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reference LE14/2/6/1/6/1/RE296-5_Hosuing_Keurboomstrand
date 07 April 2022

Cape EAPrac,
P.O Box 2070,
George,
6530

Attention: Ms Melissa Mackay
By email: (mel@cape-eaprac.co.za)

Dear Ms Melissa Mackay

**DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED ARCH ROCK ON THE
REMAINDER PORTION 5 OF 296, KEURBOOMSTRAND, BITOU LOCAL MUNICIPALITY,
WESTERN CAPE.**

DEA&DP Reference: 16/3/3/1/D1/6/0000/22

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.

According to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet *et.al.* 2017)¹ property is outside the extent of Critical Biodiversity Areas but has natural (Ecological Support Areas (ESA 1: Terrestrial). The WCBSP mapped the following features:

- Indigenous Forest Type
- Coastal Habitat Type
- Foredune
- Garden Route Shale Fynbos (EN)
- South Outeniqua Sanstone Fynbos (VU)
- Eastern Fynbos Renosterveld Shale Fynbos Floodplain Wetland
- Coastal resource protection-Eden
- Watercourse protection- South Eastern Coastal Belt

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

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

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According to Mucina and Rutherford 2006² and the WCBSP (Pool-Stanvliet *et al.* 2017) the mapped vegetation unit for the property is **Vulnerable** Garden Route Shale Fynbos as listed in the 2011 NEM:BA threatened ecosystems gazette³. In the updated National Biodiversity Assessment, the vegetation will be listed as Least Concerned Goukamma Dune Thicket and Garden Route Shale Fynbos is mapped to the south (Skowno *et al.* 2018)⁴.

Coastal ecosystems are ecological infrastructures that provides a range of regulatory services to coastal communities⁵. The foredunes play an essential role in providing physical buffering against sea storm surges and other potential climate change related impacts. Therefore, they should be in a functional near-natural state. Furthermore, the property forms part of a coastal corridor, which is an important ecological infrastructure. This coastal corridor has been disturbed overtime. As these areas are important corridors to maintain landscape connectivity it is crucial that no further disturbances occur, and that the area must be restored to improve connectivity and reduce landscape fragmentation.

CapeNature reminds the applicant to obtain comments from the Department of Forestry, Fisheries and Environment (DFFE) if any listed protected tree⁶ species or indigenous forest will be disturbed. CapeNature will not object to the findings\recommendations as DFFE is a custodian of forestry resources in South Africa.

CapeNature recommends that all topsoil stockpiles be less than 1.5m in height and have adequate signage to illustrate which are topsoil and subsoil for rehabilitation purpose. Furthermore, caution must be applied to ensure that the topsoil is not contaminated. Areas susceptible to erosion or bare soil should be protected by installing the necessary temporary structures.

The proposed site within the erosion risk zones of the draft Eden Coastal Management Line (see fig.1 and table 1)⁷. These zones are areas within the flood risk zones of estuaries and littoral active zones. This zone demarcates the area in which development will either be prohibited or controlled. This is done in order to achieve the objectives as set in section 25 of ICM Act, as amended, or coastal management objectives⁸.

² Mucina, L. & Rutherford, M.C. (Eds.) 2006. *The Vegetation of South Africa, Lesotho and Swaziland*. South African National Biodiversity Institute, Pretoria

³ National Environmental Management: Biodiversity Act (10/2004): National list of ecosystems that are threatened and in need of protection. 2011.

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

⁶ Notice of the List of Protected Tree Species under the National Forest Act, 1998 (Act No. 84 of 1998)

⁷ Western Cape Government, Department of Environmental Affairs and Development Planning. 2018. The Technical Delineation of both the coastal management line; the EIA development setback line as well as an audit of coastal access in the Eden District Municipality

⁸ National Environmental Management: Integrated Coastal Management Amendment Act, 2014 Act (No. 36 of 2014).

