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**Attention: Ms Joclyn Marshall**

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

**RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF ERF 301, WHITES ROAD, HOEKWIL (WILDERNESS HEIGHTS), GEORGE MUNICIPALITY**

Good Day,

Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned pre-application basic assessment report received on 04 July 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 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. 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 entails the development of a single residential dwelling with six smaller pods on Erf 301. The development will prioritise the preservation of natural vegetation aiming to minimise disruption to the existing environment.
  - 2.1.2. The applicant accurately noted the subject property in relation to critical biodiversity and ecological support areas in accordance with the Western Cape Biodiversity Spatial Plan 2017. However, be advised that the WC BSP is in the process of being updated. As such, it is recommended to engage CapeNature in this regard.
  - 2.1.3. The applicant considered the application in the context of the NEM: ICMA and noted the subject property in relation Coastal Protection Zone ("CPZ") and highlighted the importance of sections 62 and 63 of the NEM: ICMA.
  - 2.1.4. In terms of the layout design, the applicant sited the majority of the proposed development landward of the Garden Route District coastal management line ("CML") with a small portion seaward of the CML. The SD: CM is of the opinion that this small portion would not be affected by coastal processes due to the property's elevation.
  - 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 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. The SD: CM confirms that the subject property is unlikely to be affected by risk zones as per the Department's coast risk modelling for the Garden Route District project.

- 2.1.6. Due to the subject property's proximity to the highwater mark (approximately 600m inland of the HWM) and the height above sea-level (between 60-83m), Erf 301 is not subjected to coastal erosion effects and risks arising from dynamic coastal processes. This is further confirmed by the Departmental coastal risk zones.
- 2.1.7. Based on the abovementioned items, the SD: CM does not object to the proposed development on Erf 301, provided that all the above-mentioned items are considered and that the EMPr is strictly adhered to.
- 2.2. 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: 05 August 2024**