

PROOF OF PUBLIC PARTICIPATION

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

September 2025

Consultant:

Michelle Naylor | Env. Consultant | M.Sc., Pr. Sci. Nat., EAPASA
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

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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).

Three rounds of public participation have been undertaken to date:

Out of process

PPP 1 – 22/03/2023 to 24/04/2023

PPP 2 – 17/05/2024 to 18/06/2024

In-process

PPP 3 – 20/06/2025 to 23/07/2025

A fourth and final round of PPP was undertaken.

PUBLIC PARTICIPATION 1

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 identified and 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 6850 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 first round of public participation was undertaken from 22 March 2023 to 24 April 2023.

The list of possible 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 for the project.

See written notice below:



22 March 2023

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

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

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
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

(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 hectares 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

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:

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., 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

Michelle Naylor

From: Michelle Naylor <michelle@lornay.co.za>
Sent: Wednesday, 22 March 2023 13:38
To: 'jvanheerden@privateclient.co.za'; 'tlrissik@iafrica.com'
Cc: 'duncanheard@telkomsa.net'; 'robfrayer.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



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E michelle@lornay.co.za | W www.lornay.co.za
PO Box 1990, Hermanus, 7200, South Africa
Reg No. 2015/445417/07

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 comments made by the I&AP, as well as formal response by the Environmental Assessment Practitioner (EAP).



COMMENTS AND RESPONSE REPORT			
PROJECT: 1486 Vermont			
DRAFT BAR / PRE-APPLICATION			
NAME:	COMMENT:	RESPONSE:	DATE & REF:
JA Hugo	Email dated 22/03/2023 Good Afternoon Michelle, Please forward the relevant documents referred to in your email icw Proposed Residential Development, Erf 1486 Vermont. Kind Regards JA Hugo	Information sent No further action required	-
Peter Hodgskin	Email dated 30/03/2023 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 peter hodgskin HERMANUS 0799022565	Info sent Reg as I&AP No further action required	30/03/2023

Margaret Stanway	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	Information and documents sent No further action required	-
Petro Steere	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	Registered as I&AP No further action required	-
Petro Steere	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	1. Comment regarding seasonal wetland is noted – the next Alternative – 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, 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	Email dated 11/04/2023 Greetings Michelle Please send me new link to attached docs – the wetransfer link below has expired. Thanks	Information sent No further action required	-

	Denis Brandjes		
Giorgio Lombardi	12/04/2023 Dear Michelle Could you kindly send me the above report to this address. kind regards Giorgio Lombardi Diploma Nature Conservation Master of Science (Rhodes) 0828645297	Information sent No further action required	-
Mary Ann Verster Hermanus Botanical Society	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, 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. 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. 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.	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 another alternative, with a reduced number of erven, shifted away from sensitive areas on site. 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. This is noted. 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. Amended in the document	
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	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	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	
Paul Pfister	Email dated 23/04/2023 Good day Michelle Naylor I recently received your notification, dated 22 March, from a neighbour and accordingly wish to register as an Interested and Affected Party. Sincerely Paul Pfister	Noted. No further action required.	
Bernadette Osbourne	Email dated 20/04/2023 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

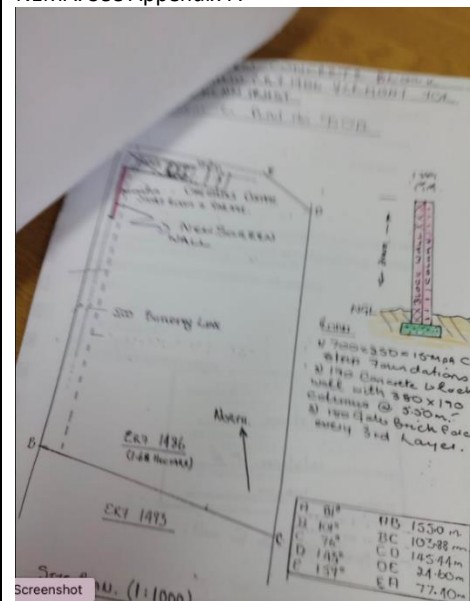
3.1.1. It is noted that existing buildings and a road is located on the proposed site.

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

The appointed Town Planning consulting on the project investigated the matter at the Overstrand Municipal offices and found that building plans for the existing store were approved in 1994. An amendment to the approved plan was submitted in 2002, to add a Single layer screening wall. The building was therefore construction pre NEMA and the screening wall did not trigger any listed activities in terms of NEMA. See Appendix F.



The residential development will be gated and managed

	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.	through a Homeowners Association. The Freshwater specialist will provide information relating to the rehabilitation and long-term management of the site. These sections are now amended. 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. The Aquatic Biodiversity Impact Assessment Report indicated that peat is not present on the site. A full Botanical Impact Assessment has been undertaken, the impact assessment findings have resulted in the evolution of the new preferred alternative. Noted. The BAR is amended	
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	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	3.7. Confirmation from Heritage Western Cape has been received and no further heritage assessment is required. See Appendix F. 3.8. Amended accordingly, NWA is applicable and the Risk Matrix has been completed along with the Freshwater Impact Assessment. BOCMA has provided comment – see below Included MMP compiled Included below 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 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	
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	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 EMPr, 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	Noted and included Duration of construction – five years Frequency of Audit report – quarterly Noted Noted Noted Noted Noted	
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	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.	Noted	
Rhett Smart Cape Nature	Email dated 24/04/2023 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	A Full Wetland / Aquatic Impact Assessment has been undertaken and further refines the preferred alternative.	LS14/2/6/1/7/2/1486_residential_Vermont

	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. 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	A Full Aquatic Impact Assessment as well as a Botanical Impact Assessment has been undertaken and has informed the evolution of the layout. A full Botanical Impact Assessment has been undertaken. A Freshwater Impact Assessment has been undertaken and has resulted in the evolution the alternative The new preferred alternative removes the access road which cut the link of the wetland between the Lynx Avenue and Erf 1486. 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	
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	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.	National Water Act.	
Duncan Heard Vermont Ratepayers assoc	Email dated 24/04/2023 Good Day Michelle Thank you for the opportunity to comment on the Pre-Application Basic Assessment Report (BAR) for the proposed residential development on Erf 1486 Vermont. 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). The responsibility must be placed on the HoA to ensure that the conditions of the EA are implemented during the operational phase, and that: • 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	Noted These recommendations have been added to the Basic Assessment Report and EMP	

	wetland. 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.. Kind regards 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		
Giorgio Lombardi	Email dated 24/04/2023 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 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. Comments Wetlands are regarded as the most threatened ecosystem type in South Africa and therefore should be given the correct protection. 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. 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. In conclusion 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. An Animal Species Assessment is dismissed. This shows the lack of integrity of the process. A site assessment must be carried out. Therefore, this BAR for the proposed housing development on Erf 1486 should be	A Freshwater Impact Assessment as well as a Botanical Impact Assessment have been undertaken and have resulted in the evolution of a new layout. 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. A new preferred layout alternative has evolved in line with specialist impact assessment findings. Completed as part of Freshwater Impact Assessment.	
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	rejected in its entirety and authorisation for this development be rejected. 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.		
Dr Pat Miller Tel: (028) 313-0093 Cell: 082 374-9729 Whale Coast Conservation's	Whale Coast Conservation's comment is attached for your attention; kindly acknowledge receipt. Thank you Pat Miller 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 24 April 2023 Dear Ms Naylor BASIC ASSESSMENT PROCESS AND REPORT: PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 1486, VERMONT 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. 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. 1. Proposed subdivision		

	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: <table><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> 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. 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. 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. 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. 1.1 Generation of alternatives and selection of preferred alternative 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.” 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. In this regard it must be borne in mind that the predicted influence of climate change	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)	The new layout has evolved. 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 sess 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.	
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)													

	to be understated into the future. Ignoring this is a fatal flaw in the study. 2.1.2 Greater wetland system 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.” 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. 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. 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. 2.1.3 Definition of study area component parts 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. 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. 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. 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. 2.1.4 Legislative constraints applicable to study area In its consideration of the legislative constraints that would apply to the study area,	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.	
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	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. 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. 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. 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. 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.” 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. 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.	A full Freshwater Impact Assessment has been undertaken in line with both the NEMA and NWA requirements. A Botanical Impact Assessment and a Freshwater Impact Assessment have been undertaken and have resulted in the evolution of the new preferred alternative. 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.	
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	2.1.6 FSS conclusions 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. 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.” In this regard it should be noted: • 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. 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. 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. 3. Applicable legislation, policies and protocols 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. 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. Again, it is stated that the “site is highly transformed”, which is not true. No plant		
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	species assessment was done. 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. 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 <u>rural</u> 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. 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). 4. Impact on the wider environment 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. 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.” 5. Biodiversity 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		
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	disturbed and highly transformed from a terrestrial perspective”. 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 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. 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: • 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” 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. 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. 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. 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. 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		
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	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. 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. 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. 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. 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. 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 <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. 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	As per the requirements of NEMA and NWA, a full Freshwater Impact Assessment has been undertaken and is	
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	include this in the design from the onset.” This qualification is worryingly vague and this management plan should have formed part of the proposal. 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. 8. Conclusion and recommendations WCC is of the opinion that: • 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	attached in the revised BAR – the findings of this report ahs resulted in the evolution of a new preferred alternative The Botanical and Freshwater Impact Assessments have resulted in the evolution of a next preferred alternative. As above, The BAR has been updated and amended in line with updated specialist input. Noted as above 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	
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	nothing more than a tick-box exercise is required. 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. 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. In summary, the BAR is a sloppy piece of work containing a worrying number of inaccuracies, misinformation, and instances of bias. 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. Yours sincerely	before initiating the in-process applications.	
Ms Barbara Kahn	Email dated 24/04/2023 Dear Michelle , 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. Thank you Barbara Kahn (Ms)	Noted.	
Michael Raimondo	Email dated 24/04/2023 Dear Michelle, 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. 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 role out of our invasive clearing strategy the wetland on Erf 1486 will also increase this has to be taken into	Noted.	

	account. We are opposed to any further development on Erf 1486 as it will affect the wetland system. 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. Regards, Michael Raimondo		
Dennis Brandjes	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	The newly conducted Botanical Impact Assessment and Freshwater Impact Assessment Reports have resulted in the evolution of the preferred alternative.	
Samantha Hogg-Brandjes	Email dated 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	Noted	
Fabion Smith BGCMA	Email dated 28/04/2023 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.	A full Freshwater Impact Assessment and Risk Matrix is now included in the Basic Assessment Report	
IN PROCESS PUBLIC PARTICIPATION 2			
Samantha Hog	Email dated 17 May 2024 Please note I am completely against any such type development of this nature.	Noted.	Date: 17/05/24
Michael Raimondo	Email dated 17 May 2024 Hi Michelle,	Noted. No further actions required.	Date: 17/05/24

	Thanks for the call. Please give me info on the servitude been cancelled. Also - is the urban rule you can't build 2m from the perimeter fence - I know in the rural area where I live it's 30m. Thanks again, Michael		
Rob Crank	Phone call received '17 May 2024 Telephone call received in support of the proposed development on Erf 1486 Vermont	Noted. No further actions required.	Date: 17/05/24
Peter Hodgskin	Email dated 17 May 2024 ta michelle please forward copy of BAR as offered many thanks peter	Information sent, no further actions required.	Date: 17/05/24
Paul Pfister	Email dated 17 May 2024 Your email at 09:13 this am refers. Please note that I am not comfortable with your having distributed my email address publicly. Please rectify this asap.	Noted.	Date: 17/05/24
Marleine Badenhorst	Email dated 20 May 2024 Good day I live at 10 Caracal Close, Erf 1487 Please keep me informed about this development on Erf:1486, as it borders on my back yard. Mrs M BADENHORST 0824733356	Noted. No further actions required.	Date: 20/05/24
Denis Branjes	Email dated 20 May 2024 Greetings Michelle Please provide further documentation regarding this process.	Information sent, no further actions required.	Date: 20/05/25

