessment Report states that the proposed development has no influence on an estuary management plan. It should be noted the Department's Estuary Management Plans ("EMPs") are currently open for public comment and the Piesang River EMP indicated that subject property is proposed to be zoned as Development (Low Intensity). This zone reflects the nature of current development but also has a specific purpose, namely, to regulate the type of future development and activities that may take place within these private land parcels. The EMP recommends that the areas earmarked in this zone be reserved for either no development or very-low density development, tailored towards agriculture conservation and eco-tourism. The Piesang River EMP can be accessed via the Department website:

[https://www.westerncape.gov.za/eadp/files/atoms/files/Piesang%20River%20Estuary%20Draft%20EMP\\_2021.pdf](https://www.westerncape.gov.za/eadp/files/atoms/files/Piesang%20River%20Estuary%20Draft%20EMP_2021.pdf)

- 3.6. The nature of estuaries and the broader littoral active zone must be taken into account in land-use planning and this includes planning for the natural meandering and/or migration of the estuary channel and mouth, riparian flooding, tidal surges and sea storm events as well as the long-term natural processes of erosion and accretion in the coastal zone. The capacity of the estuary and/or river to accommodate recreational pressure generated by shoreline development should be taken into account in determining the nature and scale of development adjacent to estuaries.
- 3.7. The applicant considered critical biodiversity areas ("CBAs") and ecological support areas ("ESAs") as well as aquatic features in relation to the proposed development and in accordance with the Western Cape Biodiversity Spatial Plan (2017). Where possible, CBAs and priority ESAs as well as remaining natural ecosystems, particularly forests, riparian margins and dune systems, should be preserved. These natural units holistically provide protection against extreme events such as natural disasters and associated erosion.
- 3.8. It is noted from the to the Wetland Assessment (EnviroSci, June 2021) that the proposed layout amendment would see a reduction in the overall footprint of the proposed development with the proposed access road already being completed as authorised.

With the lifting of structures, the Wetland Assessment stated the hydrological impact on the site would be further limited.

- 3.9. The Garden Route Coastal Access Audit (2019) indicated access to the coast at the subject stretch of coast is via private residences only. There is also an issue of encroachment of private gardens into the primary dunes which is a major concern. The applicant is advised to stay within the proposed development footprint.
- 3.10. The amendment proposal includes a proposed entrance and access road as well as a guest parking area. The Guidelines mentioned in item 3.4. advises that parking areas must be positioned in such a way as to minimise the need for protection structure/measures and maintenance.
4. The applicant must be reminded of their general duty of care and the remediation of environmental damage, in terms of Section 28(1) of NEMA, which, specifically states that: *"...Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment..."* together with Section 58 of the NEM: ICMA which refers to one's duty to avoid causing adverse effects on the coastal environment.
5. The SD: CM reserves the right to revise its comments and request further information from you based on any information that may be received.

Yours faithfully

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**CONTROL ENVIRONMENTAL OFFICER**  
**SUB-DIRECTORATE: COASTAL MANAGEMENT**