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**reference** LE14/2/6/1/6/1/ERF2103\_Amended EA\_  
**date** 21 September 2021

Cape EAPrac,  
P.O Box 2070,  
George,  
6530

Attention: Ms Melissa Mackay  
By email: ([mel@cape-eaprac.co.za](mailto:mel@cape-eaprac.co.za))

Dear Ms Melissa Mackay

**DRAFT PART 2 AMENDED ASSESSMENT REPORT FOR THE PROPOSED CHANGE IN  
LAND USE FROM SINGLE RESIDENTIAL DWELLING TO TRAINING, RESCUE AND  
REHABILITATION CENTRE ON ERF 2103, PIESANG VALLEY, PLETTENBERG BAY,  
BITOU LOCAL MUNICIPALITY, WESTERN CAPE.**

**DEA&DP reference: 16/3/3/5/D1/13/0003/21**

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CapeNature would like to thank you for the opportunity to review your application on Erf 2103 in Plettenberg Bay. The following amendment is proposed as extracted from the amended assessment report:

*“The holder of the EA and owner of Erf 2103 Piesang Valley, Ms Saskia Vogel wishes to amend the current EA for a single residential dwelling to provide a day care, training and rehabilitation centre for domestic animals (particularly dogs and cats). Two cottages will be utilised for staff accommodation and a separate unit for the training centre. The rescue facility will replace the single residential development as approved.”*

Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application.

CapeNature commented in detail on the Draft Basic Assessment Report (CapeNature Reference: 14/2/6/1/6/1\_BITO/2103\_2018CF011).

Following a review of the amended assessment report and appendices, CapeNature wishes to make the following additional comments:

1. CapeNature acknowledges that the proposed (and amended) development is outside the extent of Critical Biodiversity Areas.

2. The updated National Biodiversity Assessment (2018)<sup>1</sup> mapped the proposed development area as Non-terrestrial (Estuarine Functional Zone), South Outeniqua Sandstone Fynbos (LC) and Garden Route Shale Fynbos (VU) to the north and south of the site, respectively.
3. CapeNature recommend obtaining comments from the Department of Forestry, Fisheries and Environment (DFFE) if any protected trees<sup>2</sup> will be disturbed. CapeNature will not object to the findings\recommendations as DFFE is a custodian of forestry resources in South Africa.
4. In terms of the monitoring guidelines areas susceptible to erosion or bare soil should be protected by installing the necessary temporary structures.
5. CapeNature recommends that all topsoil stockpiles be less than 1.5m in height and have adequate signage to illustrate which are topsoil and subsoil for rehabilitation purpose. Furthermore, caution must be applied to ensure that the topsoil is not contaminated.
6. Only indigenous vegetation must be used for rehabilitation. Thus, the applicant must be conscious of the NEM:BA Alien and Invasive Species List<sup>3</sup> and should not use or rehabilitate using listed alien and invasive plant species. CapeNature will not support the introduction of non-indigenous species.
7. The influence of local climate change on the proposed development area must be considered, especially the change in climate could either increase the flow which can result in flooding or decrease the flow of water. Local weather data can be used to assesses the impacts and measures to mitigate these changes must be included.
8. Fences should be visible to wildlife, including birds, by fitting reflective or colorful weather-resistant flags (e.g., aluminum or plastic strips) to the wire.
9. CapeNature would like to remind the landowner that in terms of section 12 (1) and 2 (a) of National Veld and Forest Act<sup>4</sup> that an adequate firebreak must be prepared and maintained around the property to reasonably prevent the spread of unwanted fires in the area. Therefore, we recommend that the owner, if not registered yet, apply for membership with the Southern Cape Fire Protection Association (SCFPA) to assist and guide on the timeframes for ecological burns.
10. Waste generated must be away from the watercourse to avoid any waste in the aquatic system. Furthermore, bins and waste skips must be baboon proof. Waste should be removed from the entire site and not only the development footprint. Waste generated by the development must be stored on site until it is removed to a registered facility. Implement the integrated waste management approach that addresses waste avoidance, reduction, re-use, recycling, recovery, treatment, and safe disposal as a last resort.<sup>5</sup>

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<sup>1</sup> 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.

<sup>2</sup> Notice of the List of Protected Tree Species under the National Forest Act, 1998 (Act No. 84 of 1998)

<sup>3</sup> National Environmental Management: Biodiversity Act 2004 (Act No. 10 of 2004). Alien and Invasive Species Lists, 2016. Government Gazette no. 864

<sup>4</sup> National Veld and Forest Act 1998 (Act 101 of 1998) Government Gazette: 19515

<sup>5</sup> National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008). Consultation on the draft revised and updated national waste management strategy. 2019.

11. CapeNature reminds the applicant of Section 28 of National Environmental Management Act (NEMA) (Act 104 of 1998 as amended) (Duty of Care) that states the following:

*“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.”*

Any action that causes wilful degradation of the environment may therefore constitute a breach of this Duty of Care and the penal provisions of NEMA will apply.

In conclusion, erecting infrastructure near sensitive and/or aquatic habitats must be prohibited. Thus, the development must remain outside the 20 m aquatic buffer. The remaining areas must be managed inline with the recommendation for degraded Ecological Support Areas. If all proposed mitigation measures are implemented and the construction remains within the development footprint and transformed areas, as far possible then CapeNature does not object to the proposed amended application.

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 (Landscape Conservation Intelligence)**