



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · Pretoria · 0001 · Environment House · 473 Steve Biko Road, Arcadia, Pretoria

EDMS Reference: 260783

Enquiries: Ms. Tabisile Mhlana

Telephone: (021) 493 7049

Email: OCEIA@dffe.gov.za

Ms. Joclyn Marshall

Eco Route Environmental Consultancy

P.O. Box 3511

Knysna

6570

Tel: 072 126 6393

Email Address: admin@ecoroute.co.za

Dear Ms. Marshall

COMMENTS ON THE APPLICATION FOR PART TWO AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION FOR THE DEVELOPMENT OF A BEACHFRONT SECURITY ESTATE ON PORTION 66 & 67 OF FARM 443, PLETTENBERG BAY, WESTERN CAPE.

The Department of Forestry, Fisheries, and the Environment (DFFE), Branch Oceans & Coasts (O&C) appreciates the second opportunity granted to comment on the Proposed Amendment of the Environmental Authorization (EA) for the Development of a Beachfront Security Estate on Portion 66 & 67 of Farm 443, Plettenberg Bay, Western Cape. This Branch has provided recommendations in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("ICM Act").

The Branch O&C has the mandate to ensure the holistic management of the coast and estuarine areas as an integrated system and promote coordinated coastal management. It ensures that the ecological integrity, natural character, and economic, social, and aesthetic value of coastal zones are maintained to ensure that people, properties, and economic activities are protected against the impacts of dynamic coastal processes.



Batho pele – putting people first.

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Guided by the principles of integrated coastal management, this Branch promotes developments that promote socially justified sharing of benefits derived from a resource-rich coastal area and strives to ensure that the principles of sustainable development are upheld.

Based on the submitted section post-application BAR, the Branch O&C presents the comments stipulated below for consideration. Please note the **recommendations for your consideration**:

1. This amendment application refers to the Environmental Authorisation (EA) issued on 31 July 2024; however, the EA in Appendix G is dated 31 July 2023.
2. The proposed amendments to the EA are the amendment of the Site Development Plan (SDP) to reflect a boardwalk instead of footpath, a revised layout proposed for the amendment of building plates that will have an overall increase in the development footprint of the building plates by 165m² for P06 and P07 and the inclusion of an additional development footprint area on building plate PO8 of 54m², and removal of development footprint area from PO9 of 71m² that will have an overall decreased of 17m². The proposed boardwalk should be constructed within the property boundaries, and the service area should not obstruct the right-of-way for the public and its establishment purpose.
3. This Branch notes that the proposed elevated boardwalk will minimize direct contact with sensitive ecosystems, thereby reducing habitat disturbance. Indeed, studies indicate that properly designed boardwalks can facilitate the recovery of native vegetation, reduce soil compaction and erosion by limiting human trampling. From the application, it is not clear why this option was not included in the initial EA application.
4. Using durable, non-toxic materials is recommended to ensure that the materials resist rot and withstand the impacts of coastal conditions and climate-related factors.
5. The Branch O&C would like to remind the applicant of Section 15 NEM: ICM Act 2008 (Act No. 24 of 2008) *"No person, owner or occupier of land adjacent to the seashore or other coastal public property capable of erosion or accretion may require any organ of state or any other person to take measures to prevent the erosion or accretion of the seashore or intentional act or omission of that organ of state or other people."* Therefore, should any protection measures be required in the future, the applicant will be required to conduct a maintenance management plan.
6. The applicant is reminded of the 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 authorized by law or cannot reasonably be avoided or stopped, to minimize 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.
7. The ICM Act advocates for reasonable coastal access to the coastal and estuarine resources. Therefore, the applicant must take note of the provisions of Section 13 of the ICM Act which states that *"(1) Subject*

to this Act and any other applicable legislation, any natural person in the Republic – (a) has a right of reasonable access to the coastal public property; and (b) is entitled to use and enjoy coastal public property, provided such use – (i) does not adversely affect the rights of members of the public to use and enjoy the coastal public property; (ii) does not hinder the State in the performance of its duty to protect the environment; and (iii) does not cause adverse effect. (1A) Subject to subsections (2) and (3), no person may prevent access to coastal public property.” During the construction and operational phase, the applicant, together with any occupiers of the property, should only use the designated access points to the beach and ensure that the public can safely use and enjoy the coastal zone.

8. While on the subject of public coastal access, the EA amendment, states that “The property will be fenced and gated, however access to the frontal/coastal beach walking trail will not be denied. The Homeowners Association will control the development...” the branch wishes to express concerns regarding private players such as a HOA burdening itself with the responsibility of managing and controlling the public exercising the right of access to the coast. Even though this is a good gesture that could be appreciated, the concern is that this should be a municipal function or a function of a public body. In this regard, it is recommended that such an undertaking be recorded in a manner that guarantees that the coastal access right-of-way will remain in perpetuity.
9. Section 63 of the ICM Act states that when environmental authorization for coastal activities is applied for in terms of Chapter 5 of the National Environmental Management Act, the competent authority must take into account all relevant factors, including whether coastal public property, the coastal protection zone or coastal access land will be affected, and if so, the extent to which the proposed development or activity is consistent with the purpose for establishing and protecting those areas, the socio-economic impact of the proposed activities and the likely effects of coastal processes on the developmental proposal.
10. You are hereby reminded of Section 24F of the National Environmental Management Act, Act No. 107 of 1998, as amended, that no other additional activities outside the scope of this application may commence before an Environmental Authorization is granted by the Department.

Kindly note that the Branch Oceans & Coasts reserves the right to revise its comments and request further information based on any additional information received. All correspondence, documentation, and/or requests (hard copy and an electronic copy) should be submitted to our office via email to OCEIA@dffe.gov.za / or **Physical Address: Department of Forestry, Fisheries & the Environment (DFFE), Branch: Oceans and Coast, 2 East Pier Building, East Pier Road, Victoria and Alfred Waterfront, Cape Town, 8001.**

Yours Sincerely,



Mr. Ryan Peter
Director: Coastal Development & Coordination
Department of Forestry, Fisheries & the Environment
Date: 25/06/2025