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date 6 May 2024

EnviroAfrica
P.O. Box 5367
Helderberg
7135

Attention: Clinton Geysers
By email: admin@enviroafrica.co.za

Dear Mr Geysers

Draft NEMA Section 24G Report for the Unlawful Development of a Dwelling and a Jetty on Portion 9 of Farm Vermaaklikheid 499 and Portion 3 of Farm Kleinfontein 503, Thorn and Feather Resort, Vermaaklikheid

CapeNature would like to thank you for the opportunity to comment on the proposed development and would like to make the following comments. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the proposed development.

Screening Tool and Site Sensitivity Verification

CapeNature provided inputs on the desktop information in our comments on the background information document. The screening tool results indicate very high sensitivity for aquatic biodiversity and terrestrial biodiversity, high sensitivity for animal species and medium sensitivity for plant species. The site sensitivity verification report indicates that the terrestrial biodiversity, animal species and plant species themes are addressed in the biodiversity assessment and the aquatic biodiversity theme addressed in the estuary report.

Botanical and Terrestrial Biodiversity Compliance Statement

The botanical and terrestrial biodiversity compliance statement indicates that the vegetation occurring within the footprint of the resort consists of Wetlands Albany Thicket (Valley-bottom) rather than Canca Limestone Fynbos as mapped according to the 2018 National Biodiversity Assessment (NBA). However, there is no vegetation type by the name of Wetlands Albany Thicket in the 2018 NBA. One of the major changes to the 2018 NBA from the original 2006 National Spatial Biodiversity Assessment was a complete revision of the mapping of the Albany Thicket biome, which adopted the mapping of the Subtropical Thicket Ecosystem Programme (STEP) (Dayaram *et al* 2018). One of the new vegetation types included is Hartenbos Dune Thicket which occurs to the east of the current mapping of Canca Limestone Fynbos, which was previously all mapped as Canca Limestone Fynbos.

The total development footprint is 257 m² which is below the threshold of 300 m² for the clearing of indigenous vegetation in a critically endangered or endangered ecosystem or within 100 m of the estuarine functional zone. The classification of the vegetation type therefore does not have a bearing on the listed activities triggered. However, the classification of the vegetation on site does have a bearing in terms of assessing the impacts.

The classification of the vegetation as thicket is supported, and we wish to query if this would be best classified as Hartenbos Dune Thicket (listed as endangered) or Gouritz Valley Thicket (listed as critically endangered) which replaced Southern Cape Valley Thicket (Dayaram *et al* 2018). It is assumed that the classification as “Wetlands Albany Thicket (Valley-bottom)” is due to the results of the aquatic biodiversity theme from the screening tool which flagged wetlands_Albania Thicket (Valley-bottom) as a feature of very high sensitivity. This feature is as a result of the National Wetland Map (NWM) which mapped the wetland inland of the estuarine functional zone as a channelled valley-bottom wetland within the Albany Thicket bioregion which encroaches slightly on to the property according to the NWM.

The thicket vegetation is considered to be in a good condition with low levels of alien invasive species. Canca Limestone Fynbos is confirmed to be present on site, however it only occurs further upslope of the resort footprint and was not impacted. The design of the resort development aimed to result in minimal disturbance to the indigenous vegetation, with the buildings surrounded by the thicket vegetation. Thicket is not a fire-driven or fire-prone vegetation type, therefore it is possible to maintain the natural vegetation in close proximity to the buildings without presenting a significant fire risk. It is however recommended that measures are in place to prevent fire from the fynbos areas encroaching into the thicket areas. The public road is defined as the boundary between the thicket vegetation and the reedbed which is an aquatic ecosystem. No plant species of conservation concern were recorded.

The faunal species flagged in the screening tool as high or medium sensitivity are evaluated in terms of the likelihood of occurrence on the site with regards to habitat requirements. CapeNature supports the findings and recommendations. The only one of these species considered likely to occur on site is the African Marsh Harrier (*Circus ranivorus*) which could occur within the reedbeds, however the disturbance as a result of the jetty and path was very small relative to the full extent of the reedbeds in the area. We wish to note however that the Species Protocol requires that other faunal species of conservation concern that may potentially be present that are not flagged in the screening tool should be identified.