	Regards Denis Brandjes		
Paul Verhoef and Janice Yvonne Verhoef	Email dated 11 June 2024 Michelle, We, Paul Verhoef I.D. 5612205060087 and Janice Yvonne Verhoef I.D. 5907300047082, hereby wish to register as interested and affected parties in respect of the proposed development of Erf 1486 Vermont. We reside at 4 Caracal Close, Vermont which is adjacent to Erf 1486 and any development there will affect us. Please advise if you require any further information. Kind regards Paul & Janice Verhoef.	Registered as I&AP	Date: 11/06/24
Overberg District Municipality Rulien Volschenk	Email dated 12 June 2024 NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS: PROPOSED RESIDENTIAL DEVELOPMENT, ERF 1486, VERMONT, HERMANUS Reference number: 16/3/3/6/7/1/E2/40/1525/22 The Overberg District Municipality's department of Environmental Management Services takes cognisance of the draft Basic Assessment Report. The Western Cape Biodiversity Spatial Plan, 2017 (WCBSP) categorise the area as: Ecological Support Area (ESA0: Areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of Pas or CBAs and are often vital for delivering ecosystem services. The Overberg District Municipality's Spatial Development framework clearly define Spatial Categories (SPCs) to reflect how the area should be developed spatially to ensure sustainability. These SPCs are linked with the Biodiversity Spatial Plan Categories as defined in the WCBSP. ESAs in terms of the Spatial Planning Categories are classified as Core 2. This	Noted – no further action required	Date: 12/06/24

	classification is defined as areas that are in degraded or secondary condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. These areas should be maintained in a natural or near-natural state with further loss of natural habitat. These areas should be rehabilitated. The current applicant falls within Hangklip Sandstone Fynbos which is listed as Critically Endangered. It is however acknowledged that the proposed development footprint is within the urban edge thus earmarked for development. The ODM therefore support alternative 4 as the preferred layout for the development, this layout promotes the protection of the wetland system within the property boundary and allow for the majority of the erf to remain undisturbed, and therefore maintaining its conservation potential.		
Paul Slabbert PHS Consulting	Email dated 13 June 2024 Attention: Michelle Naylor per e-mail Michelle@lornay.co.za Cc: Michael Raimondo per e-mail michael@reflectionsof.life COMMENT ON RESIDENTIAL DEVELOPMENT APPLICATION – ERF 1486 VERMONT PHS Consulting was appointed by UVA Prop the owners of the Remainder of the Farm Hoek van de Berg no 572 (RE/572) located directly west of the subject erf. We were commissioned to evaluate the development proposal and to provide comment on the proposed development impact on the environment and the impact of the environment on the development. The aim is to achieve a better development outcome for the site and surrounds. Of particular concern is the affected botanical and freshwater resources on and off site and its connectivity with the larger natural system. Botanical The Botanist identified the vegetation on site as Hangklip Sand Fynbos that is gazetted as Critically Endangered (CE). The high ecological sensitive area was mapped as per figure 1 below. We note that the development proposal will result in a loss of CE vegetation which is not desirable. The botanist identified the site as part of an ecological corridor and the risk of reducing the width of this wetland corridor, will clearly have a negative impact on the functioning of this corridor. Most of this is driven by the critical position of the site as the last viable wetland and ecological link between the Hoek van de Berg Nature Reserve and the Vermont Salt Pan. As a result we'd advised that development		Date: 13/06/24

	should only be on the current development footprint and that the rest of the site should be restored as a functional ecological corridor. Wetlands The wetlands on-site and offsite was subjected to various studies in the past. The Freshwater Consulting Group (FCG) conducted a study in August 2006 for the Overstand Municipality whereby the wetland system boundaries and buffers were identified and mapped as per figure 2 below. The study recommended that appropriately vegetated buffers be established to protect the wetlands wherever this is possible. It was recommended that minimum buffer width of 30 m should designate a limit of development, whilst some activities may be allowed within the buffer areas. This report recommended that future development inside the urban edge that is located along the slopes of the mountains should include provisions to ensure a natural delivery of water via natural drainages. This should be supported by specialist investigation, looking at both the impacts within the site as well as the impacts this might have on the identified wetlands in the larger area.	It should be noted that the revised layout design (Alternative 3) specifically excludes development within areas identified as seasonal or temporal wetlands. This adjustment reflects a clear commitment to avoiding ecologically sensitive zones and preserving the site's hydrological functionality. As a result, the portions of the property that fall within these wetland areas have been designated as No-Go areas and are formally included within the undevelopable open space Freshwater specialist response: <i>"The previous studies are noted.</i> <i>It is the specialist's recommendation that the single residential dwellings within the northern subdivided Erven should avoid the delineated wetland as far as possible, as per recommendations in the Aquatic Impact Assessment Report (Delta Ecology, 2023), and implement all listed mitigation measures in the report, including SW management and implementation of a Rehabilitation and Management Plan for the onsite wetland area. Vegetation which needs to be re-planted (if applicable) within each northern Erf (Figure 1) should be planted with indigenous vegetation, which would be considered an adequate buffer during operational phase considering the nature of development (single residential dwellings).</i> <i>The wetland area coinciding with the proposed southern Erven (to be zoned for town housing) (adjacent to current housing along the southern boundary) (Figure 1), will likely encroach on approximately 255 m² of the seasonal wetland area. This is considered acceptable, considering the Rehabilitation, appropriate Management and Protection of the remnant onsite wetland as an Offset, by the Homeowners Association (HoA or similar)."</i> Freshwater Specialist response: <i>"Agreed, future development inside the urban edge that are located along the slopes of the mountains should include provisions to</i>	
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	During 2008 - 2010 a development application was subjected to a Basic Assessment process, but the file was subsequently closed when the application lapsed. The main reason being the development restrictions due to the extent of the wetlands on Erf 1486 as per figure 3 above. The FCG visited the site during 2008 and based on the wetland boundaries on site advised that the site to be unfit for development expansion beyond the current built footprint. Then in September 2012 the FCG produced a wetland report as part of an EIA process for the now approved Hoek van de Berg development on Re/572. As part of the EIA it was confirmed that the back-dune corridor south of the R43 is associated with dispersal of surface and sub-surface flow along the length of the valley floor, either to the north-west, to Paddavlei in Hawston, or in a south-easterly direction, toward the Vermont Pan. The north-eastern corner of the site supports the upper portion of an extensive Juncus cf. krausii valley bottom wetland that extends toward the Vermont Pan. Figure 4 below shows the extent of wetland system considered during the EIA.	<i>ensure a natural delivery of water via natural drainages. In the Delta Ecology Report (2023), the onsite wetland was rated to be of Moderate to Moderately High Functionality / Ecological Importance and Sensitivity (EIS) largely due to the hydrological connection to downstream wetland areas of importance (including the Vermont Salt Pan). The historical wetland vegetation type (Southwest Sand Fynbos) is also Critically Endangered (CR) and therefore the specialist supports the Rehabilitation of the wetland to an improved ecological state.</i> <i>In terms of natural drainages, there is an overflow pipe which crosses beneath Lynx Road and flows into the wetland on the far side, creating a hydrological link between the wetlands within the study Erf, and the greater wetland to the southeast. The Delta Ecology Report (2023) has been updated to recommend that the status quo in terms of hydrological connection to the downstream system must be maintained / should not be impacted as a result of the proposed development.</i> <i>During the specialist assessment, it was determined that given the implementation of the recommended mitigation measures, there should not be any impact on the wetland system downstream, as a result of the proposed development.</i> <i>There may potentially be a slight increase of flow due to the hardened surfaces as a result of the housing development. This is seen to be of "Low "significance" to the onsite wetland, given the implementation of mitigation measures such as implementing rainwater harvesting schemes that may reduce runoff intensity, and mitigate the potential impact of catchment hardening.</i> <i>To ensure the implementation of recommendations in the Aquatic Impact Assessment Report (Delta Ecology, 2023), the report has been updated to specify that an Aquatic Ecologist must be consulted during the design of the onsite Residential Dwellings and Town Housing unit, and an Environmental Control Officer (ECO) should be appointed during the Construction of the Town Housing development in the south."</i>	
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	The origin of the wetland, on the site itself, was heavily infested with alien vegetation, chiefly <i>Acacia saligna</i> and <i>Eucalyptus</i> spp., which has reduced the area of functional wetland due to droughting and shading. Immediately east of RE/572, the wetland has been excavated to the underlying clay layer, and the resulting open waterbody as well as its margins are poorly vegetated. However, remnant vegetation here and other small sedges suggesting a mixed restia / sedge / grass community may have naturally been supported within this portion of the wetland, and this is likely to have extended westwards, into the now invaded seep on RE/572. As part of the 2012 investigation, FCG recommended a groundwater study to provide hydrogeological input regarding the determination of aquifers and groundwater flow, which feed the surface wetlands, and the delineation of sub catchments or watersheds within the site. These were deemed necessary for the identification of appropriate setback areas around the wetlands on site to ensure their protection and to determine potential impacts on groundwater-fed ecosystems associated with the development proposal. The watershed boundaries and direction of sub-surface flows are provided in Figure 5 (from SRK 2012). Important sub-catchments relevant to this case relates to Sub-catchment C1 which feeds the north-eastern wetland. The dune field comprising the southern portion of the sub catchment rises to between 45 and 60 m amsl, some 300 m to the south of the <i>Juncus</i> valley bottom seep. The seep probably emerges at about 30 m amsl, although the true extent will be determined only after alien removal allows the natural extent to re-establish. The seep is fed by a combination of surface and subsurface runoff from the northern rocky mountain slopes and subsurface inputs from the dune field to the south. The next freshwater study was conducted in August 2018 by EnviroSwift whereby only the wetland on erf 1486 was delineated. This study acknowledged the 2006 delineated wetlands by Municipality. It is stated that wetland boundaries do vary with time and the 2006 delineation is outdated particularly considering the recent housing development to the south.” However, it’s not clear how the development in the south changed the wetland on Erf 1486, presumably by the additional stormwater feed. The study delineated the wetlands as per figure 6 below, based on the presence of saturated, high carbon soils and isolated instances of mottling within the upper 500mm of the soil was used in conjunction with the presence of hydrophytic	Freshwater specialist response: <i>“Previous studies and outcomes are noted. Flow on Erf 1486 was noted to be in a south easterly direction during the site assessment (Delta Ecology, 2023), flowing through the outlet beneath Lynx Road.”</i>	
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	vegetation to delineate the outer boundary of temporary zone of the wetland. The excavated depression represented the permanent zone. The EnviroSwift report concluded as follow: Location of the proposed development – - Development within the wetland would most likely result in wetland loss and therefore a high-risk rating which would require a WULA and likely also a wetland offset scheme. - Development immediately adjacent to the wetland would likely result in a medium or high-risk rating which would require a WULA. - Development behind a setback that allows for establishment of a buffer zone would result in a low to medium risk rating which in the former case would require registration of a water use in terms of the General Authorisation, and which in the later case would require a WULA. Detailed design– <i>PHS Consulting</i> - Appropriately designed raft foundations may significantly reduce the impact on subsurface flow and therefore reduce risk. - Rainwater harvesting schemes that may reduce runoff intensity and thereby mitigate the impact of catchment hardening. - Stormwater polishing infrastructure such as artificial wetlands that may mitigate water quality impacts. - The most recent wetland study by Delta Ecology dated November 2023 forms part of the Basic Assessment we are commenting on. Following the aquatic biodiversity screening assessment of the proposed site by Joshua Gericke in August 2018, a natural Unchanneled Valley-Bottom (UVB) wetland was confirmed and delineated onsite (EnviroSwift, 2018). The wetland was confirmed, and an updated delineation was undertaken during a site assessment by Gericke and van Zyl (Delta Ecology, 2023) on the 30th of May 2023. The Delta Ecology report concluded that the proposed layout has gone through various iterations in order to ensure that the layout overlapping with the delineated wetland area is minimal. Ordinarily, wetland loss would fall within the high category, but the limited area of wetland loss and the degraded nature of the wetland has reduced the impact significance. The No-Go option would result in the continuation of impact to the wetland due to adjacent land uses – and would therefore still result in negative impact to the	Freshwater specialist response: “Wetland boundaries may vary with time, and it is noted that the housing development to the south (built 2007 – 2012) may have resulted in additional stormwater input within the Erf 1486. There is a SW outlet located in the southeastern corner of the Erf 1486, which discharges runoff from the southern housing development into the wetland on Erf 1486, as noted in Figure 2 of the EnviroSwift screening study in 2018. This, in combination with varying climate conditions from year to year could account for the slight increase in delineation extent during the 2023 assessment.” Freshwater specialist response: “Delta Ecology (2023) reiterated the results of this screening assessment done by EnviroSwift in 2018. Due to the development within the wetland being of minimal extent (encroachment on approximately 255 - 500 m2 of the seasonal wetland area); the Rating was determined to be of Medium Significance and would require a full WULA and a Wetland Offset, Rehabilitation, and Management Plan.”	
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	wetland onsite. The Moderate risk rating confirms that a Water Use Licence will be required for this project due to the encroachment into the onsite wetland. It is furthermore highlighted that a suitable wetland offset and associated Wetland Offset, Rehabilitation, and Management Plan will be required. It is concluded that the opinion of the specialist that rehabilitating the remnant UVBW onsite will be a feasible and acceptable offset for the proposed development. It is therefore the opinion of the specialist that the proposed development should be approved subject to application of the mitigation measures listed in this report, as well as the implementation of a suitable Wetland Offset, Rehabilitation and Management Plan. Changing circumstance The narrative of the studies conducted since 2006 on and next to erf 1486, clearly stipulate as per highlighted section above that erf 1486 form part of a critical ecological link corridor and that impacts on the larger wetland system must be considered when future development is proposed. It's also clear that surface and sub-surface water flow from the west to the east passes through erf 1486 all forming part of an extensive system. It's also confirmed that the true extent of the wetlands will be determined only after alien removal allows the natural extent to re-establish. It's stated that wetland boundaries do vary with time clearly depicted in the change in delimitation over the years, most probably due to manmade intervention like stormwater additions, further infilling after 2006, run-off from the mountains, floods and alien clearance. What we could not establish as part of the resent studies for the proposed development on erf 1486 is how the wetland boundaries are likely be change in future, therefore water feed through the larger systems as a whole and the important link role of erf 1486 was not considered. Hoek van de Berg Nature Reserve has been the subject of an alien vegetation clearance programme over the years and during the last six months clearance of the	Freshwater specialist response: <i>"The Delta Ecology report (2018) has been updated to specify that an Aquatic Ecologist should be consulted during the design specifications of the Residential Dwellings and Town Housing unit on the site, and an ECO should be appointed during the Construction of the Town Housing development in the south. The stormwater management plan must take into account the recommendations from the aquatic specialist reports, both the EnviroSwift Screening (2018) and the Delta Ecology (2023), specifically relating to the design of SW outlets to minimize erosion and water quality" impairment within the wetland."</i> Freshwater specialist response: <i>"The most recent layout (Figure 1) has been amended to include a larger private open space area (conserved wetland area). The private access road now does not need to cross the wetland, as there will now be two access roads instead of one."</i>	
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	wetland area in the north eastern corner of the nature reserve took place, directly next to the wetland on erf 1486. Based on the Sept 2012 FCG report, the wetland on erf 1486 is fed from C1 as per figure 5 above, therefore the tempo and volumes of water feed need to be considered after alien removal. It's been observed on RE/572 that the water level in the wetland has drastically increased as per photo evidence below, due to the reduction of alien vegetation. The most recent wetland studies haven't considered the increase in wetland run-off and feed from RE/572 to the Vermont Pan due to the current alien clearing efforts. Neither has the additional run-off from the mountains been considered where additional clearing of alien vegetation is taking place and directly north where landowners will be forced to clear aliens. The Sept 2012 FCG study predicted that the true extent of wetlands will be determined only after alien removal allows the natural extent to re-establish. On the RE/572 site the wetland area already expanded as per photo 3, 4 & 5 below. This extend will have a direct impact on the wetland extent on erf 1486 and it's likely the site will become wetter in future. This coupled with climate change and extreme events occurring more frequently, more surface and sub-surface flow will originate from catchment C1. The BAR has not considered the changing circumstances in particular the effect of alien clearance and climate change on the proposed development. The likelihood that the extent of the wetland on erf 1486 will increase over time it's not sensible to have seasonal wetlands on private erven as per the proposal. Considering these erven are private individual owners will resort to all sorts of interventions to drain or infill erven as per the current case. We would advise that all private erven be located outside of seasonal wetlands to avoid development impacts on the ecosystem. Climate change is real and more water will flow through the system from west to east with erf 1486 fulfilling the role of a critical link. We therefore recommend that a geohydrological/hydrological/hydropedology study in conjunction with a stormwater master plan be conducted to inform the freshwater impact assessment in order to understand what the impacts of the increase in surface and subsurface water flow will have on the system and in specific the	Freshwater Specialist response: <i>"The comment is acknowledged, and it is recommended that changes in the wetland boundary should be monitored by the HoA. The recommendation to monitor the potential expansion in the onsite wetland boundary over time will be included in the Wetland Management Plan. However, as per the above comment, the change in flow regime to the wetland due to the proposed development will be minimal, and can be adequately mitigated. The scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present state of the onsite wetland to be potentially impacted by the proposed development, and the impacts of the proposed development. Assessing activities, and the potential impacts thereof, undertaken on adjacent land was not the scope or aim of the Aquatic Impact Assessment Report (Delta Ecology, 2023)."</i> Freshwater specialist response: <i>"The specialist agrees that there is potential need for a hydrological assessment to determine the impact of clearing AIS on Hoek van de Berg Nature Reserve on the downstream wetland system.</i> <i>It is questioned whether the entity undertaking the AIPS clearing is not responsible for assessing potential impacts that may occur as a result of the clearing, such as increased flow to downstream land. There are many landowners downstream that could be affected if increased flow does occur, not only the property immediately downstream."</i> Freshwater specialist response: <i>"The comment is acknowledged, and it is recommended that changes in the</i>	
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	wetland on erf 1486. A development alternative should be presented and assessed as part of the process that avoid the CE vegetation and the seasonal wetland areas completely. With the alien clearance extent, the wetland on RE/572 has enlarged up to the fence with the R 43 and erf 1486. The red area in photo 3 below depicts the wetland shape as per recent observation. The building on erf 1486 in picture was elevated when originally constructed in order to be raised out of the wetland, infilling on the site took place over the years to allow for drier disturbed areas and the alien vegetation has increased resulting in much	<i>wetland boundary should be monitored by the HoA. The recommendation to monitor the potential expansion in the onsite wetland boundary over time will be included in the Wetland Management Plan."</i> Freshwater specialist response: <i>"However, the scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present state of the onsite wetland determined to be At-Risk of the proposed development, and subsequently the potential impacts of the proposed development on this wetland.</i> <i>The Delta Ecology (2023) report's scope does not include assessing the potential impact of climate change, adjacent changes in land use, or any other potential catchment transformation that may occur in the future; and how (if applicable) the boundary of the wetland will change as a result of such changes. The report has been updated to include this exclusion in the Limitation Section 1.2. of the report (Delta Ecology, 2023)."</i> Freshwater Specialist response: <i>"The comment is acknowledged, and changes in the wetland boundary should be monitored. The recommendation to monitor the potential expansion in the onsite wetland boundary over time will be included in the Wetland Management Plan. It is recommended that the HoA ensures that no private landowners' resort to interventions to drain or infill the remnant UVBW. The designs for houses on the residential Erven should take cognisance of the wetland's sensitivity and this should be enforced by the HoA through the Wetland Management Plan. The Delta Ecology (2023) report has been updated as necessary to include this mitigation measure."</i> Freshwater Specialist response: <i>A SWMP is recommended. However, it is the specialist's opinion that the proposed development will not have a substantial impact on the hydrology or interflow dynamics of the onsite wetland and</i>	
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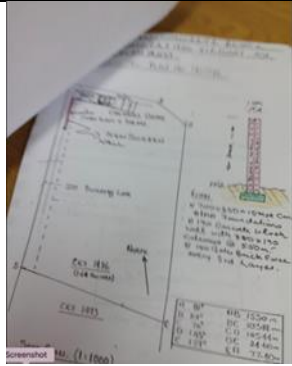
	“drier” and less wetland conditions in up to the alien clearance started on RE/572. However now with the alien vegetation removal of approx. 20 ha and climate change predictions the wetlands will increase and it’s highly likely that Erf 1486 will be more inundated with water. UVA Prop therefore don’t support the development in its current format until the required additional studies are conducted, avoidance of the CE vegetation and seasonal wetlands entirely should be the preferred mitigating measure before offsets are considered, due to the flood risks. We recommend that an alternative be assessed where total avoidance is applied. Further note that UVA Prop can’t be held liable for any additional water flow towards the east due to the conservation efforts that can result in flooding or water inundation of the proposed development on erf 1486 Vermont. The owners of RE/572 and PHS Consulting should be registered as I&AP’s please. We reserve the right to provide further comments.	<i>downstream system given the implementation of mitigation measures.</i> <i>The Delta Ecology (2023) report’s scope does not include assessing the potential impact of climate change, adjacent changes in land use, or any other potential catchment transformation that may occur in the future; and how the onsite wetland’s surface and subsurface water flow may change as a result thereof. The report has been updated to include this exclusion in the Limitation Section 1.2. of the report (Delta Ecology, 2023).</i> <i>The scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present state of the onsite wetland determined to be At-Risk of the proposed development, and subsequently the potential impacts of the proposed development on this wetland. There may potentially be a slight increase of flow due to the hardened surfaces as a result of the housing development. This is seen to be of “Low “significance” to the onsite wetland, given the implementation of mitigation measures such as implementing rainwater harvesting schemes that may reduce runoff intensity, and mitigate the potential impact of catchment hardening.</i> <i>To ensure the implementation of recommendations in the Aquatic Impact Assessment Report (Delta Ecology, 2023), the report has been updated to specify that an Aquatic Ecologist must be consulted during the design of the onsite Residential Dwellings and Town Housing unit, and an Environmental Control Officer (ECO) should be appointed during the Construction of the Town Housing development in the south.</i> Freshwater specialist response: <i>“The scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present delineation and state of the onsite wetland determined to be At-Risk of the proposed development, and subsequently the potential impacts of the proposed development on this wetland.</i> <i>The Delta Ecology (2023) report’s scope does not include assessing the potential impact of climate change, adjacent changes in land use, or any other potential catchment</i>	
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		<i>transformation that may occur in the future; and how the onsite wetland's surface and subsurface water flow may change as a result thereof. The report has been updated to include this exclusion in the Limitation Section 1.2. of the report (Delta Ecology, 2023)."</i> Noted.	
Paul Pfister	Email dated 14 June 2024 Good day Michele Lornay With reference to your email of 17 May 2024 regarding the Basic Assessment Process of the above I provide the following concerns for your information and attention : On 12 March as a previously registered party I questioned whether there had been any progress regarding the development, but no response was received. Therefore on 23 April I indicated my concern that I received information from a relatively new neighbour to which you thankfully responded by re-entering my name to the "interested/affected" party list. MY CONCERNS AND RECOMMENDATIONS The "activities" referred to do not indicate the intentions of the proposed developer regarding the dwellings, outbuildings, entrance and exit routes et etcetera. Given the following I consider that there should be no additional development other than that of the existing foot print: Consideration should be given to the fact that since the development application by the previous owner, the wetland area has extended substantially; Any additional dwellings other than that of the above existing foot print, if approved, should thus be elevated with raft foundations; It is also essential that any development and Environmental Authorization (EA) of the proposed nature should form part of a Home-owner's Association (HOA) or Sectional Title constitution. In this way the significance of the wetland and the conservation	Noted. The description states that the proposed development is the establishment of residential development which will include the single residential dwellings and town housing. Noted.	Date: 14/06/24

