



LORNAY
ENVIRONMENTAL CONSULTING

PROOF OF PUBLIC PARTICIPATION

Proposed Rezoning and Subdivision to create single residential erven on Erf 1486,
Vermont, Overstrand Municipality

May 2024

Consultant:

Michelle Naylor | Env. Consultant | M.Sc., Pr. Sci. Nat., EAPSA
cell: 083 245 6556 | tel: 028 316 1769 | fax: 086 585 2461 | michelle@lornay.co.za | www.lornay.co.za
PO Box 1990, Hermanus, 7200
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

CONTENTS

CONTENTS	2
1. INTRODUCTION	3
2. LIST OF INTERESTED AND AFFECTED PARTIES AND ORGANS OF STATE	4
3. WRITTEN NOTICE TO I&APS AND ORGANS OF STATE OF DRAFT BAR:	6
4. PROOF OF NOTICE TO I&APS AND ORGANS OF STATE	9
5. NEWSPAPER ADVERTISEMENT	11
6. NOTICEBOARDS	12
7. COMMENTS AND RESPONSE REPORT AND REGISTER FOR I&APS	14
8.COMMENTS RECEIVED DURING DRAFT / PRE-APPLICATION PUBLIC PARTICIPATION.....	77
9. ADDITIONAL ROUND OF PUBLIC PARTICIPATION.....	87
10. REGISTERED INTERESTED AND AFFECTED PARTIES.....	88
11. NOTICE OF FINAL PUBLIC PARTICIPATION.....	89
12. PROOF OF NOTICE OF FINAL ROUND OF PPP	89
13. COMMENTS RECEIVED DURING THE FINAL ROUND OF PUBLIC PARTICIPATION	89

1. INTRODUCTION

The Public Participation Process was conducted in terms of the Environmental Impact Assessment (EIA) regulations as promulgated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) (as amended) and the 2014 NEMA EIA Regulations promulgated in Government Gazette No. 38282 and Government Notice R983, R984 and R985 on 4 December 2014 (as amended). All potential interested and affected parties (I&APS) and applicable organs of state were notified of the DRAFT / pre-application Basic Assessment Report (BAR). The DRAFT BAR was made available for a 30-day period to I&APS and organs of state, to register and comment. Noticeboards were placed on site and a newspaper advertisement was placed in the local newspaper. All comments were recorded in a comments and response report and a register for I&APS was opened. Once the 30-day public participation on the DRAFT BAR was complete, all comments made were attended to. Additional specialist input was added and the Draft Basic Assessment report was amended according. Due to the additional of new specialist information in report and the evolution of the preferred layout, the EAP decided to provide all registered I&APS and Organs of State with an additional round of pre-application public participation. Once this is completed, the comments received will be captured and the FINAL BAR will be prepared. The Application for Environmental Authorisation will then be submitted to the Department of Environmental Affairs and Development Planning (DEA&DP), and a final round of public participation will be conducted.

Please note that a Notice of Intent to Develop was submitted to Heritage Western Cape and Heritage Western Cape has confirmed that no further heritage assessment is required.

The FINAL BAR was circulated to all registered I&APS and organs of state for a further 30-day public participation period. All comments received during this period were recorded and responded to in the Comments and Response Report and Register for I&AP's. This document serves as proof of the public participation carried out in line with Section 41 of the EIA Regulations (2014).

2. LIST OF INTERESTED AND AFFECTED PARTIES AND ORGANS OF STATE

In line with the requirements of NEMA, all potential Interested and Affected Parties (I&APS) were notified of the project and provided with an opportunity to comment. This included applicable organs of state. See list of I&APs identified for the project:

PRE-APPLICATION PUBLIC PARTICIPATION	
WC Government Env Affairs & Dev Planning	
Development Management	
Bernadette Osbourne Registry Office 1st Floor, Utilitas Building 1 Dorp Street 8001	
Cape Nature Rhett Smart rsmart@capenature.co.za	Overberg District Municipality F. Kotze / R. Volschenk Private Bag x 22 Bredasdorp 7280 F. Kotze
BGCMA R. Le Roux Private Bag x3055 Worcester <u>6850</u> 023 346 8000	Overstrand Municipality Penelope Aplon PO Box 20 Hermanus 7200 paplon@overstrand.gov.za
Heritage Western Cape Ayanda Mdludlu Protea Assurance Building Green Market Square Cape Town 8001 021 483 9689 Ayanda.Mdludlu@westerncape.gov.za	

Whale Coast Conservation	
wcc@ocf.org.za	
IAPS	
FARM RE/572	FARM 3 of 572
UVA Prop	Saddlepath Props 79 Pty Ltd
jvanheerden@privateclient.co.za	jvanheerden@privateclient.co.za
ERF 1506	ERF 1487
tlrissik@iafrica.com	susanskoghermanus@gmail.com
ERF 1940	ERF 1492
Overstrand Municipality	info@henncorp.com
ERF 2317	ERF 2318
hugofam@whalemail.co.za	solmer@telkomsa.net
ERF 2319	ERF 2314
denis@brandjes.org	info@natures-feeds.co.za
ERF 2315	ERF 2316
keithkruth@gmail.com	re/572 ABD Portoin 3 of

3. WRITTEN NOTICE TO I&APS AND ORGANS OF STATE OF DRAFT BAR:

The I&AP's identified above were given written notice of the proposed development, via registered mail or courier, as appropriate. The written notice included details of the applicable legislation, the proposed expansion and means to provide comment or register as I&AP. See written notice below:



22 March 2024

DEA&DP Ref. No.: 16/3/3/6/7/1/E2/40/1525/22
Lornay Ref. No.: Erf 1486 Vermont.

**NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS:
PROPOSED RESIDENTIAL DEVELOPMENT, ERF 1486, VERMONT, HERMANUS**

Notice is hereby given of a Public Participation Process in terms of the Environmental Impact Assessment (EIA) regulations as promulgated in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) (as amended) and the 2014 NEMA EIA Regulations promulgated in Government Gazette No. 38282 and Government Notice R983, R984 and R985 on 4 December 2014 (as amended).

Proposal: Single residential erven, private roads and open space
Location: Erf 1486, Vermont, Hermanus, CALEDON RD
Applicant: ELEPHANT VENTURES AFRICA CC

Environmental Authorisation is required in terms of NEMA for the following Listed Activities:

Listing Notice 1

(12) The development of - dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs - (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.

(19A) The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from (i) the seashore; or (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or estuary, whichever distance is the greater but excluding where such infilling, depositing, dredging, excavation, removal or moving - (f) will occur behind a development setback

(27) The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation

Listing Notice 3

(12) The clearance of an area of 300 square metres or more of indigenous vegetation i. Western Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004

A Basic Assessment Process is applicable. A copy of the Basic Assessment Report is available for download on our website or upon request. Interested and Affected Parties (I&AP's) are hereby invited to register as an Interested and Affected Party (I&AP) and / or comment on the proposed activity on / or before **24 April 2023** via the following contact details:

Michelle Naylor | Env. Consultant | M.Sc., Pr. Sci. Nat., EAPSA
cell: 083 245 6556 | fax: 086 585 2461 | michelle@lornay.co.za | www.lornay.co.za
PO Box 1990, Hermanus, 7200
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

LORNAY ENVIRONMENTAL CONSULTING
ATT: Michelle Naylor
PO Box 1990, Hermanus, 7200
Tel. 083 245 6556
Email. michelle@lornay.co.za | Website. www.lornay.co.za

Michelle Naylor | Env. Consultant | M.Sc., Pr. Sci. Nat., EAPSA
cell: 083 245 6556 | fax: 086 585 2461 | michelle@lornay.co.za | www.lornay.co.za
PO Box 1990, Hermanus, 7200
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

4. PROOF OF NOTICE TO I&APS AND ORGANS OF STATE

Written notice was provided to I&APs and Organs of State via registered mail or courier, as indicated in the proofs below:

Michelle Naylor

From: Michelle Naylor <michelle@lornay.co.za>
Sent: Wednesday, 22 March 2023 13:27
To: 'Bernadette Osborne'; 'Rhett Smart'; 'Rulien Volschenk'
Cc: 'Rafeeq le Roux'; 'Penelope Aplon'; 'wcc@ocf.org.za'
Subject: Notice of Draft - Pre App Public Participation ERF 1486 VERMONT, HERMANUS
Attachments: Notice of Draft PPP 1486 Vermont.pdf

Dear I&AP,

Please see attached notice re public participation for Erf 1486 Vermont. Documents can be downloaded at the following link: <https://we.tl/t-LapBPPmJKr>
Or upon request.

Should you have no further comment, please ignore this email.

Kind regards



Michelle Naylor
LORNAY ENVIRONMENTAL CONSULTING
M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAAs
T +27 (0) 83 245 6556 | F 086 585 2461
E michelle@lornay.co.za | W www.lornay.co.za
PO Box 1990, Hermanus, 7200, South Africa
Reg No. 2015/445417/07

Michelle Naylor

From: Michelle Naylor <michelle@lornay.co.za>
Sent: Wednesday, 22 March 2023 13:38
To: 'jvanheerden@privateclient.co.za'; 'trissik@iafrica.com'
Cc: 'duncanheard@telkomsa.net'; 'robfryer.wcc@gmail.com';
'susanskoghermanus@gmail.com'; 'info@henncorp.com';
'hugofam@whalemail.co.za'; 'solmer@telkomsa.net'; 'denis@brandjes.org';
'info@natures-feeds.co.za'; 'keithkruth@gmail.com'; 'dottiegeorge@gmail.com'
Subject: Notice of Draft - Pre App Public Participation ERF 1486 VERMONT, HERMANUS
Attachments: Notice of Draft PPP 1486 Vermont.pdf

Dear I&AP,

Please see attached notice re public participation for Erf 1486 Vermont. Documents can be downloaded at the following link: <https://we.tl/t-LapBPPmJKr>

Or upon request.

Should you have no further comment, please ignore this email.

Kind regards



Michelle Naylor
LORNAY ENVIRONMENTAL CONSULTING
M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAsa
T +27 (0) 83 245 6556 | F 086 585 2461
E michelle@lornay.co.za | W www.lornay.co.za
PO Box 1990, Hermanus, 7200, South Africa
Reg No. 2015/445417/07

5. NEWSPAPER ADVERTISEMENT

An advertisement was placed in the local newspaper, the Hermanus Times, regarding the proposed development:

2 Hermanus Times NIJUS NEWS 22 Maart 2023

Tears of joy at new homes

Minister of Infrastructure Tertuis Simmers

Gansbaai residents were overwhelmed with joy and couldn't hold back their tears when Infrastructure Minister Tertuis Simmers handed over new homes at two prestigious projects.

The communities of Masakhane and Blompark were given keys to their brand-new homes on 10 March to commemorate Human Rights month.

The minister started the day at the Blompark project, where he handed new homes over, in addition to 150 that were delivered in December 2022. The handover forms part of the 100 homes that will be given to qualifying beneficiaries over the next couple of weeks by the Overstrand Municipality.

On completion of the project will have created 580 housing opportunities. Multiple job opportunities will have been created by the R88 million project.

An emotional Leonie Pieters (59), a beneficiary with a hearing impairment,

described the day as a dream come true. Her daughter translated: "Having lived most of my life on farms and informal settlements I simply cannot thank our government enough for fulfilling my lifelong dream."

Joined by the Executive Mayor of Overstrand Municipality Dr Annelie Rabie, Simmers then proceeded to the Masakhane housing project to make more dreams come true.

Waiting for the officials was a jubilant community who will for the first time move into adequate homes. Leading them in song was the elderly beneficiary Hilda Ngqoshana.

"Though there were times when it didn't seem as if this day would come we remained hopeful and kept our faith in God," the 63-year-old said, "and today he has shown his grace on us. I will now spend my retirement years in the comfort of my own home"

Speaking on the day's proceedings Simmers said: "Today my heart is filled with joy as we brought smiles

The Provincial Minister of Infrastructure Tertuis Simmers and Overstrand Executive Mayor, Dr Annelie Rabie, with Leonie Pieters (centre), one of the beneficiaries who received a house, and her relatives.

and hope into so many people's lives. This was made possible by the collaborative efforts of the two spheres of government as well as these communities. I can truly say we have restored hope in the communities of Gansbaai.

"I commend all parties involved as we managed to deliver 250 homes within 18 months of turning soil – a display of urgency at the forefront of service delivery."

Kids Birthdays!

Colour your own cookies

Wide range of shapes & designs available to decorate with edible colours.

Available until personal treat by the time birthday cakes also available.

Content:

- Sugar Cookie (10 x 15cm)
- Paint brush
- Colour palette cookie
- Instructions

1 - 10 Cookies @ R46 pc
11 - 20 Cookies @ R40 pc
21+ Cookies @ R35 pc

WhatsApp on pre-ordered orders

082 414 4916

Shot-hole Borer Beetle is on the move

Residents in the Overberg must be on the lookout for the destructive shot-hole borer beetle, which has spread to Somerset West and Stellenbosch, and is now also in the southern suburbs of Cape Town and spreading at an alarming rate.

According to Dean O'Neill, Municipal Manager of the Overstrand Municipality, by 24 February a total of 168 sightings of the pest were reported in Newlands, Rondebosch, Mowbray, Claremont, Kenilworth and in Observatory along the Liesbeek River. In the Helderberg area, 3 900 infested trees had been sighted since 2019 to date.

"In an attempt to keep this infestation in check we appeal to all residents to be on the lookout for it and to check trees for signs," he said. "We have been keeping a watchful eye on the trees and responded to many calls from the public to investigate. To date, the shot-hole borer has not been spotted in the Overstrand."

The top five most vulnerable trees include:

- Box elder maple (Acer negundo);
- London Flame (Platanus acerifolia);
- English Oak (Quercus robur);
- Liquid Amber (Liquidambar styraciflua) and

- Coral trees (Erythrina sp).

These species are all reproductive hosts of PSHB; in other words, trees in which shot-hole borer beetles can successfully reproduce, and which eventually die due to the infestations.

Non-reproductive host trees are attacked by the beetle, but PSHB reproduction is not successful.

The polyphagous shot-hole borer or PSHB (*Duvalius forficatus*), a tiny Asian beetle about the size of a sesame seed has invaded, damaged and killed thousands of trees across the country.

The tiny black beetle (2 mm in size) lives in symbiosis with a fungus called *Fusicladium euwallacae*. This fungus provides a food source for the beetle and its larvae, but in susceptible trees, it blocks the vascular tissue, causing branch dieback and tree death.

What to look for:

- Branch dieback - cracks on the branch, discoloured leaves, dry and leafless branches, branch break-off revealing webs of galleries filled with black fungus;
- Gumming - blobs of goo coming out of the bark, oozing of liquid and gum from the beetle holes;
- Entry and exit holes - very small holes on the bark of the tree, the size of a sesame seed (2 mm), shotgun-like scars

developing around the holes;

- Staining - brown or dark stains on the bark of the tree.

What to do:

- Fell and chip the tree, cover the infested material with plastic and leave in direct sunlight for at least six weeks;
- Dump the chips in your compost heap as the heat build-up will kill the beetle;
- Burn infested wood at appropriate incineration facilities;
- Seek assistance from trained and equipped service providers with sound knowledge of PSHB;
- Do not move plant/tree material/firewood outside of areas where PSHB has been confirmed to be present to other areas;
- Do not transport any form of green waste in open vehicles, cover it with sail covers even if no PSHB has been identified as such green waste;
- Clean tools and equipment used to trim/cut/prune plants.

Should any of the above symptoms be observed in trees that suggest infestation by PSHB, please take photos and report it to Overstrand Municipality's Horticulturist Lauren Rainbird at rainbird@overstrand.gov.za or the Environmental Management Services Department 028 316 3724, or email enquiries@overstrand.gov.za.

INSTALLATIONS BY

The Installer

CUSTOM STYL SOLUTIONS

028 313 18 39
admin@theinstaller.co.za
www.theinstaller.co.za

Unit 10 Waterbury,
2 Aspen Road,
Hermanus Business Park

Stylish Solutions to all your Security Needs

- Blinds
- Shutters
- Awnings
- Clear Bars
- Traxdor
- Clearvista
- Shutterway

solid floor
HARDWOOD FLOORING

NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS
ERF 1486 VERMONT, HERMANUS
DEAGDP Ref.: 16/7/3/6/7/1/12/40/1525/12

Notice is hereby given of a Public Participation Process in terms of the Environmental Impact Assessment (EIA) regulations as promulgated in the National Environmental Management Act, 1989 (Act No. 107 of 1989) (NEMA) (as amended) and the 2014 NEMA EIA Regulations promulgated in Government Gazette No. 38282, and Government Notice R 983, R 984 and R 985 on 4 December 2014 (as amended).

Proposal: Residential Development
Location: Erf 1486, Vermont, Hermanus, Calabdon RD
Applicant: Elephant Ventures Africa CC

Environmental Authorisation is required in terms of NEMA for the following Listed Activities:

Listing Notice 1
(13A) The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from (i) the seashore or (ii) the littoral zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or estuary, whichever distance is the greater but excluding where such infilling, depositing, dredging, excavation, removal or moving – (i) will occur behind a development setback

(17) The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation

Listing Notice 2
(12) The clearance of an area of 200 square metres or more of indigenous vegetation. Western Cape). Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2014

A Basic Assessment Process is applicable. A copy of the Basic Assessment Report is available for download on our website or upon request. Interested and Affected Parties (I&AP) are hereby invited to register as interested and Affected Parties (I&AP) and / or comment on the proposed activity on / or before 24 April 2023 via the following contact details:

LORNAY ENVIRONMENTAL CONSULTING
For Attn: Michelle Nelor
PO Box 1990, Hermanus, 7200
Tel: 083 245 6556
Email: michelle@lornay.co.za | www.lornay.co.za

Suksesvolle boeredag in Bredasdorp gehou

Die belangrikheid van kleinboere word al meer en meer bekendtoon, en dit is waarom boeredae so 'n belangrike rol in die vooruitgang van kleinboere speel.

Die departement van landbou het 'n suksesvolle boeredag vir groentebouers in Bredasdorp aangebied. Die boeredag op 9 Maart is deur sowat 60 kleinboere en voornemende boere bygewoon.

Boere en ander kenners het hul kennis en ondervinding met ander op die boeredag gedeel.

Dr. Ian Godie van Nooitgedacht-varsprodukte het gesels oor die ontstaan, groei en huidige stand van produkte in die hidroponiese plaas by Bredasdorp.

Dié projek is in September 2019 as 'n demonstrasie-projek vir Nampo-Kaap begin. Die eerste direkte lewering van produkte in plaaslike markte het in November 2021 'n aanvang geneem.

Die plaas bestaan vandag sowat 'n halwe hektaar, waarvan net minder as die helfte 'n beskutte plant-gedeelte is. Tussen 500 en 1 000 kg produk word maandeliks geproduseer, en bestaan

hoofsaaklik uit kersietamaties, slaai, kriek en spinasie.

Goldie het die werklikheid met die geleenthede vergelyk om voornemende boere van hulp te wees wanneer hulle soortgelyke projekte aanpak.

Byron Booysen van Booysen Tunnel Farming in Kransfontein het sy ondervinding met tonnelboerdery gedeel, asook die impak wat dit op sy gemeenskap gehad het.

