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Attention: Mrs Betsy Ditcham

CONSULTATION IN TERMS OF THE NEMA FOR EVALUATION OF A PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF HEROLDS BAY COUNTRY ESTATE ON A PORTION OF PORTION 7, FARM BUFFELSFONTEIN No. 204, HEROLDS BAY, WESTERN CAPE, GEORGE MUNICIPAL AREA.

DEA&DP Ref #: None given

CapeNature, as custodian of biodiversity in the Western Cape[1], would like to thank you for the opportunity to review the application and appendices wishes 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 application.

The following information was extracted from the supplied documentation details the proposed scope of works which is planned and illustrated in Figure 1:

Long Island Trading 44 (Pty) Ltd proposes to construct a mixed-use development which entails combining residential, recreational and agricultural land uses. It is proposed that the development will include single residential erven, group housing units, a filling station with convenience shop, an ancillary neighbourhood centre with commercial and office space and three package plants for onsite treatment of sewerage. The proposed developed will take place on a Portion of Portion 7 of Farm Buffelsfontein No. 204 situated in Herolds Bay, Western Cape.

[1] Section 9, Western Cape Nature Conservation Board Act 15 of 1998

Herolds Bay is a coastal village situated along the Garden Route and located approximately 12.5km south-west of George. The proposed site is located north of the town centre, and west of the popular Oubaai Golf Estate. The site is bounded to the north and west by farmland. The size of the total development footprint (land to be disturbed for the mixed-use development) is approximately 19.264Ha.

It is being proposed that 102 single residential erven, 68 group housing units, a filling station with convenience centre and restaurant and an office complex be developed. In addition, there will be private open space, an internal road networkand three on-site package plants for the treatment of sewerage. The residential portion of the proposed development is aimed towards holiday makers and tourists to the area, the business zones are aimed towards small business and business professionals located in the region. The total size of the development footprint for the mixed-use development is approximately 19.264Ha."