	thereof would be maintained; Such body e.g. HOA must also be held responsible for the control of domestic pets to ensure the safety of wild animals in the wetland area, in particular; and The HOA constitution should make provision for a maintenance plan to be monitored by the respective portfolio managers in accordance with the EA. Sincerely Paul Pfister		
Denis Brandjes & Samantha Hogg-Brandjes	Email dated 17 June 2024 RE: Comment on Development of Erf 1486, Vermont As the owners of an adjacent property, we were registered as an I&AP and submitted the following in April 2023: • Properties 1 to 7 are situated in the seasonal wetland, which is deemed unacceptable. • Concerns are raised regarding buildings within the 30m floodline, with only erf 3, 4, 5, 6, and 9 falling outside this line. • Erven 9 to 13 are below 600sqm in size, which is considered unacceptable. • Request for the inclusion of a biodiversity report, highlighting potential protected aquatic life forms dependent on the salt pan water mass. We thank you for addressing some of these concerns in the PRE-APPLICATION BASIC ASSESSMENT REPORT of May 2024 – specifically the bio-diversity report. Our concerns relate specifically to the wetland, and the fact that the wetland on RE/572 through to erf 1486 has and is enlarging, notably since the initial reports of March 2023 and site inspections of mid-2023. In fact, the floods of late 2023 saw the Seasonal Wetland floodline extend to within meters of erven 2317, 2318 & 2319, and was apparent for some time after the floods. This relates specifically to your proposed development of Erf 7,8 & 9 of 'APP B3 Development Proposal Alternative Four Final Preferred'. If developed, these erven will severely impact and be impacted by the enlarging wetland. Kind Regards	• The final preferred layout (Alternative 3) was specifically designed to avoid development within the permanent wetland area and to minimize intrusion into the seasonal/temporary wetland zones. While portions of Erven 7, 8, and 9 are located near the edge of the mapped seasonal wetland, development within these	Date: 14/06/24

	Denis Brandjes & Samantha Hogg-Brandjes Erf 2319 Vermont	erven will be strictly confined to areas outside the delineated wetland boundary. Furthermore, these wetland-edge zones have been designated as no-go areas, meaning they will not be disturbed during construction or occupied by any built infrastructure. In addition, a Wetland Offset and Rehabilitation Management Plan has been developed to guide mitigation efforts, which includes the restoration of degraded wetland areas and measures to ensure long-term protection of the wetland's ecological function and connectivity, including with the Vermont Salt Pan. Furthermore, a Stormwater Management Plan has been compiled and will be implemented to ensure that post-development runoff is appropriately managed. This plan is designed to mimic the natural hydrological regime, attenuate stormwater flow, and prevent any adverse impacts on the adjacent wetland areas, particularly during extreme rainfall events. The plan aligns with the principles of Low Impact Development (LID) and includes mitigation measures such as placement of Permeable Paving System as well as Enhanced swales, and controlled discharge points to protect downstream watercourses and the Vermont Salt Pan.	
Bernadette Osborne DEADP	Email dated 18 June 2024 COMMENT ON THE REVISED 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 revised pre-application Draft BAR received by this Department on 17 May 2024 and the acknowledgement thereof issued on 22 May 2024, 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.		16/3/3/6/7/1/E2/40/1525/2 2