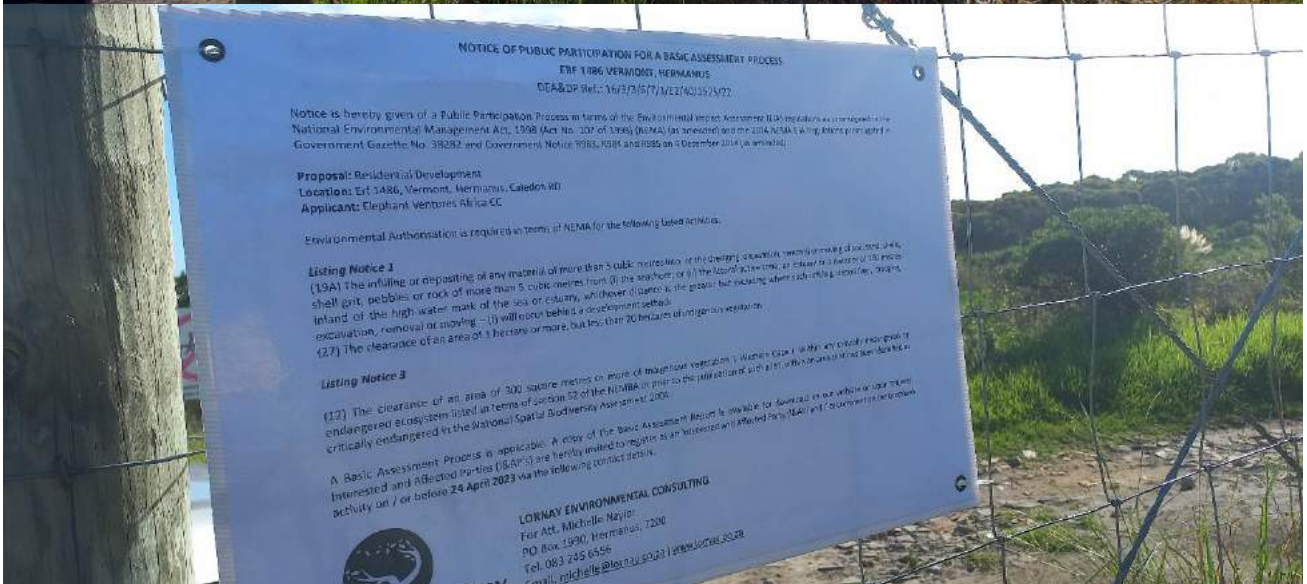
Hardie Brink van ReallPM het die boere toegelid oor geïntegreerde plaas- en pesbeheer, en het die verskillende metodes met mekaar vergelyk.

Prof. Gideon Wolvaard van die Universiteit Stellenbosch het 'n oorsig gegee van nuwe, nie ontwikkelde moniterings-toerusting wat in grondlose boerdery van nut kan wees.

Debbie Theunissen van Bovenveel het haar ervaring as 'n suksesvolle vroulike boer uiteengesit en redes aangevoer waarom dit haar was. Haar ondervinding, wat in 2010 begin het, het gegroei tot een van die grootste granaat-produiserende plaas in Suid-Afrika.

6. NOTICEBOARDS

Noticeboards were placed on site, as required in terms of the legislation:



7. COMMENTS AND RESPONSE REPORT AND REGISTER FOR I&APS

A Register was opened during the first round of public participation, to list all I&APs which wished to be registered as such. The Register included contact details, date and comment made.

A Comments and Response report was also opened at the onset of the public participation. This report contains the comment made by the I&AP, as well as formal response by the Environmental Assessment Practitioner (EAP).



LORNAY
ENVIRONMENTAL CONSULTING

COMMENTS AND RESPONSE REPORT

PROJECT: 1486 Vermont

DRAFT BAR / PRE-APPLICATION

NAME:	COMMENT:	RESPONSE:	DATE & REF:
JA Hugo	<p>Email dated 22/03/2023</p> <p>Good Afternoon Michelle,</p> <p>Please forward the relevant documents referred to in your email icw Proposed Residential Development, Erf 1486 Vermont.</p> <p>Kind Regards</p> <p>JA Hugo</p>	<p>Information sent</p> <p>No further action required</p>	-
Peter Hodgskin	<p>Email dated 30/03/2023</p> <p>hi michelle</p> <p>I am unable to find a copy of the BAR for vermont erf 1486 as advertised, on your website - please forward a copy and register me as an IAP .</p> <p>ta</p> <p>peter</p> <p>peter hodgskin</p> <p>HERMANUS</p> <p>0799022565</p>	<p>Info sent</p> <p>Reg as I&AP</p> <p>No further action required</p>	30/03/2023

Margaret Stanway	<p>Email dated 31/03/2023</p> <p>Hi Michelle, I am unable to find the above documents on your website under documents. Please can you email them to me or give me an exact link. Regards,</p> <p>Margaret Stanway Cell: 082 821 1872</p>	<p>Information and documents sent No further action required</p>	-
Petro Steere	<p>Email dated 04/04/2023</p> <p>Hi Michelle I live in Vermont - erf 1498 and will soon be the owner of 1495. I would like to registered as an affected and interested party and I would like to comment on the development on erf 1486 Regards Petro</p>	<p>Registered as I&AP No further action required</p>	-
Petro Steere	<p>09/04/2023</p> <p>Hi Michelle. My 3 main objections. 1. Properties 1 to 7 lie in the seasonal wetland- not acceptable. 2. I assume the thin blue line on the diagram is the 30m floodline. As I understand it, no building within this line. Only erf 3,4,5,6 and 9 fall outside this line 3. Erf 9 to 13 are below 600sq m also not acceptable Regards Petro Steere</p>	<ol style="list-style-type: none"> 1. Comment regarding seasonal wetland is noted – the Alternative 4 – the new preferred alternative is now assessed and has been informed by specialist input. This alternative avoids sensitive areas to an acceptable impact level 2. Development within these areas require the applicant to undergo the Environmental Authorisation process, for decision can be taken by the competent authority. Note that the new preferred alternative, Alternative 4, now only contains 9 erven. Previously pref alternative layout 2 has 15 residential erven and the access road crossed the wetland alongside Lynx avenue. 3. The land use parameters are inline with the Overstrand Municipality bylaws and also require a approval process through the municipal town planning processes. 	
Denis Brandjes	<p>Email dated 11/04/2023 Greetings Michelle</p> <p>Please send me new link to attached docs – the wetransfer link below has expired.</p> <p>Thanks</p>	<p>Information sent No further action required</p>	-

	Denis Brandjes		
Giorgio Lombardi	<p>12/04/2023</p> <p>Dear Michelle</p> <p>Could you kindly send me the above report to this address.</p> <p>kind regards</p> <p>Giorgio Lombardi Diploma Nature Conservation Master of Science (Rhodes) 0828645297</p>	<p>Information sent No further action required</p>	-
Mary Ann Verster Hermanus Botanical Society	<p>Email dated 17/04/2023</p> <p>PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 1486 IN VERMONT Hermanus Botanical Society Comment on the Basic Assessment Report (BAR)</p> <p>This comment is submitted as part of the public participation process required in terms of the Environmental Assessment Process regulations with reference to the following: Proposal: Single Residential Erven Location: Erf 1486 Vermont Applicant: Elephant Ventures Africa cc Environmental Consultant: Lornay Environmental Consulting</p> <p>Hermanus Botanical Society has the following comments on the BAR pertaining in particular to the preferred Development Proposal Alternative 2. Absence of Plant Species Assessment Page 20 of the BAR section 4: Biodiversity, refers. With reference to the conduct of specialist studies, it is recorded that this was 'Not Applicable'. "The site is disturbed and highly transformed from a terrestrial perspective". On page 8 of the Site Verification Report under Desktop Analysis, it is stated ".....the development area is completely transformed and is not characterised by any indigenous vegetation". This can only be established by conducting a Plant Species Assessment as identified on page 10 of the Screening Tool Report. Without this assessment the characteristics of the indigenous flora cannot be established and the possible existence of rare or</p>		-

	<p>endangered species, cannot be ruled out. It should be noted that a new species <i>Disa halackii</i> was identified on an erf in close proximity to this site a few years ago. In conclusion, absence of a Plant Species Assessment as part of the BAR is considered to be a serious omission.</p> <p>Seasonal/temporary Wetland areas The site plan for the preferred development proposal 2 refers to 12 residential units consisting of 7 single residential units and 5 townhouse units. The permanent wetland area is surrounded by 'private open space'. The construction of all residential erven will overlap with 'seasonal/temporary wetland' areas as indicated on the site plan. Erven 1 and 8 appear to overlap 100% with the seasonal wetland, erven 2 and 7 have extensive overlap and erven 3, 4, 5, and 6 have minor overlap. It is very likely that the margins of the wetland areas on this site will extend beyond the margins currently identified on the site plan. There are two reasons for this. Firstly, the neighbouring private nature reserve, Hoek van die Berg, on the western boundary of the site, has a large infestation of Eucalyptus trees which are in the process of being cleared. These trees are well known as thirsty trees absorbing large quantities of water. With the removal of these trees on the neighbouring property there is likely to be considerable increase in water runoff into the wetland system. Secondly, one of the predicted consequences of climate change is an increase in the strength of storm systems which will result in increased runoff of rainwater from the mountains surrounding Onrus and Vermont. The permanent wetland area is very likely to expand into the areas currently indicated as seasonal. This does not appear to have been adequately anticipated or dealt with in the BAR.. The only mitigation mentioned is rainwater harvesting schemes to reduce intensity of increased runoff (pg 36 2) but there is no indication that this will be sufficient given the environmental context of the site, as indicated above. The consequences for the erven to be constructed on the seasonal wetland areas could be very serious.</p> <p>Management of the Wetland The long term development and management of the wetland as a positive consequence of the implementation of the preferred development proposal 2, is referred to in a number of places in the BAR. No details are given of the proposed plan for managing the wetland or who will be responsible for this so there is no way of determining its' likely effectiveness. On page 32 as an indication of the 'Consequence of impact or Risk' it is stated "Development in close proximity to wetland may pose risks to the wetland, however the status quo is much worse.</p>	<p>A Botanical Impact Assessment as well as a full Freshwater Impact Assessment has been conducted. The findings of these studies have led to the evolution of a forth alternative, with a reduced number of erven, shifted away from sensitive areas on site. Alternative 4 is now the preferred alternative.</p> <p>A full Wetland Impact Assessment has been undertaken to inform the evolution of alternatives. The findings and recommendations from this study, as well as the Botanical Impact Assessment, has resulted in the evolution of the final preferred alternative.</p> <p>This is noted.</p> <p>A Home Owners Associated will be in place and they will be responsible for the long term conservation and management of the Wetland area. This will form part of the condition of approval, should it be granted.</p> <p>Amended in the document</p>	
--	--	---	--

	<p>Opportunity for rehabilitation". There is no explanation of what is meant by this statement, what the status quo represents or how the rehabilitation is to be undertaken.</p> <p>Conclusion It is the opinion of the Hermanus Botanical Society that the points raised are serious limitations to the BAR and should be addressed before the EIA is accepted. We also wish to indicate that we are in support of the comments submitted by Whale Coast Conservation</p> <p>Mary Ann Verster Chairperson Hermanus Botanical Society</p>	<p>Through the input of the Freshwater and Botanical impact assessment, a new preferred alternative has evolved which takes into account the site sensitivities.</p>	
<p>Paul Pfister</p>	<p>Email dated 23/04/2023</p> <p>Good day Michelle Naylor</p> <p>I recently received your notification, dated 22 March, from a neighbour and accordingly wish to register as an Interested and Affected Party.</p> <p>Sincerely Paul Pfister</p>	<p>Noted.</p> <p>No further action required.</p>	
<p>Bernadette Osbourne</p>	<p>Email dated 20/04/2023</p> <p>COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT ("BAR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF NO. 1486 VERMONT, HERMANUS.</p> <p>1. The electronic copy of the pre-application Draft BAR received by this Department on 22 March 2023 and the acknowledgement thereof issued on 30 March 2023, refer.</p> <p>2. Following the review of the information submitted to this Department, the following is noted:</p> <ul style="list-style-type: none"> • The proposal entails the establishment of a residential development on Erf No. 1486, Vermont. • The proposed residential development will consist of 12 residential erven, private 		

roads, and an open space.

- The proposed development will have a development footprint of 15078m².
- The site is mapped to contain Hangklip Sand Fynbos vegetation, which is classified as critically endangered.
- A wetland is present on the site.
- The site is zoned Residential Zone 1 and is located inside the urban area of Hermanus.

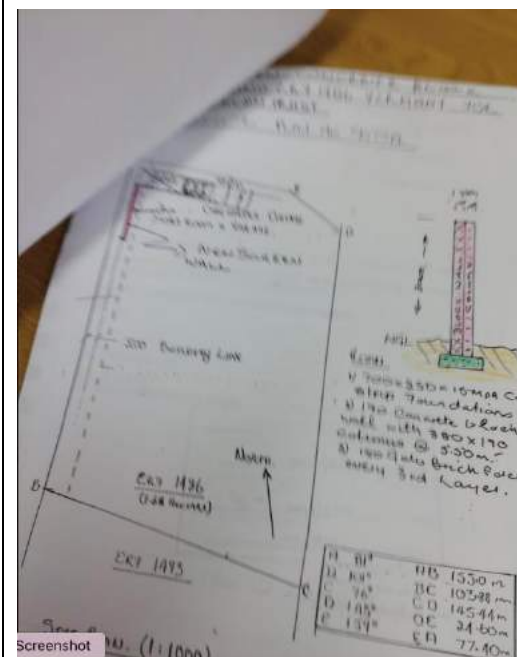
3. The Department's comment is as follow:

3.1. Lawfulness of the existing buildings

3.1.1. It is noted that existing buildings and a road is located on the proposed site.

3.1.2. The lawfulness of the existing buildings and road must be confirmed prior to the submission of an application for Environmental Authorisation.

The Town Planning consulting on the project investigated the matter at the Overstrand Municipal offices and found that building plans are approved and on file for the building:



3.2. Activity description

3.2.1. Page 23 of the draft BAR indicates that rehabilitation of the wetland will be conducted. However, no details of what this will entail has been included in the activity description.

The residential development will be gated and managed through a Homeowners Association. The Freshwater specialist will provide information relating to the rehabilitation and long-term management of the site.

	<p>3.2.2. The activity description must be updated to include details of the above.</p> <p>3.3. Protocols</p> <p>3.3.1. As previously indicated, the “Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation” (“the Protocols”) were published on 20 March 2020 (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) and the Protocols are applicable to your proposed development.</p> <p>3.3.2. Please note that the criteria for reporting on each of the identified environmental themes, as outlined in the Protocols must be complied with. The reporting requirements for the biodiversity theme was not met. The requirements specified in the Protocol for the specialist assessment and minimum report content requirements for environmental impacts on Terrestrial Biodiversity must be complied with. Where the information gathered from the site sensitivity verification differs from the designation of "very high" terrestrial biodiversity sensitivity in the screening tool and it is found to be of a "low' sensitivity, then a Terrestrial Biodiversity Compliance Statement must be submitted.</p> <p>3.3.3. The Freshwater Report is inadequate and does not meet the requirements of the Protocols. The ecological status, the ecological importance and sensitivity of each watercourse has not been described in the Freshwater Report. Furthermore, the report does not include an assessment of the impacts on the watercourses as a result of the proposed development.</p> <p>3.3.4. A Freshwater Impact Assessment Report that meets the requirements of the Protocols must be included in the BAR.</p> <p>3.4. Confirmation is required whether there is peat present in the watercourse and whether peat will be removed as a result of the proposed development. This must be confirmed by the aquatic specialist and included in the BAR. If peat will be removed the relevant activity must be applied for and assessed.</p> <p>3.5. Impacts</p> <p>3.5.1. The proposed development will result in the loss of critically endangered vegetation. However, the loss of critically endangered vegetation has not been identified and assessed in the draft BAR.</p> <p>3.5.2. The BAR must be updated to include and assessment of the above.</p> <p>3.6. Section E, point 4.1. to 4.3. has not been adequately addressed. These sections must be amended to include detailed answers.</p>	<p>These sections are now amended.</p> <p>A Freshwater Impact Assessment has now been undertaken in line with the requirements and is attached to the Draft BAR. In addition, a Botanical / Terrestrial Impact Assessment has also been undertaken, this report also speaks to the Animal / Terrestrial theme. The findings of these reports have resulted in the evolution of the new preferred layout being Alternative 4.</p> <p>The Aquatic Biodiversity Impact Assessment Report indicated that peat is not present on the site.</p> <p>A full Botanical Impact Assessment has been undertaken, the impact assessment findings have resulted in the evolution of Alternative 4 – the new preferred alternative.</p>	
--	--	--	--

	<p>3.7. Please be advised Heritage Western Cape (“HWC”) must confirm whether a Landscape/Visual, Archaeological, Paleontological and Cultural Heritage Impact Assessment is required. Comment from HWC must be included in the BAR.</p> <p>3.8. Page 12 of the draft BAR indicates that the National Water Act is not applicable to the proposed development. However, wetlands are located on the proposed site. This section must be corrected. Furthermore, a comment from the relevant water authority must be included in the BAR. In terms of the Agreement for the One Environmental System (section 50A of the NEMA and sections 41(5) and 163A of the NWA) the processes for a WULA and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regulations, 2014 (as amended), as well as the 2017 WULA Regulations.</p> <p>3.9. It is noted that the landowner details have not been included in the NOI or the BAR. Please be advised if the applicant/proponent is not the landowner, landowner consent will be required to be submitted together with the application for environmental authorisation.</p> <p>3.10. Since Activity 19 of Listing Notice 1 is triggered, and future maintenance related work may be required, the Department recommends that a Maintenance Management Plan (“MMP”) forms a component of the Environmental Management Programme (“EMPr”). Should the Department agree to the proposed MMP, future maintenance work specified within the MMP would not require an Environmental Authorisation prior to the undertaking thereof.</p> <p>3.11. Comment from CapeNature must be obtained and included in the BAR.</p> <p>3.12. Written confirmation must be obtained from the Overstrand Municipality that they have sufficient, spare, unallocated capacity for potable water supply, effluent management, waste management and electrical supply for the proposed development.</p> <p>3.13. The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the BAR e.g a cut-out of the newspaper article and photos of the site notices.</p> <p>3.14. You are reminded that a summary of the issues raised by Interested and</p>	<p>3.7. Confirmation from Heritage Western Cape has been received and no further heritage assessment is required. See Appendix F.</p> <p>3.8. Amended accordingly, NWA is applicable and the Risk Matrix has been completed along with the Freshwater Impact Assessment.</p> <p>BOCMA has provided comment – see below</p> <p>Included</p> <p>Included below</p> <p>The Overstrand’s Engineers have conducted the services report, as attached under Appendix F (GLS report). The upgrade of the Kolgans sewer pipeline is required and is described in the Basic Assessment Report</p> <p>Noted and in line – See proof of PPP document. Note that an additional pre-application public participation PPP is being conducted.</p>	
--	--	--	--

	<p>Affected Parties (“I&APs”) must be included and addressed in a comments and response report. As well as an indication of the manner in which the issues were incorporated, or the reasons for not including them.</p> <p>3.15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014. Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.</p> <p>3.16. Omission of any required information in terms of Appendices 1 and 4 of the EIA Regulations 2014, with regards to the final submission of the BAR and EMPr, respectively to the Department, may result in the application for Environmental Authorisation being refused.</p> <p>3.17. Be advised that a electronically signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.</p> <p>3.18. In addition to the above, please ensure that the electronically signed and dated Environmental Assessment Practitioner (“EAP”) declaration is also submitted with the final BAR for decision-making.</p> <p>4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the</p>	<p>Noted and included</p> <p>Duration of construction – five years Frequency of Audit report – quarterly</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	
--	--	---	--

	<p>NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>6. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p>	Noted	
Rhett Smart Cape Nature	<p>Email dated 24/04/2023 Pre-Application Basic Assessment Report for the Proposed Residential Development on Erf 1486, Vermont, Hermanus</p> <p>CapeNature would like to thank you for the opportunity to comment on the application and would like 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.</p> <p>The subject property mainly consists of Ecological Support Area 2 (ESA) according to the Western Cape Biodiversity Spatial Plan apart from the northern and southern ends. The natural vegetation occurring on the site is Hangklip Sand Fynbos, listed as critically endangered (previously endangered). According to the National Wetland Mapping for the 2018 National Biodiversity Assessment (NBA) there are no wetlands mapped for the site, however in the National Freshwater Ecosystem Priority Area (NFEPA) wetland mapping, most of the property was mapped as a channelled valley bottom wetland.</p> <p>A freshwater screening study was undertaken which included delineation of the wetland on site according to standard Department of Water and Sanitation methodology. A permanent wetland was delineated associated with historical excavations surrounded by a seasonal wetland. The full extent of the delineated wetland is only slightly less than the extent of the wetland delineated according to NFEPA. CapeNature has attended a site visit on two separate occasions (with the freshwater ecologist and land use scientists respectively) and there was confirmation that there is a wetland present on the site. The methodology for the delineation of the wetland undertaken in the freshwater screening study is supported, however we wish to note that the fieldwork was undertaken during a drought period. We wish to note that we have reported the absence of a wetland mapped for the property in the NBA to SANBI.</p> <p>The results from the web-based screening tool are presented which indicate very high sensitivity for aquatic biodiversity and terrestrial biodiversity and high sensitivity for plant species and animal species. A site sensitivity verification report has been provided motivating the specialist studies undertaken in relation to the screening tool. No terrestrial biodiversity assessment has been undertaken in relation to the</p>	<p>A Full Wetland / Aquatic Impact Assessment has been undertaken and further refines the preferred alternative.</p> <p>A Full Aquatic Impact Assessment as well as a Botanical Impact Assessment has been undertaken and has informed</p>	LS14/2/6/1/7/2/1486_residential_Vermont

