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Reference LE14/2/6/1/6/1/RE ERVEN 10190&2066&706_
Estuarine_Plettenberg Bay

date 30 October 2024

Sharples Environmental Services cc,
P.O.Box 9087,
George,
6530

Attention: Ms Lu-anne de Waal
By email: luanne@sescs.net

Dear Ms Lu-anne de Waal

**THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED
EXPANSION OF MILKWOOD MANOR HOUSE AND PARKING ON ERF 10190,
REMAINDER OF ERF 2066, AND REMAINDER OF ERF 706, PLETTENBERG BAY,
BITOU LOCAL MUNICIPALITY, WESTERN CAPE.**

DEA&DP Reference: I6/3/3/6/7/D1/14/0217/24

CapeNature would like to thank you for the opportunity to review the above report. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature we wish to make the following comments:

According to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet *et al.* 2017)¹ the property has Critical Biodiversity Areas (CBA 1: Aquatic; Estuary) and abuts the Keurbooms River Nature Reserve Seagull Colony. Furthermore, the property is within the Keurbooms Estuarine Functional Zone (Nel *et al.* 2011)², which is poorly protected (Van Deventer *et al.* 2019)³.

According to Vlok and de Villiers (2007)⁴ fine scale vegetation maps the area is described as Wilderness Forest Thicket. According to the National Biodiversity Assessment (Skowno *et al.* 2018)⁵ the vegetation is Goukamma Dune Thicket which is Least Concerned (SANBI 2022)⁶.

¹ Pool-Stanvliet, R., Duffell-Canham, A., Pence, G. & Smart, R. 2017. The Western Cape Biodiversity Spatial Plan Handbook. Stellenbosch: CapeNature.

² Nel, J.L., Murray, K.M., Maherry, A.M., Petersen, C.P., Roux, D.J., Driver, A., Hill, L., Van Deventer, H., Funke, N., Swartz, E.R., Smith-Adao, L.B., Mbona, N., Downsborough, L. & Nienaber, S. (2011). Technical Report for the National Freshwater Ecosystem Priority Areas project. WRC Report No. K5/1801.

³ Van Deventer, H., van Niekerk, L., Adams, J., Dinala, M.K./ Gangat, R., Lamberth, S.J., Lötter, M., MacKay, F., Nel, J.L., Ramjukadh, C.J., Skowno, A., Weerts, S. 2019. National Wetland Map 5-An Improved Spatial Extent and representation of inland aquatic and estuarine ecosystems in South Africa.

⁴ Vlok JHJ, de Villiers R (2007) Vegetation Map for the Riversdale Domain. Unpublished 1:50 000 maps and report supported by CAPE FSP task team and CapeNature.

⁵ Skowno, A. L., Poole, C. J., Raimondo, D. C., Sink, K. J., Van Deventer, H., Van Niekerk, L., Harris, L. R., Smith-Adao, L. B., Tolley, K. A., Zengeya, T. A., Foden, W. B., Midgley, G. F. and Driver, A. 2019. National Biodiversity Assessment 2018: The status of South Africa's ecosystems and biodiversity. Synthesis Report. Pretoria, South Africa. 214 pp.

⁶ Government of South Africa (2022) South African Red List of Terrestrial Ecosystems: assessment details and ecosystem descriptions. Technical Report #7664, SANBI Pretoria, South Africa.

Following a review of the dBAR and Estuarine Assessment, CapeNature wishes to make the following comments:

1. CapeNature does not support the development within the coastal dune section of the Estuarine Function Zone (EFZ) as this is within coastal habitat which is an important ecological infrastructure that provides a range of regulatory services to coastal communities (Cadman 2016)⁷. The coastal habitat has an essential role in providing physical buffering against sea storm surges and other potential climate change related impacts. Ecological infrastructure must be in a functional and natural state as they have an important role in landscape connectivity, as well as supporting the functioning of PAs or CBAs (Pool-Stanvliet *et.al.* 2017).
2. The impacts of climate change such as increase in rainfall, flooding, rise in sea-level and storm events must be considered for this application. Considering that the Keurbooms estuary has flooded in the past.
3. CapeNature does not support any clearing of vegetation that will destabilize the banks of the estuary. However, we do recommend bank stabilization to mitigate the impacts of future storm events.
4. Enhancements of existing rights should not be allowed; however, maintenance of existing approved infrastructure can be.
5. CapeNature does not support any development/ expansion on the floodplain (1:100-year flood line) as this would be a risk area.
6. In terms of the Sea Shore Act, 1935 (Act No. 21 of 1935) a lease agreement is required from CapeNature for any structure's seawards or on the High-Water Mark of the Sea on state-owned land. Please note that in terms of section 3(5) of the Sea-Shore Act, 1935 (Act No 21 of 1935)
"Before any lease is entered into under subsection (1) or any permit is granted under subsection (2), the Minister shall, at the expense of the person with or to whom it is proposed to enter into such lease or to issue such permit, cause a notice to be published in the Gazette and in not less than one newspaper circulating in the neighbourhood wherein the portion of the sea-shore or the sea concerned is situated, wherein-
 - (a) the proposal to enter into the lease or to issue the permit is made known.*
 - (b) the place where and the times at which full particulars of the proposed lease or permit will be open for inspection are specified; and*
 - (c) it is specified that objection to the proposed lease or permit may be lodged with a person specified in the notice, before a date so specified, which shall be not less than 30 days after the date on which the notice is published."*
7. It is assumed that some work will be required on Coastal Public Property (CPP). In terms of the NEM: ICM Act⁸, CPP exists to:
 - (i) improve public access to the seashore;*
 - (ii) protect sensitive coastal ecosystems;*
 - (iii) secure the natural functioning of dynamic coastal processes;*
 - (iv) protect people, property and economic activities from risk arising from dynamic coastal processes, including the risk of sea-level rise; or*
 - (v) to facilitate the achievement of any of the objects of the ICM Act.*

⁷ Cadman, M. (ed.). 2016. Fynbos Forum Ecosystem Guidelines for Environmental Assessment in the Western Cape, Edition 2. Fynbos Forum, Cape Town.

⁸ National Environmental Management: Integrated Coastal Management Amendment Act, 2014 Act (No. 36 of 2014).

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Colin Johnson, Mr Paul Slack

8. Please note that no structures should be placed on CPP unless it complies with the purpose of CPP as detailed in Section 7A of the NEM:ICM Act. In this regard, Section 15 of the ICM Act states:

“(1) 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 such other coastal public property, or of land adjacent to coastal public property, unless the erosion is caused by an intentional act or omission of that organ of state or other person.

(2) No person may construct, maintain or extend any structure, or take other measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act, the National Environmental Management Act or any other specific environmental management Act.”

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely,



Megan Simons
For: Manager (Conservation Intelligence)