	• The proposed residential development will consist of 9 residential erven, private roads, and an open space. • The proposed development will have a development footprint of 15069m². • 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 and road 3.1.1. The BAR indicates that planning approval was granted for the existing buildings. However, it is still unclear whether the buildings and the road are lawful in terms of the EIA Regulations. 3.1.2. Confirmation is required as to when the buildings and road were developed on the site. Furthermore, the width and length of the road and as well as the use and footprint of the existing buildings must be confirmed. Confirmation is also required whether the buildings were developed within or within 32m of a watercourse. 3.1.3. The above must be clarified prior to the submission of the application for environmental authorisation. 3.2 According to the available mapping resources, the replacement of the sewer pipe in Kolgans Street is located within a wetland. Clarity must be provided whether the replacement of the pipeline will also trigger Activity 19 of Listing Notice 1. If so, the Freshwater Impact Assessment must be updated to include an assessment of the	The appointed Town Planning consulting on the project investigated the matter at the Overstrand Municipal offices and found that building plans for the existing store were approved in 1994. An amendment to the approved plan was submitted in 2002, to add a Single layer screening wall. The building was therefore construction pre NEMA and the screening wall did not trigger any listed activities in terms of NEMA. See Appendix F.	
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	impacts associated with the sewer pipeline. 3.3 It is noted that the activity description does not include details of the width and length of the private roads. The applicability of Activity 24 of Listing Notice 1 and/or Activity 4 of Listing Notice 3 must be confirmed and the activity description must be updated to include the details of the road. 3.4 Co-ordinates of pipelines and road • The start, middle and end co-ordinates for the roads must be included in the report. • The start, middle and end co-ordinates for each pipeline must be included in the report. 3.5 Written confirmation from the Overstrand Municipality is required that sufficient, spare, unallocated capacity is available for potable water supply, effluent management, waste management and electrical supply for the proposed development. 3.6 It is noted that a new preferred layout alternative is proposed based on the findings of the specialists. Three layout alternatives and the no-go alternative is therefore considered. The preferred layout alternative should therefore be included as Layout Alternative 3. 3.7 Confirmation from the Department of Water and Sanitation ("DWS") / Breede-Olifants Catchment Management Agency ("BOCMA") must be obtained as to whether a general authorisation or a water use license application in terms of the National Water Act, 1998 (Act No. 36 of 1998) is required. Comment must also be obtained from BOCMA regarding the development within and within 32m of a watercourse. 3.8 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	 Refer to Section E.10 of the BAR. An aquatic Biodiversity Impact Assessment was updated. The proposed development includes two private roads of approximately 180m and 75m length , each with a width of 8 metres (inclusive of the road reserve), situated entirely within an urban area.	
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	Authorisation prior to the undertaking thereof. 3.9 It is noted that CapeNature was not in support of the proposed development. However, the layout has been revised taking the comment from I&AP's and the specialists into consideration. Comment must be obtained from CapeNature regarding the revised layout. 3.10 The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014. 3.11 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. 3.12 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. 3.13 Be advised that an 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. 3.14 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.	GLS Report is attached. Noted. Noted. An MMP is incorporated into the EMP. Cape Nature's comment is attached herein.	
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	5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. 6. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.		
Penelope Aplon Overstrand Municipality	Email dated 18 June 2024 PROPOSED RESIDENTIAL DEVELOPMENT: ERF 1486 VERMONT, HERMANUS The Environmental Management Section thanks you for the opportunity to provide comments on above mentioned application, please receive the following comments: Site lay-out: The proposed site layout Alternative 4 is supported as it enables the least disturbance to the delineated wetland footprint on the development site. This design also facilitates the creation of a private open space, which is larger than the development area. Mitigation: It is recommended that the mitigation measures proposed in the Aquatic Biodiversity Impact Assessment, table 10 -2 Summary of impact/risk assessment results (with mitigation), should be implemented. The demarcation of the wetland as a “no-go” area during the construction phase is supported. Appointment of Environmental Control Officer (ECO): If an EA is issued, the developer must inform the Environmental Management Section regarding the appointment of the onsite ECO, as per the Construction EMP and Operational EMP. Wetland rehabilitation plan: The applicant should give an indication of when a rehabilitation plan will be drawn up and implemented. Search & Rescue operations: It is advised that the expertise of WCC be drawn upon for the search and rescue of chameleons on site. This organization has experience in assisting with search & rescue operations on properties which will be developed. This office reserves the right to revise these comments based on the availability of new information.	Noted. Noted. The wetland Offset, rehabilitation and management plan was compiled and is attached. Noted. Search and Rescue will be undertaken onsite prior to	Date: 18/06/24

		construction and this mitigation is included as a condition of authorisation	
Rhett Smart Cape Nature	Letter dated 18 June 2024 Draft 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. Context CapeNature was not in support of the preferred development layout presented in the Pre-Application Basic Assessment Report as it encroached upon the seasonal wetland on site. Additional specialist studies were recommended to inform the application. The results from the screening tool indicate a very high sensitivity for terrestrial biodiversity and aquatic biodiversity and high sensitivity for plant species and animal species. Following on from the freshwater screening study undertaken during the pre-application phase, a terrestrial biodiversity impact assessment and aquatic biodiversity impact assessment have been undertaken. The plant species theme is addressed in the terrestrial biodiversity assessment and the animal species theme is briefly addressed in the same study. Aquatic Biodiversity Impact Assessment The delineation of the wetland in the freshwater screening study was undertaken in August 2018, which as noted by CapeNature was during a drought period, even if seasonally optimal. The wetland delineation has been revised in the aquatic biodiversity impact assessment with a slightly larger extent of wetland delineated, in particular along the western boundary of the site. No explanation is however provided for the change in the delineation of the extent of the wetland between the screening study and the impact assessment. The updated delineation was undertaken in May 2023 which is at the start of the wet season and hence not seasonally optimal, however it was not within a drought as previously. With regards to the above it is important to note that extensive alien clearing has	Freshwater specialist response: “Wetland boundaries may vary with time, and it is noted that the housing development to the south (built 2007 – 2012) may have resulted in additional stormwater input within the Erf 1486. There is a SW outlet located in the southeastern corner of the Erf 1486, which discharges runoff from the southern housing development into the wetland on Erf 1486, as noted in Figure 2 of the EnviroSwift screening study in 2018. This, in combination with varying climate conditions from year to year could account for the slight increase in delineation extent during the 2023 assessment.”	

	taken place on the adjacent property to the west, Whale Coast Nature Reserve (previously Hoek van de Berg Nature Reserve), with dense, tall infestations of gum (<i>Eucalyptus sp.</i>) trees removed. Gum trees in particular are known to use much higher volumes of water than indigenous fynbos, and therefore it is likely that the increased wetland extent is as a result of the alien clearing undertaken to date. Research has shown that up to 2 ML/ha (2 million litres per hectare) of water per year can potentially be saved through clearing of gum invasions (Dzikiti <i>et al</i> 2015). There is historical evidence that the wetland system originating at Vermont Pan historically extended to the Bot River Estuary. Further clarification is therefore required regarding the revised wetland delineation and should take into account the likely wetland extent once alien clearing on adjacent properties is complete. Two layout alternatives were presented in the pre-application phase and although the preferred alternative included an open space area to accommodate the wetland, the proposed erven still encroached substantially into the wetland and therefore was not supported. The access road also traversed the full wetland extent. A revised layout has been developed which encroaches less into the wetland however there are still minor infringements, taking into account the revised delineation. The revised layout also reduces the impacts on habitat loss and flow hinderance as a result of the access roads. Several impacts associated with the proposed development were identified in the aquatic biodiversity impact assessment for which the impact significance was identified as low-medium negative or less except for the loss of wetland habitat for which the impact was rated as medium negative. No mitigation measures were identified for this impact. We wish to note the following with regards to the Environmental Management Programme: • Construction must take place in summer as far as possible.	Freshwater specialist response: <i>“The Delta Ecology (2023) report’s scope does not include assessing the potential impact of climate change, adjacent changes in land use, or any other potential catchment transformation that may occur in the future; and how the boundary of the wetland will change as a result of such, should this occur. The report has been updated to include this exclusion in the Limitation Section 1.2. of the report.</i> <i>The scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present delineation and state of the onsite wetland determined to be At-Risk of the proposed development, and subsequently the potential impacts of the proposed development on this wetland.”</i> Freshwater specialist response: <i>“The Delta Ecology (2023) report’s scope does not include assessing the potential impact of climate change, adjacent changes in land use, or any other potential catchment transformation that may occur in the future; and how the boundary of the wetland will change as a result of such, should this occur. The report has been updated to include this exclusion in the Limitation Section 1.2. of the report.</i> <i>The scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present delineation and state of the onsite wetland determined to be At-Risk of the proposed development, and subsequently the potential impacts of the proposed development on this wetland.”</i> Freshwater specialist response: “Comment is noted, and the aquatic specialist report will be updated to include additional mitigation measures.”	
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	• Water drainage off-site must not be permitted during the construction phase • No killing of fauna is supported however should add that snakes should be removed by an accredited snake handler. • No open fires should be permitted on site and no fires of any type during red and orange risk days. The Fire Protection Association can be contacted to alert when there are red and orange risk days. • Drip trays must be provided for vehicles in case of fuel leaks. No petrochemicals or other hazardous waste may be permitted to enter the wetland. Contaminated soils must be disposed of at a hazardous waste landfill. • The permanent and seasonal wetland must be a no-go area during construction. • No smoking should be permitted. • Should any buildings encroach into wetlands appropriate foundations or stilts should be used. Wetland Offset The application must be considered in the context of the best practice guideline for wetland offsets (Mcfarlane et al 2016). As with terrestrial biodiversity offsets, the mitigation hierarchy is a core concept for wetland offsets, hence the investigation of reducing impacts should follow the hierarchy of avoid, minimize, mitigate/rehabilitate and only then should a wetland offset be considered to offset the residual impact. A key principle specific to wetland offsets is “No Net Loss”, whereby the loss of wetlands will require a wetland offset to achieve no net loss. Wetland offsets can be implemented as a result of either an authorisation process in terms of the National Water Act or the National Environmental Management Act (NEMA). In most cases in the Western Cape to date, wetland offsets have been implemented as a requirement for an authorisation in terms of the National Water Act, however it also needs to be considered in the NEMA authorisation as mitigation for impacts on wetlands. The wetland offset best practice guideline does not in itself have any status in terms of legislation, however the national biodiversity offset guideline was gazetted in June 2023 as a NEMA Section 24J guideline. The national biodiversity offset guideline specifically references the wetland best practice guideline for further detail regarding wetland offsets and hence provides for legal grounds for the guideline and many of the key principles are shared for both biodiversity offsets and wetland offsets. Where the residual impact is medium negative or higher a biodiversity offset is required in terms of the national biodiversity offset guideline. Therefore, taking both guidelines into account the encroachment into the wetlands requires the implementation of a wetland offset.	Freshwater specialist response: <i>“Comment is noted. Should there be encroachment into the seasonal wetland area as a result of the development, the specialist recommends a Wetland Offset, Rehabilitation and Management Plan.”</i>	
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	However, prior to investigating an offset, the mitigation hierarchy must be further interrogated. In this regard, further investigation is required of full avoidance of both the permanent and seasonal/ephemeral wetland for the residential erven. It would appear to be possible to reduce the size of the current proposed erven as proportion of wetland on each of the erven is less than half. We recommend that group housing/townhouse complexes should only be considered on erven which have no encroachment into the wetlands. Should it not be possible to avoid the loss of wetlands, a motivation will need to be provided why this is not feasible and a wetland offset must be implemented in accordance with the wetland offset best practice guideline. The aquatic biodiversity impact assessment accurately indicates that a wetland offset is required in terms of the no net loss policy. The recommendation for an offset is rehabilitation of the wetland on site. The wetland offset calculator must however be used to determine the wetland offset requirements in accordance with the guideline. The broad actions which can be implemented for wetland offsets are protection, rehabilitation, averted loss, establishment and direct compensation. The risk matrix completed as part of the aquatic biodiversity impact assessment confirms that the risk is rated as moderate and therefore a water use license (WUL) is required. Based on the information provided the process for the WUL has not progressed beyond the risk matrix and should ideally be undertaken concurrently with the NEMA process in order for alignment of the two processes, particularly with regards to the wetland offset requirements. CapeNature recommends that a wetland offset plan is required in accordance with the wetland offset guideline. The wetland offset calculator must be used to determine the offset requirements which may require actions on wetland off-site. In this regard we wish to recommend that the broader wetland system stretching westwards from Vermont Pan to beyond Erf 1486 must be taken into account. Terrestrial Biodiversity Impact Assessment The terrestrial biodiversity assessment agrees with the mapping of the vegetation on site as Hangklip Sand Fynbos, however as indicated above, a large proportion of the site is occupied by wetland vegetation with the remainder consisting of moderately disturbed to transformed condition. Various disturbances are visible in historical Google Earth imagery as referred to. No Plant Species of Conservation Concern were recorded however there is a possibility of an endangered species recorded on an adjacent property (Erf 1492) occurring on site. Nonetheless, the moderately disturbed sections still support a representative vegetation community of the original	Freshwater specialist response: <i>"Comment is noted. Further investigation will be conducted of full avoidance of both the permanent and seasonal/ephemeral wetland for the residential erven; along with the group housing or townhouse complexes only on Erven which would have no encroachment into the wetland area."</i> Freshwater specialist response: "Comment is noted. Should the offset calculator show that the onsite offset is not adequate, the broader wetland system must be taken into account." The mitigation hierarchy process was followed, based on the extent of the wetland onsite, it is not possible to avoid the	
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	vegetation type. The heavily disturbed and transformed areas are mapped as low sensitivity with the remainder mapped as high sensitivity. Two amphibian species were recorded on site based on their calls. We wish to note however that <i>Hyperolius marmoratus</i> (painted reed frog) is an extralimital species that did not historically occur east of Tsitsikamma (http://speciesstatus.sanbi.org/assessment/last-assessment/1470/). As indicated, <i>Bradypodion pumilum</i> (Cape dwarf chameleon) is known to occur in the vicinity of the site as identified in surveys by a local non-governmental organisation. Five faunal species were flagged in the screening tool as high sensitivity, all of which are birds. Two are discussed which are noted to be occasionally visit the area and the loss of habitat is not considered to be significant for these species. Although not discussed, the site is unlikely to be utilised by the other three species flagged due to the urban location. The species flagged in the screening tool should however be evaluated. The impact assessment of the preferred alternative for the pre-application phase evaluates the impact as high significance before mitigation for both construction and operational phase and medium significance after mitigation. An addendum is provided for the current preferred alternative which indicates that the increase in open space and avoidance of development of the high sensitivity areas provides for an acceptable compromise with a substantially lower ecological impact. The impact assessment indicates a medium significance as avoidance was one of the proposed mitigation measures. With regards to the requirement for an offset, we wish to note that the section of the site which were considered of high sensitivity is relatively closely matched to the wetland delineation and therefore a wetland offset will cater for the terrestrial biodiversity, plant species and animal species requirements. We wish to however recommend that regardless of whether an offset is implemented or not, the management of the open space area needs to be addressed as part of the application, including management of alien invasive species, prevention of pollution of the wetland etc. Conclusion In conclusion, CapeNature recommends that there is further investigation of the mitigation hierarchy, in particular with regards to the layout, in order to ensure that there is no net loss of wetlands. If this is not possible and is adequately motivated, a wetland offset must be investigated and presented within a wetland offset plan. The wetland offset plan must form part of both the NEMA and NWA processes. Management of the open space must be addressed regardless of whether an offset is	avoid the loss of the wetland. However, the Wetland Offset, Rehabilitation Management Plan was compiled and will mitigate the impact and promote positive outcome for the rehabilitation of the open space area.	
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	implemented or not. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.	A wetland offset, rehabilitation and management plan was compiled and will be implemented on site. Additionally, a No-go Maintenance Management Plan is compiled and includes the management of the wetland area during construction and post-construction phase	
Pat Miller	Email dated 18 June 2024 BASIC ASSESSMENT PROCESS: PROPOSED RESIDENTIAL DEVELOPMENT, ERF 1486, VERMONT, HERMANUS (DEA&DP Ref. No.: 16/3/3/6/7/1/E2/40/1525/22) Whale Coast Conservation (WCC) commented on the Basic Assessment Report (BAR) for this proposed development in April 2023. That comment remains valid. This comment as part of the Environmental Impact Assessment (EIA) Public Participation Process (PPP) supplements WCC's previous comment and should be read in conjunction with it, and WCC should be registered as an Interested and Affected Party (I&AP). For ease of reference the previous comment is attached to this submission. 1. Introduction The applicant proposes to develop a number of dwellings on the erf in question (erf 1486 in Vermont), which houses a natural wetland that is part of a larger wetland system which runs west to east. This system and its component parts are fed by watersheds in the area, as well as by the presence of ground and underground water. The erf in question currently has a derelict building on its (slightly higher) northern		

