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Reference LE14/2/6/1/6/2/ERF 1058_PreAPP/Devel
_Wilderness
Date 03 November 2023

Eco Route Environmental Consultancy,
P.O. Box 1252,
Sedgefield,
6573

Attention: Ms Joclyn Marshall
By email: joclyn@ecoroute.co.za

Dear Ms Joclyn Marshall

**THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED
DEVELOPMENT OF ERF 1058, WILDERNESS HEIGHTS, GEORGE LOCAL
MUNICIPALITY, WESTERN CAPE.**

DEA&DP Reference: 16/3/3/6/7/1/D2/30/0241/23

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 property has Critical Biodiversity Areas (CBA 1: Forest and Terrestrial) along the west and south. The property borders the Wilderness Lakes Protected Area to the south. A non-perennial river flows outside of the western boundary of the property. The property is within the National Strategic Water Source Area for surface water for the Outeniqua region and serves as a water source protection for the Touws River and a watercourse protection for the South Eastern Coastal Belt.

The Vlok and de Villiers (2007) fine scale vegetation map describes the area as Wolwe River Fynbos-Forest. According to the National Biodiversity Assessment (Skowno *et al.* 2018)² the vegetation unit is Garden Route Granite Fynbos which is **Critically Endangered** (NEM:BA, 2022)³. The Garden Route Granite Fynbos was listed as one of the **seven high risk Critically Endangered** vegetation types in South Africa (Skowno *et al.* 2018).

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

² 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.

³ 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

Following a review of the PreApp BAR and specialist reports, CapeNature wishes to make the following comments:

1. In terms of section 15(1) of the National Forests Act⁴, no person may cut, disturb, damage, or destroy any protected tree or possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree except under a license granted by the Minister.
2. The Western Cape Biodiversity Spatial Plan (Pool-Stanvliet *et.al.* 2017) has specific guidelines regarding CBA loss and their sensitivity and conservation objectives. Thus, the proposed development should be guided by those objectives to conserve and protect the CBAs (Pool-Stanvliet *et al.* 2017). CapeNature maintains minimal habitat loss is acceptable (in line with the WCSBP Land Use Guidelines Handbook, 2017) provided the underlying biodiversity objectives and ecological functioning are not compromised.
3. The property forms part of a continuous CBA corridor to the west which is important for the conservation of the species, ecosystems, supporting ecological processes, and landscape connectivity. The proposed development is not in line with the recommended acceptable land-uses according to the WCBSP and CapeNature will not support the loss of CBA.
4. The property provides important landscape connectivity to the west and the Wilderness Lakes PA to the south. The proposed development footprint will be 1923m² of **Critically Endangered (CR)** Garden Route Granite Fynbos vegetation. CapeNature recommend the footprint be reduced to limit the impact on **CR** vegetation and Critical Biodiversity Area, as this is not aligned to the desired objectives of CBA. Furthermore, the layout is currently too scattered and CapeNature recommends a more clustered layout for better management.
5. The balance between the thicket and fynbos elements on the site would be depended (and affected) by the fire frequency noting that in the absence of fire the area will become thicket. Thus, has an ecological burn been considered for the property prior to the starting the development? CapeNature recommends the landowner seeks guidance from the Fire Protection Association (FPA) to conduct an ecological burn. The FPA must advise on the consolidation of the adjacent properties to the west, also CBAs, to form a larger management unit.
6. The Fynbos Forum Guidelines⁵ mentions that the impacts of developments must be minimised, buildings should be clustered within fire-free zones and protected with firebreaks. Furthermore, flammable building materials such as thatch should be avoided.
7. Soil erosion control measures, water and pollution run-off must be strictly implemented. All runoffs must be managed in a manner as to minimise or prevent erosion. Areas susceptible to erosion and areas cleared of indigenous vegetation must be protected by installing the necessary temporary structures.

⁴ National Forest Act, 1998 (Act No. 84 of 1998). 1998. Government Gazette No. 19408.

⁵ De Villiers C.C., Driver A., Clark B., Euston-Brown D.I.W., Day E.G., Job N., Helme N.A., Holmes P.M., Brownlie S. and A.B. Rebelo (2016). Ecosystem Guidelines for Environmental Assessment in the Western Cape, Edition 2. Fynbos Forum, Cape Town.