The impact assessment in Table 10 requires further explanation, including a description of the colour coding. The cumulative impact is assessed to be medium/low negative. The sensitivity is also evaluated to be medium/low. We wish to however highlight that the sensitivity only evaluates the receiving environment, whereas the impact assessment evaluates the activity in relation to the receiving environment. In this regard we wish to motivate that the receiving environment is relatively sensitive, however the nature of the development is low impact with minimal disturbance and therefore did not have an impact of high significance. However, we will rely on the clarification provided by the specialist which must inform the outcome of the application, including the calculation of the administrative fine.

Aquatic Environment Report

The aquatic environment report provides a description of the Duivenhoks River Estuary and the broader environment, including reference to the Duivenhoks Estuarine Management Plan (Western Cape Government 2019), relative national ecological importance and present ecological state. The Duivenhoks River Estuary is stated to be of high ecological importance.

The mapping of aquatic ecosystems is not interrogated with no delineation of aquatic features undertaken. The estuarine functional zone of the Duivenhoks River Estuary is defined as the

5 m contour which is considered to be a good proxy for the true extent of estuarine influence. Floodlines are being determined for estuaries as a more accurate delineation of the estuarine functional zone and has been undertaken for the Breede River Estuary, but has not yet been undertaken for the Duivenhoks River Estuary to our knowledge. As the Duivenhoks River Estuary is mainly open to the sea, the floodlines will be primarily influenced by rainfall events and is not influenced by the damming effect when estuaries are closed.

As stated above, a channelled valley bottom wetland is mapped encroaching on to the site, however the mapping in the terrestrial biodiversity compliance statement indicating the separation of the wetland and thicket by the public road is supported as opposed to the mapping of the NWM where the wetland extends up the slope into the thicket. There are no structures within this area regardless.

The jetty and access path are located within the estuarine functional zone and the impact is considered to have been negligible. We wish to note that while the development already exists, the purpose of an impact assessment for a NEMA Section 24G process is to assess the impacts which have already been incurred as a result of the activities undertaken, not impacts associated with future activities (unless the development is partially complete).

As indicated previously, the jetty requires a lease from CapeNature in terms of the Sea Shore Lease for structures below the high water mark of the sea. The criteria for the Sea Shore Lease are assessed concurrently with the NEMA process. In this regard, we wish to advise that the jetty needs to adhere to the requirements of the CapeNature policy for structures below the high water mark. While the jetty is already in existence we request further information on the dimensions of the structure. The policy requires *inter alia* that jetties are: not longer than 6 m and where there is a reedbed, do not extend further than 1 m beyond the reedbed; gangways should not be wider than 1.5 m; and the front platform should not be larger than 3 m × 4 m. It is noted that the jetty is not a traditional wooden jetty and the design will be taken into account in the assessment of the Sea Shore Lease.

The services for the resort are assessed. Potable water is obtained from a spring on a neighbouring property and electricity is a connection to the Eskom grid. The sewage provision is from a soak-away system. CapeNature recommends that there is investigation of an alternative method of sewage provision which has less risk of pollution of surface water and groundwater, such as serviced conservancy tanks or a mini package plant.

The impact assessment tables assess the impacts in the operational phase which is agreed with, however the impacts as a result of the developments is not included. However it is stated elsewhere that the impact of the jetty was negligible as noted above.

Conclusion

In conclusion, CapeNature recommends that there are aspects which need to be addressed in the specialist reports, however there is sufficient information in order to make a decision regarding the application. We wish to note that there is no Environmental Management Programme provided, which we recommend should be compiled including all necessary mitigation measures incorporating the jetty policy requirements.

We wish to note that according to Google Earth imagery, activities have taken place on the neighbouring property 27/499 which appear to have required environmental authorisation, including clearing of indigenous vegetation for an olive orchard and construction of a large building in close proximity to the estuary. CapeNature is not aware of environmental

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

approvals for this property and we recommend that there is investigation of these activities by the competent authority.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rhett Smart', with a horizontal line underneath.

Rhett Smart

For: Manager (Landscape Conservation Intelligence)

References:

Dayaram, A., Harris, L.R., Grobler, B.A., Van der Merwe, S., Ward Powrie, L., Rebelo, A.G. *et al.*, 2019. Vegetation Map of South Africa, Lesotho and Swaziland 2018: A description of changes since 2006, *Bothalia* 49(1), a2452. <https://doi.org/10.4102/abc.v49i1.2452>

Western Cape Government 2019. *Duiwenhoks River Estuarine Management Plan* (final October 2019). Western Cape Department of Environmental Affairs and Development Planning.