	boundary, an area has been infilled and a drain was installed some years ago on its eastern side. This is a clear indication of the constant presence of water on the erf over a number of years. 2. History of wetland on erf 1486 A number of studies done over the years prior to those undertaken for the BAR have noted the presence of the wetland and its existence within the context of a larger system. WCC has covered the original BAR studies in its previous comment: those undertaken prior to these include; 2.1 A 2006 study for the Overstrand Municipality (OM) done by the Freshwater Consulting Group (FCG) delineated the wetland boundaries feeding into the Vermont Pan south of the R43 and included erf 1486 in these, noting that the wetland had been forcibly wrapped around the existing building on the site by infilling. The study's recommendations included: • a minimum 30m-wide protective buffer against development around the outer edge of the wetland areas • future development against the mountains to the north of the R43 should protect natural drainages into the wetland system • studies should be done into the impacts of future developments on the larger wetland system. 2.2 Following a development application in 2008, FCG recommended that because of the wetland presence no development should take place beyond the existing footprint; this application duly lapsed. 2.3 In 2012 FCG undertook a wetland report for the Environmental Impact Assessment (EIA) process for the property immediately adjacent to the west of erf 1486. This showed that surface and sub-surface water is dispersed along a wide corridor both towards Paddavlei in Hawston to the west and towards the Vermont Pan in the east. The extent of this dispersal was masked by extensive infestations of alien invasive plants (AIPs). 2.4 A further groundwater study done in 2012 confirmed that the wetland area on the adjacent property is fed by both runoff from the mountains and subsurface seeps. This study noted that the true extent of the wetland area will only be determined when the comprehensive AIP removal programme is completed and the natural systems have re-established themselves. During the years prior to 2006 the wetland on erf 1486 had been badly degraded by such factors as (primarily) the rampant overgrowth of alien invasive plants (IAPs) in the area, particularly on the property adjacent to the west, and infilling and drainage on erf 1486 itself in order to build the now derelict buildings on the property. This took place within a legal context that placed little value on wetlands, and indeed		
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	to the concept of conservation and environmental value. 3. Changed environmental context of erf 1486 The environmental context of erf 1486 has now changed. The most important changes are: • wetlands now have legal protection, • the adjacent property on the western boundary which is now a registered private nature reserve is removing all of its very many AIPs. • Climate change is no longer a future probability, but is affecting rainfall patterns in the area and will have a marked impact on the wetland 3.1 Wetland protection With regard to the first contextual change, it is unlikely that the OM would have been able to apportion the land encompassing the wetland system for sale should it have wished to do so now. The fact that it was able to do in the past and accept development that has harmed the wetland system does not mean that this pattern can or should continue. The extent of the wetland system and its manifestation on erf 1486 has naturally been affected by these harmful developments that have included infilling and drainage infrastructure. The OM now is under a legal obligation to ensure that wetlands are protected, which should naturally include rejecting development applications that compromise existing degraded wetlands further and/or interfere with the functioning of larger wetland systems. 3.2 Removal of alien invasive plants to the west and north With regard to the second contextual change, work has continued apace on AIP removal from the property adjacent to the west. AIP removal close to the boundary	Freshwater specialist response: <i>“The most recent layout (Figure 1) has been amended to include a larger private open space area (conserved wetland area). The private access road now does not need to cross the wetland, as there will now be two access roads instead of one.</i> <i>It is the specialist’s recommendation that the single residential dwellings within the northern subdivided Erven should avoid the delineated wetland as far as possible, as per recommendations in the Aquatic Impact Assessment Report (Delta Ecology, 2023), and implement all listed mitigation measures in the report, including SW management and implementation of a Rehabilitation and Management Plan for the onsite wetland area. Vegetation which needs to be re-planted (if applicable) within each northern Erf (Figure 1) should be planted with indigenous vegetation, which would be considered an adequate buffer during operational phase considering the nature of development (single residential dwellings).</i> <i>The wetland area coinciding with the proposed southern Erven (to be zoned for town housing) (adjacent to current housing along the southern boundary) (Figure 1), will likely encroach on approximately 255 m2 of the seasonal wetland area.</i> <i>Due to the encroachment within the wetland being of minimal extent (approximately 255 - 500 m2 of the seasonal wetland area); the Rating was determined to be of Medium Significance and would require a full WULA and a Wetland</i>	
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	with erf 1486 has resulted in the predicted re-emergence of a wide wetland area following the course of the larger wetland system. The area correlates with the area determined in the 2006 study, extending on the north to the R43 and thus would completely encompass erf 1486. Many AIPs on the adjacent property remain and are targeted for removal, thus this process of wetland re-establishment can be expected to continue. The predicted impact on the wetland on erf 1486 noted in WCC's previous comment has indeed materialised, and an increase in wetland area from the initial BAR comment to the present is already very evident. This can be expected to continue. In this regard, it should also be borne in mind that AIP clearing is also being undertaken on properties north of the R43 which feed the relevant watersheds. Mountain run-off can be expected to increase, particularly within the context of changing weather patterns. 3.3 Climate change impacts With regard to the third contextual change, climate change predictions are that although the area will become drier, it will experience more frequent and more violent storms. The Overstrand is already experiencing the disruptive effects of these changing weather patterns, most recently (September 2023) with disastrous consequences for both public and private infrastructure. In this context, natural systems for dispersing this increased intermittent flow of water (both surface and sub-surface) become vitally important and their protection is essential. All levels of government are now required to put mitigation measures in place to deal with predictable effects of climate change, and ill-advised developments that interfere with these dispersal systems should not find favour. This would certainly apply to erf 1486; its role as a link in a larger wetland system means that more water in unpredictable quantities will flow through it and its dispersal function becomes increasingly important. 4. Additional studies The previous BAR was supplemented by additional studies. These include: 4.1 Terrestrial ecology report update In November 2023 Nick Helme added an addendum his terrestrial ecology report of May 2023 that provides his opinion on the revised, final development layout of Alternative 4. In his opinion, this layout will have a substantially lower ecological impact which reduces the impact rating from high negative to medium negative. He thus approves the development subject to all mitigation measures stipulated in his earlier report and adds a requirement for annual removal of IAPs. The revised layout is guided by the current delineation of the wetland that takes no account of the predicted increased flow. Mr Helme's addendum does not however	<i>Offset, Rehabilitation, and Management Plan.</i> <i>This is considered acceptable from our perspective, considering the Rehabilitation, appropriate Management and Protection of the remnant onsite wetland as an Offset, managed by the Homeowners Association (HoA or similar).</i> <i>The wetland will need to be managed in such a way to ensure that it maintains an appropriate Ecological State, ideally an improved condition from its current state."</i> Freshwater specialist response: <i>"The Delta Ecology (2023) report's scope does not include assessing the potential impact of climate change, adjacent changes in land use, or any other potential catchment transformation that may occur in the future; and how the boundary of the wetland will change as a result of such, should this occur. The report has been updated to include this exclusion in the Limitation Section 1.2. of the report.</i> <i>The scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present delineation and state of the onsite wetland determined to be At-Risk of the proposed development, and subsequently the potential impacts of the proposed development on this wetland."</i> Freshwater specialist response: <i>"The Delta Ecology (2023) report's scope does not include assessing the potential impact of climate change, adjacent changes in land use, or any other potential catchment transformation that may occur in the future; and how the boundary of the wetland will change as a result of such, should this occur. The report has been updated to include this exclusion in the Limitation Section 1.2. of the report.</i> <i>The scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the</i>	
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	consider the impact of increased water flow into the erf noted above. This will affect the size and fluctuation in size of the wetland area on the erf, and will render the new iteration of the proposed layout meaningless. This is a surprising omission given that the addendum is dated November 2023, only two months after the devastating floods in the area that lead to widespread infrastructure damage, including the closure of the R43. 4.2 Aquatic biodiversity screening update In May 2023 Delta Ecology confirmed and updated the delineation done during the aquatic biodiversity screening of 2018. The report concluded that the impact of the proposed revised development layout would be minimal and that the limited area of loss of a degraded wetland reduces the significance of this impact. It confirms that a Water Use Licence will be required as well as an offset and is of the opinion that the rehabilitation of the remnant wetland on the site, as well as a rehabilitation and management plan for it, will suffice for this. WCC disagrees with this conclusion. As with the terrestrial ecology study, it gives no consideration to the predictable impact of the removal of AIPs from the adjacent property on the wetland on site and its role as part of the larger wetland system, nor to the predictable increase in intermittent water flow into them as part of changing weather patterns. 5. Drainage interferences It is highly probable that if permission is granted the developer will introduce drainage systems that will divert this flow away from the property. The type of drainage that would be required will have a significant impact on the natural dissipation and dispersal systems of the wetland and the larger wetland system and will merely shift the problem elsewhere. By doing so they are likely to exacerbate the problem. The consequences of predicted increased water flow, both regular and intermittent, for the proposed development and its surroundings may well be catastrophic, and if approval is granted the developer would be well advised to consider issues of liability very carefully. 6. Wetland boundaries It must be borne in mind that the currently manifest boundaries of the wetland on site have been drastically affected by past interference in order to construct the now derelict buildings. This interference has naturally also affected and degraded the vegetation markers. The true extent of the wetland on site and the larger wetland	<i>present delineation and state of the onsite wetland determined to be At-Risk of the proposed development, and subsequently the potential impacts of the proposed development on this wetland."</i> Freshwater specialist response: <i>"The Delta Ecology (2023) report's scope does not include assessing the potential impact of climate change, adjacent changes in land use, or any other potential catchment transformation that may occur in the future; and how the boundary of the wetland will change as a result of such, should this occur. The report</i>	
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	system of which it is a part could only be determined were these to be removed and a few seasons allowed to pass for stabilisation before measuring. However, in the context of climate change and its inevitable effect on the water flow through the system, determining the boundaries with any level of accuracy will be challenging. What is certain is that the AIP removal to the west and climate change will lead to more water flowing through the system. Forecasting the extent of this increase with any level of accuracy will need to be informed by a full hydrology, hydropedology and hydroclimatology study. In the absence of such a study it would be sensible to err on the side of caution, and the cautionary principle should prevail. All wetland areas, including those currently described as seasonal, should be avoided in any development. This would restrict any development to the current footprint of the derelict buildings. 7. Conclusions and recommendations Minor changes have been made to the layout of the development and to some of the specialist studies undertaken for the original BAR. However, the proposal continues to assume that the context of the site will remain as it was when the necessary specialist studies were undertaken for the original BAR. WCC still contends that this is not the case. Contextual changes have still not been taken into account. These changes will have a profound effect on the site into the future and on the feasibility of the development proposal. The removal of AIPs from the property immediately adjacent to the west and altered rainfall patterns will increase the flow of water into the larger wetland system of which the wetland on erf 1486 forms part, and into the wetland on the property. Climate change will affect – and is already affecting - rainfall patterns in the area; more frequent and more violent storms will occur. This will increase the water entering the larger wetland system and that on the property. The proper natural functioning of these systems will be an important factor in ameliorating the effects of these changed rainfall patterns. The OM is now obliged to consider the impact of climate change on all infrastructure and plan accordingly. Extensive drainage will be needed to cope with the expected increased water into the system and onto the property should the development go ahead. This will interfere further with the natural functioning of the system and can be expected to cause problems in the surrounding area. A full hydrology, hydropedology and hydroclimatology study of the areas – including the mountain catchments - that feed in to the larger wetland system as well as the site itself should be undertaken in order to be able to assess the probable impacts of changing weather patterns on the site. This study should then inform a layout for the development. Unless this is done, no development should take place, and certainly not beyond the existing footprint on the northern boundary.	<i>has been updated to include this exclusion in the Limitation Section 1.2. of the report.</i> <i>The scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present delineation and state of the onsite wetland determined to be At-Risk of the proposed development, and subsequently the potential impacts of the proposed development on this wetland."</i> Freshwater Specialist response: <i>"The scope of the Aquatic Impact Assessment deals with the proposed development at hand. Should there be additional Water Use activities proposed at a later stage by the developer, these would need to be assessed as and if necessary, by a separate application presumably."</i> Freshwater specialist response: <i>"The scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present state - and therefore present delineation of the onsite wetland - to be potentially impacted by the proposed development, and the impacts of the proposed development."</i>	
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	Yours sincerely		
IN PROCESS PPP (PPP 3)			
Peter Hodgskin	Email dated 20 June 2025 Subject: Re: Notice of In Process PPP Proposed Residential Development Erf 1486 Vermont, Hermanus, Caledon RD it never stops	Comment noted. No further actions required.	
Michael Raimondo	Email dated 20 June 2025 Hi Michelle, Sorry I don't quite understand the attached notice - can you send us the final case or any amendments to the case - we can then decide to add further comment. Currently we have not heard back since our comments on the 14th of June 2024 that Paul submitted on our behalf. I would appreciate any help, have a wonderful weekend. Many thanks, Michael Raimondo	The documents have been sent.	
Michael Raimondo	Email dated 24 June 2025 Subject: Re: Notice of In Process PPP Proposed Residential Development Erf 1486 Vermont, Hermanus, Caledon RD Thanks Michelle, I am still going through the document. Is the Appendix F1,F8 & F2A part of this doc - I have not come across them yet - I would like to read the updated wetland and aquatic assessments. I do apologise if they are part of the document. If they not please can you send me the appendix - or a link to download. I am particularly Interested in the wetland or aquatic reports done since our last comments in June 2024. Many thanks, Michael	The documents have been sent.	