Table 1: The Coastal Management Zones and the appropriate development regulations in each zone

Zone	Description	Development controls to apply
CPZ	<ul style="list-style-type: none"> Area seaward of the CPZ 	<ul style="list-style-type: none"> No additional controls
CML	<ul style="list-style-type: none"> Area seaward of the CML and around development islands 	<ul style="list-style-type: none"> Prevent new development expansion areas below the CML General development parameters to avoid insensitive new development and positively inform execution of existing rights
DSL	<ul style="list-style-type: none"> Area seaward of the DSL and around development islands 	<ul style="list-style-type: none"> As per EIA listing notices
Risk zones	<ul style="list-style-type: none"> Medium term (50 year) erosion risk zone (built-up areas) Long term (100 year) erosion risk zone (rural areas) Area within 1:100yr floodline or below the 10m amsl contour around estuaries Littoral active zones 	<p>Specific development parameters to avoid insensitive new development and positively inform execution of existing rights with specific reference to:</p> <ul style="list-style-type: none"> Encroachment Erosion risk Mobile sand Flooding Storm damage Public access Vegetation control Public amenities and infrastructure

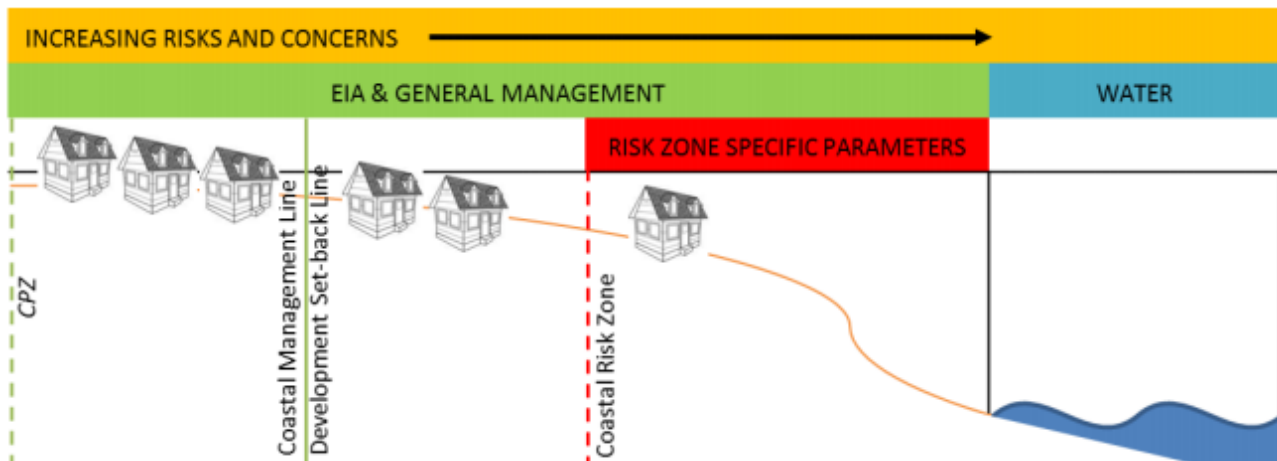


Figure 1: Illustration of the different Coastal Management Zones, including the applicable risks, of the Eden District that must be considered for development management.

In terms of the Sea Shore Act, 1935 (Act No. 21 of 1935) a lease agreement is required from CapeNature for any structure's seawards or on the High-Water Mark of the Sea on state-owned land. Please note that in terms of section 3(5) of the Sea-Shore Act, 1935 (Act No 21 of 1935)

"Before any lease is entered into under subsection (1) or any permit is granted under subsection (2), the Minister shall, at the expense of the person with or to whom it is proposed to enter into such lease or to issue such permit, cause a notice to be published

in the Gazette and in not less than one newspaper circulating in the neighbourhood wherein the portion of the sea-shore or the sea concerned is situated, wherein-

(a) the proposal to enter into the lease or to issue the permit is made known;

(b) the place where and the times at which full particulars of the proposed lease or permit will be open for inspection are specified; and

(c) it is specified that objection to the proposed lease or permit may be lodged with a person specified in the notice, before a date so specified, which shall be not less than 30 days after the date on which the notice is published.

Prior to construction the waste, by the areas used for dumping, should be removed from the entire site and not only the development footprint. Removal of waste, generated during the activity, must be disposed at a registered disposal facility. Implement the integrated waste management approach that addresses waste avoidance, reduction, re-use, recycling, recovery, treatment, and safe disposal as a last resort.⁹

An Environmental Control Officer (ECO) should be appointed to oversee the process and should be present, if possible, during the construction and to identify any harmful activities.

Any remaining vegetation should be rehabilitated, where possible, and conserved. It is important to protect coastal biodiversity in order to maintain the coastal corridor movement. Thus, the development footprint should be within the disturbed areas and should not result in any further loss to biodiversity.

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 National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008). Consultation on the draft revised and updated national waste management strategy. 2019.

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