	<p>very high sensitivity and in this regard it is motivated that the proposed development is in line with the surrounding development. This motivation is not accepted as this does not relate to biodiversity. With regards to the plant species, it is motivated that the site is highly transformed and for the animal species that open space will be retained.</p> <p>It should be noted that the property directly to the south east, namely Erf 1492 contained a viable population of an endangered plant species when a botanical study was undertaken for a Basic Assessment process in 2015. The freshwater screening study indicates that Erf 1486 is highly disturbed and historical Google Earth imagery indicates disturbance to the site in the 2002 imagery. However, in accordance with the procedures for the assessment and minimum criteria for reporting on identified environmental themes, we recommend that a minimum of a compliance statement is undertaken to address the terrestrial biodiversity and plant species themes due to the presence of natural vegetation and threatened species localities nearby and the ratings from the screening tool. The animal species theme can be addressed in the terrestrial and aquatic biodiversity reports.</p> <p>The freshwater screening study functions as a freshwater constraints analysis in order to inform the design of the development proposal. Two development layout alternatives were developed of which Alternative 1 consists of residential erven across the entire site and Alternative 2 which has open space for the permanent wetland and a small buffer area and residential erven for the remainder of the site. Alternative 2 is an improvement on Alternative 1, however a number of erven still encroach within the delineated seasonal wetland. Neither of the two alternatives are considered acceptable based on the information available.</p> <p>In accordance with the procedures for the assessment and minimum criteria for reporting on identified environmental themes, a freshwater ecology impact assessment must be undertaken following on from the freshwater screening study in order to assess the impact of the development proposal. The proposal should be further refined in order to avoid the delineated wetland and respond to the recommendations of the freshwater specialist. No details are provided regarding the proposed service provision for the development, which needs to be considered in terms of the impacts on biodiversity. Inadequate sewage provision in particular can impact on freshwater ecology. The road network also needs to be considered with regards to water flow. The mitigation hierarchy must be applied when considering mitigation measures.</p> <p>It is noted that Basic Assessment Report (BAR) indicates that the National Water Act is not applicable to the proposed development. The development is however proposed within a watercourse and therefore would require authorisation in terms of the National Water Act based on our interpretation (wetlands fall within the definition of a watercourse according to the National Water Act). In this regard, it</p>	<p>the evolution of Alternative 4 – which is now the preferred alternative.</p> <p>A full Botanical Impact Assessment has been undertaken.</p> <p>A Freshwater Impact Assessment has been undertaken and has resulted in the evolution of Alternative 4 – the new preferred alternative</p> <p>The new preferred alternative (Alternative 4) removes the access road which cut the link of the wetland between the Lynx Avenue and Erf 1486.</p> <p>Amended – A full Freshwater Impact Assessment has been conducted as well as a Risk Matrix, this will enable the specialist to apply for the appropriate licences and / or General Authorisations in line with the requirements of the National Water Act.</p>	
--	---	---	--

	<p>must be ensured that the synchronisation of the NEMA and National Water Act processes takes place as referred to in point 11 of the generic text on page 3 of the BAR.</p> <p>In conclusion CapeNature does not support the application as currently proposed. It must be ensured that the development proposal responds to the environmental constraints identified in the specialist studies and a freshwater impact assessment and terrestrial biodiversity and plant species compliance statement should be undertaken in accordance with the screening tool. CapeNature will provide further comment once a revised development proposal is presented along with the required specialist studies.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>		
<p>Duncan Heard Vermont Ratepayers assoc</p>	<p>Email dated 24/04/2023</p> <p>Good Day Michelle</p> <p>Thank you for the opportunity to comment on the Pre-Application Basic Assessment Report (BAR) for the proposed residential development on Erf 1486 Vermont.</p> <p>The Site Development Plan for this 15 078m² erf, makes provision for the core wetland area to be conserved within a Private Open Space zone of 5 552m² which is surrounded by 13 residential plots. It is therefore critical that as a condition of the Environmental Authorisation (EA), that the Environmental Management Programme forms part of the constitution of the future Homeowner's Association (HoA).</p> <p>The responsibility must be placed on the HoA to ensure that the conditions of the EA are implemented during the operational phase, and that:</p> <ul style="list-style-type: none"> • the wetland is protected from negative ecological impacts ; • the wetland water quality entering and leaving the development should be monitored on a regular basis to detect any unnatural pollution; • the development has an environmentally friendly stormwater system with vegetated swales and polishing ponds to prevent/minimise pollution of the wetland; • all buildings have raft foundations; • uncovered paved areas must have permeable paving; and • there is strict control over domestic pets that could endanger wildlife in the wetland. <p>The core wetland contains a deep-water area that was the result of an illegal</p>	<p>These recommendations have been added to the Basic Assessment Report and EMP</p>	

	<p>excavation of the wetland many years ago. It may be necessary, as part of future rehabilitation management measures to alter the wetlands alignment, banks etc. to benefit the wetland ecology. For this reason, a Maintenance Management Plan may be advisable to avoid having to undertake further EIAs to implement these measures..</p> <p>Kind regards</p> <p>Duncan Heard Chair : Vermont Ratepayers and Environmental Association and, the Vermont Conservation Trust. 12 Sepia Avenue, Vermont, Onrusrivier. 7201. SOUTH AFRICA Tel: +27 (0)28 316 3386 Cell: +27 (0)82 495 3943 / +27 (0)60 573 0353 Email: duncanheard@telkomsa.net</p>		
<p>Giorgio Lombardi</p>	<p>Email dated 24/04/2023</p> <p>COMMENT ON PRE- APPLICATION BASIC ASSESSMENT REPORT ERF 1486 VERMONT DEA&DP Ref: 16/3/3/6/7/1/E2/40/1525/22 By Giorgio Lombardi MSc Introduction Approximately 300 000 wetlands remain, making up only 2.4% of South Africa’s area. Of the 791 wetland ecosystem types in South Africa, 48% are critically endangered, 12% are endangered, 5% are vulnerable, and 35% are least threatened, making wetlands the most threatened ecosystems of all in South Africa. Over 70% of South Africa’s wetland ecosystem types have no protection and only 11% are well-protected. Consistent with global trends, high levels of threat to the country’s wetlands have been reported. The 2011 National Biodiversity Assessment identified wetlands as the most threatened ecosystem type in South Africa (Driver et al. 2012). As a result of limited extent of wetland in South Africa (2.4% of country’s surface), their loss and degradation will have more severe consequences (Kotze et al, 1995). Wetlands are classified as the most threatened ecosystem in the world. impacts/wetlands/https://www.eia.org.za/the-process/assessing-impacts/wetlands/ However, wetlands in South Africa seem to be under pressure due to commercial agriculture, industrialisation, urbanisation, and other anthropogenic activities. The current status of wetlands considered to be of international importance in South Africa is either currently critically endangered, endangered, or under threat. This</p>		

<p>condition is influenced by pollution since most industries and wastewater treatments facilities discharge their effluents in waterways. For the maintenance and conservation of wetlands, South Africa has introduced policies and guidelines to protect these valuable resources, but enforcement of such guidelines is ineffective. Wetlands must always be buffered with an appropriate area from any type of development which may impact on the wetland ecosystem.</p> <p>Comments</p> <p>Wetlands are regarded as the most threatened ecosystem type in South Africa and therefore should be given the correct protection.</p> <p>Page 13 item 6 of the BAR states that “Only very limited areas on the property will be developed, open space retained”. This is misleading as 65% of the area will be developed and only 35% retained.</p> <p>The erf is described as being “located within the built-up residential suburb of Vermont”. The case is that this erf is in the furthest north-west corner of Vermont, adjacent to a proclaimed nature reserve.</p> <p>This erf is also being described as “largely transformed and impacted”. This is untrue. In the proposed development, no provision is made for any buffering. A 30m buffer zone is mandatory. On the Site Plan, the majority of the erven are within the delineated “seasonal wetlands” zonation. For example (rough percentages): Erf 1 + 80%, Erf 2 +70%, Erf 3 +30%, Erf 4 +20%, Erf 5 +10%, Erf 6 +10%, Erf 7 +50%, Erf 8 a staggering 100%! This is certainly unacceptable given the threatened status of wetlands and associated areas.</p> <p>A wetland specialist must determine the following: present ecological state (PES), ecological importance and sensitivity (EIS) and threats to the wetland health. No vegetation studies were undertaken. Despite the fact that the site is within a number of Critical Biodiversity Areas (CBAs) and is on Endangered Hangklip Sand Fynbos, the identified need for a Plant species assessment is dismissed. This deems the BAR fatally flawed.</p> <p>In conclusion</p> <p>I do not recommend this type of development should be permitted on this erf due to the highly threatened nature of wetlands and their associated areas in South Africa. The negative impact the development will have on this specific wetland cannot be under-estimated. Further vegetation and wetland studies must be concluded before any notion of development can be presented.</p> <p>An Animal Species Assessment is dismissed. This shows the lack of integrity of the process. A site assessment must be carried out.</p> <p>Therefore, this BAR for the proposed housing development on Erf 1486 should be rejected in its entirety and authorisation for this development be rejected.</p> <p>References</p> <p>4</p>	<p>A Freshwater Impact Assessment as well as a Botanical Impact Assessment have been undertaken and have resulted in the evolution of a new preferred Alternative – Alternative 4. The alternative sees a reduction in the number of erven, reduced encroachment into the erven, realignment of access roads to avoid the wetland area and sensitive botanical areas on site.</p> <p>A new preferred layout alternative has evolved in line with specialist impact assessment findings.</p> <p>Completed as part of Freshwater Impact Assessment.</p>	
--	---	--

	<p>Adeyemi.A et al. 2022. Wetland Resources in South Africa: Threats and Metadata Study DOI:10.3390/resources11060054 Driver et al. 2012. National Biodiversity Assessment 2011: An assessment of South Africa's biodiversity and ecosystems.</p>		
<p>Dr Pat Miller Tel: (028) 313-0093 Cell: 082 374-9729 Whale Coast Conservation's</p>	<p>Whale Coast Conservation's comment is attached for your attention; kindly acknowledge receipt. Thank you Pat Miller</p> <p>Dr Pat Miller Tel: (028) 313-0093 Cell: 082 374-9729 LORNAY ENVIRONMENTAL CONSULTING For Attention: Michelle Naylor PO Box 1990, Hermanus 7200 michelle@lornay.co.za</p> <p>24 April 2023</p> <p>Dear Ms Naylor</p> <p>BASIC ASSESSMENT PROCESS AND REPORT: PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 1486, VERMONT</p> <p>Elephant Ventures Africa proposes to create residential erven in order to construct a housing development on Erf 1486 in Vermont, Hermanus. In support of this application Lornay Environmental Consulting was appointed as the Environmental Assessment Practitioner (EAP) and has prepared a Basic Assessment Report (BAR). This document, together with various supporting documentation, was circulated to registered Interested and Affected Parties (I&APs) as required by the Public Participation Process (PPP) of the Environmental Impact Assessment (EIA) regulations.</p> <p>Whale Coast Conservation (WCC) is such an I&AP. WCC is familiar with the site in question and hereby submits its comments on the BAR for consideration.</p> <p>1. Proposed subdivision</p> <p>As part of the bundle of documentation circulated to I&APs, the Folder APP B SDP contains the file Development Proposal Alternative 2 pref, which is a site plan drawn up on 14 March 2019 of the preferred proposed subdivision of Erf 1468. The areas of</p>		

<p>the various erven differ from those given in Point 4.4 in the BAR, although the total is the same.</p> <p>According to the version in the BAR, the divisions result in the following proportions:</p> <table border="0"> <tr> <td>Single residential:</td> <td>5091m²</td> <td>34%</td> </tr> <tr> <td>Town housing:</td> <td>1699m²</td> <td>11%</td> </tr> <tr> <td>Private road:</td> <td>2926m²</td> <td>20%</td> </tr> <tr> <td>Private open space:</td> <td>5362m²</td> <td>35% (i.e. wetland area)</td> </tr> </table> <p>The site plan also indicates the positioning of the various divisions on the site. Page 13 Item 6 (Protocols) of the BAR states that “Only very limited areas on the property will be developed, open space retained.” This is not true - 65% is to be developed, and only 35% retained.</p> <p>Strangely, Item 4.5 on page 12 of the BAR states that internal access is mostly in place. A gravel road goes from the building to skirt the north east quadrant, giving access from Lynx Road, but this is not included in the site plan.</p> <p>In numerous places the erf is described as being “located within the built-up residential suburb of Vermont”. This is misleading, as it is at the furthest north-west corner of Vermont, adjacent to a nature reserve.</p> <p>The site is also described as being “largely transformed and impacted” which is also not true; a derelict building is on the northern boundary from which the gravel road referred to above gives access.</p> <p>1.1 Generation of alternatives and selection of preferred alternative</p> <p>It is noted that two design proposals were generated on the same date, namely 14 March 2019. The first merely divides the erf more-or-less evenly in a grid pattern into twelve portions with an access road, which would patently fail any environmental scrutiny. On Page 23 of the BAR, Alternative 2 is stated as having been designed “with the wetland system in consideration” and providing an “opportunity to rehabilitate the wetland and provide long term management as well as facilitate connection with the surrounding freshwater ecosystems.” On the negative side, it will impact “a small area of delineated seasonal/temporary wetland area.”</p> <p>This is untrue. Although the proposal places the planned housing around the wetland, this is because of the legislation protecting wetlands. The proposal gives no indication of any rehabilitation or management plans other than that they will be drawn up, nor of how it is planned to connect it with the larger wetland system of which it is a part. The impact on the (incorrectly – see below) delineated wetland will be much greater than is stated.</p> <p>In this regard it must be borne in mind that the predicted influence of climate change will be stronger storms, which will markedly increase runoff from the Onrus mountains and thus the area of the seasonal wetland. However, the BAR’s treatment of this vital context of our environmental future (page 36) is cursory. It</p>	Single residential:	5091m ²	34%	Town housing:	1699m ²	11%	Private road:	2926m ²	20%	Private open space:	5362m ²	35% (i.e. wetland area)	<p>In response to the specialist impact assessment reports, a further alternative has evolved. The alternative takes into account the findings of both the Freshwater Impact Assessment and Botanical Impact Assessment and sets a reduction in the number of erven proposed, reduction in enrichment into the wetland area, avoidance of sensitive botanical areas and a realignment of access routes in order to reduce the impact on biodiversity.</p>	
Single residential:	5091m ²	34%												
Town housing:	1699m ²	11%												
Private road:	2926m ²	20%												
Private open space:	5362m ²	35% (i.e. wetland area)												

	<p>states merely that “The preferred alternative is set away from the delineated permanent wetland on site.”</p> <p>All 12 of the residential stands are within the area of the seasonal/temporary wetland as defined in the Freshwater Screening Study (see below) to a greater or lesser extent (two in totality and a further two by at least half).</p> <p>2. Wetland area delineation</p> <p>Crucial to any consideration of this proposal is an accurate assessment of the extent of the wetland on Erf 1486, as wetlands enjoy legislative protection.</p> <p>2.1 Freshwater Screening Study (FSS)</p> <p>EnviroSwift prepared a Freshwater Screening Study (FSS) of Erf 1486 for Lornay Consulting in 2018. It refers to a 2006 study by Job and Ratcliff commissioned by the Overstrand Municipality (OM) that delineated wetland conditions known to exist on the erf and notes that this study is outdated and that wetland boundaries “do vary however with time”. It does not mention however that wetland boundaries are also affected, sometimes profoundly, by surrounding environmental conditions.</p> <p>2.1.1 Study area delimitation and implications</p> <p>The study area of the FSS was restricted to “the extent of Erf 1486”, which has serious consequences for the accurate delineation of the wetland, as Erf 1486 is bordered “to the west by the Hoek van der (sic) Berg Private Nature Reserve”. Inexplicably, it does not mention that this extensive piece of land was heavily infested up to this border by alien invasive vegetation (AIV), in particular large, mature eucalyptus trees, the extent of which is clearly shown on Figure 1 of the FSS. The owners of this reserve have recently commenced a large-scale programme of clearing all AIV on the property. This will have a profound effect on the extent of the wetland on the erf, particularly once the reserve’s western boundary is cleared. It should also be noted that the planned wetland rehabilitation on the Paradise Park land to the south-east, which is part of the greater wetland system (see below) will further increase the size of the wetland on Erf 1468.</p> <p>A mature eucalypt tree is estimated to consume between 200 and 1000 litres of water per day and dense infestations can reduce streamflow between 300 and 500mm. Although these are “broad brush” figures, it is clear that even at the lower estimates, the consequences for this wetland system of removing the AIV from the adjacent property to the erf will be profound. The wetland’s boundaries within Erf 1468 on the single day in 2018 when the site visit was undertaken are thus very likely to be understated into the future. Ignoring this is a fatal flaw in the study.</p> <p>2.1.2 Greater wetland system</p> <p>The study further states that “the wetland within the erf is part of a 1.4km long wetland system that originates within the study area and ends at the Vermont Pan.”</p> <p>No reason is given for the assertion that the wetland originates in the erf. The</p>	<p>A full Freshwater Impact Assessment has been undertaken and has resulted in further refinement of the proposal and a new preferred alternative.</p> <p>A Full Freshwater Impact Assessment has been undertaken for the proposal and has resulted in the evolution of a new preferred alternative. This alternative aims to allow for a continued link between the Vermont Salt Pan and Paddvlei but reducing and / or eliminating the number of encroaching erven and access routes</p>	
--	--	--	--

<p>wetland is indeed part of a larger wetland system, originating not in Erf 1468 but in the vicinity of the Paddavlei marsh in Hawston much further to the west. There is anecdotal evidence that seasonal overflows from Paddavlei formed a river that disappeared underground, surfacing at times in various areas to the east of Hawston, depending on weather conditions.</p> <p>A 2020 report by Greenheart projects notes that Paddavlei’s open water area had been reduced by some 75% over the past years, in large part due to the unmanaged spread of AIV in (mainly) Hoek van die Berg.</p> <p>Figures 2 and 3 show this clearly, with the western area of the “depression” abutting the boundary between the erf and the neighbouring reserve and the depression carrying water despite the effect of the AIVs that are present.</p> <p>2.1.3 Definition of study area component parts</p> <p>With regard to the wetland’s component areas, the FSS states on page 5 that “a depression has been excavated towards the centre of the study area”, presumably because of the presence of an overflow pipe (see Figure 2) that runs under Lynx Road and discharges into the eastern wetland areas. However, the presence of the overflow pipe does not necessarily mean that the central area was excavated.</p> <p>References to the deeper part of the wetland are often prefaced with the adjective “excavated”, but no reasoning is given for this. On the contrary, it is stated that the soils sampled “in wetter areas near the depression did not differ markedly from terrestrial soils” and had a higher organic content. This may indicate that the depression is largely natural rather than excavated.</p> <p>Watercourses were identified and delineated using the presence of hydrophytic vegetation and hydromorphic soil features. The study notes that the sandy coastal soils of the Overberg make detection of the latter difficult, but that this notwithstanding, typical wetland soils were present. This would indicate that the wetland has been present for a long time.</p> <p>Stands of <i>Juncus kraussi</i> which grows in saline marshes and <i>Cyperus textilis</i> which grows in marshes and watercourses below 150m were noticed on site and used as “primary indicators of the outer boundary of the wetland”, together with <i>Senecio halimifolius</i>, which grows in coastal sandy soils. As is common in any open area near housing, the AIV <i>Pennisetum clandestinum</i> (kikuyu grass) is rampant. No further examination of the vegetation was made.</p> <p>2.1.4 Legislative constraints applicable to study area</p> <p>In its consideration of the legislative constraints that would apply to the study area, the FSS noted that the “no net loss” policy on wetlands of the Department of Water and Sanitation means that any wetland loss must be compensated through an offset scheme, which may well be costly.</p> <p>The study also states that the erf in its entirety is within the 500m boundary around the wetland specified in the National Water Act (NWA) and that the “delineated</p>	<p>A Risk Matrix was undertaken by the Freshwater specialist in conjunction with the Freshwater Impact Assessment. The appropriate applications will be made in line with the requirements of the National Water Act.</p> <p>A full Freshwater Impact Assessment has been undertaken in line with both the NEMA and NWA requirements.</p>	
--	---	--

