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The EAP  
Eco Route Environmental Consultancy  
P.O. Box 1252  
SEDGEFIELD  
6573

**Attention: Ms Joclyn Marshall**

Tel: 072 126 6393

Email: [admin@ecoroute.co.za](mailto:admin@ecoroute.co.za)

**RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE PROPOSED DEVELOPMENT OF ERF 1058, WHITES ROAD, HOEKWIL (WILDERNESS HEIGHTS) GEORGE MUNICIPALITY, WESTERN CAPE.**

Good Day,

Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 22 September 2023, 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 draft 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 will entail a low density residential and tourism development on Erf 1058 Hoekwil. The proposed development will consist of 830m<sup>2</sup> of building structures including a main house, three accommodation units, and associated infrastructure as well as 1093m<sup>2</sup> of landscaped areas on the 3.0108ha property.
  - 2.1.2. Be advised that on page 11 of the pre-app BAR, the applicant indicated that the NEM: ICMA is not an applicable legislation for the proposed development, however the subject property is located in the Coastal Protection Zone ("CPZ") and affected by the Coastal Management Line ("CML") as such the NEM: ICMA is indeed applicable for the proposed development.
  - 2.1.3. The SD: CM confirms that in accordance with the Western Cape Biodiversity Spatial Plan 2017, the development is proposed to be partially within a Critical Biodiversity Area and the applicant has indicated the loss of vegetation and potential habitats can be managed and mitigated to limit the disturbance of vegetation. The applicant also considered Ecological Support Areas as well as the adjacent Wilderness Lakes Protected Area that forms part of the Garden Route National Park. Furthermore, the SD: CM notes that the applicant also indicated that the rezoning of the subject property to Open Space Zone II will further contribute to the conservation of the abutting protected area.

- 2.1.4. The subject area in its entirety is located within the Coastal Protection Zone ("CPZ") as defined in Section 16 of the NEM: ICMA and partially seaward of the Garden Route District coastal management line ("CML") delineated by the Department in the project for the coastal management line. 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 should be considered by local authorities for land use decision making.
- 2.1.5. 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 Overberg 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. The SD: CM can confirm that the subject property will not be affected by risk zones as per the Department's coast risk modelling for the Garden Route District project.
- 2.1.6. The SD: CM can confirm that due to the subject property's proximity to the highwater mark (800m) and the height above sea-level (64-110m), Erf 1058 is unlikely to be subjected to coastal erosion effects and risks arising from dynamic coastal processes. This is further confirmed by the Departmental coastal risk zones. The applicant did acknowledge that the steep slopes of the subject property will however be vulnerable to erosion during clearance of the site and the construction phase and the SD: CM agrees that appropriate erosion control measure should be implemented inside the boundaries of the subject property.
- 2.1.7. Furthermore, the SD: CM notes that on page 18 of the pre-app BAR, a buffer for the non-perennial drainage line to the west of the property is set to 36m. Any development that occurs within this buffer is considered to be of a very high aquatic sensitivity, while others

outside the buffer are considered to be of a low sensitivity and this further aligns with the Garden Route District CML.

- 2.1.8. Based on the abovementioned items, the SD: CM does not object to the rezoning of Erf 1058 to Open Space Zone III and the proposed development, provided that all the above-mentioned items are considered and the EMPr is strictly adhered to.
- 2.1.9. 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.
3. 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

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**leptieshaam Bekko**  
**CONTROL ENVIRONMENTAL OFFICER**  
**SUB-DIRECTORATE: COASTAL MANAGEMENT**  
**DATE: 24 November 2023**