

## Appendix 4: Registration and comments



EASTERN CAPE  
PROVINCIAL HERITAGE  
RESOURCES AUTHORITY

SOUTH AFRICA

No.17 Commissioner Street, 2<sup>nd</sup> Floor Old Elco Building,  
Telephone: 043 492 1940/1/2  
Website: [www.ecphra.org.za](http://www.ecphra.org.za)

**PROJECT:** PROPOSED SUBDIVISION OF PORTION 233 OF FARM  
GOEDGELOOF 745 AND DEVELOPMENT OF ADDITIONAL  
DWELLINGS AND A JETTY, KROMME RIVER, ST FRANCIS BAY,  
KOUGA LOCAL MUNICIPALITY, SBDM.

Enquiries: Ayanda Mncwabe-Mama  
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Applicant: Dr. MCC Wulffers  
Consultants: Claire De Jongh  
Address: 17 High St, Mount Pleasant, 6070  
Email / Tel: [claire@eapservices.co.za](mailto:claire@eapservices.co.za) / 0846074743

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## **BACKGROUND**

Portion 233 of Farm Goedgeloof 745 is situated close to St Francis Bay on the right (west) bank of the Kromme River estuary in the Kouga Local Municipality. The property is approximately 1.34 ha in extent. One dwelling and a few outbuildings are currently in place. The owner of the property is proposing to subdivide the agricultural zoned riverside property and develop an additional four (4) residential dwellings and associated storage, parking and reticulation structures. The study area proposed for subdivision and development of new dwellings and internal road is an estimated 4400m<sup>2</sup>.

## **ECPHRA (Eastern Cape Provincial Heritage Authority) COMMENTS** in terms of **Section 38 of the National Heritage Resources Act (25 of 1999).**

*This case was tabled at the Archaeology, Palaeontology and Meteorites (APM)  
Committee meeting held on 12 November 2025.*

### **ECPHRA Interim Comment:**

The Eastern Cape Provincial Heritage Resources Authority (ECPHRA) acknowledges receipt of the Draft BAR submission for the proposed development comprising residential dwellings and a jetty on the Kromme River, St. Francis Bay area.

The proposed development is situated along the Kromme River and the coastal zone, which is considered archaeologically and paleontologically sensitive due to long-term patterns of human occupation and significant natural sedimentary exposures. In addition, substantial archaeological research has been undertaken in this broader landscape, including Dr Johan Bienemann's PhD studies, which identified extensive and significant archaeological material in proximity to the Kromme River system. This existing body of work demonstrates the high likelihood of encountering archaeological sites of considerable heritage value in this area.

Therefore, ECPHRA requests:

1. The case must be registered on the **sahris** inventory system (<https://www.sahris.org.za>).
2. **ECPHRA Notice of Intent to Develop (NID)** must be uploaded for our records.
3. **Phase 1 Archaeological Impact Assessment (AIA)**, including:
  - Field survey of the development footprint and immediate surrounds.
  - Mapping and description of all archaeological and cultural-historical resources.
  - Assessment of their significance and recommended mitigation measures.
  - Special attention must be paid to the cultural landscapes and intangible heritage or living heritage (Section 38(3)(e)). It is important to note that human heritage is linked to the landscape of specific areas.
4. **Desktop Palaeontological Impact Assessment (PIA)**, given the coastal sedimentary context and known palaeontological sensitivity. Reflected as medium in the SAHRIS paleo-map.
5. **Proof of Payment** (see below for details)

**NOTE:**

Heritage reports must meet the SAHRA (2007) reporting standards. Reports must be compiled by specialists (AIA by an archaeologist with a minimum of an Honours degree qualification & a PIA by a palaeontologist with a minimum of a Masters degree qualification).

These studies are required to ensure compliance with the NHRA, Section 38(4) and to allow ECPHRA to make an informed decision regarding the development application. See *Section 38 (3) (a-g)* for the list of requirements to be included in the reports.

Detailed *Chance Find Procedure* (CFP) including the *Fossil Finds Procedure*, must be submitted with the requested Heritage Impact Assessment reports.