<p>wetland footprint accounts for more than half” of the erf. A risk assessment must therefore be done, and depending on the assessed risk level (low, medium or high) the water use must be approved and regulated. As noted above, this delineated footprint is likely to be understated and - if not currently, certainly in the near future – may well account for much more than half of the erf.</p> <p>In addition, the National Environmental Management Act (NEMA) requires that the impact of any disturbance above a certain volume within 32m of a watercourse must be assessed through an Environmental Authorisation. As the entire erf falls well within this boundary (see Figure 18) this will have to be done. Again, this applies even to the area delineated in the study, which is clearly an under-representation of the true extent of the wetland.</p> <p>The National Water Act requires that risks to water courses are considered in an area defined by the 100-year floodline but this was not done as they are not available. It also requires that risks to wetlands are considered in an area of 500m around the wetland (Figure 7). This indicates two drainage systems from the north; it should be noted that these are only two of many in the vicinity flowing down the Onrus mountains. In this regard as previously noted, climate change predictions are for more frequent and heavy storms which will in turn increase runoff from these mountains.</p> <p>2.1.5 Study area vegetation types</p> <p>The FSS also notes that with regard to the study area (i.e. the erf) “the Wetland Vegetation type is Southwest Sand Fynbos, within which Channelled Valley-bottom wetland types are listed as Critically Endangered.”</p> <p>Figure 8 also indicates an aquatic Ecological Support Area needing rehabilitation, which covers practically the entire erf as do others in the area that form an easterly patchwork ending in the Vermont Pan. The patchwork also indicates that the erf is surrounded and bounded on the north, west and east by critical biodiversity support areas (1 and 2), ecological support areas (1 and 2) and a protected area (the nature reserve). Building a housing estate on this ground cannot fail to severely compromise the ecological functioning of these.</p> <p>Again, Figures 7 and 8 illustrating these ecological areas show clearly that the area to the west will also form part of this larger wetland system; it is inexplicable that the implications of this were not mentioned, let alone given the serious consideration it demands.</p> <p>2.1.6 FSS conclusions</p> <p>The FSS concludes that despite the extensive disturbance that has taken place on Erf 1486 it is clear that it contains a natural wetland that forms part of a larger wetland system. The size of this wetland means that an EA must be done as well as a freshwater risk assessment – however, this conclusion was dismissed out of hand</p>	<p>A Botanical Impact Assessment and a Freshwater Impact Assessment have been undertaken and have resulted in the evolution of the new preferred alternative, Alternative 4. Rehabilitation and protection of sensitive areas on private land requires funding and management, the Home Owners Association will be tasked with the long term management of the wetland area, guided by specialist input and conditions of the Environmental Authorisation – should it be granted.</p>	
--	---	--

	<p>during the Site Sensitivity study (see below). Factors that would influence the risk rating would include the location of the development within the erf and the detailed design of any buildings. An offset scheme may also be required which could involve considerable financial outlay.</p> <p>The BAR states (page 22) that the preferred alternative (2) is “guided by (the delineation of) the seasonal and permanent wetland edges...shaped around these areas and take freshwater sensitivities into consideration...The wetland area will be rehabilitated and managed in perpetuity” and “encourages re-establishing the link between the Vermont Salt Pan and Paddavlei at the Botrivier.”</p> <p>In this regard it should be noted:</p> <ul style="list-style-type: none"> • The delineation of the wetland is likely to be considerably understated • The link referred to contradicts the FSS, which asserts that the wetland originates on the erf in question. There is indeed anecdotal evidence of a link between the wetland on the erf and Paddavlei – but Paddavlei is in Hawston and nowhere near the Botrivier. <p>WCC contends that the FSS – and thus the BAR - is fatally flawed, as the extent of the wetland cannot be defined by only considering the indicators present on the single day of inspection within the boundaries of the erf in question. Constant and current removal of the extensive infestation of AIV on the neighbouring property means that the wetland will inevitably expand and very probably by a considerable amount. The entire erf may well be underwater.</p> <p>This is a natural wetland and part of a larger wetland system. Any development of the type contemplated (i.e. single residential and group housing) would require extensive and invasive drainage that will fall foul of the various applicable legislation. It will also constitute unacceptable interference in a protected natural system.</p> <p>3. Applicable legislation, policies and protocols</p> <p>With regard to protocols, a nod is given to the presence of the wetland with the statement that the design incorporates a “central open space which will allow for movement of flora and fauna” There is no corridor provision, despite the assurance given in Section 4.4. on page 17. The corridor shown will be under housing.</p> <p>It is also stated that the “development will be outside of the permanent wetland on site and the development will allow for the rehabilitation and management of the wetland”. As described above, the delineation of the wetland is inaccurate.</p> <p>Again, it is stated that the “site is highly transformed”, which is not true. No plant species assessment was done.</p> <p>Assurances are given in Section 4.1 that the proposal will result in “environmentally aware development”(and the) “management of the remainder for conservation”. This is untrue. The proposal will severely impact an important wetland and nullify its</p>		
--	---	--	--

	<p>ecological function within a larger wetland system.</p> <p>With regard to policies, the BAR stresses the leisure, lifestyle, tourism and economic focus of OM under the Western Cape Provincial Spatial Development Framework (PSDF). The only mention of the environment is in the context of tourism. "This proposal entails a harmonious integration of the natural and built environments and illustrates the (sic) critical role in the further development of the tourism industry in the rural area". Rural areas are stressed throughout the treatment of the OM SDF; however, the confusion is cleared when the BAR states that "The subject property is located within the popular Hemel and Aarde Valley" This is a clear cut and paste from another proposal - which happens to be the wrong one.</p> <p>With regard to legislation, the National Water Act (NWA) is not considered to be applicable, which contradicts the FSS. Indeed, none of the legislative implications stated in the FSS are accepted. The National Environmental Management Biodiversity Act (NEM:BA) is also not considered to be applicable despite the area being within a number of Critical Biodiversity Areas (CBAs).</p> <p>4. Impact on the wider environment</p> <p>As noted, the erf is at the furthest north-eastern corner of the suburb of Vermont. The Vermont Pan is a drawcard for birders and a popular site for residents. The Pan is the furthest point to the east of the larger wetland system of which the wetland on the erf in question forms part. The Pan is also beset by environmental problems caused in the main by unregulated and insensitive development that has affected water flows and impacted on the habitat provided by the Pan for numerous bird and animal species. This proposal will compound these problems.</p> <p>In this regard it must be borne in mind that the predicted influence of climate change will be stronger storms, which will markedly increase runoff from the Onrus mountains and thus the area of the seasonal wetland. However, the BAR's treatment of this vital context of our environmental future (page 36) is extremely cursory. It states merely that "The preferred alternative is set away from the delineated permanent wetland on site."</p> <p>5. Biodiversity</p> <p>The comment is made on page 16 of the BAR that "vegetation within the study area was extensively disturbed", despite the fact that no vegetation study was done. Item 4.1 on page 20 states that specialist studies were "not applicable (as) the site is disturbed and highly transformed from a terrestrial perspective".</p> <p>An endangered orchid (<i>Disa halackii</i>) that had never before been seen in the area, was discovered a few years ago on an erf in the near vicinity, which displayed similar levels of disturbance. To assume that disturbed vegetation does not harbour</p>		
--	--	--	--

	<p>valuable indigenous species, displays either ignorance, irresponsibility, or bias (or all three). The motivation for the property on page 21 reiterates that “the site is also highly disturbed”, stating that it is owned by the applicant and will meet market demands.</p> <p>6. Required specialist studies: Site Sensitivity Verification Report (SSVR)</p> <p>This report notes that as required by the legislation, a screening tool report was generated, which recommended a number of specialist studies that should be undertaken. Of the eight recommended, the tool rated two as being high impact, namely Terrestrial, and Aquatic Biodiversity.</p> <p>The SSVR describes the main activities during the construction phase as “including:</p> <ul style="list-style-type: none"> • Minor construction works for the additions and alterations • Delivery of construction materials • Storage and / or stockpiling of construction materials • Mixing and preparation of construction materials” <p>The work that will be involved even during the subdivision phase can hardly be described as “minor“ as roads will be built and the building on site will presumably be demolished and removed to prepare the site for potential purchasers. It is thus not clear what is meant by “for the additions and alterations” – unless this is another cut-and-paste that refers to another site altogether.</p> <p>The desktop analysis (page 8) states that “there are no watercourses in the vicinity of the development area”. This is untrue – see above under Wetland Delineation.</p> <p>It also states that “according to desktop mapping, the site is characterised by Hangklip Sand Fynbos, however the development area is <u>completely</u> transformed and is not characterised by any indigenous vegetation.” Again, this is untrue. The FSS was able to identify and use the presence of indigenous plants in its detection of wetland conditions. As stated previously, an endangered orchid was identified on an erf in the near vicinity. No local expertise (such as the respected Hermanus Botanical Society) was consulted regarding vegetation on the site or in the area.</p> <p>The report states that “a site visit was conducted several times between 2018 and 2023”, but does not give dates, nor who conducted these. The conclusion to the report refers to “a site visit” by the EAP. Figure 1 is dated November 28, 2022. Photo 1 is not dated.</p> <p>The report states that with regard to the predicted high terrestrial impact (page 9) that “The proposed development takes place on one of the last remaining open erven in Vermont and is in line with surrounding development. The layout has made provision to create a central open space which will allow for movement of fauna and flora.” This is a completely inadequate assessment of the potential impact.</p> <p>The report responds to the predicted high Aquatic Biodiversity impact with the</p>		
--	---	--	--

<p>statement that “Wetland delineation has been undertaken, development will be outside of the permanent wetland on site and the development will allow for the rehabilitation and management of the wetland. Mitigation measures have been recommended by the wetland specialist.” Again, this is a totally inadequate assessment of the potential impact that contradicts the findings of the FSS.</p> <p>Despite the fact that the site is within a number of Critical Biodiversity Areas (CBAs) and is on Endangered Hangklip Sand Fynbos, the identified need for a Plant species assessment is dismissed with the statement “Site is highly transformed.” This indicates either ignorance of the fact that transformed ground has been shown to be harbouring indigenous plant species, some of which may well be rare and endangered, or a reluctance to do the research that might well reveal this on the erf in question.</p> <p>The need for an Animal Species Assessment is dismissed with the statement that the area “is located within the built up area of Vermont (and that) only very limited areas on the property will be developed (and) open space retained.” This is inaccurate and misleading, and indicates that the site visits were not used to gather any information on animal species in the area. Vermont is home to many animal species such as the dwarf chameleon and numerous frog species as well as larger animals. The site is at the farthest north west corner of Vermont and is adjacent to a private nature reserve. As such it can be expected to harbour many animal species. 65% of the site will be developed, which can hardly be described as “very limited areas”, and only 35% retained as open space.</p> <p>The glib assessment of the EAP that none of the assessments generated by the screening tool are applicable and that “no further specialist assessment is required to information (sic) the environmental process” is highly suspect.</p> <p>7. Significance ratings and bias in the Basic Assessment Report (BAR)</p> <p>The significance rating (page 33) of the preferred alternative (2) is summarised as low in the planning, design and development phase, and low to medium-low in the operational phase. These assessments are questionable and consistently worded in such a way as to put the proposal in the best possible light. For example, it is stated that “development in close proximity <u>may</u> pose risks to wetland, however, the status quo is far worse”. Development close to a wetland will definitely pose risks to the wetland and these may well be catastrophic.</p> <p>The bias towards the development is clear in the response to the avoidance of the impact, which is stated as “ensure detailed design considers the environment and wetland <u>as far as possible</u> (and) plan for the management of the wetlands on site and include this in the design from the onset.” This qualification is worryingly vague and this management plan should have formed part of the proposal.</p> <p>The bias continues with a rating of High impact for the No Go option. WCC is of the</p>	<p>As per the requirements of NEMA and NWA, a full Freshwater Impact Assessment has been undertaken and is attached in the revised BAR – the findings of this report ahs resulted in the evolution of a new preferred alternative</p>	
---	---	--

	<p>opinion that retaining the status quo is to be preferred to a development proposal based on an inaccurate wetland delineation and a BAR peppered with errors and displaying clear bias. It does not inspire any confidence that the assurances of protection for the wetland will be met.</p> <p>8. Conclusion and recommendations</p> <p>WCC is of the opinion that:</p> <ul style="list-style-type: none"> • The wetland parameters that were defined by EnviroSwift as being those that were observed on the erf on the single day in question when it was investigated in 2018 are not accurate, nor are they reliable. This is a fatal flaw in the proposal. Given the presence of very many large eucalypts on its western boundary that are scheduled in the near future for destruction, this is an irresponsible approach. The wetland will be profoundly influenced and will increase in size considerably once these very thirsty trees are removed (which has commenced). • To adjust the layout of the proposed housing on the basis of this inadequate definition of the parameters of the wetland is meaningless and renders the entire proposal void. • The identified need for further specialist studies has been dismissed out-of-hand on the most flimsy reasoning. This also applies to the legislation that should have been considered. • The BAR gives the clear impression throughout of being a hastily put-together document that pays only lip service to the environmental assessment process. Apart from the numerous instances of poor spelling and grammar, there are instances of no information being given where it is required and inappropriate to leave the section blank. Many of the responses are merely copied and pasted from other sections. • Contradictory and even incorrect information is given in various places, and at one point the property in question is situated in a different locality entirely. Only cursory attention is given to critical ecological factors. These indicate that this BAR was not given the proper and careful attention it deserves, and may well indicate either incompetence or confidence that approval will be given and that nothing more than a tick-box exercise is required. <p>It also calls into serious question the assurances given that the</p>	<p>The Botanical and Freshwater Impact Assessments have resulted in the evolution of a new preferred alternative – Alternative 4.</p> <p>As above,</p> <p>The BAR has been updated and amended in line with updated specialist input.</p> <p>Noted as above</p> <p>The report has been revised and updated in line with the new Specialist impact assessment reports. An Additional pre-application public participation is provided for prior to the in-process public participation commences. This is to ensure that issues and concerns are adequately addressed before initiating the in-process applications.</p>	
--	---	---	--

	<p>proposal, if approved, will be managed carefully during the design and construction phases with due regard to the environmental sensitivities of the property in question.</p> <p>It can be posited that this has been done in order to obtain approval, commence construction and then demand that special dispensation be given for draining the wetland to accommodate the construction.</p> <p>In summary, the BAR is a sloppy piece of work containing a worrying number of inaccuracies, misinformation, and instances of bias.</p> <p>WCC recommends that the Basic Assessment Report for the proposed housing development on Erf 1468 in Vermont should be rejected in its entirety and that authorisation for this development should not be given.</p> <p>Yours sincerely</p>		
<p>Ms Barbara Kahn</p>	<p>Email dated 24/04/2023</p> <p>Dear Michelle ,</p> <p>I wish to oppose this proposed development which would impact heavily on the wetlands and destroy this sensitive and important area for wildlife and the environment.</p> <p>Thank you Barbara Kahn (Ms)</p>		
<p>Michael Raimondo</p>	<p>Email dated 24/04/2023</p> <p>Dear Michelle,</p> <p>I am commenting as a director of UVA Properties that owns Hoek Van De Berg Nature Reserve also now called Whale Coast Nature Reserve - which is the direct neighbour to this proposed development.</p> <p>I would like to state that I fully support the comments and concerns raised by Whaler Coast Conservation as well as those raised by the Vermont Conservation Trust.</p> <p>As the manager of Hoek van de Berg Contract Nature Reserve we have developed a detailed invasive plant management plan - which list the clearing of the gum trees around the wetland a s key priority. Already the extensive clearing above the R43 and below the R43 has seen a the water table and the wetland system has increase on the reserve over the last two years. With the planned role out of our invasive clearing strategy the wetland on Erf 1486 will also increase this has to be taken into account. We are opposed to any further development on Erf 1486 as it will affect the</p>		

	<p>wetland system.</p> <p>It must also be noted that In June of 2017 the natural vegetation of Erf 1486 was illegally cleared - see images below as well as the e-mail thread - this has to be taken into account when the looking at the state of thew current wetland system.</p> <p>Regards, Michael Raimondo</p> <p><i>Begin forwarded message:</i></p> <p>From: "Duncan Heard" <duncanheard@telkomsa.net> Subject: RE: ERF1486 Vermont, c/o R43 and Lynx Avenue Date: 21 June 2017 at 11:23:42 CAT To: "'Penelope Aplon'" <pmichaels@overstrand.gov.za> Cc: "'Henk Olivier'" <holivier@overstrand.gov.za>, "'Liezl Bezuidenhout'" <lbezuidenhout@overstrand.gov.za>, "'Arabel McClelland'" <Arabel.McClelland@westerncape.gov.za>, "'Mike Weekes'" <mikew@hermanus.co.za>, "'Paul Pfister '" <paulmpfister@yahoo.com>, <robfryer.wcc@gmail.com>, "'Anita & Warwick Taylor" <anita.vermont@gmail.com>, "'Michael Raimondo" <michael@greenrenaissance.co.za>, "'Michelle Naylor '" <michelle@lornay.co.za>, "'Johan Myburgh'" <myburghs@sonicmail.co.za>, "Frans Jordaan" <pffjordan@telkomsa.net>, "'Calle Badenhorst'" <calleb@redsproperties.co.za>, "Jan Roodbol" <info@onthevermont.co.za>, "Heila Taylor" <heila.taylor2@gmail.com>, "CRAIG SAUNDERS" <babyjumbo@mweb.co.za></p> <p><i>Hi Penelope</i> <i>Thank you for your actions so far.</i> <i>The Vermont community has for many years tried our very best to ensure that the feeder wetlands that flow towards the Vermont Salt Pan as well as the remnant surrounding endangered Hangklip Sandstone Fynbos and associated wetland vegetation is disturbed as little as possible and sought every opportunity to promote restoration of the area. The Overstrand Municipality has also assisted with scientific studies and prevented private landowners in this sensitive area from implementing inappropriate development (including the previous owner of Erf 1486). It is absolutely unbelievable that the new owner buys into our area, in a very sensitive part of the Vermont Salt Pan Wetland System, and merely starts clearing indigenous bush without finding out about the environmental legislation requirements. Moreover, this happens in an area which has been identified as an Environmental Focus Area (Overstrand Municipal Environmental Management Framework) and with pending</i></p>		
--	--	--	--