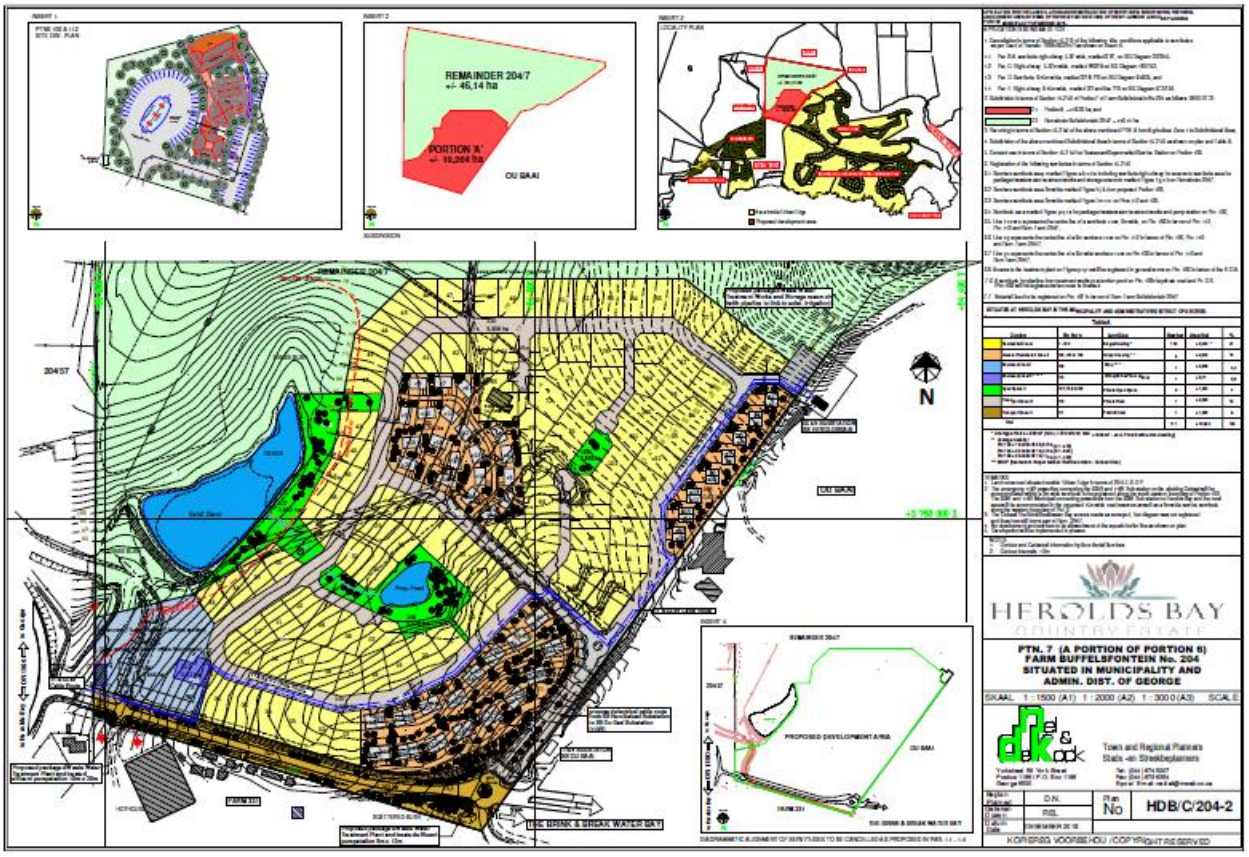

Figure 1: Illustration showing the proposed development plan, with aquatic buffer

According to Mucina and Rutherford[2], and the National Biodiversity Assessment (2018)[3] the vegetation unit which will be impacted by the proposed activities is the ***Critically Endangered*** Garden Route Granite Fynbos (Hardly Protected) (Figure 2). This unit is listed as a threatened ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) (NEM: BA). The Garden Route Granite Fynbos contains 4 threatened plant species,

[2] 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)

[3] National Biodiversity Assessment (2018). *The status of South Africa's ecosystems and biodiversity. Synthesis Report. Synthesis Report*. South African National Biodiversity Institute, an entity of the Department of Environment, Forestry and Fisheries, Pretoria

1% is formally conserved and 30% of its original extent remaining in a natural condition. The conservation target for this specific vegetation unit is listed as 23% of its original extent.