Mr. Azola Mkosana  
ECPHRA: Manager

**General information:**

1) ECPHRA fees

The following fees apply to your application:

- R 500 - NID fee and
- R 1 500 – HIA reports

***Banking Details:***

Bank name: First National Bank (FNB);  
Account name: Eastern Cape Provincial Heritage Resources Authority;  
Account type: Public Sector Business Account;  
Account number: 62705406248;  
Branch code: 211021;  
Reference: Project or Development name / SAHRIS CaseID number

Proof of payment(s) must be emailed to:

[accounts@ecphra.org.za](mailto:accounts@ecphra.org.za) with the subject: Project or Development name / SAHRIS CaseID

2) SAHRIS

A South African Heritage Resources Information System (SAHRIS) case must be registered for the development/project (<https://sahris.sahra.org.za/about/sahris>):

- Complete all relevant sections of the SAHRIS case application.
- Proof of payment(s) must be uploaded on the SAHRIS case under the *Additional Documents* section.
- The requested NIDs must be uploaded on the SAHRIS case

Once the NID have been submitted on the SAHRIS case, notify ECPHRA by email at [lungiswam@ecphra.org.za](mailto:lungiswam@ecphra.org.za) with the subject SAHRIS CaseID number–development/project name. Your case will be tabled at the next APM meeting for purposes of a NHRA Section 38(4)/(8) comment.

3) Queries

Any queries regarding your case should be addressed to [lungiswam@ecphra.org.za](mailto:lungiswam@ecphra.org.za) / [ayanda.mncwabe-mama@ecsrac.gov.za](mailto:ayanda.mncwabe-mama@ecsrac.gov.za) with the subject SAHRIS CaseID number / Development/ Project name.



## 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:** 266215  
**Inquiries:** Ms. Tabisile Mhlana  
**Telephone:** 021493 7060  
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Ms Claire De Jongh  
**EAP Services**  
17 High Street  
Mount Pleasant  
6070

**Telephone Number:** 0846074743  
**Email Address:** [claire@eapservices.co.za](mailto:claire@eapservices.co.za)

Dear Ms De Jongh

### **COMMENTS ON THE PRE APPLICATION DRAFT BAR PROPOSED SUBDIVISION OF PORTION 233 OF FARM GOEDGELOOF 745 AND DEVELOPMENT OF ADDITIONAL DWELLINGS AND JETTY, KROMME RIVER, ST FRANCIS BAY, KOUGA LOCAL MUNICIPALITY, EASTERN CAPE**

The Department of Forestry, Fisheries, and the Environment (DFFE), Branch Oceans & Coasts (O&C) appreciates the opportunity granted to provide comments and recommendations on the Pre Application Draft Bar Proposed Subdivision of Portion 233 of Farm Goedgeloof 745 and Development of Additional Dwellings and Jetty, Kromme River, St Francis Bay, Kouga Local Municipality, Eastern Cape province as per 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 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 the coastal zone are maintained to protect people, properties, and economic activities against the impacts of dynamic coastal processes.

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 draft BAR, the Branch O&C presents the comments stipulated below for consideration.

**Please note the recommendations for your consideration:**

1. The pre-application has identified listed activity 17 (v)(e) of Listing Notice 1 and excluded the jetties that trigger the same activity but (ii)(a).
2. The applicant is reminded of the White Paper for Sustainable Coastal Development in South Africa; this Policy statement sets the tone for the government's approach to managing the coast. It sets the policy framework that introduced the ICM Act. From here, the applicant would know that the coast is a national public asset, not a space for private use or private enjoyment. Coastal use and development should aim for inclusivity rather than exclusivity. The stated need and desirability for the proposed development do not justify the construction of an additional private jetty for each dwelling. It is noted that an existing jetty is already located adjacent to the same property, providing adequate access to the estuary. Therefore, the establishment of another jetty within the Coastal Public Property (CPP) is not considered necessary. Residents can make use of the existing access roads to tow their boats to the nearby public launch site, thereby avoiding further encroachment and cumulative disturbance within the estuarine environment.
3. As stated above the development of the jetty would constitute an extension of private property on a public space, and in terms of the ICM Act, coastal public property is established to improve public access, protect sensitive coastal ecosystems, protect the natural functioning of the dynamic coastal processes and to protect people, property, and economic activities from risks arising from the dynamic coastal processes. Considering that the jetty proposal will service private owners, it is not evident how this development is in line with the goals or objectives as set out in section 7A of the ICM Act.
4. Furthermore, Section 63 of the ICM Act outlines specific factors that the Competent Authority must consider when environmental authorisation is required for coastal activities. As several components of the proposed development fall within the coastal zone, the provisions of the ICM Act are clearly applicable. Accordingly, subsequent reports should be amended to reflect and address the requirements of the ICM Act, particularly those on coastal activities and the consideration of Section 63 factors.
5. 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.”*

