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Reference LE14/2/6/1/6/6/ERF 2841_Residential_Tergniet

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

Attention: Mr Francois Byleveld
By email: francois@cape-eaprac.co.za

Dear Mr Francois Byleveld

THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF ERF 2841 AND ASSOCIATED INFRASTRUCTURE ON ERF 5574, TERGNIET, MOSSEL BAY LOCAL MUNICIPALITY, WESTERN CAPE.

DEA&DP Reference: 16/3/3/1/D6/35/0029/24

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 erf has Ecological Support Areas (ESA 1: Aquatic; ESA 2) and Other Natural Areas. The only freshwater feature is an unchannelled valley-bottom wetland (Nel *et al.* 2011)².

According to the Vlok and de Villiers (2007)³ fine scale map the vegetation on the erf can be described as Dune Mosaic Sand Fynbos. According to the National Biodiversity Assessment (Skowno *et al.* 2018)⁴ the vegetation unit is Hartenbos Dune Thicket which is **Endangered** (NEM:BA, 2022)⁵.

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

² Nel, J.L., Murray, K.M., Maherry, A.M., Petersen, C.P., Roux, D.J., Driver, A., Hill, L., Van Deventer, H., Funke, N., Swartz, E.R., Smith-Adao, L.B., Mbona, N., Downsborough, L. & Nienaber, S. (2011). Technical Report for the National Freshwater Ecosystem Priority Areas project. WRC Report No. K5/1801

³ 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 Unpublished 1:50 000 maps and report supported by CAPE FSP task team and CapeNature.

⁴ 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.

⁵ 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

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

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Tom Blok, Mr Mervyn Burton, Ms Reyhana Gani, Dr Colin Johnson, Ms Ayanda Mvandaba, Prof Nicolaas Olivier, Mr Paul Slack

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

1. The Western Cape Biodiversity Spatial Plan (Pool-Stanvliet *et.al.* 2017) mapped the erf as forming part of a coastal corridor, which is an important ecological infrastructure, and was not discussed by any specialist. The coastal corridor should not be disturbed as these areas are important corridors to maintain landscape connectivity.
2. CapeNature has provided comments on the Pre-Application Basic Assessment for the proposed residential development on Erf 2841 and portion 51 of farm 137 in Tergniet (see attached comments). Subsequently the site has been subdivided into the Erf RE/2841 and Erf 5572. As a result, the latter site will have its own development rights and as such further reduce the sensitive area. If this subdivision was not granted the eastern section could have been included in the proposed conservation area as proposed in the Vlok report (2019). The Terrestrial and Botanical report mentioned the areas cleared of Australian myrtle (*Leptospermum laevigatum*) has been recovering. This implies that the proposed development area, which has a medium SEI, is not transformed. The application for subdivision and granting of this application was inappropriate and conflicts with the National Environmental Management Principles⁶.
3. The Vlok (2019) report mentioned the fynbos on site is senescent due to a lack of fire for the past 40 years. The Vlok report also recommended an ecological burn prior to any development during late summer or early autumn. The Terrestrial Biodiversity and Botanical Impact assessment did not discuss fires however in the report it was mentioned that the vegetation was tall and dense, and the specialist had to do “*bundu bashing*” to get access to some parts of the site. Considering the above we take it the site has not been maintained and the ecological burn was also not done. CapeNature must remind the landowner of their Duty of Care according to Section 28 of National Environmental Management Act.
4. The Botanical sensitivity was High due to the high likelihood that rare and SCC could be present at the site. Although the limitations are noted, this development cannot be granted environmental authorisation without confirming the presence or absence of these sensitive plant species.
5. Plant Search and Rescue is not a mitigation measure to compensate for any significant negative impacts due to development (Cadman, 2016)⁷. The specialist recommended a qualified horticultural specialist should be appointed but the botanical specialist should assist in preparing recommendations and techniques to be used for the species. Furthermore, the specialist must guide on the season of rescue and replanting as translocation and species survival are rarely successful.
6. The proposed development is within Medium and High sensitive areas. It is unclear how the mitigation hierarchy was interpreted to inform the SDP. Considering the sensitivity of the area to the west, illustrated on figure 10, surely a buffer should have been included to

⁶ National Environmental Management Act, 1998 (Act No. 107 of 1998), Section 2, Government Gazette No. 19519

⁷ Cadman, M. (ed.). 2016. Fynbos Forum Ecosystem Guidelines for Environmental Assessment in the Western Cape, Edition 2. Fynbos Forum, Cape Town.

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avoid further negative impacts to this sensitive area. Furthermore, has the development footprint been reduced to avoid high and very high sensitive areas?

7. The Vlok report (2019) referred to the lowest part of the dune slack area as a seasonal wetland which should be regarded as a sensitive area. The Freshwater Specialist could not confirm whether the wetland, which corresponds with ESA mapping, is present or not. CapeNature recommends the Breede-Olifants Catchment Management Agency should be consulted to provide comments.
8. Figure 10 of the Terrestrial Biodiversity and Plant report illustrates the Very High Sensitivity for the western section which corresponds to the Map 7 in the Vlok report that shows the sensitivity. The ecological corridors in the area have been compromised due to the surrounding residential developments and linear infrastructure. The only conservation worthy area indicated is to the west which has been subdivided and excluded from this application. Thereby reducing the sensitive area with no authority responsible for conserving this area, which is unacceptable.

In conclusion, CapeNature cannot currently support this development as we require confirmation on the presence or absence of the sensitive plant species.

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)