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Good day Madam

RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE DRAFT BASIC ASSESSMENT PROCESS FOR THE PROPOSED DEVELOPMENT OF AN OUTSIDE DECK (WITH FIREPIT) WITHIN 100 METRES FROM THE HIGH-WATER MARK OF THE SEA AND A BEACH ACCESS BOARDWALK PLUS VIEWING DECK ON ERF 9706, PORTION 57 OF FARM 443 BRAKKLOOF, PLETTENBERG BAY, BITOU MUNICIPALITY, WESTERN CAPE

Your request for comment from the Sub-directorate: Coastal Management pertaining to the notice of final Basic Assessment Report for the above-mentioned application received via email on 09 February 2026, 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 of which over 20 Estuarine Management Plans have already been approved.
- 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 upon request.

2 COMMENT

- 2.1 The sub-directorate: Coastal Management ("SD: CM") has reviewed the information as specified above and has the following commentary:

The proposal comprises the proposed development of an outside deck with a firepit within 100 meters from the HWM and a beach access boardwalk plus a viewing deck, and possibly the inclusion of an additional 28m² shallow dog wash and shower on Erf 9706, Portion 57 of 443, Plettenberg Bay.
- 2.2 The proposed site falls inland of the draft Coastal Management Line as delineated by DEA&DP in collaboration with relevant organs of state and is within the Coastal Protection Zone ("CPZ") as defined in Section 16 of the NEM: ICMA and delineated by DEA&DP, available spatially on the DEA&DP web-based viewer. It should be noted that 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.

- 2.3 The Site Development Plan appears to indicate that the proposed deck is located within the cadastral boundaries of Erf 9706; however, the proposed boardwalk appears to extend beyond the seaward cadastral boundary into unalienated state land. The DBAR confirms that the proposed boardwalk alignment will traverse onto state coastal land. Be advised that any development on state land requires a lease agreement with the relevant authority. As the proposal comprises the re-development a previous structure, a copy of the previous lease agreement is required to confirm historic lawful use.
- 2.4 The WC Coastal Access Audit – *Garden Route Municipal District (Appendix 1 – Maps and Tables, October 2019)*, determines that the area where the development proposal is located within an area of “Restricted Access.” The area comprises Plettenberg Bay from Robberg Reserve to the western Bank of the Piesang river. Public access is via private residences only. Encroachment of private gardens into the primary dunes is of concern and is prohibited. Private gardens must be withdrawn to within the cadastral boundaries and the dunes must be rehabilitated.
- 2.5 Be advised that the facilitation of public access is an object of the NEM: ICMA as well as a priority of the WC PCMP. As such, the Department does not support the proliferation of private boardwalks but instead recommends that, in collaboration with the local municipality and adjacent residents, that the current ad-hoc pathways are consolidated into shared paths and that redundant pathways be rehabilitated. This will prevent destruction of the dune vegetation and improve the resilience of the dune in maintaining its function as ecological infrastructure against impacts of coastal processes, climate change and human activities.
- 2.6 The DBAR states that the proposed structures replace a previous boardwalk destroyed during the 2017 fire; however, no documentation confirming that the previous boardwalk was lawfully authorised has been provided. Confirmation of the legality of the previous structure, including copies of relevant approvals, should therefore be submitted to confirm the lawfulness of the previous structure.
- 2.7 The Screening Tool identifies high and very high environmental sensitivities for several environmental themes. However, the application does not include a Site

Sensitivity Verification Report or Environmental Compliance Statements as required in terms of the NEMA EIA Regulations (2014, as amended) and associated Specialist Assessment Protocols. These requirements must be addressed.

2.8 Based on the spatial information provided, the Coastal Flood Risk Map and the Coastal Long-Term Erosion Risk Map (Appendix A2 – Coastal Risk Zones) show the development in relation to colour coded risk lines. However, there is no key provided to explain the level of risk (e.g. high, medium, low) and the colour assigned to it (i.e. blue, green, red, orange or yellow). Additionally, the coastal risk appears to be based on the national coastal vulnerability data and not on the coastal risk modelling that was commissioned by the DEA&DP. Bear in mind that the coastal risk modelling conducted by the DEA&DP is more refined than the national coastal vulnerability data. Please see image from DEA&DP web-based GIS viewer below (Figure 1).



Figure 1: Coastal Risk for Erf 9706, Ptn 57 of 443, Plettenberg Bay

- 2.9 Below is the link to the DEA&DP Coastal Map Viewer, that provides web based access to coastal data for the Western Cape - <https://gis.westerncape.gov.za/portal/apps/experiencebuilder/experience/?draft=true&id=638b806ed2354fa2b40b7101b7ecc05b>.
- 2.10 The DBAR refers to a Terrestrial Biodiversity, Plant and Animal Species Assessment compiled by Dr Hoare; however, this report does not appear to be included in the application documentation.
- 2.11 Based on the above, the SD:CM does not support the development proposal on Erf 9707, Portion 57 of Farm 443 Brakkloof, Plettenberg Bay in its current form.
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 its comments and request further information from you based on any information that may be received.

Yours faithfully

leptieshaam Bekko
CONTROL ENVIRONMENTAL OFFICER
DIRECTORATE: BIODIVERSITY AND COASTAL MANAGEMENT
DATE: 17 March 2026