

SITE SENSITIVITY VERIFICATION (SSV) REPORT: THE UNLAWFUL CONSTRUCTION OF A DEVELOPMENT WITHIN 100M FROM HIGH WATER MARK OF AN ESTUARY ON PORTION 9 OF FARM VERMAAKLIKHEID 499 AND PORTION 3 OF FARM KLEINEFONTEIN 503, VERMAAKLIKHEID, RIVERSDALE, WESTERN CAPE

INTRODUCTION:

This Site Sensitivity Verification (SSV) Report was undertaken in terms of the *Protocols for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes* (referred to “the Protocols” hereafter) as per Government Notice No. 320 (published in Government Gazette No. 43110 on 20 March 2020)¹. These Protocols, effected as on the 9th May 2020, must be complied with for every new application submitted after the effective date. According to the Protocols, the EAP must verify the current use of the proposed site for development as well as the site’s environmental sensitivity, in accordance with the DFFE Screening Tool Report, to determine the need for specialist inputs in relation to the themes (and proposed specialist assessments) included in the Protocols.

METHODOLOGY:

The Site Sensitivity Verification (SSV) report was compiled based on desktop studies [including the SANBI BGIS Biodiversity Spatial Plan, vegetation maps (Vegetation map of SA (Mucina & Rutherford, 2006, as updated in the 2012 beta version and 2018 Final), NFEPA, land-use map, Google Earth imagery, CapeFarmMapper, historical imagery), specialist input in combination with a site visit (conducted on 06 February 2024) to investigate, identify, and evaluate potential impacts, associated with the proposed development, on the receiving environment (namely the proposed site for development). The SSV report was compiled by the EAP (Mr Clinton Geysler).

AIM OF THE SSV REPORT:

The aim of the SSV Report is to;

- Verify land use and theme sensitivities as identified by the DFFE Screening Tool;
- Confirm or motivate against or for the need for a particular specialist assessment(s) as indicated by the DFFE Screening Tool; and
- Should the need for a specialist assessment be refuted / challenged, provide a motivation as to why the proposed specialist assessment is not applicable to the proposed development.

¹ The Protocols are in line with Section 24(5)(a) and (h) and Section 44 of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998).

SITE DESCRIPTION:

The development includes the construction of the following residential structures used for self-catering tourism accommodation (operating as Thorn and Feather) on Portion 9 of Farm Vermaaklikheid No. 499:

- Main building (Kitchen and lounge)
- Swimming pool
- wooden decks
- 3 separate bedrooms
- Communal bathroom

Only the main building, swimming pool and their decks, 1 complete bedroom, 1 partial building and the communal bathroom are within 100m of the HWM of the Duiwenhoks River estuary. The following indicates the development footprints of the development within 100m of the HWM:

- Main building (Kitchen and lounge) – 77m²
- wooden decks including swimming pool – 80m²
- bedroom 1 – only 6m² within 100m of the HWM
- bedroom 3 – 15m²
- Communal bathroom – 33m²

The total development footprint within 100m of the HWM is 211m². The total development is approximately 257m².

A floating jetty and a ~50m pathway from the access road was constructed on Portion 3 of Farm Kleinefontein No. 503, to provide access to the Duiwenhoks River for activities for the guests.

The existing access road is in use (MR4801). No additional roads have been constructed.

Site co-ordinates (estimated central point): 34° 19' 44.00" South, 21° 01' 40.20" East

According to the Botanical and Biodiversity Assessment (**Appendix H1**), according to the 2018 Vegetation map of South Africa, Lesotho and Swaziland (Mucina & Rutherford, 2006-2018), the development footprint(s) would have impacted on **Canca Limestone Fynbos**, while the access path to the river would have impacted on Non-terrestrial (Estuary Vegetation). Canca Limestone Fynbos are classified as “Least Threatened” in terms of the “*Revised National list of ecosystems that are threatened and in need of protection*” (GN. No. 2747 of 18 November 2022).

The buildings had been constructed on the lower almost south facing slope of the limestone plateau as it drops down towards the Duiwenhoks River and is typical of valley-bottom Wetlands Albany Thicket.

According to 2017 Western Cape Biodiversity Spatial Plan (WCBSP) for the Hessequa Municipality:

- The jetty is located within an aquatic CBA (CBA: Estuary)
- Part of the site is within an aquatic CBA (CBA: Wetland)
- Part of the site is with Terrestrial CBA (CBA: Estuary)
- The site is partly within an area identified as a wetland on the NFEPA maps.

Part of the development footprint (deck and swimming pool) is partly within an area identified as a Natural Wetland on the NFEPA overlays. However, this does not appear to be the case, and no wetland features were identified here. According to the Estuary Report (**Appendix H2**), this part of the farm is in the Canca Limestone Fynbos and not in the estuarine zone at all.

The site is located near the Duiwenhoks River estuary (nearest development footprint is within 65m of the banks of the river). The jetty and jetty path are located on the banks of the Duiwenhoks River.

Please see photographs taken on 06 February 2024 below:



Figure 1. Site overview photographs showing the pathway from the jetty to the main building. The thicket area on the slope is evident.



Figure 2. Site overview photographs showing the “boundary” area between the thickets (left of image in which the buildings are located), and the estuarine vegetation (reedbed).