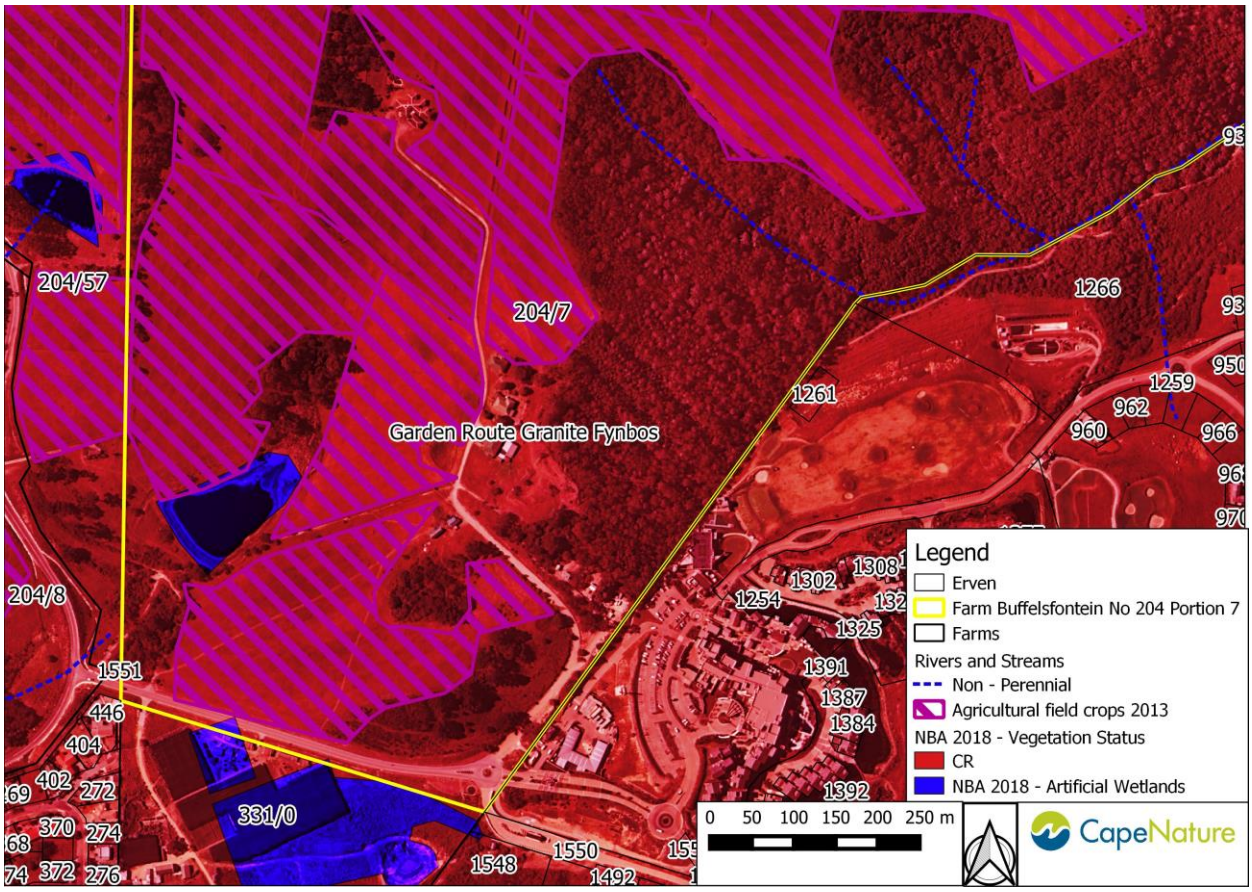

Figure 2: Map of the farm showing vegetation units NFEPA wetlands and locations of known streams and rivers.

There is a non-perennial drainage line passing through the proposed site and a known National Freshwater Ecosystem Priority Area (NFEPA) [4] wetlands present within the approximate footprint (Figures 2 and 3). According to the WCBSP and the Department of Agriculture Fisheries and Forestry (DAFF) 2013 data, most of the development will take place on existing agricultural lands and some Ecological Support Area 2 and Critical Biodiversity Area 2 regions (Figure 3).

CBA 2 areas are defined as: "*Areas in a degraded or secondary condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure."*

CBA 2 objectives are: "*Maintain in a natural or near-natural state, with no further loss of habitat. Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land-uses are appropriate."*

ESA 2 are defined as: *"Areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of PAs or CBAs, and are often vital for delivering ecosystem services."* ESA 2 objectives are to: "*Restore and/or manage to minimize impact on*

[4] 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.

ecological processes and ecological infrastructure functioning, especially soil and water-related services, and to allow for faunal movement."

Reasons for WCBSP delineation were the following:

- Bontebok Extended Distribution Range
- Water source protection- Kaaimans
- Watercourse protection- South Eastern Coastal Belt