Petro Steere	Email dated 24 June 2025 Hi Michele. I got this email from Marga Hugo. Please will you change my email in your file, from Gmail to ymail please, I would like to be kept updated on matters relating to erf 1486 Regards Petro	Registered as an I&AP.	
Bernadette Osborne (DEADP)	Email dated 27 June 2025 ACKNOWLEDGEMENT OF THE APPLICATION FORM AND THE 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 1. The electronic copies of the Application Form and the Draft BAR received by the Department's Directorate: Development Management Region 1 ("this Directorate") on 19 June 2025, refer. 2. This letter serves as acknowledgement of receipt of the abovementioned documents. 3. Please note that since an application has been lodged with this Directorate, the pre-application file (DEA&DP Reference: 16/3/3/6/7/1/E2/40/1525/22) has been closed for administrative purposes. 4. Following the review of the information submitted to this Department, the following is noted: 5. The proposal entails the establishment of a residential development on Erf No. 1486, Vermont. • The proposed residential development will consist of 9 residential erven, private roads, and an open space. • The proposed development will have a development footprint of 15069m². • 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. 6. Please note that this Directorate will consider the Draft BAR and issue a comment within the prescribed 30-day commenting period which ends on 23 July 2025.	Noted. No further actions required.	

	7. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Directorate. 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. 8. This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any information received.		
Paul Pfister	Email dated 21 July 2025 Dear Michele Lornay With reference to your email and notice of 20/6/2025 I provide the following comments and recommendation for consideration: That of my comments indicated in my email dated 14/6/2024 are still relevant, particularly that of paragraphs 3 to 7; and That should a Homeowners Association (HOA) be established that a condition be included in the respective constitution that the HOA be compelled to submit a copy of their annual general meeting (AGM) to the Overstrand Municipality, in compliance with the relevant national and/or provincial Act/s. All too often a HOA association is established encouraging investors only to conveniently fall away shortly after the development is complete or a few years thereafter. I believe such practice is illegal and may be contested. Sincerely Paul	Noted. Noted.	
Paul Slabbert on behalf of UVA Prop	Email dated 22 July 2025 COMMENT ON RESIDENTIAL DEVELOPMENT APPLICATION – ERF 1486 VERMONT Our initial comment on the abovementioned development dated 13 June 2024		

