CONSERVATION INTELLIGENCE: LANDSCAPE EAST

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Reference LE14/2/6/1/6/6/RE ERF2833_Residential_Great Brak River
Date **07 May 2024**

Cape Environmental Assessment Practitioners,
P.O.Box 2070,
George,
6530

Attention: Ms Mariska Byleveld
By email: mariska@cape-eaprac.co.za

Dear Ms Mariska Byleveld

THE DRAFT BASIC ASSESSMENT REPORT FOR THE RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF ERF 2833, GREAT BRAK RIVER, MOSSEL BAY LOCAL MUNICIPALITY, WESTERN CAPE.

DEA&DP Reference: 16/3/3/1/D6/17/0009/24

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 wishes to make the following comments:

According to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet *et.al*. 2017)[1] the property Critical Biodiversity Areas (CBA 1: Forest and Terrestrial) and degraded Ecological Support Areas (ESA 2: Restore). A drainage line flows through the property and to the south.

According to Vlok and de Villiers (2007)[2] fine scale vegetation maps the area is described as Brandwag Fynbos- Renoster- Thicket and Hartenbos Strandveld. According to the National Biodiversity Assessment (Skowno *et al*. 2018)[3] the vegetation is Hartenbos Dune Thicket which is **Endangered** (NEM:BA, 2022)[4]. The WC BSP mapped Western Cape Milkwood Forests (EN (C)).

Following a review of the dBAR and specialist studies, CapeNature wishes to make the following comments:

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[1] Pool-Stanvliet, R., Duffell-Canham, A., Pence, G. & Smart, R. 2017. The Western Cape Biodiversity Spatial Plan Handbook. Stellenbosch: CapeNature.
[2] 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 Unpublished 1:50 000 maps and report supported by CAPE FSP task team and CapeNature.
[3] 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.
[4] National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). The Revised National List of Ecosystems that are Threatened and in need of protection. 2022. Government Gazette No. 47526

1. The Hartenbos Dune Thicket is part of the Albany Thicket Bioregion and is endemic to South Africa. This is a poorly protected ecosystem with 79% of its natural extent remaining. The Hartenbos Dune Thicket has not been critically assessed to determine the risks and pressures for this vegetation unit and data on the ecosystems condition (including biotic disturbances, overutilization, and altered fire regimes) is limited (SANBI 2022)[5].

2. The applicant is also reminded to ensure the proposed development is guided by the Westen Cape Biodiversity Spatial Plan (Pool-Stanvliet *et al.* 2017). The property forms part of a continuous CBA corridor which is important for the conservation of the species, ecosystems, supporting ecological processes, and landscape connectivity. CapeNature will not support the loss of CBA.

3. CapeNature does not recommend development on steep slopes, and we do not support any development on slopes with a gradient that is greater than 1:4.

4. The specialist mentioned in the Botanical and Terrestrial report that the CBA in the south-eastern section of the site is mapped incorrectly. If the reasons behind CBA delineation is not present on site, then we kindly ask the specialist to complete a WC BSP verification (see attached).

5. The thicket/ drainage area has high sensitivity from all the specialist studies. This area must be mapped as a No-Go Area.

6. The freshwater specialist mentioned the non-perennial river has an important hydrological function and an aquatic buffer of 30 m on each side was recommended. Furthermore, given the steep slope erosion control measures must be strictly implemented. The Aquatic Biodiversity Compliance statement concluded that the sensitivity is low due to no watercourses being observed however a 30m aquatic buffer (on both sides) is proposed for the hydrological line due to its important function, should the sensitivity not be higher?

7. The faunal specialists found the *Bradypterus sylvaticus* (Knysna warbler) has a high likelihood of occurring at the site. *Bradypterus sylvaticus* is threatened and the species is dependent on dense riparian vegetation (Pryke *et al.* 2011)[6]. Furthermore, it is a decreasing species which is severely threatened by development especially when vegetation is cleared. *Bradypterus sylvaticus* was found within the drainage line, which according to the Aquatic Biodiversity Compliance report is a highly sensitive area. Would the 30 m buffer on each side of the drainage line be sufficient for the protection of *B. sylvaticus*?

8. The faunal specialist found suitable habitat (i.e., *Selago corymbose* a potential larval host plant) for *Lepidochrysops littoralis* which is **Endangered**. A Lepidopterist must confirm whether *L. littoralis* is present and if so, assess the impact of the proposed development on the species.

9. The eradication and monitoring of the spread of invasive alien species should follow the National Environmental Management: Biodiversity Act (Act No.10 of 2004)[7]. Caution should be applied to the drainage area due to the likely occurrence of *B. sylvaticusto* and the ECO must be present.

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

[6] Pryke, J,S., Samways, M,J., Hockey, P,A,R. 2011. Persistence of the threatened Knysna warbler *Bradypterus sylvaticus* in an urban landscape: do gardens substitute for fire?. *African Journal of Ecology*, 49(2): 199-208.

[7] Government Gazette No. 37885, GN No. R. 598 (2014) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) Alien and Invasive Species Regulations, 2014.

10. The mitigation measures from the specialists must be strictly implemented. The ECO should inspect the site during the breeding season of *B.sylvaticusto* ensure no construction occurs.

11. It was mentioned that trails might be constructed though this can beneficial (i.e., residents can learn, value, and respect nature) this must be assessed to determine if it would have any impact on the highly sensitive ecological corridor.

12. The ECO must monitor the construction and operational phases and ensure the recommended mitigation measures of the specialists are implemented. The ECO must ensure that heavy machinery remain outside the drainage line and its buffer.

13. 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.

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)