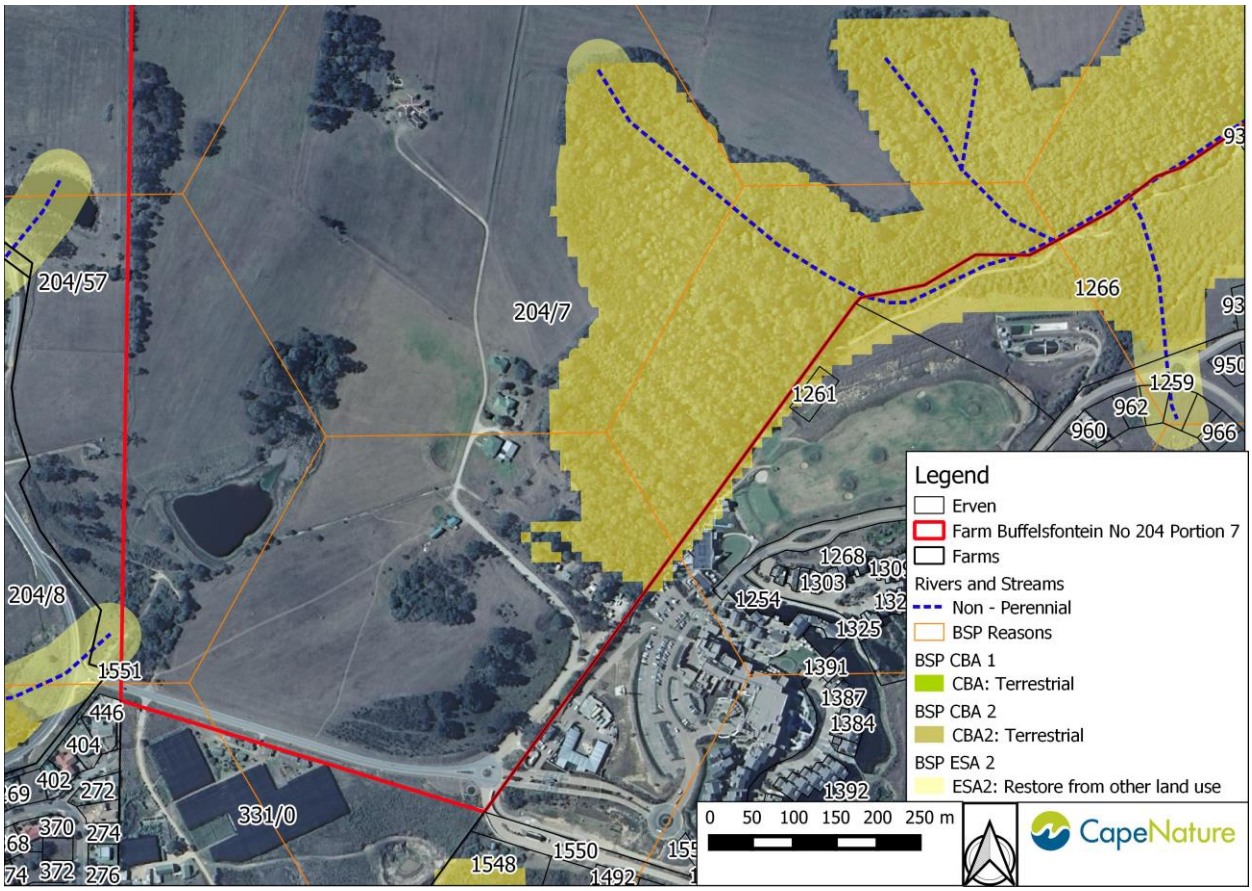

Figure 3: Map of the farm, showing the extent relative to WCBSP (2017) data for the region.

Following a review of the application and appendices, and given the above mentioned sensitivity of the site, CapeNature would like to make the following comments/recommendations:

1. CapeNature would like to also remind the landowner that in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) (CARA), landowners must prevent the spread of alien invasive plants on the property. The level of alien infestation is therefore not be seen as reducing the sensitivity of a site, nor is the subsequent removal of alien vegetation from a property regarded as a mitigation measure due to this is being a legal requirement. Infestation by alien plants does not necessarily mean that an area is not important for biodiversity as some vegetation types are particularly prone to invasive alien infestation, but may recover when cleared of alien vegetation. The EAP needs to take cognisance of this fact in all statements regarding mitigation and determination of the **No-Go Alternative impact**. The landowner is legally required to remove all alien plants from the farms and therefore the No-Go Alternative has to take this into account. Feasibility of such removal operations are not

consider either, as there are state assisted programmes in place to assist landowners who do not have the financial resources to remove alien plant species.

2. In addition to CARA, in terms of the Alien and Invasive Species Regulations, NEM: BA, 2014, specific alien plant species (e.g. *Acacia mearnsii*) are either prohibited or listed as requiring a permit; aside from restricted activities concerning, *inter alia*, their spread, and should be removed. All alien trees present on the properties should be removed as they are a propagule source for further spread of invasive alien plants.

3. To maintain seed viability, topsoil stockpiles should be limited to a maximum of height of 1.5 m. These stockpiles should also be suitably marked to ensure these soils are not used for other purposes besides rehabilitation.

4. The presence of livestock on the property needs to be determined and prior to the commencement of development construction activities on the property, the number livestock grazing the farm must be reduced accordingly. This is to prevent overgrazing occurring due to development activities, when vegetation is removed, thereby changing livestock carrying capacity of the farm.

5. It is recommended that an alien eradication and fire management plan be compiled and appended to the FBAR and that the applicant commit to joining the local Fire Protection Association to ensure that the vegetation on site is burnt at the correct intervals.

