

CONSERVATION OPERATIONS

postal Private Bag X29, Gatesville, 7766
physical PGWC Shared Services Centre, cnr Bosduif & Volstruis Streets, Bridgetown, Cape Town, 7764
website www.capenature.co.za
enquiries Dr Ernst Baard
telephone +27 87 087 3203
email ebaard@capenature.co.za
reference SSD 14/2/6/1/1/1_Procedures_DevApplications
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To Whom It May Concern:

CAPENATURE'S REQUIREMENTS FOR PROVIDING COMMENTS ON DEVELOPMENT APPLICATIONS.

CapeNature is the statutory custodian of biodiversity in the Western Cape¹ and commenting authority concerning potential impacts on biodiversity and ecological processes. Our comments only pertain to the biodiversity related impacts of the development application. The effective management of biodiversity is a requirement in terms of Section 41 (a) of the National Environmental Management: Biodiversity Act (Act No. 10 of 2004)². Thus, this letter and Annexure A outline requirements for land use applications and this should be considered when submitting applications to CapeNature for commenting.

Protecting biodiversity beyond the boundaries of Protected Areas is essential to maintain the integrity of ecosystems across broader landscapes. The Western Cape Biodiversity Spatial Plan (WCBSP 2017)³ provides guidelines on land use activities that are compatible with maintaining the ecological integrity of terrestrial and aquatic Critical Biodiversity Areas (CBA) and Ecological Support Areas (ESA) on land outside of Protected Areas.

Preventing biodiversity loss in the Western Cape

CapeNature's role is to provide advice on biodiversity related impacts on applications that may either change land uses or trigger a NEMA listed activity⁴. Some of the type of applications we provide comments on include *inter alia* agricultural, renewable energy, mining, water-use related, recreational and other applications submitted in terms of NEMA. We may also provide comments on planning applications in terms of SPLUMA as well as provincial and national policies, guidelines, and legislation. During the commenting process, CapeNature will highlight any threats that may result from the development and any impacts on CBAs (terrestrial and aquatic) and ecological infrastructure. CapeNature does not support developments that result in irreversible loss of habitat and ecological functioning in threatened

¹ Section 9, Western Cape Nature Conservation Board Act 15 of 1998. 1998. 24 December 1998.

² National Environmental Management: Biodiversity Act 10 of 2004. 2004. Government Gazette No. 26436, 7 June 2004.

³ Pool-Stanvliet, R., Duffell-Canham, A., Pence, G. and Smart, R. 2017. The Western Cape Biodiversity Spatial Plan Handbook. Stellenbosch: CapeNature.

⁴ National Environmental Management Act No. 107 of 1998. 2017. Amendments to the Environmental Impact Assessment Regulations, 2014. Government Gazette No. 40772, 7 April 2017.

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

ecosystems (as identified in NEM:BA⁵ and the updated National Biodiversity Assessment, 2018⁶) or sensitive areas such as aquatic and terrestrial CBAs and ESAs (as identified by the WCBSP, 2017) and Freshwater Ecosystem Priority Areas (as identified by the National Freshwater Ecosystem Priority Areas)⁷. If a land use activity results in negative impacts on the environment and their ecological processes, then mitigation should be proposed in line with the Mitigation Hierarchy (DEA&DP 2011)⁸. All alternatives considered should be reasonable and feasible.

Applications that require review by CapeNature should demonstrate how the proponent intends on complying with the principles contained in Section 2 of the National Environmental Management Act (Act No. 107 of 1998)⁹, as amended (NEMA), which, amongst other things, indicates that environmental management should:

- In order of priority aim to avoid, minimise, or remedy disturbance of ecosystems and loss of biodiversity;
- Avoid degradation of the environment;
- Avoid jeopardizing ecosystem integrity;
- Pursue the best practicable environmental option by means of integrated environmental management;
- Protect the environment as the people's common heritage;
- Control and minimise environmental damage; and
- Pay specific attention to management and planning procedures pertaining to sensitive, vulnerable, highly dynamic, or stressed ecosystems.

These principles must underpin decision-making concerning matters that may affect the environment. As such, it is incumbent upon the proponent to show how proposed activities would comply with the above-mentioned principles and thereby contribute towards the achievement of sustainable development as defined by the NEMA.

Status of CapeNature's comment

CapeNature may be consulted to discuss any aspect of the development application, during the public participation process. However, verbal discussions are not considered adequate and only written comment from CapeNature following a review of a development application is considered formal communication. We do reserve the right to revise our initial comments on any new information that may be received, or we may request additional information.

Format of reports

Please help us provide you with a timely response by supplying all information in a readily accessible format:

- a. We require all notifications of Basic Assessment and Environmental Impact Assessment Processes be sent via email. The email must contain a link to a site containing all the respective reports including the main report, locality maps, all alternative layout plans and all biodiversity related specialist reports. Please do not

⁵ National Environmental Management: Biodiversity Act 10 of 2004. 2011. National list of ecosystems that are threatened and in need of protection. Government Gazette No. 34809.

⁶ 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.

⁷ 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. and Nienaber, S. 2011). Technical Report for the National Freshwater Ecosystem Priority Areas project. WRC Report No. K5/1801

⁸ Department of Environmental Affairs and Development Planning. 2011. EIA guideline and Information document series: Information document on biodiversity offsets

⁹ National Environmental Management Act No. 107 of 1998. 2014. Government Gazette No. 19519, 18 December 2014.

attach the main documents and appendices to the email. The only attachments to the e-mail must be a cover letter, executive summary, and the locality map (including relevant biodiversity overlay maps). Please make sure the Farm/Erf number(s) is clear (preferably in the title) and the municipality. Copies couriered to office addresses may be acceptable as well, but please check with the relevant CapeNature contact.

