
To: Cape EAPrac Environmental Assessment Practitioners
P.O. Box 2070
GEORGE
6530

Attention: Ms Louise-Mari van Zyl

TEL: +27 (044) 874 0365

PER EMAIL: louise@cape-eaprac.co.za

RE: COMMENT ON THE PRE-APPLICATION: BASIC ASSESSMENT REPORT FOR THE PROPOSED DWARSWEGSTRAND HOLIDAY RESORT ON ERF 720, MOSSEL BAY.

Dear Madam

Your request for comment on the Pre-application Basic Assessment Report (PBAR) dated 22 August 2023 prepared on behalf of the applicant, Kaapland Onderwys Trust (KOT), refer.

1. BACKGROUND

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, implements 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. On 27 March 2023, the Provincial Minister: Local Government, Environmental Affairs and Development Planning adopted the second generation PCMP that includes priority objectives for the next 5 years, which should be considered by Transnet. The document may be viewed at: https://www.westerncape.gov.za/eadp/sites/eadp.westerncape.gov.za/files/atoms/files/Approved_WC_PCMP2022_2027.pdf

- 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 (EMPs). Both draft and approved EMPs may be viewed at <https://www.westerncape.gov.za/eadp/about-us/meet-chief-directorates/environmental-sustainability/biodiversity-and-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 the following URL: <https://www.westerncape.gov.za/eadp/about-us/meet-chief-directorates/environmental-sustainability/biodiversity-and-coastal-management>.

2. COMMENT:

- 2.1 It is noted that the proposed development site is located inland of the coastal management line as well as the coastal erosion risk lines as delineated by this Department.
- 2.2 Restricted access to the coastline, particularly within the Mossel Bay and George Municipal administrative areas within the Garden Route District is increasingly becoming a significant issue. Section 63 of the NEM: ICMA, stipulates several considerations that the Competent Authority must take into account when considering environmental authorisations for activities in the coastal zone, including coastal access. Furthermore, Section 62 of the NEM: ICMA obliges any organ of state that regulates planning or development of land located within the coastal protection zone, to consider any development application in a manner that is consistent with the purpose of the coastal protection. As such, the provisions of Section 63 of the NEM: ICMA must be addressed in the PBAR.
- 2.3 Adequate investigation of public access must be considered in the PBAR to demonstrate if the development may restrict public access to the coast within the context of *in situ* public access to the coastline within the area, and if so how any possible access limitations are considered.
- 2.4 The Department of Environmental Affairs and Development Planning (DEA&DP) supported the Garden Route District Municipality and Local Municipalities with the facilitation of coastal access by commissioning the Garden Route Coastal Access Audit. Please review the said report for consideration within the Draft BAR. For ease of reference, please use the following link to access the coastal access audit assessment report: <https://www.westerncape.gov.za/eadp/about-us/meet-chief-directorates/environmental-sustainability/biodiversity-and-coastal-management>

- 2.5 While it seems that from a coastal processes perspective, (based on the coastal risk modelled data) the development does not raise significant issues, it is advised that a precautionary approach be applied with the placement and design of the units. While it is acknowledged that the proposed site is elevated and is buffered by existing development on the seaward boundary, the storm surge event that occurred over the weekend of 16 to 17 September 2023 resulted in large scale erosion that would also impact the position of the high-water mark of the sea. The increased frequency of these storm surge events, especially along the southern cape coastline warrants careful consideration of the need and desirability of locating new development within the coastal protection zone.
- 3 The Applicant is 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: 20 September 2023