6. The following comments are based on the botanical specialist report and its findings:
   6.1. The Cape Floristic Region is largely a fire-dependent system and natural fire regimes must be maintained and managed in the landscape. The exclusion of fire from certain habitats will be considered unacceptable as this may ultimately cause the loss of species. Where appropriate, the location of fire-breaks should be indicated and these fire-breaks may be considered part of the development footprint (outside of any buffer areas). Fire-breaks can be brush-cut, but vegetation must not be completely removed. Brush-cutting must occur as infrequently as possible as brush-cutting will lead to loss of species diversity over time. Can the specialist provide input in this regard as to the appropriate burning regime for the vegetation type from an ecological perspective?

   6.2. All botanical impacts should be listed and rated accordingly. Of particular importance is the habitat fragmentation and cumulative impacts. CapeNature recommends that the specialist rate all impacts accordingly and also advise regarding the applicants use of fences. Also the specialist should determine what impacts herbicide spray drift may have on indigenous neighbouring vegetation?

   6.3. If the applicant had managed his land correctly, removed aliens and undertaken the prescribed ecological burning regime, can the specialist provide an informed opinion about what type of vegetation should be growing on the farm and where it would naturally grow, based on abiotic as well as biotic factors?

6.4. Did the specialist comply with the guidelines for the compilation of botanical\ecological specialist assessments, as per Appendix 6[5]?

6.5. Rehabilitation of any disturbed ecosystems is only considered successful when the ecosystem has returned to an ecologically functional state and has a similar species assemblage as its natural state. There was mention of rehabilitation within the botanical report and this should be elaborated further to encompass a map of the portntial rehabilitation area and methods of rehabilitation to be considered. The loss of CBA 2 (which is defined as degraded habitat) is still of incredible importance and it is unclear how the applicant plans to mitigate for this loss?

7. The LUA Handbook can be downloaded from CapeNature's website (https://www.capenature.co.za/about-us/2017-western-cape-biodiversity-spatial-plan-handbook-download/) and should be referred to and referenced in all future applications submitted by the consultant. Especially regarding the desirability of the development within the extent of WCBSP layers and what is the desired land use for CBA 2 regions?

8. Using specialist findings, a detailed No-Go Areas map should be compiled and appended to the Environmental Management Programme (EMPr). The aim of this map is to sensitise the owner to the location of sensitive habitat relative to development footprints. This will also empower the Environmental Control Officer (ECO) to ensure the strictest level of compliance regarding the protection of sensitive habitat.

9. In addition to which the location of houses within the erven relative to the aquatic wetland buffer needs to be defined and the extent of indigenous vegetation within the erven also delineated. It is unclear why the erven located within aquatic buffer cannot be free standing without yards, given the sensitivity of the setting? CapeNature remains highly concerned regarding the location of erven within the aquatic buffer as buffers are not outlined for development, they are delineated to act as control measures to protect ecosystem services and mitigate for development impacts. If these get used for developments they directly will change impact ratings accordingly. In general however, it is recommended that all mitigation measures and recommendations outlined within the aquatic habitat assessment be implemented fully.

10. Concerning the vegetation and fire regime, CapeNature recommends that the applicant join the Southern Cape Fire Protection Association (FPA). CapeNature does not advocate the brush-cutting of vegetation to stimulate fire effects and rejuvenation on the natural ecosystem with the exception in this instance as indicated near dwelling units in the intensive use zone. The Southern Cape FPA can provide additional guidance and on site recommendations regarding the vegetation, fire regime and firebreaks for the region.

11. An Operational Environmental Management Programme (OEMPr) should be compiled and appended to the Draft BAR. The OEMPr should specifically look at what measures must be implemented to ensure the protection the watercourse from fuel spills and contamination, especially in emergency scenarios.

[5] Guideline for involving biodiversity specialists in EIA processes (DEA&DP 2005).

12. Should any catastrophic\emergency events occur, the applicant may be held liable for any significant changes in water quality associated with the fuel station and this development's activities. The polluter pays principal may be applicable and CapeNature simply recommends that the applicant be made aware of these risks given the site location.
13.

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

Yours sincerely

Colin Fordham
Landscape Conservation Intelligence Manager – Landscape East