Western Cape Government

Department of Environmental Affairs and Development Planning
Mercia Liddle
Biodiversity and Coastal Management
Mercia.Liddle@westerncape.gov.za | Tel: 021 483 4627
DEA&DP Reference: 16/3/3/6/7/1/E2/10/1484/25
CMU Reference: 17/8/1/ (CMU 057/2026)

The EAP
PHS Consulting
P.O. Box 1752
HERMANUS
7200

Attention: Josie Howard

Tel: 028 312 1734
Email: josie@phsconsulting.co.za

RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL ON PORTION 40 OF FARM 711. KLIPFONTEYN, GANSBAAI.

Good day Madam,

Your request for comment from the Sub-directorate: Coastal Management on the above-mentioned application received on 10 June 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 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 is available upon request.

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).

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") have reviewed the information as specified above and have the following commentary:

2.1.1. The proposal entails the proposed rezoning, subdivision and subsequent residential development on Farm 40/711, Klipfonteyn adjacent to Romansbaai Beach located approximately 4km from Gansbaai. The subject site is within the Urban Edge of the Overstrand Municipal Spatial Development Framework, and the applicant intends to rezone and subdivide the property as follows:

2.1.1.1. 6 Residential Erven – which will link with existing service infrastructure of the Romans Beach and Fynbos Estate development as there is sufficient municipal service capacity to provide the proposed 6 residential erven with the required services.

2.1.1.2. Private Road – the new private road will be accessed via the internal road infrastructure of the Romans Beach and Fynbos Estate and an access servitude from an existing cul-de-sac.

2.1.1.3. Private Open Space (POS) Zone – approximately 2ha.

2.1.1.4. Utility Services Zone – already exists but will be formalised.

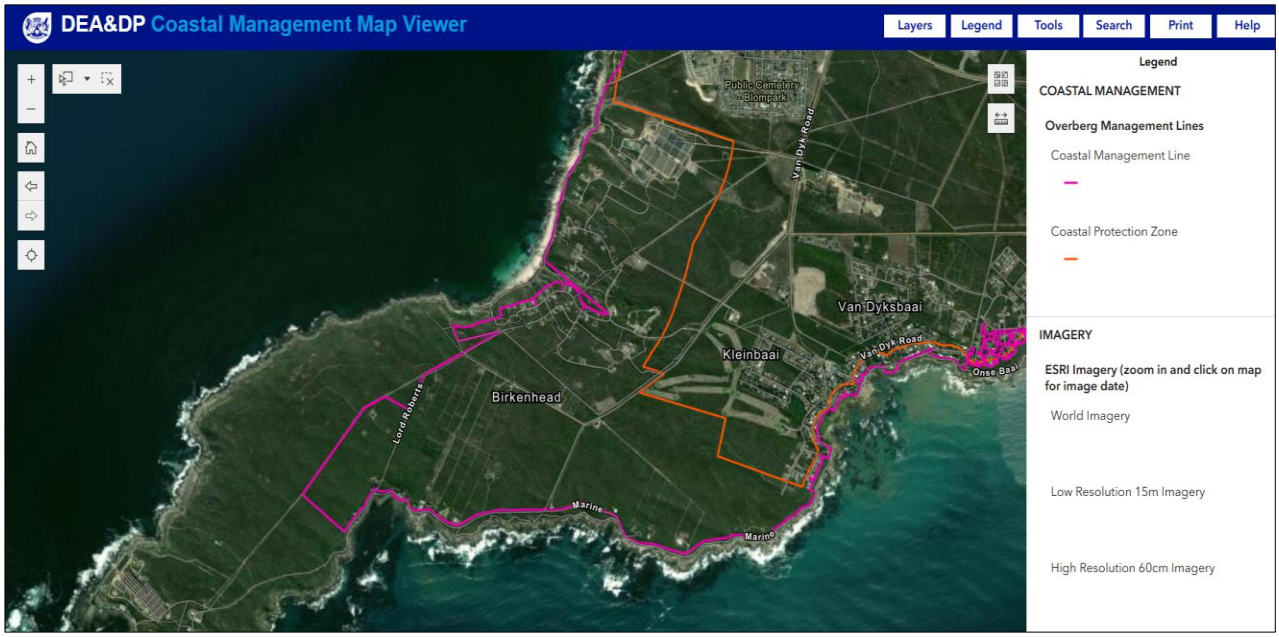
2.1.1.5. Conservation Zone – approximately 3.5ha.