	<p><i>Environmental Management Overlay Zoning as an Urban Conservation-worthy area by the municipality.</i></p> <p><i>What happens now. I look forward to being informed on behalf of the Vermont community in this regard.</i></p> <p><i>Duncan Heard</i> <i>Vermont Conservation Trust & Vermont Ratepayers and Environmental Association</i> <i>12 Sepia Avenue, Vermont, Onrusrivier. 7201. SOUTH AFRICA</i> <i>Tel: +27(0) 28 316 3386 Cell: +27(0) 82 495 3943 Fax: +27(0) 86513 4462 Email: duncanheard@telkomsa.net <image001.gif></i></p> <p><i>"We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect." Aldo Leopold, A Sand County Almanac</i></p> <p><i>From: Penelope Aplon [mailto:pmichaels@overstrand.gov.za]</i> <i>Sent: Wednesday, 21 June 2017 10:07 AM</i> <i>To: robfryer.wcc@gmail.com</i> <i>Cc: Henk Olivier <holivier@overstrand.gov.za>; Liezl Bezuidenhout <bezuidenhout@overstrand.gov.za>; Duncan Heard <duncanheard@telkomsa.net>; Arabel McClelland <Arabel.McClelland@westerncape.gov.za></i> <i>Subject: Re: ERF1486 Vermont</i></p> <p><i>Good morning,</i></p> <p><i>The property was purchased by Craig Saunders. He was unaware of the fact there was a public open space between Erf 1486 and the Hugo development. I have spoken to Mr Saunders this morning and he indicated that he will not enclose this section. A building plan application is not required for this type of fence but I have requested that the building inspector goes out on site to ensure that the fence does not exceed the height restriction of 2.1 metres. The reason for the fence is to prevent illegal access to his property.</i></p> <p><i>He has not been in contact with the municipality regarding his plans for this site, but has indicated that he will liaise with us on return from his business trip. Kind regards,</i> <i>Penelope</i></p> <p><i>Penelope Aplon</i> <i>Environmental Officer</i> <i>Overstrand Municipality</i> <i>Tel: 028 316 3724 ext:8272</i> <i>Cell: 072 394 9841</i> <i>Fax: 028 316 4953</i> <i>e-mail: paplon@overstrand.gov.za</i></p> <p><i>"When we tug at a single thing in nature, we find it attached to the rest of the</i></p>		
--	---	--	--

	<p>world." - John Muir <image002.jpg> Overstrand Municipality A: 1 Magnolia Street, Hermanus, 7200 P: P.O Box 20, Hermanus, 7200 T: +27 (0) 28 313 8000 F: +27 (0) 28 312 1894 E: enquiries@overstrand.gov.za W: www.overstrand.gov.za Vision Statement: "To be a centre of excellence for the community" Disclaimer: This e-mail (including attachments) is subject to the disclaimer published at: http://www.overstrand.gov.za. Please read the disclaimer before opening any attachment or taking any other action in terms of this e-mail. By replying to this e-mail or opening any attachment you agree to be bound by the provisions of the disclaimer. Please consider the environment before printing this correspondence.</p> <p>>>> Rob Fryer <robfrayer.wcc@gmail.com> 2017/06/21 09:53 AM >>> Dear Penelope Please intervene in the clearing and fencing of erf 1486, on the corner of the R43 and Lynx Avenue. I'm concerned that this is a sensitive wetland that needs rehabilitation and that careful oversight needs to be given to whatever the new owner is planning to do. The fencing that is being erected incorporates public open space and needs to be constrained to the cadastral boundary. Please let me have feedback on what the forward plan is for this property. Warm regards Rob -- Please take note that all material attached is copyrighted by the Whale Coast Conservation and is subject to removal request at the discretion of WCC if we deem it offending or controversial in any way.</p>		
Dennis Brandjes	<p>Email dated 27/04/2023</p> <p>Greetings Michelle</p> <p>Herewith our submission regarding proposed development of ERF 1486 Hermanus:</p> <ol style="list-style-type: none"> 1. Properties 1 to 7 lie in the seasonal wetland. This is not acceptable. 2. Assume the thin blue line on the diagram is the 30m floodline. As we understand it, no building within this line. Only erf 3,4,5,6 and 9 fall outside this line. 3. Erf 9 to 13 are below 600sqm in size. This is not acceptable. 4. I failed to see the biodiversity report – as I believe that there is protected 	<p>The newly conducted Botanical Impact Assessment and Freshwater Impact Assessment Reports have resulted in the evolution of the preferred alternative and the creation of a new preferred alternative being Alternative 4.</p>	

	<p>aquatic and other life forms dependant on the salt pan water mass.</p> <p>Regards</p> <p>Denis Brandjes & Samantha Hogg-Brandjes Erf 2319 Vermont</p>		
Samantha Hogg-Brandjes	<p>Email dated 28/04/2023</p> <p>Hi Michelle</p> <p>Please note it is not just 'comment' but we are vehemently disputing this proposed project and are 100% against it for the reasons Denis mentioned.</p> <p>Thank you</p>	Noted	
Fabion Smith BGCMA	<p>Email dated 28/04/2023</p> <p>LORNAY Environmental Consulting P. O. BOX 1990 HERMANUS 7200 For Attention: M. Lornay</p> <p>Madam,</p> <p>NOTICE OF DRAFT PRE-APPLICATION PUBLIC PARTICIPATION FOR ERF 1486 VERMONT</p> <p>With reference to your email dated 22/03/2023 with letter requesting input by BOCMA via electronic link, the follow-up and resending of documents for assessment dated 24/04/2023, which contained a Freshwater screening by Enviro Swift dated 20/08/2018, a layout plan for the preferred Alternative 2 by Interactive Town and Regional Planning dated 14/03/2019, as well as the BAR Pre-App submission to DEA&DP dated 22/03/2023, herewith the following:</p> <ol style="list-style-type: none"> 1. The Freshwater screening by Enviro Swift does not contain a Risk Matrix. 2. In the absence of a Risk Matrix, the BOCMA cannot provide direction. 3. This is particularly applicable as, after assessing the Pre-App Bar and screening, almost all of the site/study area is within 500m of the regulated area, including the options explained as per preferred Alternative 2. 4. Therefore, it is advised that the Risk Matrix for the proposed development be submitted to BOCMA whereupon concise and precise assessment and feedback could be provided. 5. The BOCMA also note the concern by Cape Nature, as per email dated 24/04/2023. 	<p>A full Freshwater Impact Assessment and Risk Matrix is now included in the Basic Assessment Report</p>	

	<p>Please be advised that the comment provided is in the interest of responsible water resource management. The BOCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.</p> <p>Please do not hesitate to contact this office if you have any further queries.</p> <p>Please ensure to quote the above reference in doing so.</p> <p>Yours faithfully.</p>		
IN PROCESS PUBLIC PARTICIPATION			



LORNAY
ENVIRONMENTAL CONSULTING

REGISTER FOR INTERESTED AND AFFECTED PARTIES

PROJECT: ERF 1486 VERMONT

NAME:	ORGANISATION:	POSTAL ADDRESS:	TEL:	EMAIL:	COMMENT:	DATE & REF:
JA Hugo	Chairman - Lynx Sands Home Owners Association & Resident	-	-	hugofam@whalemail.co.za	<p>Email dated 22/03/2023</p> <p>Good Afternoon Michelle,</p> <p>Please forward the relevant documents referred to in your email icw Proposed Residential Development, Erf 1486 Vermont.</p> <p>Kind Regards</p> <p>JA Hugo Chairman - Lynx Sands Home Owners Association & Resident</p>	-
Peter Hodgskin	Private	-		peterhodgskin@gmail.com	<p>Email dated 30/03/2023</p> <p>hi michelle I am unable to find a copy of the BAR for vermont erf 1486 as advertised, on your website - please forward a copy and register me as an IAP . ta peter</p>	-

					peter hodgskin HERMANUS 0799022565	
Margaret Stanway	Private	-	-	stanway.margaret@gmail.com	Email dated 31/03/2023 Hi Michelle, I am unable to find the above documents on your website under documents. Please can you email them to me or give me an exact link. Regards, Margaret Stanway Cell: 082 821 1872	-
Petro Steere	Owner Erf 1498 and 1495 Vermont	-	-	petro.steere@ymail.com	Email dated 04/04/2023 Hi Michelle I live in Vermont - erf 1498 and will soon be the owner of 1495. I would like to registered as an affected and interested party and I would like to comment on the development on erf 1486 Regards Petro	-
Petro Steere	Owner Erf 1498 Vermont	-	-	petro.steere@ymail.com	09/04/2023 Hi Michelle. My 3 main objections. 1. Properties 1 to 7 lie in the seasonal wetland- not acceptable. 2. I assume the thin blue line on the diagram is the 30m floodline. As I understand it, no building within this line. Only erf 3,4,5,6 and 9 fall outside this line 3. Erf 9 to 13 are below 600sq m also not acceptable Regards Petro Steere	-
Denis Brandjes	-	-	-	denis@brandjes.org	Email dated 11/04/2023 Greetings Michelle Please send me new link to attached docs – the wettransfer link below has expired.	-

					Thanks Denis Brandjes	
Giogio Lombardi	-	-	-	vogelgat@gmail.com	Email dated 12/04/2023 Dear Michelle Could you kindly send me the above report to this address. kind regards Giogio Lombardi Diploma Nature Conservation Master of Science (Rhodes) 0828645297	-
Mary Ann Verster	Hermanus Botanical Society Chairperson	-	-	maver@mweb.co.za	Email dated 17/04/2023 PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 1486 IN VERMONT Hermanus Botanical Society Comment on the Basic Assessment Report (BAR) This comment is submitted as part of the public participation process required in terms of the Environmental Assessment Process regulations with reference to the following: Proposal: Single Residential Erven Location: Erf 1486 Vermont Applicant: Elephant Ventures Africa cc Environmental Consultant: Lornay Environmental Consulting Hermanus Botanical Society has the following comments on the BAR pertaining in particular to the preferred Development Proposal Alternative 2. Absence of Plant Species Assessment Page 20 of the BAR section 4: Biodiversity, refers. With reference to the conduct of specialist studies, it is recorded that this was 'Not Applicable'. "The site is disturbed and highly transformed from a terrestrial perspective". On page 8 of the Site Verification Report under Desktop Analysis, it is stated ".....the development area is completely transformed and is not characterised by any indigenous vegetation". This can only be established by conducting a Plant Species Assessment as identified on page 10 of the Screening Tool Report. Without this assessment the characteristics of the indigenous flora cannot be established and the possible existence of rare or endangered species,	-

					<p>cannot be ruled out. It should be noted that a new species <i>Disa halackii</i> was identified on an erf in close proximity to this site a few years ago. In conclusion, absence of a Plant Species Assessment as part of the BAR is considered to be a serious omission.</p> <p>Seasonal/temporary Wetland areas The site plan for the preferred development proposal 2 refers to 12 residential units consisting of 7 single residential units and 5 townhouse units. The permanent wetland area is surrounded by 'private open space'. The construction of all residential erven will overlap with 'seasonal/temporary wetland' areas as indicated on the site plan. Erven 1 and 8 appear to overlap 100% with the seasonal wetland, erven 2 and 7 have extensive overlap and erven 3, 4, 5, and 6 have minor overlap. It is very likely that the margins of the wetland areas on this site will extend beyond the margins currently identified on the site plan. There are two reasons for this. Firstly, the neighbouring private nature reserve, Hoek van die Berg, on the western boundary of the site, has a large infestation of Eucalyptus trees which are in the process of being cleared. These trees are well known as thirsty trees absorbing large quantities of water. With the removal of these trees on the neighbouring property there is likely to be considerable increase in water runoff into the wetland system. Secondly, one of the predicted consequences of climate change is an increase in the strength of storm systems which will result in increased runoff of rainwater from the mountains surrounding Onrus and Vermont. The permanent wetland area is very likely to expand into the areas currently indicated as seasonal. This does not appear to have been adequately anticipated or dealt with in the BAR.. The only mitigation mentioned is rainwater harvesting schemes to reduce intensity of increased runoff (pg 36 2) but there is no indication that this will be sufficient given the environmental context of the site, as indicated above. The consequences for the erven to be constructed on the seasonal wetland areas could be very serious.</p> <p>Management of the Wetland The long term development and management of the wetland as a positive consequence of the implementation of the preferred development proposal 2, is referred to in a number of places in the BAR. No details are given of the proposed plan for managing the wetland or who will be responsible for this so there is no way of determining its'</p>	
--	--	--	--	--	--	--

					<p>likely effectiveness. On page 32 as an indication of the 'Consequence of impact or Risk' it is stated "Development in close proximity to wetland may pose risks to the wetland, however the status quo is much worse. Opportunity for rehabilitation".</p> <p>There is no explanation of what is meant by this statement, what the status quo represents or how the rehabilitation is to be undertaken.</p> <p>Conclusion It is the opinion of the Hermanus Botanical Society that the points raised are serious limitations to the BAR and should be addressed before the EIA is accepted. We also wish to indicate that we are in support of the comments submitted by Whale Coast Conservation</p> <p>Mary Ann Verster Chairperson Hermanus Botanical Society</p>	
Bernadette Osborne DEA&DP	DEA&DP	-	-	Bernadette.Osborne@westerncape.gov.za	<p>Email dated 20/04/2023</p> <p>Dear Sir</p> <p>COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT ("BAR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF NO. 1486 VERMONT, HERMANUS.</p> <p>1. The electronic copy of the pre-application Draft BAR received by this Department on 22 March 2023 and the acknowledgement thereof issued on 30 March 2023, refer.</p> <p>2. Following the review of the information submitted to this Department, the following is noted:</p> <ul style="list-style-type: none"> • The proposal entails the establishment of a residential development on Erf No. 1486, Vermont. • The proposed residential development will consist of 12 residential erven, private roads, and an open space. • The proposed development will have a development footprint of 15078m². • The site is mapped to contain Hangklip Sand Fynbos vegetation, which is classified as critically endangered. • A wetland is present on the site. • The site is zoned Residential Zone 1 and is located inside the urban 	

					<p>area of Hermanus.</p> <p>3. The Department's comment is as follow:</p> <p>3.1. Lawfulness of the existing buildings</p> <p>3.1.1. It is noted that existing buildings and a road is located on the proposed site.</p> <p>3.1.2. The lawfulness of the existing buildings and road must be confirmed prior to the submission of an application for Environmental Authorisation.</p> <p>3.2. Activity description</p> <p>3.2.1. Page 23 of the draft BAR indicates that rehabilitation of the wetland will be conducted. However, no details of what this will entail has been included in the activity description.</p> <p>3.2.2. The activity description must be updated to include details of the above.</p> <p>3.3. Protocols</p> <p>3.3.1. As previously indicated, the "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation" ("the Protocols") were published on 20 March 2020 (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) and the Protocols are applicable to your proposed development.</p> <p>3.3.2. Please note that the criteria for reporting on each of the identified environmental themes, as outlined in the Protocols must be complied with. The reporting requirements for the biodiversity theme was not met. The requirements specified in the Protocol for the specialist assessment and minimum report content requirements for environmental impacts on Terrestrial Biodiversity must be complied with. Where the information gathered from the site sensitivity verification differs from the designation of "very high" terrestrial biodiversity sensitivity in the screening tool and it is found to be of a "low' sensitivity, then a Terrestrial Biodiversity Compliance Statement must be submitted.</p> <p>3.3.3. The Freshwater Report is inadequate and does not meet the requirements of the Protocols. The ecological status, the ecological importance and sensitivity of each watercourse has not been described in the Freshwater Report. Furthermore, the report does not include an assessment of the impacts on the watercourses as a result of the proposed development.</p>	
--	--	--	--	--	--	--

					<p>3.3.4. A Freshwater Impact Assessment Report that meets the requirements of the Protocols must be included in the BAR.</p> <p>3.4. Confirmation is required whether there is peat present in the watercourse and whether peat will be removed as a result of the proposed development. This must be confirmed by the aquatic specialist and included in the BAR. If peat will be removed the relevant activity must be applied for and assessed.</p> <p>3.5. Impacts</p> <p>3.5.1. The proposed development will result in the loss of critically endangered vegetation. However, the loss of critically endangered vegetation has not been identified and assessed in the draft BAR.</p> <p>3.5.2. The BAR must be updated to include and assessment of the above.</p> <p>3.6. Section E, point 4.1. to 4.3. has not been adequately addressed. These sections must be amended to include detailed answers.</p> <p>3.7. Please be advised Heritage Western Cape (“HWC”) must confirm whether a Landscape/Visual, Archaeological, Paleontological and Cultural Heritage Impact Assessment is required. Comment from HWC must be included in the BAR.</p> <p>3.8. Page 12 of the draft BAR indicates that the National Water Act is not applicable to the proposed development. However, wetlands are located on the proposed site. This section must be corrected. Furthermore, a comment from the relevant water authority must be included in the BAR. In terms of the Agreement for the One Environmental System (section 50A of the NEMA and sections 41(5) and 163A of the NWA) the processes for a WULA and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regulations, 2014 (as amended), as well as the 2017 WULA Regulations.</p> <p>3.9. It is noted that the landowner details have not been included in the NOI or the BAR. Please be advised if the applicant/proponent is not the landowner, landowner consent will be required to be submitted together with the application for environmental authorisation.</p> <p>3.10. Since Activity 19 of Listing Notice 1 is triggered, and future maintenance related work may be required, the Department recommends that a Maintenance Management Plan (“MMP”) forms a component of the Environmental Management Programme (“EMPr”). Should the Department agree to the proposed MMP, future maintenance work specified within the MMP would not require an Environmental Authorisation prior to the undertaking thereof.</p>	
--	--	--	--	--	--	--

					<p>3.11. Comment from CapeNature must be obtained and included in the BAR.</p> <p>3.12. Written confirmation must be obtained from the Overstrand Municipality that they have sufficient, spare, unallocated capacity for potable water supply, effluent management, waste management and electrical supply for the proposed development.</p> <p>3.13. The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the BAR e.g a cut-out of the newspaper article and photos of the site notices.</p> <p>3.14. You are reminded that a summary of the issues raised by Interested and Affected Parties (“I&APs”) must be included and addressed in a comments and response report. As well as an indication of the manner in which the issues were incorporated, or the reasons for not including them.</p> <p>3.15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014. Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.</p> <p>3.16. Omission of any required information in terms of Appendices 1 and 4 of the EIA Regulations 2014, with regards to the final submission of the BAR and EMPr, respectively to the Department, may result in the application for Environmental Authorisation being refused.</p> <p>3.17. Be advised that a electronically signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.</p>	
--	--	--	--	--	---	--

					<p>3.18. In addition to the above, please ensure that the electronically signed and dated Environmental Assessment Practitioner (“EAP”) declaration is also submitted with the final BAR for decision-making.</p> <p>4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>6. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.</p>	
Paul Pfister	-	-	-	paulmpfister@yahoo.com	<p>Email dated 23/04/2023</p> <p>Good day Michelle Naylor</p> <p>I recently received your notification, dated 22 March, from a neighbour and accordingly wish to register as an Interested and Affected Party.</p> <p>Sincerely Paul Pfister</p>	
Rhett Smart	Cape Nature	-	-	rsmart@capenature.co.za	<p>Email dated 24/04/2023</p> <p>Pre-Application Basic Assessment Report for the Proposed Residential Development on Erf 1486, Vermont, Hermanus</p> <p>CapeNature would like to thank you for the opportunity to comment on the application and would like 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.</p> <p>The subject property mainly consists of Ecological Support Area 2 (ESA) according to the Western Cape Biodiversity Spatial Plan apart from the northern and southern ends. The natural vegetation occurring on the site is Hangklip Sand Fynbos, listed as critically endangered (previously</p>	

					<p>endangered). According to the National Wetland Mapping for the 2018 National Biodiversity Assessment (NBA) there are no wetlands mapped for the site, however in the National Freshwater Ecosystem Priority Area (NFEPA) wetland mapping, most of the property was mapped as a channelled valley bottom wetland.</p> <p>A freshwater screening study was undertaken which included delineation of the wetland on site according to standard Department of Water and Sanitation methodology. A permanent wetland was delineated associated with historical excavations surrounded by a seasonal wetland. The full extent of the delineated wetland is only slightly less than the extent of the wetland delineated according to NFEPA. CapeNature has attended a site visit on two separate occasions (with the freshwater ecologist and land use scientists respectively) and there was confirmation that there is a wetland present on the site. The methodology for the delineation of the wetland undertaken in the freshwater screening study is supported, however we wish to note that the fieldwork was undertaken during a drought period. We wish to note that we have reported the absence of a wetland mapped for the property in the NBA to SANBI.</p> <p>The results from the web-based screening tool are presented which indicate very high sensitivity for aquatic biodiversity and terrestrial biodiversity and high sensitivity for plant species and animal species. A site sensitivity verification report has been provided motivating the specialist studies undertaken in relation to the screening tool. No terrestrial biodiversity assessment has been undertaken in relation to the very high sensitivity and in this regard it is motivated that the proposed development is in line with the surrounding development. This motivation is not accepted as this does not relate to biodiversity. With regards to the plant species, it is motivated that the site is highly transformed and for the animal species that open space will be retained.</p> <p>It should be noted that the property directly to the south east, namely Erf 1492 contained a viable population of an endangered plant species when a botanical study was undertaken for a Basic Assessment process in 2015. The freshwater screening study indicates that Erf 1486 is highly disturbed and historical Google Earth imagery indicates disturbance to the site in the 2002 imagery. However, in accordance with the procedures for the assessment and minimum criteria for reporting on identified environmental themes, we recommend that a minimum of a compliance statement is undertaken to address the terrestrial</p>	
--	--	--	--	--	---	--

