



## KWAZULU-NATAL PROVINCE

ECONOMIC DEVELOPMENT, TOURISM  
AND ENVIRONMENTAL AFFAIRS  
REPUBLIC OF SOUTH AFRICA

### DIRECTORATE: ENVIRONMENTAL MANAGEMENT

270 Jabu Ndlovu Street, Pietermaritzburg, 3201

Tel: +27 (33) 264 2515, Fax: 033 264 2680

Private Bag X 9152

Pietermaritzburg, 3200

[www.kznded.gov.za](http://www.kznded.gov.za)

Enquiries: Ms. Glorious Mhlanga

Telephone: 039 688 4900/082 921 9606

Email: [Glorious.Mhlanga@kznedtea.gov.za](mailto:Glorious.Mhlanga@kznedtea.gov.za)

Private Bag: X901, Port Shepstone, 4240

Reference: DC21/COM291/2024

#### Ms. Desire Stalman

Lot 481, 9<sup>th</sup> Street

Port Edward

4295

Tel: 082 467 0089

Email: [Desirestalman@yahoo.com](mailto:Desirestalman@yahoo.com)

#### BY HAND/ ELECTRONIC

Dear Madam

**NOTICE OF INTENTION TO ISSUE: A COASTAL PROTECTION NOTICE IN TERMS OF SECTION 59 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT, 2008 (ACT NO. 24 OF 2008), AS AMENDED, (NEM: ICMA), IN RESPECT OF THE CONSTRUCTION OF TWO SETS OF CONCRETE STAIRCASES AND THE INSTALLATION OF A BOAT DECORATION IN AN ADMIRALTY RESERVE, NEAR LOT 481, 9<sup>TH</sup> STREET SPIRO'S BEACH, PORT EDWARD, WITHIN RAY NKONYENI LOCAL MUNICIPALITY, UGU DISTRICT, DC21.**

1. I, **Dr Bonginkosi Robert Dlamini**, in my capacity as a Grade 1 Environmental Management Inspector (EMI), having considered the unlawful nature of the activities conducted near Lot 481, 9<sup>th</sup> Street Spiro's Beach in Port Edward, hereby give you, **Ms Desire Stalman**, a written notice of my intention to issue you with a Coastal Protection Notice in terms of section 59 of the NEM: ICMA.
2. The coastal protection notice that I intend to issue relates to the following:
  - 2.1. Section 59 of the NEM: ICMA provides that a person who is carrying out, or intends to carry out, an activity that is having, or is likely to have, an adverse effect on the coastal environment may be issued with a coastal protection notice and be instructed to cease the activity, and, *inter alia*, to:

Economic Development, Tourism & Environmental Affairs	Notice of intention: Ms Desire Stalman, Lot 481 Port Edward.	Ref No: DC21/COM291/2024	Initials: <b>BA</b>	Page 1 of 5
--	--	--------------------------	------------------------	-------------


- (i) to build, maintain or **demolish any specified works;**
- (ii) to close a public access or prevent unauthorised access to coastal public property at a specified place;
- (iii) to plant, cultivate, **preserve or stop damaging indigenous vegetation at a specified place;**
- (iv) to **stop altering the geographical features of land at a specified place;**
- (v) to build or maintain any specified works at a specified place to protect land from wind erosion;
- (vi) **to rehabilitate land at a specified place;**
- (vii) to remove stock from land; or
- (viii) **to take measures to protect indigenous fauna.**

3. I have reasonable grounds to believe that you have undertaken unlawful activities in an Admiralty Reserve,<sup>1</sup> reserved as Coastal Public Property, in terms of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008), as amended (NEM: ICMA).
4. I have reached this opinion following a site inspection conducted on 23 May 2024 by the officials of the Department of Economic Development, Tourism and Environmental Affairs (hereinafter referred to as “the Department”), in response to a complaint received for the construction of two sets of staircases and the installation of a boat decoration in an Admiralty Reserve near Lot 481, 9<sup>th</sup> Street, Spiro’s Beach in Port Edward, Ugu District, DC21.
5. In particular, the following findings and observations provide the basis upon which the Department, as a custodian of the environment, is issuing this notice of intention to issue a Coastal Protection Notice:
  - 5.1. You have constructed and/or instructed for the construction of two sets of concrete staircases of approximately 9m long and 1.2m wide and 5m long and 1.2m wide as well as the installation of a boat decoration in an Admiralty Reserve without being authorized by the Department.
6. It is the view of the Department that the above-mentioned activities have adversely affected, or likely to have an adverse effect on the coastal environment.

## INTENDED INSTRUCTIONS

7. In light hereof, you are afforded an opportunity to make written representations within fourteen **(14) calendar days** on receipt of this correspondence, if you are of the view that

<sup>1</sup> The strip of land adjoining the inland side of the high-water mark which, when the NEM: ICMA took effect was state land reserved or designated on an official plan, deed of title, title deed or other document evidencing title or land use rights. See the section 1: Definitions in the National Environmental Management: Integrated Coastal Management Act, Act 24 of 2008.