- b. Please save all reports and appendices as separate files and not one combined file.
- c. To facilitate assessment of potential impacts, we request that maps of proposed development layouts be overlaid with identified environmental features of a site. If provided separately, maps should be produced at the same scale.
- d. Please provide GIS shapefiles of the proposed development footprint, particularly for linear features or for combined applications with numerous sites,

We receive a large number of reports and need to treat applicants and consultants fairly, therefore applications will be processed from date of receipt within the required number of days as stipulated by the DEA&DP, DFFE, the DMRE or other competent authority.

Land Use Planning, Development applications, Environmental Management Frameworks, policies, and legislation can be directed to the following CapeNature officials (also refer to Figure 1):

Contact Details for providing comment:

LANDSCAPE WEST

(City of Cape Town, Bergrivier, Cederberg, Matzikama, Saldanha Bay, and Swartland Municipalities)

CapeNature

Conservation Operations: Landscape Conservation Intelligence Management Unit

Attention: Ismat Adams

Email: iadams@capenature.co.za

Tel: 087 087 3188

LANDSCAPE CENTRAL

(Breede Valley, Drakenstein, Stellenbosch, Witzenberg; Overstrand (west of R43) and Theewaterskloof (west of R43) Municipalities)

CapeNature

Conservation Operations: Landscape Conservation Intelligence Management Unit

Assegaaibosch Nature Reserve

Jonkershoek Road

Stellenbosch

Attention: Alana Duffell-Canham

Email: aduffell-canham@capenature.co.za

Tel: 087 087 8029 / 082 727 2691

**Kindly note that the Private Bag address previously provided is no longer valid.*

LANDSCAPE EAST

(Beaufort-West, Bitou, George, Kannaland, Knysna, Laingsburg, Mossel Bay, Oudtshoorn and Prince Albert Municipalities)

CapeNature

Conservation Operations: Landscape Conservation Intelligence Management Unit

Attention: Megan Simons

Email: msimons@capenature.co.za

Tel: 087 087 3060

*Kindly note that the Private Bag address previously provided is no longer valid.

LANDSCAPE SOUTH

(Cape Agulhas, Hessequa, Langeberg, Overstrand (east of R43), Swellendam and Theewaterskloof (east of R43) Municipalities)

CapeNature

Conservation Operations: Landscape Conservation Intelligence Management Unit

16 17th Avenue,

Voëlklip,

HERMANUS,

7200

Attention: Rhett Smart

Email: rsmart@capenature.co.za

Tel: 087 087 8017 / 072 835 8741

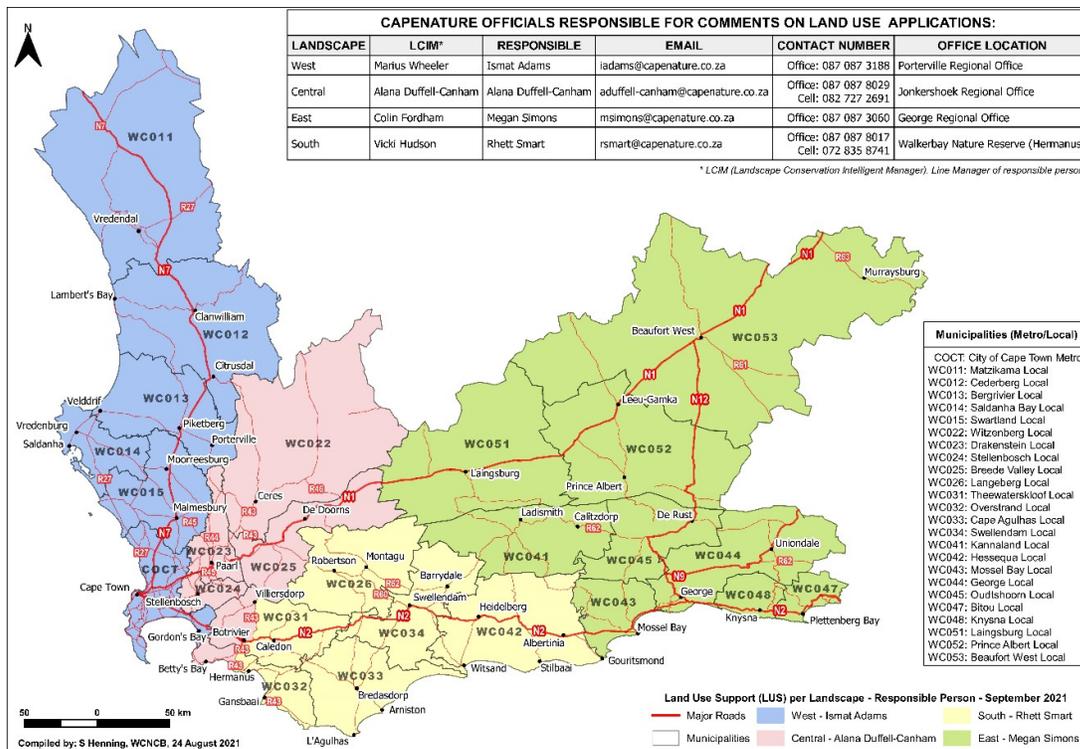


Figure 1: Map illustrating the CapeNature officials, for each landscape, currently responsible for commenting on development applications.

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Thank you in advance for your consideration in this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'E. Beard', with a stylized flourish at the end.

Dr Ernst Beard
Executive Director: Conservation Operations