Figure 3. Site overview photographs of the pathway under the thicket canopy leading from the pool area down to the jetty.



Figure 4. Site overview photographs of the main building area within the thicket vegetation.



Figure 5. Site overview photographs of one of the bedrooms.



Figure 6. Site overview photographs of one of the bedrooms.



Figure 5. Site overview photographs of the swimming pool area.



Figure 5. Site overview photographs of the pathway to the jetty through the reedbeds

Table 1. Themes and associated sensitivity as per the DFFE Screening Tool.

No	Theme	DFFE Sensitivity	Agree / Disagree	Proposed Sensitivity	Motivation
1	Agriculture Theme	Medium Sensitivity	Disagree	Low Sensitivity	<p>The property is currently zoned Agricultural but the site is not feasible for agricultural activities due to the slope and proximity to the estuary.</p> <p>The development also takes up very little area in comparison to the rest of the property.</p>
2	Animal Species Theme	High Sensitivity	Disagree	Low Sensitivity	<p>The rating of High Sensitivity on the DFFE Screening Tool is mostly due to the potential presence of several bird species. These are unlikely to be significantly impacted on, due to the type and scale of the development.</p> <p>This will be addressed in the Biodiversity Assessment.</p>
3	Aquatic Biodiversity Theme	Very High Sensitivity	Agree	Medium Sensitivity	<p>The buildings are mostly located within an area identified as Low Sensitivity, and it is mostly the pathway and jetty that are located within a Very High Sensitive area.</p> <p>This will be addressed in the Estuary Report.</p>
4	Archaeological and Heritage Theme	Very High Sensitivity	Disagree	Low Sensitivity	<p>A Notice of Intent was submitted to Heritage Western Cape on 03 December 2023.</p> <p>Final Comment, dated 01 February 2024 was received with the following response:</p> <p><i>You are hereby notified that, since there is no reason to believe that the unauthorized floating jetty and tourism development within 100m of the highwater mark of an estuary on Portion 9 of Farm 499, Vermaaklikheid on Portion 9 of Farm 499, Vermaaklikheid, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.</i></p> <p><i>However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above,</i></p>

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					<i>all works must be stopped immediately, and Heritage Western Cape must be notified without delay.</i>
5	Civil Aviation Theme	High Sensitivity	Disagree	Low Sensitivity	Due to the nature of the project, it is not envisaged that the development will impact any civil aviation activities.
6	Defence Theme	Low Sensitivity	Agree		Due to the nature of the project, it is not envisaged that the development will impact any defence-related activities.
7	Palaeontological Theme	Medium Sensitivity	Disagree	Low Sensitivity	See 4. Archaeological and Heritage motivation above.
8	Plant Species Theme	Medium Sensitivity	Agree	Medium Sensitivity	A Biodiversity Impact Assessment, including an assessment of the flora will be conducted.
9	Terrestrial Biodiversity Theme	Very High Sensitivity	Disagree	Medium / low Sensitivity	The site is partly located within a CBA. Due to the relatively small scale of the development, as well as the design, the sensitivity is considered Medium/Low. A Biodiversity Assessment will be conducted and will address the CBAs.

Table 2. Specialist assessments identified as per the DFFE Screening Tool.

No	Proposed Specialist Assessment	Protocol Required	Verification of Site Sensitivity And Motivation On The Need For Specialist Investigation
1	Landscape/ Visual Impact Assessment	No Specific Protocol has been prescribed	A Visual Impact Assessment will not be conducted due to the relatively small scale, placement and design of the buildings.
2	Archaeological and Cultural Heritage Impact Assessment (HIA)	No Specific Protocol has been prescribed	No Heritage Impact Assessment (including an assessment of Archaeological resources) will be conducted, as confirmed by HWC.
3	Palaeontological Impact Assessment	No Specific Protocol has been prescribed	No Heritage Impact Assessment (including an assessment of Palaeontological resources) will be conducted.
4	Terrestrial Biodiversity Assessment	Protocol for the specialist assessment and minimum report content requirements for environmental impacts on terrestrial biodiversity.	The Biodiversity Assessment has been conducted by Mr Peet Botes.
5	Aquatic Biodiversity Impact Assessment	Protocol for the specialist assessment and minimum report content requirements for environmental impacts on aquatic biodiversity.	An Estuary Report was conducted by Dr Dirk van Driel.
6	Marine Impact Assessment	No Specific Protocol has been prescribed	An Estuary Report was conducted by Dr Dirk van Driel.
8	Geotechnical Assessment	No Specific Protocol has been prescribed	A geotechnical Assessment will not be conducted since the buildings have already been constructed.
9	Socio-economic Assessment	No Specific Protocol has been prescribed	Due to the scale and nature of the development, a socio-economic assessment is not considered necessary.
10	Plant Species Assessment	Protocol for the specialist assessment and minimum report content requirements for environmental impacts on terrestrial plant species.	The Biodiversity Assessment, including an assessment of the flora, has been conducted by Mr Peet Botes.

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11	Animal Assessment	Species	Protocol for the specialist assessment and minimum report content requirements for environmental impacts on terrestrial animal species	No Faunal Assessment will be conducted, but fauna is addressed in the Biodiversity Assessment.
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