	refers. PHS Consulting was commissioned by UVA Prop the owners of the Remainder of the Farm Hoek van de Berg no 572 (RE/572) located directly west of the subject erf, to provide further comment on the development application. Considering its more than a year since we provided comment, we were commissioned to evaluate the revised development proposal, the responses provided on our initial comments and to comment on the new preferred alternative. UVA Prop still opposes any development inside a wetland, irrespective of its seasonal or permanent. UVA Prop position is that future property boundaries of privately owned erven, the proposed sewer and enhanced swale system should be outside of the seasonal wetland areas. PHS was requested to provide input on their position to achieve a better development outcome for the site and surrounds. The affected wetland resources on and off site and its connectivity with the larger natural system, is still the biggest concern. BOTANICAL The Botanist identified the vegetation on site as Hangklip Sand Fynbos that is gazetted as Critically Endangered (CE), the BAR on pg 159 refer to the vegetation being “Endangered” which is incorrect. We note that the development proposal will result in a loss of CE vegetation of approx. 500 m2 and the botanist confirmed that this is a good compromise because a substantially lower ecological impact was achieved and that the proposed residential erven (Alternative 3) now exclude most of the High sensitivity areas and only about 500m2 of high sensitivity habitat will now be lost. The BAR then rate the Ecological Impact (Botany) as Medium Negative after mitigation, meaning the residual impact is regarded as Medium Negative. Shortcomings in the BAR: The BAR does not include a combined constraints map showing the botanical overlay with the new Alternative 3. As a result the I&AP’s don’t understand where the 500 sqm vegetation zone is that will be lost and how does this relate to the wetland delineation. The BAR under guidelines (pg 24) does not refer to the National Biodiversity Offset Guidelines 2023 neither does it explain how it has influenced the development proposal considering that a Wetland Offset form part of the proposal. The incomplete “Guideline Section 5” in the BAR needs to be updated to explain to the I&AP’s their applicability and how they have influenced the proposal.	The Terrestrial Biodiversity Impact Assessment has been amended in line with the revised layout alternative 3 (Preferred), in which the botanical specialist has confirmed that the development site plan has acceptable lower impacts than the previous layout alternatives. Therefore, the residual impacts are of low - medium. A constraints map has been included and is attached as Appendix B8. The National Biodiversity Offset Guidelines (2023) are applied in instances where a biodiversity offset is required. For this project, the residual ecological impacts have been rated as Low to Medium significance after mitigation, and therefore no biodiversity offset is triggered in terms of the guidelines. Furthermore, the Wetland Offset proposed for the site is not undertaken in terms of the National	
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	Irrespective of the botanical findings the I&AP's need to understand why not all CE vegetation can be avoided as per the required impact hierarchy. The BAR concludes that the Ecological Impact (Botany) is Medium Negative therefore the lack of clarifying the applicable Offset Guideline needs to be explained and then how this EIA interpret figure 1 below extracted from the Offset Guidelines. It indicates that if the residual impact is medium than a biodiversity offset is required. WETLANDS As per previous comments provided and summarised below, many freshwater ecologists have been involved at this site over the years. The erf in question is a critically important corridor link between the Fxarm Hoek van de Berg (HVDB) no 572 (RE/572) and the Vermont Pan, which certainly raise its ecological importance and sensitivity. What stand out for us is that the size of the wetland is delineated smaller and smaller over time since the first work done in the early 2000's. And considering all the alien clearing efforts occurring on HVDB, it is logic that the wetland itself should become wetter, which is at least, more similar to its natural hydrological regime than what it might have been before the aliens were cleared. Our previous comments substantiated the fact that we believe the wetland on and off the site is indeed wetter and more functional resulting in the temporary wetland areas being inundated with water more frequently than initially though. SUMMARY OF WETLAND AREAS a) The Freshwater Consulting Group (FCG) study in August 2006 for the Overstand Municipality delineated the wetland in blue as per figure 2 below. The study recommended that appropriately vegetated buffers be established to protect the wetlands wherever this is possible. It was recommended that minimum buffer width of 30 m should designate as per white in figure 2 below.	Biodiversity Offset Guidelines, but rather as a targeted ecological intervention aimed at restoring, rehabilitating, and securing the long-term functioning of the wetland system in line with specialist recommendations. The Wetland Offset, Rehabilitation and Management Plan therefore serves as a site-specific mitigation and management tool, rather than a biodiversity offset as defined under the 2023 guidelines. As above. A wetland offset is already in place. Biodiversity Offset Regulation is not applicable. Noted. For the current proposed development and the associated risks and impacts under consideration in this application, the aquatic study by Delta Ecology (2025), together with the "Aquatic Biodiversity Impact Assessment Erf 1486 Vermont V4.0" and the associated "Wetland Offset, Rehabilitation and Management Plan," proposes a	
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	b) During 2008 - 2010 a development application was subjected to a NEMA process, whereby the file was closed due to the extent of the wetlands confirmed by FCG in 2008 advising that the site is unfit for development expansion beyond the current built footprint. UVA Prop concur with the position of FCG. c) Then in September 2012 the FCG produced a wetland report as part of an EIA process for the now approved Hoek van de Berg development on Re/572. As part of the EIA it was confirmed that the back-dune corridor south of the R43 is associated with dispersal of surface and sub-surface flow along the length of the valley floor, either to the north-west, to Paddavlei in Hawston, or in a south-easterly direction, toward the Vermont Pan. The north-eastern corner of the site supports the upper portion of an extensive <i>Juncus cf. krausii</i> valley bottom wetland that extends toward the Vermont Pan. Figure 3 below shows the extent of wetland system considered during the EIA, for ease of reference we indicated the location and wetland extent on the subject site in yellow. The recent photos of the HVDB site confirm surface flows as per grey arrows below, towards the Vermont Pan after extensive alien clearance. d) As part of the 2012 investigation, FCG recommended a groundwater study to provide hydrogeological input regarding the determination of aquifers and groundwater flow, which feed the surface wetlands, and the delineation of sub catchments or watersheds within the site. These were deemed necessary for the identification of appropriate setback areas around the wetlands on site to ensure their protection and to determine potential impacts on groundwater-fed ecosystems associated with the development proposal. The watershed boundaries and direction of sub-surface flows are provided in Figure 4 (from SRK 2012). Important sub-catchments relevant to this case relates to Sub-catchment C1 which feeds the north-eastern wetland. The dune field comprising the southern portion of the sub catchment rises to between 45 and 60 m amsl, some 300 m to the south of the Juncusvalleybottom seep. The seep probably emerges at about 30 m amsl, although the true extent will be determined only after	comprehensive list of mitigation measures addressing risks during both the construction and operational phases. In addition to these measures, the replanting of areas within the northern erven with indigenous vegetation is proposed to provide an adequate functional buffer.	
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	alien removal allows the natural extent to re-establish. The seep is fed by a combination of surface and subsurface runoff from the northern rocky mountain slopes and subsurface inputs from the dune field to the south. e) The next freshwater study was conducted in August 2018 by EnviroSwift whereby only the wetland on erf 1486 was delineated. This study acknowledged the 2006 delineated wetlands by Municipality. It is stated that wetland boundaries do vary with time and the 2006 delineation is outdated particularly considering the recent housing development to the south. The study delineated the wetlands as per figure 5 below, based on the presence of saturated, high carbon soils and isolated instances of mottling within the upper 500mm of the soil was used in conjunction with the presence of hydrophytic vegetation to delineate the outer boundary of temporary zone of the wetland. The excavated depression represented the permanent zone. f) The wetland study by Delta Ecology dated November 2023 forms part of the previous Draft Basic Assessment we commented on. A delineation as per figure was undertaken during a site assessment by Gericke and van Zyl (Delta Ecology, 2023) on the 30th of May 2023. This was the last delineation of wetlands in the area. Changing circumstance Our previous comments did deal with changing circumstance to be considered. From the above it is clear that the wetland changed since the first 2006 delineation. It's also clear that the true extent of the wetlands should be determined only after alien removal allows the natural extent to re-establish. This is the case now as per photos proof below. It's stated that wetland boundaries do vary with time clearly depicted in the change in delimitation over the years, most probably due to manmade intervention like stormwater additions, further infilling after 2006, run-off from the mountains, floods and the recent extensive alien clearance. Since the last delineation in May 2023, HVDB has been the subject of an alien vegetation clearance programme Based on the Sept 2012 FCG report, the wetland on erf 1486 is fed from C1 as per figure 4 above, therefore the tempo and volumes of water feed has increased since the first Draft Basic Assessment and May 2023 wetland delineation. Since our last comment it's been observed on RE/572 that the water level in the wetland has drastically increased as per comparative photo evidence below. Our previous comments related primarily to the points below, the response		
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	provided in the Comments and Response Report are included in blue below and our further comment is added as underlined text: The most recent wetland studies haven't considered the increase in wetland run-off and feed from RE/572 to the Vermont Pan due to the current alien clearing efforts. Neither has the additional run-off from the mountains been considered where additional clearing of alien vegetation is taking place and directly north where landowners will be forced to clear aliens. The Sept 2012 FCG study predicted that the true extent of wetlands will be determined only after alien removal allows the natural extent to re-establish. On the RE/572 site the wetland area already expanded as per photo comparisons below. This extend will have a direct impact on the wetland extent on erf 1486 and it's likely the site will become wetter in future. This coupled with climate change and extreme events occurring more frequently, more surface and sub-surface flow will originate from catchment C1. <i>Freshwater specialist response:</i> <i>"The specialist agrees that there is potential need for a hydrological assessment to determine the impact of clearing AIS on Hoek van de Berg Nature Reserve on the downstream wetland system. It is questioned whether the entity undertaking the AIPS clearing is not responsible for assessing potential impacts that may occur as a result of the clearing, such as increased flow to downstream land. There are many landowners downstream that could be affected if increased flow does occur, not only the property immediately downstream."</i> <i>"The comment is acknowledged, and it is recommended that changes in the wetland boundary should be monitored by the HoA. The recommendation to monitor the potential expansion in the onsite wetland boundary over time will be included in the Wetland Management Plan."</i> July 2025 comment: The HVDB property was subjected to an EIA, that contained an Alien Vegetation Management Plan that is being implemented. It is disclosed in the specialist's wetland reports in 2012 as part of the EIA that the wetlands will likely increase. This was the same wetland specialist who recommended in 2008-2010 that no development should take place on Erf 1486. The onus is therefore not on HVDB to consider downstream impact on Erf 1486 for an activity required to conserve wetlands. It is the applicant and the EAP's responsibility to consider the changing circumstances which are positive changes in the natural landscape in this instance. A HOA is not a sustainable mitigation tool, neither are the personnel running the HOA competent or interested in managing wetlands especially the seasonal wetlands to be located on private erven as per preferred alternative. The best approach should	The wetland delineation has been undertaken in accordance with the prescribed methodology, which is based on current field conditions and does not provide for predictions of future scenarios. The establishment of a buffer consisting of vegetated gardens introduces an element of flexibility in this regard. Should the wetland expand slightly upslope as a result of alien clearing the buffer already provided may accommodate this expansion.	
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	be precautionary by delineating the erf boundaries on the outer edge of the seasonal wetlands, this way the HOA don't have to monitor private erven/owners or activities falling inside the seasonal wetlands. The BAR has not considered the changing circumstances in particular the effect of alien clearance and climate change on the proposed development. The likelihood that the extent of the wetland on erf 1486 will increase over time it's not sensible to have seasonal wetlands on private erven as per the proposal. Considering these erven are private individual owners will resort to all sorts of interventions to drain or infill erven as per the current case. We would advise that all private erven be located outside of seasonal wetlands to avoid development impacts on the ecosystem. Climate change is real and more water will flow through the system from west to east with erf 1486 fulfilling the role of a critical link. <i>Freshwater specialist response:</i> <i>"However, the scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present state of the onsite wetland determined to be At-Risk of the proposed development, and subsequently the potential impacts of the proposed development on this wetland. The Delta Ecology (2023) report's scope does not include assessing the potential impact of climate change, adjacent changes in land use, or any other potential catchment transformation that may occur in the future; and how (if applicable) the boundary of the wetland will change as a result of such changes. The report has been updated to include this exclusion in the Limitation Section 1.2. of the report (Delta Ecology, 2023)."</i> <i>"The comment is acknowledged, and changes in the wetland boundary should be monitored. The recommendation to monitor the potential expansion in the onsite wetland boundary over time will be included in the Wetland Management Plan. It is recommended that the HoA ensures that no private landowners' resort to interventions to drain or infill the remnant UVBW. The designs for houses on the residential Erven should take cognisance of the wetland's sensitivity and this should be enforced by the HoA through the Wetland Management Plan. The Delta Ecology (2023) report has been updated as necessary to include this mitigation measure."</i> July 2025 comment: The specialist confirm that the wetland report scope does not	Noted. It is recommended that an Aquatic Ecologist be consulted	
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	include climate change, impact on adjacent landowners or any catchment transformations, and due to this the Limitation Section in the specialist report was updated. These limitations place the responsibility on the EAP to do the require climate change assessment, noting that numerous I&AP requested the same. The BAR is silent on Climate Change and catchment transformation, regarded as a flaw in the assessment. Instead of moving the private erf boundaries to the outer edge of the seasonal wetland, the recommendation is that all erven except one can contain temporary wetlands. These temporary wetlands inside private erven is regarded as no-go areas but it need to be policed by the HOA. The Wetland Management Plan attached to the BAR as App G2 Regulated Areas MP, contains a set of rules each private owner needs to operate accordingly. From experience it always leads to none-compliances. The likely reason for the inclusion of wetlands inside private erven is to achieve optimal erf sizes and numbers to achieve development feasibility and satisfy market demand at the cost of wetlands. The proposed mitigating measures are not sustainable. i We therefore recommend that a geohydrological/hydrological/hydropedology study in conjunction with a stormwater master plan be conducted to inform the freshwater impact assessment in order to understand what the impacts of the increase in surface and subsurface water flow will have on the system and in specific the wetland on erf 1486. A development alternative should be presented and assessed as part of the process that avoid the CE vegetation and the seasonal wetland areas completely. <i>Freshwater Specialist response:</i> <i>A SWMP is recommended. However, it is the specialist's opinion that the proposed development will not have a substantial impact on the hydrology or interflow dynamics of the onsite wetland and downstream system given the implementation of mitigation measures. The Delta Ecology (2023) report's scope does not include assessing the potential impact of climate change, adjacent changes in land use, or any other potential catchment transformation that may occur in the future; and how the onsite wetland's surface and subsurface water flow may change as a result thereof. The report has been updated to include this exclusion in the Limitation Section 1.2. of the report (Delta Ecology, 2023).</i> <i>The scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present state of the onsite wetland determined to be At-Risk of the proposed development, and subsequently the potential impacts of the proposed development on this wetland. There may potentially be a slight increase of flow due to the hardened surfaces as a result of the housing development. This is seen to be of "Low "significance" to the onsite wetland, given the implementation of</i>	during the detailed design of the residential dwellings and Town Housing units, and that an Environmental Control Officer (ECO) be appointed during the construction of the Town Housing development in the south of the erf. It is further noted that Lynx Road located downstream of the wetland is influencing hydrology by contributing to an increased extent of the on-site wetland. Therefore, rehabilitation measures should include interventions to improve hydrological connectivity beneath the road, with the aim of restoring more natural flow conditions. The design of the development has been revised to minimise impacts on seasonal wetlands. All private erven have been sited to avoid the most sensitive portions of the wetlands wherever possible. In addition, seasonal wetland No-Go areas will be clearly demarcated and managed through a combination of conservation servitudes, physical barriers (bollard fencing), and ongoing monitoring to prevent drainage or infill by individual owners. The Stormwater Management Plan has also been updated (refer to Appendix F7) to accommodate potential increases in surface and subsurface water flow, including considerations for climate change, thereby maintaining the ecological function of the wetlands and their role as a hydrological link across erf 1486."	
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	<i>mitigation measures such as implementing rainwater harvesting schemes that may reduce runoff intensity, and mitigate the potential impact of catchment hardening. To ensure the implementation of recommendations in the Aquatic Impact Assessment Report (Delta Ecology, 2023), the report has been updated to specify that an Aquatic Ecologist must be consulted during the design of the onsite Residential Dwellings and Town Housing unit, and an Environmental Control Officer (ECO) should be appointed during the Construction of the Town Housing development in the south.</i> July 2025 comment: We noted that a SWMP was drafted and attached to the BAR as a substitute for a geohydrological/hydrological/hydropedology study, however the SWMP recommendation are made on an SDP that does not feature in the BAR. The catchment area in the SWMP is also smaller than the C1 determined by a geohydrologist as per Figure 4. Permeable paving is proposed in the south seemingly along a road, however the road and erven layout is not in line with the preferred alternative. The enhance swale proposed on the northern erf boundaries is not assessed by the freshwater ecologist and regarded as a concern considering it is inside the seasonal wetland most likely draining the seasonal wetlands on private erven, exactly the reason why erf boundaries should be on the outer edge of seasonable wetlands and a swale placed on the outer edge of the wetlands. We still maintain that the EIA process requires a geohydrological/hydrological/hydropedology study to inform subsurface flow and increase in flow especially if development takes place inside a wetland. A variety of rules are introduced to mitigate and manage impacts whereby one simple alignment of erf boundaries outside seasonal wetlands is avoidance that would eliminate the need for rules that is subject to be broken with very little consequences. We note that a sewer line is also proposed along the swale alignment regarded as a risk that should be located outside the seasonable wetland opposed to inside it. CONCLUSION Based on the above we are of the opinion that new updated wetland delineation is	It is recommended that an independent aquatic specialist be appointed during the design phase of the residential development to ensure that appropriate wetland considerations are integrated from the outset. Furthermore, it is noted that in certain cases Homeowners Associations (HoAs) can play an important role in managing wetlands on private land, as they are directly accountable at the local level The concern is acknowledged. The sewer line has been relocated and is no longer aligned within the seasonal wetland. The revised alignment ensures that the pipeline remains outside of the delineated wetland areas, thereby reducing potential risks to wetland functioning, hydrological connectivity, and water quality. This adjustment aligns with specialist recommendations and addresses concerns raised during the public participation process. An updated wetland delineation and assessment was	
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	required based on the comparison of delineation differences since 2006 and the limitations confirmed in the last May 2023 wetland report. Avoidance of the seasonal wetlands entirely should be the preferred mitigating measure before rules are adopted to manage seasonal wetlands inside private erven. We recommend that an alternative be assessed where total avoidance is applied. A comparative constraints map is required to confirm which areas of CE vegetation will be removed. Considering that it has been more than 2 years since the last wetland delineation, UVA Prop has approached a freshwater ecologist to verify the extent of the wetlands on and off the site in 2025, however due to time constraints such an assessment could not be done. UVA Prop therefore reserve their right to provide further input into the EIA process. Further to the above it is unclear at what stage the WULA application is at and how to provide comment. As a norm it's handled as a "one environmental system application" but it appears not to be the case. Considering the importance of the wetlands in this case, we noticed that Shaddai Daniel from DWS Resource Protection unit is not registered as an I&AP, for the record we have copied her in on this comment. We understand that BOCMA is providing comment in this regard however officials with expertise in wetland resource protection should be requested to comment on this proposal.	undertaken by Nick Styler of EnviroSwift (refer to Appendix 10). The delineation has been revised in line with current best-practice methods and has informed the updated Site Development Plan (Alternative 3). While total avoidance of the seasonal wetland was considered, it is not feasible given the site constraints and development rights associated with the property. Instead, the revised layout ensures that the permanent wetland is fully avoided and that any overlap with the outer edge of the seasonal wetland is designated as no-go areas, demarcated with bollard fencing, and excluded from development activities. Furthermore, a Wetland Offset, Rehabilitation, and Management Plan has been developed to compensate for the residual loss of wetland habitat, while also ensuring the long-term ecological functioning and hydrological connectivity of the system. The comparative constraints mapping prepared by the specialists also confirms the extent of vegetation to be affected, and appropriate mitigation has been incorporated into the proposal. The WULA is still in Process, the Proof of submission is attached under Appendix L. BOCMA comment is included and they support the Stormwater Management Plan and Wetland Offset Rehabilitation and Management Plan	
Petro Steere	Email dated 22 July 2025 Subject: Re: Notice of In Process PPP Proposed Residential Development Erf 1486 Vermont, Hermanus, Caledon RD Hi Michelle As before, I cannot see that it is at all viable to build anything along the southern border of the property.		

