
The EAP
Cape Environmental Assessment Practitioners
P.O. Box 2070
GEORGE
6530

Attention: Mr Francois Byleveld

Tel: 044 874 0365

Email: francois@cape-eaprac.co.za

RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT FOR THE KEURBOOMS LIFESTYLE VILLAGE ON PORTION 38 OF FARM GANSE VALLEI 444, PLETTENBERG BAY.

Good Day,

Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 23 February 2024, refers.

1. CONTEXT

- 1.1. 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".
- 1.2. 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. The Department has developed the next generation PCMP that includes priority objectives for the next 5 years. This PCMP was adopted on 19 May 2023 and may be viewed at [Western Cape PCMP 2022-2027](#).

- 1.3. 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. The Department is in the process of approving a series of Estuarine Management Plans. Both draft and approved plans may be viewed at [DEA&DP: Coastal Management](#).
- 1.4. The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP. The Department developed the Provincial Coastal Access Strategy and Plan, 2017 ("PCASP") and commissioned coastal access audits per municipal district to assist municipalities with identifying existing, historic, and desired public coastal access. These coastal access audits also identify hotspots or areas of conflict to assist the municipalities with facilitating public access in terms of Section 18 of the NEM: ICMA. The PCASP as well as the coastal access audits are available on the Departmental website at [DEA&DP: Coastal Management](#).

2. COMMENT

- 2.1 The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and have the following commentary:
 - 2.1.1. The proposal comprises the development of a low-density residential estate with private amenities. Farm 38/444 is currently zoned as Agriculture Zone I and the applicant intends to subdivide the property into two portions namely: Residential Zone II (which will equate to 36% of the subject property) and Open Zone III (which will equate to 64% of the subject property). No formal development is proposed for the Open Zone II space, but existing pedestrian trails will be maintained.
 - 2.1.2. According to the Western Cape Biodiversity Spatial Plan (2017) the eastern portion of Farm 38/444 forms part of Aquatic and Estuarine Critical Biodiversity Areas and the applicant has indicated these areas will be demarcated as no-go zones and the development footprint will occur on the western portion of Farm 38/444, which is outside the CBAs. The applicant has adequately considered the management objectives of the subject CBAs and has intentionally positioned the proposed development in the transformed, flat portion of the subject property to avoid higher sensitive areas identified by the biodiversity, botanical, faunal and aquatic specialists' studies.
 - 2.1.3. The Aquatic Compliance Statement (2024) confirmed that no freshwater or estuarine features will be directly or indirectly affected by the proposed development as the Keurbooms River Estuary is well protected by a very well vegetated buffer over 45m wide.
 - 2.1.4. Farm 38/444 is partially within the Coastal Protection Zone ("CPZ") as defined in Section 16 of the NEM: ICMA and the purpose of the CPZ is to avoid increasing the effect or

severity of natural hazards in the coastal zone and to protect people and properties from risks arising from dynamic coastal processes, including the risk of sea level risks. Due to the subject property's location within the CPZ, Section 63 of the NEM: ICMA must be considered where an authorisation is required in terms of Chapter 5 of the NEMA. Furthermore, Section 62 of the NEM: ICMA obliges all organs of state that regulates the planning of land to apply that legislation in a manner that gives effect to the purpose of the CPZ. As such, Section 63 of the NEM: ICMA must be considered by local authorities for land use decision making. The SD: CM notes that the proposed additions will not adversely affect the aims of the CPZ. The applicant has adequately considered the purpose of the CPZ as the portion where the proposed development will occur is deemed to be appropriate, as that the applicant has limited the proposed development to already disturbed, elevated areas while preserving or maintaining the remaining coastal habitat and coastal processes towards the estuary.

- 2.1.5. The proposed development is located landward of the Garden Route District Coastal Management Line ("CML"). The technical delineation of the CML 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 flooding, wave run-up modelling, *inter alia* and was delineated in conjunction with and supported by other organs of state including Local and District municipalities as well as 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, private property, and public safety; to protect the coastal protection zone; 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 the quantification of risks and pro-active planning for future development. The SD: CM notes the applicant has considered the CML and the associated Coastal Risk Information as well as floodlines, in relation to the proposed development.
- 2.1.6. The subject property is located adjacent to the Keurbooms River Estuary and the applicant has effectively considered the Keurbooms-Bitou Estuarine Management Plan and its management objectives with specific reference to the maintenance of a riparian zone along the length of the estuary where sensitive habitat occurs. The SD: CM notes the applicant will implement a 33m buffer zone around the portion that is excluded from the development footprint (Open Zone II). This aligns with the Western Cape EMFIS: Best Practice Guidelines (2019).
- 2.1.7. Any disturbance to the bank of a natural river or estuary may alter the hydrodynamics of the system, leading to the bank of a natural river flow conditions and subsequent channel modifications. Incorrectly designed structures could reflect wave action or currents, thereby increasing potential damage to nearby unprotected banks. The SD: CM notes that on page 15 of the Aquatic Compliance Statement (2024), erosion management

measures are proposed to ensure that construction activities does not cause erosion on the subject property or its riverbanks. This is supported by the SD: CM.

- 2.1.8. It is acknowledged that the applicant intends to maintain existing walkways. Be advised that no further formal or informal walkways/pathways to the coast through the estuarine function zone (below the 5m contour), may be created on the subject property, as this active area performs an important ecological function. The activities on the subject property may in no way impede on the general public's ability to access coastal public property.
- 2.1.9. The proposed mitigation measures as stipulated in the draft EMPr are appropriate and practical and should be strictly adhered to. The SD: CM does not object to the proposed development and the preferred alternative, provided that all the above-mentioned items are considered and the measures in the draft EMPr are strictly adhered to.
- 2.1.10. Notwithstanding the above, the applicant must be advised that the location of the property could still render the property at risk to coastal processes. This has been observed by the increase in frequency and magnitude of storm and flood events along the coast and estuaries as a result of climate change. The storm events that occurred in September 2023 is evidence of such events. It is therefore advised that caution be applied in the design and placement of the proposed structures.
3. 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.
4. The SD: CM reserves the right to revise or withdraw its comments and request further information from you based on any information that may be received.

Yours faithfully

leptieshaam Bekko
CONTROL ENVIRONMENTAL OFFICER
SUB-DIRECTORATE: COASTAL MANAGEMENT
DATE: 26 March 2024