					<p>biodiversity and plant species themes due to the presence of natural vegetation and threatened species localities nearby and the ratings from the screening tool. The animal species theme can be addressed in the terrestrial and aquatic biodiversity reports.</p> <p>The freshwater screening study functions as a freshwater constraints analysis in order to inform the design of the development proposal. Two development layout alternatives were developed of which Alternative 1 consists of residential erven across the entire site and Alternative 2 which has open space for the permanent wetland and a small buffer area and residential erven for the remainder of the site. Alternative 2 is an improvement on Alternative 1, however a number of erven still encroach within the delineated seasonal wetland. Neither of the two alternatives are considered acceptable based on the information available.</p> <p>In accordance with the procedures for the assessment and minimum criteria for reporting on identified environmental themes, a freshwater ecology impact assessment must be undertaken following on from the freshwater screening study in order to assess the impact of the development proposal. The proposal should be further refined in order to avoid the delineated wetland and respond to the recommendations of the freshwater specialist. No details are provided regarding the proposed service provision for the development, which needs to be considered in terms of the impacts on biodiversity. Inadequate sewage provision in particular can impact on freshwater ecology. The road network also needs to be considered with regards to water flow. The mitigation hierarchy must be applied when considering mitigation measures.</p> <p>It is noted that Basic Assessment Report (BAR) indicates that the National Water Act is not applicable to the proposed development. The development is however proposed within a watercourse and therefore would require authorisation in terms of the National Water Act based on our interpretation (wetlands fall within the definition of a watercourse according to the National Water Act). In this regard, it must be ensured that the synchronisation of the NEMA and National Water Act processes takes place as referred to in point 11 of the generic text on page 3 of the BAR.</p> <p>In conclusion CapeNature does not support the application as currently proposed. It must be ensured that the development proposal responds to the environmental constraints identified in the specialist studies and a freshwater impact assessment and terrestrial biodiversity and plant</p>	
--	--	--	--	--	--	--

					<p>species compliance statement should be undertaken in accordance with the screening tool. CapeNature will provide further comment once a revised development proposal is presented along with the required specialist studies.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	
Giorgio Lombardi	-	-	-	<p>giorgiolombardisa@gmail.com</p> <p>vogelgat@gmail.com</p>	<p>Email dated 24/04/2023</p> <p>COMMENT ON PRE- APPLICATION BASIC ASSESSMENT REPORT ERF 1486 VERMONT DEA&DP Ref: 16/3/3/6/7/1/E2/40/1525/22</p> <p>By Giorgio Lombardi MSc</p> <p>Introduction</p> <p>Approximately 300 000 wetlands remain, making up only 2.4% of South Africa's area. Of the 791 wetland ecosystem types in South Africa, 48% are critically endangered, 12% are endangered, 5% are vulnerable, and 35% are least threatened, making wetlands the most threatened ecosystems of all in South Africa. Over 70% of South Africa's wetland ecosystem types have no protection and only 11% are well-protected. Consistent with global trends, high levels of threat to the country's wetlands have been reported. The 2011 National Biodiversity Assessment identified wetlands as the most threatened ecosystem type in South Africa (Driver et al. 2012). As a result of limited extent of wetland in South Africa (2.4% of country's surface), their loss and degradation will have more severe consequences (Kotze et al, 1995). Wetlands are classified as the most threatened ecosystem in the world. https://www.eia.org.za/the-process/assessing-impacts/wetlands/ However, wetlands in South Africa seem to be under pressure due to commercial agriculture, industrialisation, urbanisation, and other anthropogenic activities. The current status of wetlands considered to be of international importance in South Africa is either currently critically endangered, endangered, or under threat. This condition is influenced by pollution since most industries and wastewater treatments facilities discharge their effluents in waterways. For the maintenance and conservation of wetlands, South Africa has introduced policies and guidelines to protect these valuable resources,</p>	

					<p>but enforcement of such guidelines is ineffective. Wetlands must always be buffered with an appropriate area from any type of development which may impact on the wetland ecosystem.</p> <p>Comments Wetlands are regarded as the most threatened ecosystem type in South Africa and therefore should be given the correct protection.</p> <p>Page 13 item 6 of the BAR states that “Only very limited areas on the property will be developed, open space retained”. This is misleading as 65% of the area will be developed and only 35% retained. The erf is described as being “located within the built-up residential suburb of Vermont”. The case is that this erf is in the furthest north-west corner of Vermont, adjacent to a proclaimed nature reserve. This erf is also being described as “largely transformed and impacted”. This is untrue. In the proposed development, no provision is made for any buffering. A 30m buffer zone is mandatory. On the Site Plan, the majority of the erven are within the delineated “seasonal wetlands” zonation. For example (rough percentages): Erf 1 + 80%, Erf 2 +70%, Erf 3 +30%, Erf 4 +20%, Erf 5 +10%, Erf 6 +10%, Erf 7 +50%, Erf 8 a staggering 100%! This is certainly unacceptable given the threatened status of wetlands and associated areas.</p> <p>A wetland specialist must determine the following: present ecological state (PES), ecological importance and sensitivity (EIS) and threats to the wetland health.</p> <p>No vegetation studies were undertaken. Despite the fact that the site is within a number of Critical Biodiversity Areas (CBAs) and is on Endangered Hangklip Sand Fynbos, the identified need for a Plant species assessment is dismissed. This deems the BAR fatally flawed.</p> <p>In conclusion</p> <p>I do not recommend this type of development should be permitted on this erf due to the highly threatened nature of wetlands and their associated areas in South Africa. The negative impact the development will have on this specific wetland cannot be under-estimated. Further vegetation and wetland studies must be concluded before any notion of development can be presented.</p> <p>An Animal Species Assessment is dismissed. This shows the lack of integrity of the process. A site assessment must be carried out.</p> <p>Therefore, this BAR for the proposed housing development on Erf 1486 should be rejected in its entirety and authorisation for this development be rejected.</p>	
--	--	--	--	--	--	--

					<p>References 4 Adeyemi.A et al. 2022. Wetland Resources in South Africa: Threats and Metadata Study DOI:10.3390/resources11060054 Driver et al. 2012. National Biodiversity Assessment 2011: An assessment of South Africa's biodiversity and ecosystems.</p> <p>Kotze D, Breen CM, Quinn N. Wetland losses in South Africa. In: Cowan GI, editor. Wetlands of South Africa. Pretoria: Department of Environmental Affairs and Tourism; 1995.</p> <p>https://www.researchgate.net/publication/311894707_National_Wetland_Policy_South_Africa#:~:text=Consistent%20with%20global,al.%201995).</p>	
Duncan Heard	<p>Vermont Ratepayers and environmental Association</p> <p>Vermont Conservation Trust</p>	-	-	<p>duncanheard@telkomsa.net</p>	<p>Email dated 24/04/2023 Good Day Michelle</p> <p>Thank you for the opportunity to comment on the Pre-Application Basic Assessment Report (BAR) for the proposed residential development on Erf 1486 Vermont.</p> <p>The Site Development Plan for this 15 078m² erf, makes provision for the core wetland area to be conserved within a Private Open Space zone of 5 552m² which is surrounded by 13 residential plots. It is therefore critical that as a condition of the Environmental Authorisation (EA), that the Environmental Management Programme forms part of the constitution of the future Homeowner's Association (HoA).</p> <p>The responsibility must be placed on the HoA to ensure that the conditions of the EA are implemented during the operational phase, and that:</p> <ul style="list-style-type: none"> • the wetland is protected from negative ecological impacts ; • the wetland water quality entering and leaving the development should be monitored on a regular basis to detect any unnatural pollution; • the development has an environmentally friendly stormwater system with vegetated swales and polishing ponds to prevent/minimise pollution of the wetland; • all buildings have raft foundations; • uncovered paved areas must have permeable paving; and • there is strict control over domestic pets that could endanger wildlife in the wetland. 	

					<p>The core wetland contains a deep-water area that was the result of an illegal excavation of the wetland many years ago. It may be necessary, as part of future rehabilitation management measures to alter the wetlands alignment, banks etc. to benefit the wetland ecology. For this reason, a Maintenance Management Plan may be advisable to avoid having to undertake further EIAs to implement these measures..</p> <p>Kind regards</p> <p>Duncan Heard Chair : Vermont Ratepayers and Environmental Association and, the Vermont Conservation Trust. 12 Sepia Avenue, Vermont, Onrusrivier. 7201. SOUTH AFRICA Tel: +27 (0)28 316 3386 Cell: +27 (0)82 495 3943 / +27 (0)60 573 0353 Email: duncanheard@telkomsa.net</p>	
Michael Raimondo	UVA Properties Hoek van Der Berg	-	-	michael@greenrenaissance.co.za	<p>Email dated 24/04/2023</p> <p>Dear Michelle,</p> <p>I am commenting as a director of UVA Properties that owns Hoek Van De Berg Nature Reserve also now called Whale Coast Nature Reserve - which is the direct neighbour to this proposed development. I would like to state that I fully support the comments and concerns raised by Whaler Coast Conservation as well as those raised by the Vermont Conservation Trust.</p> <p>As the manager of Hoek van de Berg Contract Nature Reserve we have developed a detailed invasive plant management plan - which list the clearing of the gum trees around the wetland as a key priority. Already the extensive clearing above the R43 and below the R43 has seen a the water table and the wetland system has increase on the reserve over the last two years. With the planned roll out of our invasive clearing strategy the wetland on Erf 1486 will also increase this has to be taken into account. We are opposed to any further development on Erf 1486 as it will affect the wetland system.</p> <p>It must also be noted that In June of 2017 the natural vegetation of Erf 1486 was illegally cleared - see images below as well as the e-mail</p>	-

				<p>thread - this has to be taken into account when the looking at the state of thew current wetland system.</p> <p>Regards, Michael Raimondo</p> <p><i>Begin forwarded message:</i></p> <p>From: "Duncan Heard" <duncanheard@telkomsa.net> Subject: RE: ERF1486 Vermont, c/o R43 and Lynx Avenue Date: 21 June 2017 at 11:23:42 CAT To: "'Penelope Aplon'" <pmichaels@overstrand.gov.za> Cc: "'Henk Olivier'" <holivier@overstrand.gov.za>, "'Liezl Bezuidenhout'" <lbezuidenhout@overstrand.gov.za>, "'Arabel McClelland'" <Arabel.McClelland@westerncape.gov.za>, "'Mike Weekes'" <mikew@hermanus.co.za>, "Paul Pfister " <paulmpfister@yahoo.com>, <rob fryer.wcc@gmail.com>, "Anita & Warwick Taylor" <anita.vermont@gmail.com>, "Michael Raimondo" <michael@greenrenaissance.co.za>, "'Michelle Naylor "' <michelle@lornay.co.za>, "'Johan Myburgh'" <myburghs@sonicmail.co.za>, "Frans Jordaan" <pjordan@telkomsa.net>, "'Calle Badenhorst'" <calleb@redsproperties.co.za>, "Jan Roodbol" <info@onthevermont.co.za>, "Heila Taylor" <heila.taylor2@gmail.com>, "CRAIG SAUNDERS" <babyjumbo@mweb.co.za></p> <p>Hi Penelope Thank you for your actions so far. The Vermont community has for many years tried our very best to ensure that the feeder wetlands that flow towards the Vermont Salt Pan as well as the remnant surrounding endangered Hangklip Sandstone Fynbos and associated wetland vegetation is disturbed as little as possible and sought every opportunity to promote restoration of the area. The Overstrand Municipality has also assisted with scientific studies and prevented private landowners in this sensitive area from implementing inappropriate development (including the previous owner of Erf 1486). It is absolutely unbelievable that the new owner buys into our area, in a very sensitive part of the Vermont Salt Pan Wetland System, and merely starts clearing indigenous bush without finding out about the environmental legislation requirements. Moreover, this</p>
--	--	--	--	---

					<p><i>happens in an area which has been identified as an Environmental Focus Area (Overstrand Municipal Environmental Management Framework) and with pending Environmental Management Overlay Zoning as an Urban Conservation-worthy area by the municipality.</i></p> <p><i>What happens now. I look forward to being informed on behalf of the Vermont community in this regard.</i></p> <p><i>Duncan Heard</i> <i>Vermont Conservation Trust & Vermont Ratepayers and Environmental Association</i> <i>12 Sepia Avenue, Vermont, Onrusrivier. 7201. SOUTH AFRICA</i> <i>Tel: +27(0) 28 316 3386 Cell: +27(0) 82 495 3943 Fax: +27(0) 86513 4462 Email: duncanheard@telkomsa.net <image001.gif></i></p> <p><i>“We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect.” Aldo Leopold, A Sand County Almanac</i></p> <p><i>From: Penelope Aplon [mailto:pmichaels@overstrand.gov.za]</i> <i>Sent: Wednesday, 21 June 2017 10:07 AM</i> <i>To: robfryer.wcc@gmail.com</i> <i>Cc: Henk Olivier <holivier@overstrand.gov.za>; Liezl Bezuidenhout <lbezuidenhout@overstrand.gov.za>; Duncan Heard <duncanheard@telkomsa.net>; Arabel McClelland <Arabel.McClelland@westerncape.gov.za></i></p> <p><i>Subject: Re: ERF1486 Vermont</i></p> <p><i>Good morning,</i></p> <p><i>The property was purchased by Craig Saunders. He was unaware of the fact there was a public open space between Erf 1486 and the Hugo development. I have spoken to Mr Saunders this morning and he indicated that he will not enclose this section. A building plan application is not required for this type of fence but I have requested that the building inspector goes out on site to ensure that the fence does not exceed the height restriction of 2.1 metres. The reason for the fence is to prevent illegal access to his property.</i></p> <p><i>He has not been in contact with the municipality regarding his plans for this site, but has indicated that he will liaise with us on return from his business trip. Kind regards, Penelope</i></p> <p><i>Penelope Aplon</i> <i>Environmental Officer</i> <i>Overstrand Municipality</i></p>	
--	--	--	--	--	--	--

					<p>Tel: 028 316 3724 ext:8272 Cell: 072 394 9841 Fax: 028 316 4953 e-mail: paplon@overstrand.gov.za <i>"When we tug at a single thing in nature, we find it attached to the rest of the world."</i> - John Muir <image002.jpg> Overstrand Municipality A: 1 Magnolia Street, Hermanus, 7200 P: P.O Box 20, Hermanus, 7200 T: +27 (0) 28 313 8000 F: +27 (0) 28 312 1894 E: enquiries@overstrand.gov.za W: www.overstrand.gov.za Vision Statement: "To be a centre of excellence for the community" Disclaimer: This e-mail (including attachments) is subject to the disclaimer published at: http://www.overstrand.gov.za. Please read the disclaimer before opening any attachment or taking any other action in terms of this e-mail. By replying to this e-mail or opening any attachment you agree to be bound by the provisions of the disclaimer. Please consider the environment before printing this correspondence.</p> <p>>>> Rob Fryer <robfrayer.wcc@gmail.com> 2017/06/21 09:53 AM >>> Dear Penelope Please intervene in the clearing and fencing of erf 1486, on the corner of the R43 and Lynx Avenue. I'm concerned that this is a sensitive wetland that needs rehabilitation and that careful oversight needs to be given to whatever the new owner is planning to do. The fencing that is being erected incorporates public open space and needs to be constrained to the cadastral boundary. Please let me have feedback on what the forward plan is for this property. Warm regards Rob -- Please take note that all material attached is copyrighted by the Whale Coast Conservation and is subject to removal request at the discretion of WCC if we deem it offending or controversial in any way.</p>	
Barbara Kahn	-	-	-	barbara3420@gmail.com	Email dated 24/04/2023 Dear Michelle ,	-

					<p>I wish to oppose this proposed development which would impact heavily on the wetlands and destroy this sensitive and important area for wildlife and the environment.</p> <p>Thank you Barbara Kahn (Ms)</p>	
Pat Miller On behalf of Whale Coast Conservation	Whale Coast Conservation	-	-	<p>patmiller@telkomsa.net</p> <p>wcc.greenhouse@gmail.com</p>	<p>Email dated 25/04/2023</p> <p>Dear Ms Naylor</p> <p>BASIC ASSESSMENT PROCESS AND REPORT: PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 1486, VERMONT</p> <p>Elephant Ventures Africa proposes to create residential erven in order to construct a housing development on Erf 1486 in Vermont, Hermanus. In support of this application Lornay Environmental Consulting was appointed as the Environmental Assessment Practitioner (EAP) and has prepared a Basic Assessment Report (BAR). This document, together with various supporting documentation, was circulated to registered Interested and Affected Parties (I&APs) as required by the Public Participation Process (PPP) of the Environmental Impact Assessment (EIA) regulations.</p> <p>Whale Coast Conservation (WCC) is such an I&AP. WCC is familiar with the site in question and hereby submits its comments on the BAR for consideration.</p> <p>1. Proposed subdivision</p> <p>As part of the bundle of documentation circulated to I&APs, the Folder APP B SDP contains the file Development Proposal Alternative 2 pref, which is a site plan drawn up on 14 March 2019 of the preferred proposed subdivision of Erf 1468. The areas of the various erven differ from those given in Point 4.4 in the BAR, although the total is the same. According to the version in the BAR, the divisions result in the following proportions:</p> <p>Single residential: 5091m2 34% Town housing: 1699m2 11% Private road: 2926m2 20% Private open space: 5362m2 35% (i.e. wetland area)</p> <p>The site plan also indicates the positioning of the various divisions on the site. Page 13 Item 6 (Protocols) of the BAR states that "Only very</p>	-

					<p>limited areas on the property will be developed, open space retained.” This is not true - 65% is to be developed, and only 35% retained. Strangely, Item 4.5 on page 12 of the BAR states that internal access is mostly in place. A gravel road goes from the building to skirt the north east quadrant, giving access from Lynx Road, but this is not included in the site plan.</p> <p>In numerous places the erf is described as being “located within the built-up residential suburb of Vermont”. This is misleading, as it is at the furthest north-west corner of Vermont, adjacent to a nature reserve.</p> <p>The site is also described as being “largely transformed and impacted” which is also not true; a derelict building is on the northern boundary from which the gravel road referred to above gives access.</p> <p>1.1 Generation of alternatives and selection of preferred alternative</p> <p>It is noted that two design proposals were generated on the same date, namely 14 March 2019. The first merely divides the erf more-or-less evenly in a grid pattern into twelve portions with an access road, which would patently fail any environmental scrutiny. On Page 23 of the BAR, Alternative 2 is stated as having been designed “with the wetland system in consideration” and providing an “opportunity to rehabilitate the wetland and provide long term management as well as facilitate connection with the surrounding freshwater ecosystems.” On the negative side, it will impact “a small area of delineated seasonal/temporary wetland area.”</p> <p>This is untrue. Although the proposal places the planned housing around the wetland, this is because of the legislation protecting wetlands. The proposal gives no indication of any rehabilitation or management plans other than that they will be drawn up, nor of how it is planned to connect it with the larger wetland system of which it is a part. The impact on the (incorrectly – see below) delineated wetland will be much greater than is stated.</p> <p>In this regard it must be borne in mind that the predicted influence of climate change will be stronger storms, which will markedly increase runoff from the Onrus mountains and thus the area of the seasonal wetland. However, the BAR’s treatment of this vital context of our environmental future (page 36) is cursory. It states merely that “The preferred alternative is set away from the delineated permanent wetland on site.”</p> <p>All 12 of the residential stands are within the area of the seasonal/temporary wetland as defined in the Freshwater Screening Study (see below) to a greater or lesser extent (two in totality and a</p>	
--	--	--	--	--	---	--