6. Be advised that, given the subject property’s proximity to the estuary, the erection of any protection measures against erosion or accretion is prohibited in terms of Section 15 of the ICM Act, which 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 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 extent any structure, or take measures on coastal public property to prevent or promote erosion or accretion of the seashore except as provided for in this Act, the NEMA or any other specific environmental management Act.*

As such, any measures against the processes of erosion or accretion (even in the future) may only occur within the boundaries of the subject property.

7. The cumulative impact of the proposed jetty should be assessed at a strategic level/scale, be clear that it’s the combined effect of multiple existing, proposed, and reasonably foreseeable activities on the Kromme estuary and consider the total pressure from all jetties, slipways, bankside developments, boating activity, and associated infrastructure over time if in existence in the vicinity.
8. Cognisance must be taken of the natural movement and potential inland migration of the high-water mark (HWM) over time as a result of coastal processes, erosion, sea-level rise, and storm events. The proposed development must therefore be planned and implemented in a manner that accommodates future shifts in the position of the HWM, avoids encroachment into the CPP, and ensures that no permanent structures are established within the dynamic coastal zone where the HWM may migrate.
9. Accordingly, should the HWM move landwards due to natural coastal processes, the ownership of the affected land portion automatically vests in the State as part of the CPP. The land seaward of the newly

established HWM therefore ceases to be privately owned, regardless of prior cadastral boundaries or title deeds.

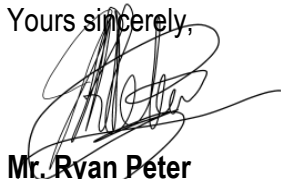
10. Considering the location of the site and the ecological importance of the estuary (ranked No. 17 for habitat diversity and ecological significance, as noted in Appendix D, page 3). Does the proposed development offer any ecological benefits supporting the conservation and functioning of the estuary?
11. Given the need for care during rainfall and flooding events when conservancy tanks may be inundated, what additional management or mitigation measures are recommended to prevent nutrient-rich water from entering the Kromme River?
12. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use, and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
13. Should any heritage remains be exposed during excavations or any actions on the sites, these must immediately be reported to the Provincial Heritage Resources Authority of the Eastern Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Eastern Cape. Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains, structures, and other built features; rock art, rock engravings, and graves or unmarked human burials.
14. All construction vehicles should remain within the property boundaries. Driving of vehicles within the coastal area is prohibited unless a permit is obtained in terms of the National Environmental Management Integrated Coastal Management Act, 2008 (Act No. 24 of 2008); Control of Use of Vehicles in the Coastal Area (2014) from this Branch via [ORVPermitting@dffe.gov.za](mailto:ORVPermitting@dffe.gov.za).
15. Since the intended use of the proposed dwellings has not yet been confirmed, how will the applicant ensure mitigation measures outlined in the EMP are adhered to, regardless of whether the units are rented or sold?
16. 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.

17. This Branch does not support the construction of a new private jetty within the CPP, as it would serve no essential functional purpose and would contribute to unnecessary proliferation of structures along the Kromme River Estuary.
18. The EAP is advised to remove Ms T. Mbambo and Ms NJ Sithole from the list of authorities under DFFE: Oceans & Coasts, as they are no longer dealing with EIAs.

Kindly note that the Branch O&C 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@dfpe.gov.za](mailto:OCEIA@dfpe.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, and the Environment**  
**Date: 4/11/2025**