

postal Private Bag X6546, George, 6530
physical 4th Floor, York Park Building, York Street, George
6530
website www.capenature.co.za
enquiries Megan Simons
telephone +27 87 087 3060 fax +27 44 802 5313
email msimons@capenature.co.za
reference LE14/2/6/1/6/6/250-31_Development_Boggomsbaai
date 03 April 2023

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

Attention: Ms Louise-Mari van Zyl
By email: louise@cape-eaprac.co.za

Dear Ms Louise-Mari van Zyl

**THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL
DEVELOPMENT OF ORBAAI VILLAGE ON A PORTION OF PORTION 31 OF FARM
BUFFELSFONTEIN NO. 250, BOGGOMSBAAI, MOSSEL BAY LOCAL MUNICIPALITY,
WESTERN CAPE.**

DEA&DP Reference: 16/3/3/6/7/1/D6/3/0003/23

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 has Critical Biodiversity Areas (CBA 1 & 2: Terrestrial) and Ecological Support Areas (ESA 1: Terrestrial). The property does not have any freshwater features present. The Vlok and de Villiers (2007) fine scale vegetation map describes the area as Gouritz Dune Thicket. The National Biodiversity Assessment (Skowno *et al.* 2018)² mapped the vegetation as Least Concerned Canca Limestone Fynbos and Albertinia Sand Fynbos which is **Endangered** (NEM:BA, 2022)³.

The applicant is reminded that in terms of section 15(1) of the National Forests Act⁴, no person may cut, disturb, damage, or destroy any protected tree or possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree except under a license granted by the Minister.

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

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

² 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.

³ 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

⁴ National Forest Act, 1998 (Act No. 84 of 1998). 1998. Government Gazette No. 19408.

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

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

1. It is understood the proposed development will be within the natural ESA and LC Canca Limestone Fynbos, which has a low sensitivity. Kindly note the following:
 - 1.1. The property forms part of a coastal corridor, which is an important ecological infrastructure. These areas are important corridors to maintain landscape connectivity, it is crucial that no further disturbances occur, and that the area must be restored, if possible, to improve connectivity and reduce landscape fragmentation (Pool-Stanvliet *et.al.* 2017).
 - 1.2. The Canca Limestone Fynbos has experienced low rate of natural habitat loss (SANBI 2022)⁵. However, Agriculture (the key pressure), coastal development, alien invasive species, and altered fire regimes are some of the key land-use pressures that are placing this ecosystem at high risk (Helme *et al.* 2016⁶& SANBI 2022). This vegetation unit has 79% of its natural extent remaining but is not protected.
2. The specialist described the property as having three mosaics of vegetation. These transitions were also noted by Mucina and Rutherford (2006)⁷ for their assessment of this vegetation unit. These mosaics are often sensitive areas due to a) the overlapping vegetation and the species that occur within these mosaics and b) their limited extent and microclimate restrictions.
3. The proposed development footprint is surrounded by an eco-estate and residential development. However, the remaining property does have sensitive habitats which must not be disturbed. Therefore, the existing structures that will be converted must remain within their existing disturbance footprint and not negatively impact on the surrounding environment.
4. Fire is an important driver in fynbos vegetation (Mucina and Rutherford 2006) natural fire regimes must be maintained and managed. The exclusion of fire from certain habitats will be considered unacceptable as this may ultimately cause the loss of species. The National Veld and Forest Act⁸ and Fynbos Forum guidelines (2016) states that “*firebreaks must be cleared within the development footprint of the housing estate, not in the adjacent veld*”. Furthermore, Firewise landscaping should also be included and assessed as part of the development footprint to reduce the risk of fire (de Villiers *et al.* 2016).
5. The Fynbos Forum Guidelines (2016) listed fire as an important ecological driver to maintain ecosystem function, pattern, and structure within limestone fynbos. In principle, residential and estate developments are not compatible with the conservation of lowland fynbos. Therefore, clustered developments are preferred as this would essentially still allow periodic fires. The current layout is confined to the southwestern corner. This layout has some open spaces in between; would a more clustered layout, to enable better fire management, not be more suitable?
6. In addition, units one and two are within the low sensitivity- secondary renosterveld, but near the medium sensitivity habitat which is around the municipal reservoir, can these units not be located further away from this area?
7. The balance between the thicket and fynbos elements on the site would be depended (and affected) by the fire frequency noting that in the absence of fire the area will

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 De Villiers C.C., Driver A., Clark B., Euston-Brown D.I.W., Day E.G., Job N., Helme N.A., Holmes P.M., Brownlie S. and A.B. Rebelo (2016). Ecosystem Guidelines for Environmental Assessment in the Western Cape, Edition 2. Fynbos Forum, Cape Town.

⁷ Mucina, L. & Rutherford, M. C. (EDS) 2006. The Vegetation of South Africa, Lesotho and Swaziland. *Strelitzia* 19. South African National Biodiversity Institute, Pretoria. (revised 2012)

⁸ National Veld and Forest Act 1998 (Act 101 of 1998) Government Gazette: 19515

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

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

become thicket. Thus, ecological burns must be considered for the property and the development layout must include firebreaks.

8. The east of the proposed development still has natural CBA and has any buffers been delineated to avoid or prevent any negative impacts especially during construction, considering the site has CBA, ESA, and is within a coastal corridor.
9. At this stage CapeNature agrees that Alternative 1 (the preferred alternative) will have the least negative impact on biodiversity in comparison to Alternative 2.
10. Invasive alien species threaten indigenous species and have numerous negative impacts on ecosystem functioning. The applicant is reminded that the management of invasive alien species is a requirement of all landowners in terms of both the Conservation of Agricultural Resources Act (CARA) and the NEM:BA Alien and Invasive Species Regulations and applies to the entire property. The invasive alien control plan must be compliant with the National Environmental Management: Biodiversity Act (Act No.10 of 2004)⁹ and including areas outside of the proposed development area.
11. Fencing around the property must be animal permeable. These fences must be visible to wildlife, including birds, by fitting reflective or colorful weather-resistant flags (e.g., aluminum, or plastic strips) to the wire.
12. The ECO must ensure that the mitigation measure proposed by the specialists are implemented to protect the remaining ecological services and connectivity. This site is within a coastal corridor, and it will be unacceptable if the functionality of ESAs will be further compromised.

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)

⁹ 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.

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

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