					<p>further two by at least half).</p> <p>2. Wetland area delineation</p> <p>Crucial to any consideration of this proposal is an accurate assessment of the extent of the wetland on Erf 1486, as wetlands enjoy legislative protection.</p> <p>2.1 Freshwater Screening Study (FSS)</p> <p>EnviroSwift prepared a Freshwater Screening Study (FSS) of Erf 1486 for Lornay Consulting in 2018. It refers to a 2006 study by Job and Ratcliff commissioned by the Overstrand Municipality (OM) that delineated wetland conditions known to exist on the erf and notes that this study is outdated and that wetland boundaries “do vary however with time”. It does not mention however that wetland boundaries are also affected, sometimes profoundly, by surrounding environmental conditions.</p> <p>2.1.1 Study area delimitation and implications</p> <p>The study area of the FSS was restricted to “the extent of Erf 1486”, which has serious consequences for the accurate delineation of the wetland, as Erf 1486 is bordered “to the west by the Hoek van der (sic) Berg Private Nature Reserve”. Inexplicably, it does not mention that this extensive piece of land was heavily infested up to this border by alien invasive vegetation (AIV), in particular large, mature eucalyptus trees, the extent of which is clearly shown on Figure 1 of the FSS. The owners of this reserve have recently commenced a large-scale programme of clearing all AIV on the property. This will have a profound effect on the extent of the wetland on the erf, particularly once the reserve’s western boundary is cleared. It should also be noted that the planned wetland rehabilitation on the Paradise Park land to the south-east, which is part of the greater wetland system (see below) will further increase the size of the wetland on Erf 1468.</p> <p>A mature eucalypt tree is estimated to consume between 200 and 1000 litres of water per day and dense infestations can reduce streamflow between 300 and 500mm. Although these are “broad brush” figures, it is clear that even at the lower estimates, the consequences for this wetland system of removing the AIV from the adjacent property to the erf will be profound. The wetland’s boundaries within Erf 1468 on the single day in 2018 when the site visit was undertaken are thus very likely to be understated into the future. Ignoring this is a fatal flaw in the study.</p> <p>2.1.2 Greater wetland system</p> <p>The study further states that “the wetland within the erf is part of a</p>	
--	--	--	--	--	--	--

					<p>1.4km long wetland system that originates within the study area and ends at the Vermont Pan.” No reason is given for the assertion that the wetland originates in the erf. The wetland is indeed part of a larger wetland system, originating not in Erf 1468 but in the vicinity of the Paddavlei marsh in Hawston much further to the west. There is anecdotal evidence that seasonal overflows from Paddavlei formed a river that disappeared underground, surfacing at times in various areas to the east of Hawston, depending on weather conditions.</p> <p>A 2020 report by Greenheart projects notes that Paddavlei’s open water area had been reduced by some 75% over the past years, in large part due to the unmanaged spread of AIV in (mainly) Hoek van die Berg.</p> <p>Figures 2 and 3 show this clearly, with the western area of the “depression” abutting the boundary between the erf and the neighbouring reserve and the depression carrying water despite the effect of the AIVs that are present.</p> <p>2.1.3 Definition of study area component parts</p> <p>With regard to the wetland’s component areas, the FSS states on page 5 that “a depression has been excavated towards the centre of the study area”, presumably because of the presence of an overflow pipe (see Figure 2) that runs under Lynx Road and discharges into the eastern wetland areas. However, the presence of the overflow pipe does not necessarily mean that the central area was excavated.</p> <p>References to the deeper part of the wetland are often prefaced with the adjective “excavated”, but no reasoning is given for this. On the contrary, it is stated that the soils sampled “in wetter areas near the depression did not differ markedly from terrestrial soils” and had a higher organic content. This may indicate that the depression is largely natural rather than excavated.</p> <p>Watercourses were identified and delineated using the presence of hydrophytic vegetation and hydromorphic soil features. The study notes that the sandy coastal soils of the Overberg make detection of the latter difficult, but that this notwithstanding, typical wetland soils were present. This would indicate that the wetland has been present for a long time.</p> <p>Stands of <i>Juncus kraussi</i> which grows in saline marshes and <i>Cyperus textilis</i> which grows in marshes and watercourses below 150m were noticed on site and used as “primary indicators of the outer boundary of the wetland”, together with <i>Senecio halimifolius</i>, which grows in coastal sandy soils. As is common in any open area near housing, the AIV <i>Pennisetum clandestinum</i> (kikuyu grass) is rampant. No further</p>	
--	--	--	--	--	---	--

					<p>examination of the vegetation was made.</p> <p>2.1.4 Legislative constraints applicable to study area In its consideration of the legislative constraints that would apply to the study area, the FSS noted that the “no net loss” policy on wetlands of the Department of Water and Sanitation means that any wetland loss must be compensated through an offset scheme, which may well be costly.</p> <p>The study also states that the erf in its entirety is within the 500m boundary around the wetland specified in the National Water Act (NWA) and that the “delineated wetland footprint accounts for more than half” of the erf. A risk assessment must therefore be done, and depending on the assessed risk level (low, medium or high) the water use must be approved and regulated. As noted above, this delineated footprint is likely to be understated and - if not currently, certainly in the near future – may well account for much more than half of the erf.</p> <p>In addition, the National Environmental Management Act (NEMA) requires that the impact of any disturbance above a certain volume within 32m of a watercourse must be assessed through an Environmental Authorisation. As the entire erf falls well within this boundary (see Figure 18) this will have to be done. Again, this applies even to the area delineated in the study, which is clearly an under-representation of the true extent of the wetland.</p> <p>The National Water Act requires that risks to water courses are considered in an area defined by the 100-year floodline but this was not done as they are not available. It also requires that risks to wetlands are considered in an area of 500m around the wetland (Figure 7). This indicates two drainage systems from the north; it should be noted that these are only two of many in the vicinity flowing down the Onrus mountains. In this regard as previously noted, climate change predictions are for more frequent and heavy storms which will in turn increase runoff from these mountains.</p> <p>2.1.5 Study area vegetation types The FSS also notes that with regard to the study area (i.e. the erf) “the Wetland Vegetation type is Southwest Sand Fynbos, within which Channelled Valley-bottom wetland types are listed as Critically Endangered.”</p> <p>Figure 8 also indicates an aquatic Ecological Support Area needing rehabilitation, which covers practically the entire erf as do others in the area that form an easterly patchwork ending in the Vermont Pan. The patchwork also indicates that the erf is surrounded and bounded on the</p>	
--	--	--	--	--	---	--

					<p>north, west and east by critical biodiversity support areas (1 and 2), ecological support areas (1 and 2) and a protected area (the nature reserve). Building a housing estate on this ground cannot fail to severely compromise the ecological functioning of these.</p> <p>Again, Figures 7 and 8 illustrating these ecological areas show clearly that the area to the west will also form part of this larger wetland system; it is inexplicable that the implications of this were not mentioned, let alone given the serious consideration it demands. 2.1.6 FSS conclusions</p> <p>The FSS concludes that despite the extensive disturbance that has taken place on Erf 1486 it is clear that it contains a natural wetland that forms part of a larger wetland system. The size of this wetland means that an EA must be done as well as a freshwater risk assessment – however, this conclusion was dismissed out of hand during the Site Sensitivity study (see below). Factors that would influence the risk rating would include the location of the development within the erf and the detailed design of any buildings. An offset scheme may also be required which could involve considerable financial outlay.</p> <p>The BAR states (page 22) that the preferred alternative (2) is “guided by (the delineation of) the seasonal and permanent wetland edges...shaped around these areas and take freshwater sensitivities into consideration...The wetland area will be rehabilitated and managed in perpetuity” and “encourages re-establishing the link between the Vermont Salt Pan and Paddavlei at the Botrivier.”</p> <p>In this regard it should be noted:</p> <ul style="list-style-type: none"> • The delineation of the wetland is likely to be considerably understated • The link referred to contradicts the FSS, which asserts that the wetland originates on the erf in question. <p>There is indeed anecdotal evidence of a link between the wetland on the erf and Paddavlei – but Paddavlei is in Hawston and nowhere near the Botrivier.</p> <p>WCC contends that the FSS – and thus the BAR - is fatally flawed, as the extent of the wetland cannot be defined by only considering the indicators present on the single day of inspection within the boundaries of the erf in question.</p> <p>Constant and current removal of the extensive infestation of AIV on the neighbouring property means that the</p>	
--	--	--	--	--	---	--

					<p>wetland will inevitably expand and very probably by a considerable amount. The entire erf may well be underwater.</p> <p>This is a natural wetland and part of a larger wetland system. Any development of the type contemplated (i.e. single residential and group housing) would require extensive and invasive drainage that will fall foul of the various applicable legislation. It will also constitute unacceptable interference in a protected natural system.</p> <p>3. Applicable legislation, policies and protocols</p> <p>With regard to protocols, a nod is given to the presence of the wetland with the statement that the design incorporates a “central open space which will allow for movement of flora and fauna” There is no corridor provision, despite the assurance given in Section 4.4. on page 17. The corridor shown will be under housing.</p> <p>It is also stated that the “development will be outside of the permanent wetland on site and the development will allow for the rehabilitation and management of the wetland”. As described above, the delineation of the wetland is inaccurate.</p> <p>Again, it is stated that the “site is highly transformed”, which is not true. No plant species assessment was done.</p> <p>Assurances are given in Section 4.1 that the proposal will result in “environmentally aware development”(and the) “management of the remainder for conservation”. This is untrue. The proposal will severely impact an important wetland and nullify its ecological function within a larger wetland system.</p> <p>With regard to policies, the BAR stresses the leisure, lifestyle, tourism and economic focus of OM under the Western Cape Provincial Spatial Development Framework (PSDF). The only mention of the environment is in the context of tourism. “This proposal entails a harmonious integration of the natural and built environments and illustrates the (sic) critical role in the further development of the tourism industry in the rural area”. Rural areas are stressed throughout the treatment of the OM SDF; however, the confusion is cleared when the BAR states that “The subject property is located within the popular Hemel and Aarde Valley” This is a clear cut and paste from another proposal -</p>	
--	--	--	--	--	---	--

					<p>which happens to be the wrong one.</p> <p>With regard to legislation, the National Water Act (NWA) is not considered to be applicable, which contradicts the FSS. Indeed, none of the legislative implications stated in the FSS are accepted. The National Environmental Management Biodiversity Act (NEM:BA) is also not considered to be applicable despite the area being within a number of Critical Biodiversity Areas (CBAs).</p> <p>4. Impact on the wider environment</p> <p>As noted, the erf is at the furthestmost north-eastern corner of the suburb of Vermont. The Vermont Pan is a drawcard for birders and a popular site for residents. The Pan is the furthest point to the east of the larger wetland system of which the wetland on the erf in question forms part. The Pan is also beset by environmental problems caused in the main by unregulated and insensitive development that has affected water flows and impacted on the habitat provided by the Pan for numerous bird and animal species. This proposal will compound these problems.</p> <p>In this regard it must be borne in mind that the predicted influence of climate change will be stronger storms, which will markedly increase runoff from the Onrus mountains and thus the area of the seasonal wetland. However, the BAR's treatment of this vital context of our environmental future (page 36) is extremely cursory. It states merely that "The preferred alternative is set away from the delineated permanent wetland on site."</p> <p>5. Biodiversity</p> <p>The comment is made on page 16 of the BAR that "vegetation within the study area was extensively disturbed", despite the fact that no vegetation study was done. Item 4.1 on page 20 states that specialist studies were "not applicable (as) the site is disturbed and highly transformed from a terrestrial perspective".</p> <p>An endangered orchid (<i>Disa halackii</i>) that had never before been seen in the area, was discovered a few years ago on an erf in the near vicinity, which displayed similar levels of disturbance. To assume that disturbed vegetation does not harbour valuable indigenous species, displays either ignorance, irresponsibility, or bias (or all three). The</p>	
--	--	--	--	--	---	--

					<p>motivation for the property on page 21 reiterates that “the site is also highly disturbed”, stating that it is owned by the applicant and will meet market demands.</p> <p>6. Required specialist studies: Site Sensitivity Verification Report (SSVR) This report notes that as required by the legislation, a screening tool report was generated, which recommended a number of specialist studies that should be undertaken. Of the eight recommended, the tool rated two as being high impact, namely Terrestrial, and Aquatic Biodiversity. The SSVR describes the main activities during the construction phase as “including:</p> <ul style="list-style-type: none"> • Minor construction works for the additions and alterations • Delivery of construction materials • Storage and / or stockpiling of construction materials • Mixing and preparation of construction materials” <p>The work that will be involved even during the subdivision phase can hardly be described as “minor” as roads will be built and the building on site will presumably be demolished and removed to prepare the site for potential purchasers. It is thus not clear what is meant by “for the additions and alterations” – unless this is another cut-and-paste that refers to another site altogether.</p> <p>The desktop analysis (page 8) states that “there are no watercourses in the vicinity of the development area”. This is untrue – see above under Wetland Delineation.</p> <p>It also states that “according to desktop mapping, the site is characterised by Hangklip Sand Fynbos, however the development area is completely transformed and is not characterised by any indigenous vegetation.” Again, this is untrue. The FSS was able to identify and use the presence of indigenous plants in its detection of wetland conditions. As stated previously, an endangered orchid was identified on an erf in the near vicinity. No local expertise (such as the respected Hermanus Botanical Society) was consulted regarding vegetation on the site or in the area.</p> <p>The report states that “a site visit was conducted several times between 2018 and 2023”, but does not give dates, nor who conducted these. The conclusion to the report refers to “a site visit” by the EAP. Figure 1 is dated</p>	
--	--	--	--	--	---	--

					<p>November 28, 2022. Photo 1 is not dated.</p> <p>The report states that with regard to the predicted high terrestrial impact (page 9) that “The proposed development takes place on one of the last remaining open erven in Vermont and is in line with surrounding development. The layout has made provision to create a central open space which will allow for movement of fauna and flora.” This is a completely inadequate assessment of the potential impact.</p> <p>The report responds to the predicted high Aquatic Biodiversity impact with the statement that “Wetland delineation has been undertaken, development will be outside of the permanent wetland on site and the development will allow for the rehabilitation and management of the wetland. Mitigation measures have been recommended by the wetland specialist.” Again, this is a totally inadequate assessment of the potential impact that contradicts the findings of the FSS.</p> <p>Despite the fact that the site is within a number of Critical Biodiversity Areas (CBAs) and is on Endangered Hangklip Sand Fynbos, the identified need for a Plant species assessment is dismissed with the statement “Site is highly transformed.” This indicates either ignorance of the fact that transformed ground has been shown to be harbouring indigenous plant species, some of which may well be rare and endangered, or a reluctance to do the research that might well reveal this on the erf in question.</p> <p>The need for an Animal Species Assessment is dismissed with the statement that the area “is located within the built up area of Vermont (and that) only very limited areas on the property will be developed (and) open space retained.”</p> <p>This is inaccurate and misleading, and indicates that the site visits were not used to gather any information on animal species in the area. Vermont is home to many animal species such as the dwarf chameleon and numerous frog species as well as larger animals. The site is at the farthest north west corner of Vermont and is adjacent to a private nature reserve. As such it can be expected to harbour many animal species. 65% of the site will be developed, which can hardly be described as “very limited areas”, and only 35% retained as open space.</p>	
--	--	--	--	--	---	--

					<p>The glib assessment of the EAP that none of the assessments generated by the screening tool are applicable and that “no further specialist assessment is required to inform the environmental process” is highly suspect.</p> <p>7. Significance ratings and bias in the Basic Assessment Report (BAR) The significance rating (page 33) of the preferred alternative (2) is summarised as low in the planning, design and development phase, and low to medium-low in the operational phase. These assessments are questionable and consistently worded in such a way as to put the proposal in the best possible light. For example, it is stated that “development in close proximity may pose risks to wetland, however, the status quo is far worse”. Development close to a wetland will definitely pose risks to the wetland and these may well be catastrophic.</p> <p>The bias towards the development is clear in the response to the avoidance of the impact, which is stated as “ensure detailed design considers the environment and wetland as far as possible (and) plan for the management of the wetlands on site and include this in the design from the onset.” This qualification is worryingly vague and this management plan should have formed part of the proposal.</p> <p>The bias continues with a rating of High impact for the No Go option. WCC is of the opinion that retaining the status quo is to be preferred to a development proposal based on an inaccurate wetland delineation and a BAR peppered with errors and displaying clear bias. It does not inspire any confidence that the assurances of protection for the wetland will be met.</p> <p>8. Conclusion and recommendations WCC is of the opinion that:</p> <ul style="list-style-type: none"> • The wetland parameters that were defined by EnviroSwift as being those that were observed on the erf on the single day in question when it was investigated in 2018 are not accurate, nor are they reliable. <p>This is a fatal flaw in the proposal. Given the presence of very many large eucalypts on its western boundary that are scheduled in the near future for destruction, this is an irresponsible approach. The wetland will be profoundly influenced and will increase in size</p>	
--	--	--	--	--	--	--

					<p>considerably once these very thirsty trees are removed (which has commenced).</p> <ul style="list-style-type: none"> • To adjust the layout of the proposed housing on the basis of this inadequate definition of the parameters of the wetland is meaningless and renders the entire proposal void. • The identified need for further specialist studies has been dismissed out-of-hand on the most flimsy reasoning. This also applies to the legislation that should have been considered. • The BAR gives the clear impression throughout of being a hastily put-together document that pays only lip service to the environmental assessment process. Apart from the numerous instances of poor spelling and grammar, there are instances of no information being given where it is required and inappropriate to leave the section blank. Many of the responses are merely copied and pasted from other sections. • Contradictory and even incorrect information is given in various places, and at one point the property in question is situated in a different locality entirely. Only cursory attention is given to critical ecological factors. These indicate that this BAR was not given the proper and careful attention it deserves, and may well indicate either incompetence or confidence that approval will be given and that nothing more than a tick-box exercise is required. <p>It also calls into serious question the assurances given that the proposal, if approved, will be managed carefully during the design and construction phases with due regard to the environmental sensitivities of the property in question.</p> <p>It can be posited that this has been done in order to obtain approval, commence construction and then demand that special dispensation be given for draining the wetland to accommodate the construction.</p> <p>In summary, the BAR is a sloppy piece of work containing a worrying number of inaccuracies, misinformation, and instances of bias.</p>	
--	--	--	--	--	---	--

					WCC recommends that the Basic Assessment Report for the proposed housing development on Erf 1486 in Vermont should be rejected in its entirety and that authorisation for this development should not be given. Yours sincerely	
Denis Brandjes and Samantha Hogg-Brandjes	Owner Erf 2319, Vermont	-	-	denis@brandjes.org samantha@ginjaninja.co.za	Email dated 27/04/2023 Greetings Michelle Herewith our submission regarding proposed development of ERF 1486 Hermanus: 1. Properties 1 to 7 lie in the seasonal wetland. This is not acceptable. 2. Assume the thin blue line on the diagram is the 30m floodline. As we understand it, no building within this line. Only erf 3,4,5,6 and 9 fall outside this line. 3. Erf 9 to 13 are below 600sqm in size. This is not acceptable. 4. I failed to see the biodiversity report – as I believe that there is protected aquatic and other life forms dependant on the salt pan water mass. Regards Denis Brandjes & Samantha Hogg-Brandjes Erf 2319 Vermont	-
Samantha Hogg-Brandjes	-	-	-	samantha@ginjaninja.co.za	28/04/2023 Hi Michelle Please note it is not just 'comment' but we are vehemently disputing this proposed project and are 100% against it for the reasons Denis mentioned. Thank you	-
Fabion Smith	BGCMA			fsmith@bgcma.co.za	Email dated 28/04/2023	BGCMA Ref: 4/10/1/G40G/Erf

					<p>LORNAY Environmental Consulting P. O. BOX 1990 HERMANUS 7200 For Attention: M. Lornay Madam, NOTICE OF DRAFT PRE-APPLICATION PUBLIC PARTICIPATION FOR ERF 1486 VERMONT With reference to your email dated 22/03/2023 with letter requesting input by BOCMA via electronic link, the follow-up and resending of documents for assessment dated 24/04/2023, which contained a Freshwater screening by Enviro Swift dated 20/08/2018, a layout plan for the preferred Alternative 2 by Interactive Town and Regional Planning dated 14/03/2019, as well as the BAR Pre-App submission to DEA&DP dated 22/03/2023, herewith the following:</p> <ol style="list-style-type: none"> 1. The Freshwater screening by Enviro Swift does not contain a Risk Matrix. 2. In the absence of a Risk Matrix, the BOCMA cannot provide direction. 3. This is particularly applicable as, after assessing the Pre-App Bar and screening, almost all of the site/study area is within 500m of the regulated area, including the options explained as per preferred Alternative 2. 4. Therefore, it is advised that the Risk Matrix for the proposed development be submitted to BOCMA whereupon concise and precise assessment and feedback could be provided. 5. The BOCMA also note the concern by Cape Nature, as per email dated 24/04/2023. <p>Please be advised that the comment provided is in the interest of responsible water resource management. The BOCMA reserves the right to revise initial comments and request further information based on any additional information that might be received. Please do not hesitate to contact this office if you have any further queries. Please ensure to quote the above reference in doing so. Yours faithfully.</p>	1486 Vermont
--	--	--	--	--	---	--------------

8. COMMENTS RECEIVED DURING DRAFT / PRE-APPLICATION PUBLIC PARTICIPATION



Department of Environmental Affairs and Development Planning
Bernadette Osborne
Directorate: Development Management, Region 1
Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/6/7/1/E2/40/1525/22
DATE: 20 April 2022

Mr Graig Saunders
Elephant Ventures Africa cc
224 Cherrywood Steet
ARABELLA KLEINMOND
7195

Cell: 083 306 3770
E-mail: babyjumbo@mweb.co.za

Dear Sir

COMMENT ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT ("BAR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF NO. 1486 VERMONT, HERMANUS.

