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Eco Route Environmental Consultancy
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Attention: Ms Joclyn Marshall

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RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE DRAFT BASIC ASSESSMENT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 91 OF FARM MATJIESFONTEIN 304, KEURBOOMSTRAND, PLETTENBERG BAY, WESTERN CAPE.

Good Day Madam,

Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned draft basic assessment report ("DBAR") received on 20 March 2025, 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 Western Cape Provincial Coastal Management Programme ("WC: PCMP 2022-2027) 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. This WC: PCMP 2022-2027 was adopted by the Provincial MEC for Local Government, Environmental Affairs and Development Planning on 19 May 2023 and available upon request.

- 1.3. A key priority of the PCMP is the Estuary Management Programme, which is implemented 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.
- 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 2022-2027. 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 upon request.

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 development concept entails 60 group housing stands with average erf sizes of approximately 500m² each within a gated security complex. Farm 91/304 is currently unutilised vacant land that is currently being used as a horse-riding centre, falls within the urban edge and is in alignment with the relevant guidelines as stipulated in the MSDF. No alternatives were identified.
 - 2.1.2. The applicant has considered all critical biodiversity and ecological support areas in accordance with the to the Western Cape Biodiversity Spatial Plan (2023). It is stated in the DBAR that the southern portion of Farm 91/304 where the proposed development is said to occur, forms part of a transformed area that is less sensitive to disturbance and there is no remaining natural habitat. Furthermore, the proposed open space systems correspond to the position of indigenous vegetation.
 - 2.1.3. The applicant adequately considered Farm 91/304 in relation to the Coastal Protection Zone ("CPZ") and its purpose as defined in Section 16 of the NEM: ICMA, however on page 20 of the DBAR it should be corrected that the NEM: ICMA is indeed relevant legislation for the subject property as it is located within the CPZ.

- 2.1.4. The applicant adequately noted that Farm 91/304 is located seaward of the Garden Route District's 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 organs of state. 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.
- 2.1.5. Although Farm 91/304 is located seaward of the CML, the SD: CM notes that the subject property is unlikely to be impacted by coastal processes due to its proximity to the highwater mark; the subject property is not located within the 1:100-year floodline; nor is it located in close proximity to the Departmental coastal risk zones or erosion projections. The SD: CM also notes that the applicant has done their due diligence to consider the Departmental coastal risk information in relation to the subject property. However, it is recommended that new development seaward of the CML should be limited.
- 2.1.6. The proposed development area of Farm 91/304 occurs within the estuarine functional zone ('EFZ') however the applicant indicated that according to the freshwater specialist, there are no aquatic features present on the site and no hydrodynamic indicators in the soil. Furthermore, the Keurbooms-Bitou Estuarine Management Plan also indicated that Farm 91/304 is located above the 1:100-year floodline with no flood risks associated with the subject property.
- 2.1.7. The SD: CM can confirm that the proposed development will not affect public coastal access or public coastal property due to Farm 91/304's proximity to the coast.
- 2.1.8. The SD: CM notes the proposed mitigation measures as stipulated in the draft EMPr to address environmental concerns, are both appropriate and practical and should be strictly adhered to should the application be successful.
- 2.1.9. Although the applicant seems to have conducted due diligence, the SD: CM is concerned with the volume of structures proposed within the EFZ and seaward of the CML. It is therefore advised that the applicant proposes alternatives that comprises lower density development as well as considers more suitable design for structures proposed within the EFZ, as the DBAR illustrates in Figure 12 on page 46, that the development area forms part of a wetland. Although the freshwater specialists indicated that there are no tidal influence on site, considering the location of the development area within the EFZ, the competent authority must consider a precautionary approach for Farm 91/304.

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: 23 April 2025