Economic Development, Tourism & Environmental Affairs	Notice of intention: Ms Desire Stalman, Lot 481 Port Edward.	Ref No: DC21/COM291/2024	Initials: 	Page 2 of 5
---	--	--------------------------	--	-------------

there are any compelling and substantial reasons for me not issue you, Ms. Desire Stalman, as a person who is responsible for the unlawful activity, with a Coastal Protection Notice in terms of Section 59 of the NEM:ICMA; which would require you to do the following:

- 7.1. Cease with the construction of staircases and/or any other related activities in an Admiralty Reserve near Lot 481, Spiro's Beach, Port Edward **within twenty- four (24) hours** upon receipt of the Coastal Protection Notice;
- 7.2. Cease with any further installation of boat decoration in an Admiralty Reserve **within twenty-four (24) hours** upon receipt of the Coastal Protection Notice;
- 7.3. Appoint an independent relevant specialist to investigate evaluate and assess the impact of your non-compliances on the environment and compile an assessment report, as well as a rehabilitation plan for the affected areas on site and report thereon to the Department;
- 7.4. Submit the assessment report and the rehabilitation plan to the Department for approval for the attention of the District Manager: Ugu District **within thirty (30) calendar days** of receipt of the Coastal Protection Notice, at the following address: **Private Bag X901, Port Shepstone, 4240 or hand-delivered for the attention of District Manager at No. 46 Bisset Street, Port Shepstone, 4240;** and
- 7.5. Commence with the rehabilitation of the affected area within **sixty (60) calendar days** upon receipt of the approval letter from the Department.
- 7.6. The Department reserves the right to include further instructions.

## PROCEDURAL ARRANGEMENTS

8. In the Coastal Protection Notice, should you wish me to vary the Coastal Protection Notice, including extending the period to which it relates, you may make representations to me as Environmental Management Inspector Grade 1 to do so within **forty-eight (48) hours** of receipt of the compliance notice, at the following address: **KZN Department of Economic Development, Tourism & Environmental Affairs, Private Bag X901, Port Shepstone, 4240 or hand-delivered for the attention of District Manager at No. 46 Bisset Street, Port Shepstone, 4240.**
9. In the Coastal Protection Notice, if you wish to lodge an objection to a Coastal Protection Notice, you may do so by making representations in writing, to the MEC within **30 days** of receipt of the Coastal Protection Notice.


Economic Development, Tourism & Environmental Affairs	Notice of intention: Ms Desire Stalman, Lot 481 Port Edward.	Ref No: DC21/COM291/2024	Initials: <b>DS</b>	Page 3 of 5
---	--	--------------------------	------------------------	-------------

10. You may also make representations to the MEC to suspend the operation of the Coastal Protection Notice pending finalisation of the objection, at the following address:  
**Department of Economic Development, Tourism & Environmental Affairs, Private Bag X 9152, Pietermaritzburg 3200 or hand delivered to no. 270 Jabu Ndlovu Street, and Pietermaritzburg 3200.** Written representation should be submitted to Appeal Administrator: Mr. Haresh Inderlall.
11. Irrespective of any representations you may make to me or to the MEC, you must comply with the Coastal Protection Notice when it has been issued to you unless the MEC agrees to suspend the operation of the Coastal Protection Notice.

#### FAILURE TO COMPLY

Act / Regulation name and Section / Regulation Number	Offence and penalty
NEM: ICMA Section 79(2)(e) read with NEM: ICMA Section 80(2)	<p><b>Offence:</b> Section 79(2) (e) of NEM: ICMA, i.e., “A person is guilty of a category two offence if that person fails to comply with a coastal protection notice or access notice issued in terms of section 59”.</p> <p><b>Penalty:</b> Section 80(2) of NEM: ICMA, i.e., “A person may be sentenced on a first conviction for that offence to a fine up to R2 000 000 or community service for a period of up to five years or to both such fine and community service”.</p>

12. Should you fail to comply with section 7 above on this notice of intention to issue a coastal protection notice, which is to make representations in writing to me within **14 calendar days** of receipt of this notice of intention; a Coastal Protection Notice will be issued.
13. The Department will be entitled to take the required steps on your behalf and to claim from you any costs incurred in so doing.
14. We wish to make it clear that the instructions contained herein are made in the interest of responsible environmental management and with a view to a co-operative resolution of the issue. Depending on the outcome of the representations made in this regard, the Department will decide upon a way forward regarding this matter. The submission of the requested information above does not imply that no further action would be taken against you.
15. If you are unclear about any aspect of this notice of intention to issue a Coastal Protection Notice, kindly contact the person indicated for enquiries in writing as soon as possible.

Economic Development, Tourism & Environmental Affairs	Notice of intention: Ms Desire Stalman, Lot 481 Port Edward.	Ref No: DC21/COM291/2024	Initials: 	Page 4 of 5
---	--	--------------------------	--	-------------

16. You may avail yourself of the remedies contemplated in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) if you wish to do so, in light of the above adverse finding on your matter.

Signed on this 10<sup>th</sup> day of June (2024) at Durban

**Grade 1 Environmental Management Inspector**

Name	Dr BR Dlamini
Address	270 Jabu Ndlovu Street, Pietermaritzburg, 3201
Contact No	071 882 4637

**Acknowledgement of Receipt:**

**NOTICE OF INTENTION TO ISSUE: A COASTAL PROTECTION NOTICE IN TERMS OF SECTION 59 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT, 2008 (ACT NO. 24 OF 2008), AS AMENDED, (NEM: ICMA), IN RESPECT OF THE CONSTRUCTION OF TWO SETS OF CONCRETE STAIRCASES AND A BOAT DECORATION IN AN ADMIRALTY RESERVE, NEAR LOT 481, 9<sup>TH</sup> STREET SPIRO'S BEACH, PORT EDWARD, WITHIN RAY NKONYENI LOCAL MUNICIPALITY, UGU DISTRICT, DC21.**

Received by Mr /Ms \_\_\_\_\_ on behalf of the company \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_ 2024, at \_\_\_\_\_

Signature: \_\_\_\_\_

Economic Development, Tourism & Environmental Affairs	Notice of intention: Ms Desire Stalman, Lot 481 Port Edward.	Ref No: DC21/COM291/2024	Initials: BR	Page 5 of 5
---	--	--------------------------	-----------------	-------------