1. The electronic copy of the pre-application Draft BAR received by this Department on 22 March 2023 and the acknowledgement thereof issued on 30 March 2023, refer.
2. Following the review of the information submitted to this Department, the following is noted:
 - The proposal entails the establishment of a residential development on Erf No. 1486, Vermont.
 - The proposed residential development will consist of 12 residential erven, private roads, and an open space.
 - The proposed development will have a development footprint of 15078m².
 - The site is mapped to contain Hangklip Sand Fynbos vegetation, which is classified as critically endangered.
 - A wetland is present on the site.
 - The site is zoned Residential Zone 1 and is located inside the urban area of Hermanus.
3. The Department's comment is as follow:
 - 3.1. Lawfulness of the existing buildings
 - 3.1.1. It is noted that existing buildings and a road is located on the proposed site.
 - 3.1.2. The lawfulness of the existing buildings and road must be confirmed prior to the submission of an application for Environmental Authorisation.



3.2. Activity description

3.2.1. Page 23 of the draft BAR indicates that rehabilitation of the wetland will be conducted. However, no details of what this will entail has been included in the activity description.

3.2.2. The activity description must be updated to include details of the above.

3.3. Protocols

3.3.1. As previously indicated, the "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation" ("the Protocols") were published on 20 March 2020 (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) and the Protocols are applicable to your proposed development.

3.3.2. Please note that the criteria for reporting on each of the identified environmental themes, as outlined in the Protocols must be complied with. The reporting requirements for the biodiversity theme was not met. The requirements specified in the Protocol for the specialist assessment and minimum report content requirements for environmental impacts on Terrestrial Biodiversity must be complied with. Where the information gathered from the site sensitivity verification differs from the designation of "very high" terrestrial biodiversity sensitivity in the screening tool and it is found to be of a "low" sensitivity, then a Terrestrial Biodiversity Compliance Statement must be submitted.

3.3.3. The Freshwater Report is inadequate and does not meet the requirements of the Protocols. The ecological status, the ecological importance and sensitivity of each watercourse has not been described in the Freshwater Report. Furthermore, the report does not include an assessment of the impacts on the watercourses as a result of the proposed development.

3.3.4. A Freshwater Impact Assessment Report that meets the requirements of the Protocols must be included in the BAR.

3.4. Confirmation is required whether there is peat present in the watercourse and whether peat will be removed as a result of the proposed development. This must be confirmed by the aquatic specialist and included in the BAR. If peat will be removed the relevant activity must be applied for and assessed.

3.5. Impacts

3.5.1. The proposed development will result in the loss of critically endangered vegetation. However, the loss of critically endangered vegetation has not been identified and assessed in the draft BAR.

3.5.2. The BAR must be updated to include and assessment of the above.

3.6. Section E, point 4.1. to 4.3. has not been adequately addressed. These sections must be amended to include detailed answers.

- 3.7. Please be advised Heritage Western Cape ("HWC") must confirm whether a Landscape/Visual, Archaeological, Paleontological and Cultural Heritage Impact Assessment is required. Comment from HWC must be included in the BAR.
- 3.8. Page 12 of the draft BAR indicates that the National Water Act is not applicable to the proposed development. However, wetlands are located on the proposed site. This section must be corrected.

Furthermore, a comment from the relevant water authority must be included in the BAR. In terms of the Agreement for the One Environmental System (section 50A of the NEMA and sections 41(5) and 163A of the NWA) the processes for a WULA and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regulations, 2014 (as amended), as well as the 2017 WULA Regulations.
- 3.9. It is noted that the landowner details have not been included in the NOI or the BAR. Please be advised if the applicant/proponent is not the landowner, landowner consent will be required to be submitted together with the application for environmental authorisation.
- 3.10. Since Activity 19 of Listing Notice 1 is triggered, and future maintenance related work may be required, the Department recommends that a Maintenance Management Plan ("MMP") forms a component of the Environmental Management Programme ("EMPr"). Should the Department agree to the proposed MMP, future maintenance work specified within the MMP would not require an Environmental Authorisation prior to the undertaking thereof.
- 3.11. Comment from CapeNature must be obtained and included in the BAR.
- 3.12. Written confirmation must be obtained from the Overstrand Municipality that they have sufficient, spare, unallocated capacity for potable water supply, effluent management, waste management and electrical supply for the proposed development.
- 3.13. The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the BAR e.g a cut-out of the newspaper article and photos of the site notices.
- 3.14. You are reminded that a summary of the issues raised by Interested and Affected Parties ("I&APs") must be included and addressed in a comments and response report. As well as an indication of the manner in which the issues were incorporated, or the reasons for not including them.
- 3.15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014. Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.

- 3.16. Omission of any required information in terms of Appendices 1 and 4 of the EIA Regulations 2014, with regards to the final submission of the BAR and EMP, respectively to the Department, may result in the application for Environmental Authorisation being refused.
- 3.17. Be advised that a electronically signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.
- 3.18. In addition to the above, please ensure that the electronically signed and dated Environmental Assessment Practitioner ("EAP") declaration is also submitted with the final BAR for decision-making.
4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
6. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

Melanes Schippers
Digitally signed by
Melanes Schippers
Date: 2023.04.20
15:54:48 +02'00'

**pp HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Ms Michelle Naylor (Lornay Environmental Consulting)
(2) Ms Penelope Aplon (Overstrand Municipality)

E-mail: michelle@lornay.co.za
E-mail: paplon@overstrand.gov.za



OBSERVATION INTELLIGENCE
postal 16 17th Avenue, Voëlkop, Hermanus, 7200
physical 16 17th Avenue, Voëlkop, Hermanus, 7200
website www.capenature.co.za
enquiries Rhett Smart
telephone 087 087 8017
email rsmart@capenature.co.za
reference LS14/2/16/1/7/2/1486_residential_Vermont
date 24 April 2023

Lornay Environmental Consulting
P.O. Box 1990
Hermanus
7200

Attention: Michelle Naylor
By email: michelle@lornay.co.za

Dear Michelle

Pre-Application Basic Assessment Report for the Proposed Residential Development on Erf 1486, Vermont, Hermanus

CapeNature would like to thank you for the opportunity to comment on the application and would like 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 subject property mainly consists of Ecological Support Area 2 (ESA) according to the Western Cape Biodiversity Spatial Plan apart from the northern and southern ends. The natural vegetation occurring on the site is Hangklip Sand Fynbos, listed as critically endangered (previously endangered). According to the National Wetland Mapping for the 2018 National Biodiversity Assessment (NBA) there are no wetlands mapped for the site, however in the National Freshwater Ecosystem Priority Area (NFEPA) wetland mapping, most of the property was mapped as a channelled valley bottom wetland.

A freshwater screening study was undertaken which included delineation of the wetland on site according to standard Department of Water and Sanitation methodology. A permanent wetland was delineated associated with historical excavations surrounded by a seasonal wetland. The full extent of the delineated wetland is only slightly less than the extent of the wetland delineated according to NFEPA. CapeNature has attended a site visit on two separate occasions (with the freshwater ecologist and land use scientists respectively) and there was confirmation that there is a wetland present on the site. The methodology for the delineation of the wetland undertaken in the freshwater screening study is supported, however we wish to note that the fieldwork was undertaken during a drought period. We wish to note that we have reported the absence of a wetland mapped for the property in the NBA to SANBI.

The results from the web-based screening tool are presented which indicate very high sensitivity for aquatic biodiversity and terrestrial biodiversity and high sensitivity for plant species and animal species. A site sensitivity verification report has been provided motivating the specialist studies undertaken in relation to the screening tool. No terrestrial biodiversity assessment has been undertaken in relation to the very high sensitivity and in this regard it is

The Western Cape Nature Conservation Board trading as CapeNature
Board Members: Associate Prof Derwin Hendricks (Chairperson), Prof Gavin Marevaldt (Vice Chairperson), Ms Marguente Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Reddinghuis, Mr Paul Slack

motivated that the proposed development is in line with the surrounding development. This motivation is not accepted as this does not relate to biodiversity. With regards to the plant species, it is motivated that the site is highly transformed and for the animal species that open space will be retained.

It should be noted that the property directly to the south east, namely Erf 1492 contained a viable population of an endangered plant species when a botanical study was undertaken for a Basic Assessment process in 2015. The freshwater screening study indicates that Erf 1486 is highly disturbed and historical Google Earth imagery indicates disturbance to the site in the 2002 imagery. However, in accordance with the procedures for the assessment and minimum criteria for reporting on identified environmental themes, we recommend that a minimum of a compliance statement is undertaken to address the terrestrial biodiversity and plant species themes due to the presence of natural vegetation and threatened species localities nearby and the ratings from the screening tool. The animal species theme can be addressed in the terrestrial and aquatic biodiversity reports.

The freshwater screening study functions as a freshwater constraints analysis in order to inform the design of the development proposal. Two development layout alternatives were developed of which Alternative 1 consists of residential erven across the entire site and Alternative 2 which has open space for the permanent wetland and a small buffer area and residential erven for the remainder of the site. Alternative 2 is an improvement on Alternative 1, however a number of erven still encroach within the delineated seasonal wetland. Neither of the two alternatives are considered acceptable based on the information available.

In accordance with the procedures for the assessment and minimum criteria for reporting on identified environmental themes, a freshwater ecology impact assessment must be undertaken following on from the freshwater screening study in order to assess the impact of the development proposal. The proposal should be further refined in order to avoid the delineated wetland and respond to the recommendations of the freshwater specialist. No details are provided regarding the proposed service provision for the development, which needs to be considered in terms of the impacts on biodiversity. Inadequate sewage provision in particular can impact on freshwater ecology. The road network also needs to be considered with regards to water flow. The mitigation hierarchy must be applied when considering mitigation measures.

It is noted that Basic Assessment Report (BAR) indicates that the National Water Act is not applicable to the proposed development. The development is however proposed within a watercourse and therefore would require authorisation in terms of the National Water Act based on our interpretation (wetlands fall within the definition of a watercourse according to the National Water Act). In this regard, it must be ensured that the synchronisation of the NEMA and National Water Act processes takes place as referred to in point 11 of the generic text on page 3 of the BAR.

In conclusion CapeNature does not support the application as currently proposed. It must be ensured that the development proposal responds to the environmental constraints identified in the specialist studies and a freshwater impact assessment and terrestrial biodiversity and plant species compliance statement should be undertaken in accordance with the screening tool. CapeNature will provide further comment once a revised development proposal is presented along with the required specialist studies.

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

Yours sincerely



Rhett Smart

For: Manager (Landscape Conservation Intelligence)

cc. Jeanne Gouws, CapeNature
Fabion Smith, Breede Gouritz Catchment Management Agency

The Western Cape Nature Conservation Board trading as **CapeNature**
Board Members: Associate Prof Derrick Hendricks (Chairperson), Prof Gavin Merzeveldt (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn
Burton, Dr Colin Johnson, Prof Aubrey Reddinghosa, Mr Paul Slack



BREED-OLIFANTS
CATCHMENT MANAGEMENT AGENCY

Cnr Mountain Mill & East Lake Road, Worcester 6850, Private Bag X3055 Worcester 6849

Our Reference no: 4/10/1/G40G/ErF 1486 Vermont

Date: 22 March 2023

LORNAY Environmental Consulting
P. O. BOX 1990
HERMANUS
7200

For Attention: M. Lornay

Madam,

NOTICE OF DRAFT PRE-APPLICATION PUBLIC PARTICIPATION FOR ERF 1486 VERMONT

With reference to your email dated 22/03/2023 with letter requesting input by BOCMA via electronic link, the follow-up and resending of documents for assessment dated 24/04/2023, which contained a Freshwater screening by Enviro Swift dated 20/08/2018, a layout plan for the preferred Alternative 2 by Interactive Town and Regional Planning dated 14/03/2019, as well as the BAR Pre-App submission to DEA&DP dated 22/03/2023, herewith the following:

1. The Freshwater screening by Enviro Swift does not contain a Risk Matrix.
2. In the absence of a Risk Matrix, the BOCMA cannot provide direction.
3. This is particularly applicable as, after assessing the Pre-App Bar and screening, almost all of the site/study area is within 500m of the regulated area, including the options explained as per preferred Alternative 2.
4. Therefore, it is advised that the Risk Matrix for the proposed development be submitted to BOCMA whereupon concise and precise assessment and feedback could be provided.
5. The BOCMA also note the concern by Cape Nature, as per email dated 24/04/2023.

Please be advised that the comment provided is in the interest of responsible water resource management. The BOCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.

Please do not hesitate to contact this office if you have any further queries.

Please ensure to quote the above reference in doing so.

Yours faithfully,

JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)



Hermanus Botanical Society Established in 1960

Hermanus Botaniese Vereniging Gestig in 1960

PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 1486 IN VERMONT

Hermanus Botanical Society Comment on the Basic Assessment Report (BAR)

This comment is submitted as part of the public participation process required in terms of the Environmental Assessment Process regulations with reference to the following:

Proposal: Single Residential Erven

Location: Erf 1486 Vermont

Applicant: Elephant Ventures Africa cc

Environmental Consultant: Lornay Environmental Consulting

Hermanus Botanical Society has the following comments on the BAR pertaining in particular to the preferred Development Proposal Alternative 2.

Absence of Plant Species Assessment

Page 20 of the BAR section 4: Biodiversity, refers. With reference to the conduct of specialist studies, it is recorded that this was 'Not Applicable'. "The site is disturbed and highly transformed from a terrestrial perspective". On page 8 of the Site Verification Report under Desktop Analysis, it is stated "____the development area is completely transformed and is not characterised by any indigenous vegetation". This can only be established by conducting a Plant Species Assessment as identified on page 10 of the Screening Tool Report. Without this assessment the characteristics of the indigenous flora cannot be established and the possible existence of rare or endangered species, cannot be ruled out. It should be noted that a new species *Disa halackii* was identified on an erf in close proximity to this site a few years ago.

In conclusion, absence of a Plant Species Assessment as part of the BAR is considered to be a serious omission.

Seasonal/temporary Wetland areas

The site plan for the preferred development proposal 2 refers to 12 residential units consisting of 7 single residential units and 5 townhouse units. The permanent wetland area is surrounded by 'private open space'. The construction of all residential erven will overlap with 'seasonal/temporary wetland' areas as indicated on the site plan. Erven 1 and 8 appear to overlap 100% with the seasonal wetland, erven 2 and 7 have extensive overlap and erven 3, 4, 5, and 6 have minor overlap.

Postnet Suite/Postnet Eenheid 167 | Private Bag/Privaatsak X16 | Hermanus, 7200 | 028 313 0819 | 086 544 6305

bots@hermanus@gmail.com | www.fernkloof.org.za | http://herbsnewsletter.wordpress.com | hermanusbotanicalsociety

PBD No./Nr. 930031981

It is very likely that the margins of the wetland areas on this site will extend beyond the margins currently identified on the site plan. There are two reasons for this. Firstly, the neighbouring private nature reserve, Hoek van die Berg, on the western boundary of the site, has a large infestation of Eucalyptus trees which are in the process of being cleared. These trees are well known as thirsty trees absorbing large quantities of water. With the removal of these trees on the neighbouring property there is likely to be considerable increase in water runoff into the wetland system. Secondly, one of the predicted consequences of climate change is an increase in the strength of storm systems which will result in increased runoff of rainwater from the mountains surrounding Qorus and Vermont. The permanent wetland area is very likely to expand into the areas currently indicated as seasonal.

This does not appear to have been adequately anticipated or dealt with in the BAR. The only mitigation mentioned is rainwater harvesting schemes to reduce intensity of increased runoff (pg 36 2) but there is no indication that this will be sufficient given the environmental context of the site, as indicated above. The consequences for the erven to be constructed on the seasonal wetland areas could be very serious.

Management of the Wetland

The long term development and management of the wetland as a positive consequence of the implementation of the preferred development proposal 2, is referred to in a number of places in the BAR. No details are given of the proposed plan for managing the wetland or who will be responsible for this so there is no way of determining its' likely effectiveness. On page 32 as an indication of the 'Consequence of impact or Risk' it is stated "Development in close proximity to wetland may pose risks to the wetland, however the status quo is much worse. Opportunity for rehabilitation".

There is no explanation of what is meant by this statement, what the status quo represents or how the rehabilitation is to be undertaken.

Conclusion

It is the opinion of the Hermanus Botanical Society that the points raised are serious limitations to the BAR and should be addressed before the EIA is accepted. We also wish to indicate that we are in support of the comments submitted by Whale Coast Conservation

Mary Ann Verster
Chairperson Hermanus Botanical Society

Postnet Suite/Posnet Eenheid 167 | Private Bag/Privaatsak X16 | Hermanus, 7200 | 028 313 0819 | 086 544 6305
botsochermanus@talkomsa.net | www.fernkloof.org.za | http://herbnewsletters.wordpress.com | hermanusbotanicalsociety

PBC No./Nr. 9300031891

9. ADDITIONAL ROUND OF PUBLIC PARTICIPATION

An additional out of process, pre-application public participation is underway.

Following on this, the final round of in process public participation will be completed.

10. REGISTERED INTERESTED AND AFFECTED PARTIES

JA Hugo	Chairman - Lynx Sands Home Owners Association & Resident	hugofam@whalemail.co.za
Peter Hodgskin	Private	peterhodgskin@gmail.com
Margaret Stanway	Private	stanway.margaret@gmail.com
Petro Steere	Owner Erf 1498 and 1495 Vermont	petro.steere@ymail.com
Denis Brandjes		denis@brandjes.org
Giogio Lombardi		vogelgat@gmail.com giorgiolombardisa@gmail.com
Mary Ann Verster	Hermanus Botanical Society Chairperson	maver@mweb.co.za
Paul Pfister		paulmpfister@yahoo.com
Duncan Heard	Vermont Ratepayers and environmental Association Vermont Conservation Trust	duncanheard@telkomsa.net
Michael Raimondo	UVA Properties Hoek van Der Berg	michael@greenrenaissance.co.za
Barbara Kahn		barbara3420@gmail.com
Pat Miller	Whale Coast Conservation	patmiller@telkomsa.net
On behalf of Whale Coast Conservation		wcc.greenhouse@gmail.com
Samantha Hogg-Brandjes		samantha@ginjaninja.co.za
Fabion Smith	BOCMA	fsmith@bocma.co.za
DEA&DP Land Management use Bernadette Osborne	DEA&DP	Bernadette.Osborne@westerncape.gov.za
Cape Nature Rhett Smart	Rhett Smart	rsmart@capenature.co.za

11. NOTICE OF FINAL PUBLIC PARTICIPATION

To be added

12. PROOF OF NOTICE OF FINAL ROUND OF PPP

To be added

13. COMMENTS RECEIVED DURING THE FINAL ROUND OF PUBLIC PARTICIPATION

To be added

*Please see section 7 above for final Comments and Response Report and Register for I&APS