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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

8. CapeNature reminds the applicant that the site has a high soil erodibility factor thus the geology is unstable and may result in a landslip. Furthermore, the removal of vegetation will destabilise the soil and result in land slipping. Mitigation must be considered to avoid this impact.
9. Eradication of invasive alien plant species are of high priority and CapeNature supports the removal of these species. Alien plant species that occur outside of the proposed footprint must be cleared during the alien clearing phase. In this way, more alien plant species can be removed. The eradication and monitoring of the spread of invasive alien species should follow the National Environmental Management: Biodiversity Act (Act No.10 of 2004)⁶.
10. The ECO must ensure that the mitigation measure proposed by the specialists are implemented to protect the remaining ecological process and landscape connectivity.
11. CapeNature reminds the applicant of Section 28 of National Environmental Management Act (NEMA) (Act 104 of 1998 as amended) (Duty of Care) that states the following:

“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”

Any action that causes wilful degradation of the environment may therefore constitute a breach of this Duty of Care and the penal provisions of NEMA will apply.

In conclusion, CapeNature has received numerous development applications for the Wilderness area. We are concerned that the cumulative impacts, if not properly considered and planned for, could be quite significant. Due to the impact of the fragmenting the CBA network, CapeNature does not support the development at this phase.

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)

⁶ Government Gazette No. 37885, GN No. R. 598 (2014) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) Alien and Invasive Species Regulations, 2014.

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Reference LE14/2/6/1/6/2/ERF 1058_PreAPP/Devel_Wilderness01
Date 14 November 2023

Eco Route Environmental Consultancy,
P.O. Box 1252,
Sedgefield,
6573

Attention: Ms Joclyn Marshall
By email: joclyn@ecoroute.co.za

Dear Ms Joclyn Marshall

RESPONSE TO COMMENT FROM THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING RELATING TO THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED DEVELOPMENT OF ERF 1058, WILDERNESS HEIGHTS, GEORGE LOCAL MUNICIPALITY, WESTERN CAPE.

DEA&DP Reference: 16/3/3/6/7/1/D2/30/0241/23

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 was requested by the Department of Environmental Affairs and Development Planning to provide additional comments to points 3.3 and 3.4 in their letter dated 06 November 2023. CapeNature wishes to make the following comments:

1. The rezoning application does not provide any motivation on how this property relates to conservation. The rezoning application and the Terrestrial Ecology Report both stated “*the property has low biodiversity value and lacks primary vegetation*” and “*comprises modified and severely degraded habitat types*” respectively.
2. The objectives of Open Space Zone III (nature conservation area) is to ensure biodiversity is conserved and to allow ecological processes in undeveloped areas. Thus, the rezoning to Open Space Zone III must be aligned with conservation objectives. CapeNature has objected to the current layout, based on the impact to the Garden Route Granite Fynbos (**CR**) and CBA. Thus, the development must be in an ecological sensitive manner with minimal impact on the natural environment (Esler *et al.*2014)¹.

¹ Esler K.J., Pierce S.M., and de Villiers C. (2014). Fynbos: Ecology and Management. Britza Publications, Pretoria.
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3. The property has a Critically Endangered ecosystem which is under-protected, is within the Outeniqua Strategic Water Source Area for surface water which serves as an important water source protection and is within proximity to the Garden Route National Park and borders the Wilderness Lakes Protected Area. In addition to the above the property has a potential to be rehabilitated which will improve the biodiversity on site. SANParks has expressed an interest to include the property in their expansion footprint, CapeNature would recommend SANParks be approached to consolidate this property into their expansion footprint.
4. The screening tool rated the Terrestrial Biodiversity for the property as High sensitivity due to the CBA, ESA, SWSA and the CR ecosystem. The Specialist rated the sensitivity as Low based on the heavily degraded habitat.
5. The current state of the vegetation is degraded; however, the habitat has a Very High Resilience and does have potential to be rehabilitated. It is important to note that the presence of fynbos species between alien plants is evidence that they are not yet outcompeted. Furthermore, the fire history is unknown and an important factor which was not discussed is the seed bank. Even if no indigenous plants are present the seed bank can still be intact. The season of assessing the site is important (and was in mid-winter) as late winter and spring is the best season to assess fynbos (Fynbos Forum Guidelines)².
6. Based on the above the Specialist has not adequately considered the value of the fynbos and what the impact of the development would be on this CR ecosystem. CapeNature is of the opinion that the sensitivity should be High-Medium.

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)

² De Villiers C.C., Driver A., Clark B., Euston-Brown D.I.W., Day E.G., Job N., Helme N.A., Holmes P.M., Brownlie S. and A.B. Rebelo (2016). Ecosystem Guidelines for Environmental Assessment in the Western Cape, Edition 2. Fynbos Forum, Cape Town.

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