2.1.2. The applicant has comprehensively identified the applicable Critical Biodiversity and Ecological Support Areas together with their associated management objectives, as informed by the Western Cape Biodiversity Spatial Plan (20230. Additionally, the applicant highlighted that Farm 40/711 is located within the Urban Edge of Gansbaai and that the proposed establishment of a dedicated conservation zone on the subject property will support the conservation and long-term protection of the threatened ecosystem.

2.1.3. The SD: CM notes the EMPr outline measures to minimise negative impacts on the sensitive natural ecosystems including recommendations for the appropriate management of the private open space and conservation zones on Farm 40/711. However, it should be noted that the SD: CM has concerns that "private" open space may create the perception of privatisation of the coastline, which is not supported.

2.1.4. On page 24 of the Pre-Application BAR the applicant states that the subject property is located within the urban edge and 100m from the highwater mark it aligns with the NEM: ICMA and therefore outside the Coastal Protection zone (CPZ) – this is incorrect. Farm 40/711 in its entirety is located within the Coastal Protection Zone ("CPZ") as defined in Section 16 of the NEM: ICMA (see Figure 1 below). 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.

2.1.5. 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. As such, Section 63 of the NEM: ICMA must be considered by local authorities for land use decision making. The applicant is therefore advised to correct their statement about Farm 40/711 position within the CPZ.



2.1.6. The SD: CM is satisfied with the proposed development layout and associated infrastructure on Farm 40/711 have been appropriately positioned landward of the Coastal Management Line (CML) and outside the identified Coastal Risk Zones as determined through the Department's coastal risk modelling for the Overberg CML Project. The SD: CM further confirms that the applicant has undertaken the necessary due diligence to ensure alignment of the proposed development with the primary objectives of the CML, in accordance with the NEM: ICMA.

2.1.7. The Department, in terms of the Western Cape Provincial Coastal Access Strategy and Plan, commissioned the Coastal Access Audit (CAA) for the Overberg District Municipal Region (2019). This CAA was conducted in collaboration with both the Local and District Municipalities and was aimed at identifying areas of conflict, areas where the public currently and historically access the coast, as well as identify infrastructure requirements to facilitate such public access to the coast. According to the Overberg CAA, the subject area the subject area has no formal access along the coastal boundary of the subject property. No specific access provisions have been identified in the Overberg CAA but the SD: CM noted from aerial imagery that there is a tidal pool located seaward of the subject property's cadastral boundary. It should be noted that this tidal pool falls within coastal public property (CPP) and as such it is not for the exclusive use by private landowners. The applicant must also note that the proposed development may in no way impede on the general public's ability to access CPP.

2.1.8. Be advised, Section 18(9) of the NEM: ICMA states that each municipality approving the rezoning, subdivision, or development of a land unit within or abutting CPP must ensure that adequate provision is made in the conditions of approval to secure public access to that coastal public property. As such, the applicant must be informed that any activities and developments on the subject properties may in no way impede on the general public's ability to access CPP in terms of Section 13(1A) of the NEM: ICMA. The applicant may also not create any formal or informal pathways or footpaths leading to the coast outside their cadastral boundaries.

2.1.9. The SD: CM confirms through the consideration of satellite imagery, that the proposed development will not be affected by the highwater mark and that there aren't any imminent concerns around how the proposal will affect the littoral active zone.

2.1.10. Based on the above-mentioned items, the SD: CM does not object to the rezoning, subdivision and subsequent residential development for Farm 40/711 Klipfonteyn, as extensive efforts have been done to ensure the proposal's alignment with the provisions of the NEM: ICMA, provided all the abovementioned items are taken into consideration and the proposed mitigation measures as stated in the EMPr are strictly adhered to.

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



Ieptieshaam Bekko
CONTROL ENVIRONMENTAL OFFICER
SUB-DIRECTORATE: COASTAL MANAGEMENT
DATE: 10 July 2026