	I was there on the 6th of July, after a few days of rain. Less than 12 meters from the southern border, I was ankle deep in mushy wet mud. I attach photos and a video of the water pouring out into the stormwater outlet in Lyx road.		
Denis Brandjes & Samantha Hogg-Brandjes	Email dated 23 July 2025 Subject: Comment on Development of Erf 1486, Vermont ATT. Michelle Naylor LORNAY ENVIRONMENTAL CONSULTING PO Box 1990, Hermanus, 7200 Tel. 083 245 6556 Email. michelle@lornay.co.za RE: Comment on Development of Erf 1486, Vermont As the owners of an adjacent property, we were registered as an I&AP and submitted reports in April 2023, and again in June 2024. We thank you for addressing some of these concerns in the APP-Ia-Maintenance-Mgmt-Plan-Report-150625" Report Our concerns relate specifically to the wetland, and the fact that the wetland on RE/572 through to erf 1486 has and is enlarging, notably since the initial reports of March 2023 and site inspections of mid-2023 and 2024. This relates specifically to your proposed development of Erf 7,8 & 9 of 'APP B3 Development Proposal Alternative Four Final Preferred' and above report. In fact, you are invited to inspect the site currently for proof of wetland increase. For detailed analysis, please consider report submitted by PHS Consulting, commissioned by UVA Prop the owners of the Remainder of the Farm Hoek van de Berg no 572 (RE/572) Kind Regards Denis Brandjes & Samantha Hogg-Brandjes Erf 2319 Vermont	The concerns regarding potential enlargement of the wetland are noted. To address this, an updated wetland delineation was undertaken by EnviroSwift, which reviewed and validated the earlier delineation by Delta Ecology. The findings confirmed no material changes in the wetland boundaries compared to the previous delineation. Noted.	
Rulien Volschenk	Email dated 23 July 2025	Noted. No further actions required.	

(ODM)	RE; NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS: PROPOSED RESIDENTIAL DEVELOPMENT, ERF 1486, VERMONT, HERMANUS. Reference number: 16/3/3/6/7/1/E2/40/1525/22 The Overberg District Municipality's Environmental Services Department acknowledges receipt of the draft Basic Assessment Report. With Reference to the comments submitted this this department on 11 June 2024, the ODM wishes to reiterate and add the following key points in terms of ODM policies: • The proposed development is located within the designated Hermanus/Vermont urban edge and is consistent with the Spatial Development Framework (SDF) policies. These policies discourage urban sprawl and instead promote sustainable, compact urban growth. By aligning with these principles, the development contributes to efficient land use and infrastructure optimisation. • The ODM fully supports and actively promotes the rehabilitation plan of environmentally degraded areas in this regard, the proposed wetland rehabilitation plan is welcomed and strongly endorsed, as it aligns with the ODM's commitment to restoring ecological integrity and enhancing biodiversity. • The ODM also advocates for the protection and preservation of prominent indigenous vegetation and sensitive habitats. Accordingly, Layout 3 is considered the most appropriate option, as it best supports the conservation objectives and minimises ecological disturbance. • In accordance with the duty of care provisions outlined in the National Environmental Management Act (NEMA), the property owner is legally obligated to take reasonable measures to prevent environmental degradation. This obligation applies regardless of whether environmental authorisation has been granted. Consequently, the landowner must ○ Actively manage and control invasive plant species on the property; ○ Implement effective measures to prevent stormwater pollution; ○ Rehabilitate the illegal dumpsite, which currently contains building rubble and fill material, to restore the integrity of the wetland system. The Overberg District Municipality reserves the right to amend its comments and to request further information should any relevant documentation or details become available. Yours faithfully,		
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Bernadette Osborne (DEADP)	Letter dated 23 July 2025 COMMENT ON THE 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 Draft BAR received by this Department on 19 June 2025 and the acknowledgement thereof issued on 27 June 2025, refers. 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 9 residential erven, private roads, and an open space. • The proposed development will have a development footprint of 15079m². • 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. It is noted that the site is zoned Residential. Can you please confirm whether the site was zoned residential prior to 5 March 2012. 3.2. In this Directorate's comment dated 18 June 2024, confirmation was requested of when the road and buildings were developed. However, the report only provides confirmation regarding the development of the buildings. Please confirm when the road was developed and provide the width of the road. 3.3. It is noted that an onsite wetland offset will be implemented and that an offset report has been included in the report. Please note that comment must be obtained from BOCMA regarding the offset proposal and whether they support the proposed offset. This comment must be included in the final BAR. Failure to include the comment may prejudice the outcome of the application.	• Yes. The Aerial imagery provided in Appendix J indicates that site works, including the existing building and the road commenced in 1997. The existing road is approximately 105 m in length and 4 m in width. It is important to note that the existing road predates the implementation of NEMA and therefore did not trigger the applicable environmental authorisation requirements at the time.	

	3.4. It is noted that two options for stormwater control measures have been proposed: the installation of two 900 mm diameter culvert pipes, or a 1.3 m wide x 0.7 m high trapezoidal concrete-lined channel to manage upstream flow. However, the preferred alternative has not been indicated. Please note that the preferred alternative must be clearly stipulated in the final BAR. 3.5. CapeNature and I&APs indicated that alien clearing on the adjacent property may affect the extent of the wetland. However, this was not considered by the Freshwater Specialist. Please note that this potential impact must be assessed by the Freshwater Specialist, who must also confirm whether there will be any additional impacts on the watercourses. A final comment from CapeNature on the revised layout must be obtained and included in the final BAR.	• BOCMA supports the updated layout and the Wetland Offset, refer to BOCMA's comments below. The Stormwater Management Plan has been updated, the preferred option for the stormwater control measures from R43 will be controlled by the provision of 2 x 900mm diameter of approximately 50 m in length stormwater pipelines. The boundaries of the wetland have been delineated using the accepted best practice method for delineating watercourses in South Africa, required by GN 509, which specifies that key indicators obtained in the field are used to determine the wetland's current edge. This is the same methodology applied consistently across the country for all applications. It is not feasible for the Department of Water and Sanitation (DWS), DEADP, or Cape Nature to require that delineations or impacts assessed in EIA reports, be based on speculative future scenarios - such as the possibility that a wetland may expand over time due to adjacent land uses or climate change - without quantifiable data to define "by how much" or "where." If such an approach were adopted, the same uncertainty would apply to every future development. The EIA process is therefore correctly based on real-time field conditions and verified indicators at the time of assessment, which provides the defensible basis for decision-making. The presence of alien invasive species was explicitly considered during the assessment. At the time of the fieldwork, dense stands of alien vegetation were present and were therefore incorporated into the immediate surrounds and catchment of the wetland as part of the Present Ecological State (PES) assessment.	
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	3.6. 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. 3.7 It is noted that a water use license application in terms of the National Water Act, 1998 (Act No. 36 of 1998) is required. Proof of the submission thereof to the relevant water authority should be included in the Final BAR. 3.8 The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014. 3.9 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. 3.10 Be advised that an 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	However, if specialists were required to account for every possible future land-use change, this would imply assuming, for every project, that all alien invasive vegetation has been cleared and that all unlawful water uses (such as illegal dams) have been rectified. Such assumptions are not realistic and cannot be applied with a high degree of confidence. The EIA process is therefore correctly based on actual conditions observed at the time of assessment, in line with best practice and methodological guidance. DEADP should note that what has been requested is comparable to asking the specialist to estimate the extent of the wetland on the assumption that the surrounding areas were in a pristine reference state. While this might be conceptually useful when considering the presumed natural reference state of the system for a PES assessment, it does not make sense for delineating the boundaries of the present-day wetland. It should be explicitly noted that freshwater ecological assessments do not delineate or assess wetlands on the basis of assumed pristine conditions. Rather, wetlands are delineated and assessed using current, real-time field indicators, and the present condition is then compared against an appropriate reference state to inform the PES outcome. • Service confirmation letter is attached as Appendix K. • Proof of submission is attached as Appendix L.	
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	the necessary mitigation, management and monitoring measures recommended within the report with respect to this application. 3.11 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. 6. This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any information received.		
Rhett Smart (Cape Nature)	Letter dated 23 July 2025 Final 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. The second draft of the Basic Assessment Report (BAR) updated the aquatic biodiversity study to an impact assessment and included a terrestrial biodiversity and plant species assessment, and a revised preferred layout was presented which encroached less into the delineated wetland. Concern was however raised regarding the continued encroachment into the wetland, and it was recommended that a wetland offset should be investigated after detailed investigation of the mitigation hierarchy. We further wish to note that the site was mapped as Ecological Support Area 2 (ESA) in the 2017 Western Cape Biodiversity Spatial Plan (BSP) which was the official version at the commencement of the project and therefore accepted, however the site is mapped as Critical Biodiversity Area 1 (CBA) in the 2023 BSP. Development Proposal The preferred development layout presented in the current version of the BAR is the same as presented in the previous version and hence has not addressed the concern regarding the encroachment into the wetland. The response to our comments in the comments and response report by the aquatic ecologist indicates that there will be		

	further investigation of full avoidance the wetland, however this has not been included in the Final BAR. The environmental assessment practitioner indicates that there is full avoidance of the permanent wetland, however this is insufficient, as there should be full avoidance of the seasonal/temporary wetland as well. We further note that the sewer pipeline will traverse the wetland in the north of the property, and we recommend there should be further investigation of an alternative alignment which avoids the wetland.	- The layout incorporates both areas suitable for development and non-developable areas on site, with the latter forming part of the proposed wetland offset area. These non-developable areas will be managed and monitored by the Homeowners' Association (HOA) and will be subject to title deed restrictions to ensure their long-term protection. As indicated in the specialist report and the BAR, it is not possible to fully avoid encroachment into the wetland due to the extent of the wetland area covering the larger portion of the site. While portions of the erven extend into the seasonal wetland areas, the built footprint of houses will be confined to designated development zones, with the remaining areas formally restricted as no-go development zones. These no-go areas will be secured through title deed restrictions and incorporated into the wetland offset plan. The construction of the access road will result in a minor loss of seasonal wetland area, which has been fully accounted for in the wetland offset calculation. Encroachment is limited to micro-intrusions into the seasonal wetland for road construction, which has been explicitly quantified and accounted for in the Wetland Offset, Rehabilitation, and Management Plan, supported by BOCMA. Portions of erven extending into the seasonal wetland will be designated as no-go areas, legally enforced through title deed restrictions and managed by the Homeowner's Association to prevent any future construction. It should be noted that there are no feasible alternatives for the alignment of the road due to safety and visibility requirements, in terms of National Road Traffic Act 93 of 1996, . The site is located at the corner of the R43, where line-of-sight considerations dictate the current road placement. - The preferred layout (Alternative 3) has been updated and revised to address this concern. The sewer pipeline has now been realigned to run parallel to the water pipeline route (Refer to Appendix F6a and F6b),	
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	Confirmation should be provided that the sewer pipeline upgrades within the suburb of Vermont to accommodate the development will occur within existing transformed areas and will not require additional environmental controls to minimize the impact. We note reference to a screening wall along the western boundary which received building plan approval historically. No solid boundary walls should be permitted as this will impact on the hydrology of the wetland, in particular along the western boundary. Only fences with minimal disturbance footprint should be permitted. We further wish to respond to the responses regarding the change in the wetland extent that it was primarily along the western boundary where extensive clearing of gum trees has taken place on the neighbouring property and not along the south-eastern boundary where the stormwater outlet is located. The stormwater management plan will play an important role in the hydrology of the site and hence the impact on the wetlands. We note however that the layout plan in the stormwater management plan differs from the preferred layout plan in the BAR and is not included in any of the other reports. The access road to the southern node is located to the north of the units and traverses the wetland.	thereby completely avoiding the wetland area. This revision represents a major improvement compared to the previous alternatives and is in line with CapeNature's recommendation to prevent negative impacts on the wetland system. • The sewer pipeline upgrades within the suburb of Vermont will take place entirely within existing transformed road reserves and disturbed areas. As such, no additional encroachment into natural wetland habitat will occur, and the works will not require further environmental controls beyond standard best practice construction measures already included in the EMPr. • Solid boundary walls will not be permitted along the wetland area. Instead, only permeable fencing (e.g., post-and-rail or wire mesh designs) will be allowed to ensure that natural hydrological flows and faunal movement within the wetland are not impeded. This restriction will be incorporated into the design guidelines, title deed conditions, and the EMPr, and will be enforced by the Homeowners' Association. • Noted. The layout development plan in the Stormwater Management Plan has been updated.	
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	Permeable paving is proposed for the section of road which traverses the wetland, and a swale is proposed along the southern edge of the erven in the northern residential node. These features have not been assessed in the aquatic biodiversity assessment. Either the stormwater management plan or the aquatic biodiversity assessment and BAR must be amended to reflect the current preferred layout plan, neither of which are currently supported due to the encroachment into the wetland. Wetland Offset, Rehabilitation and Management Plan The wetland offset, rehabilitation and management plan was compiled to address the encroachment into the wetland of the development layout. The delineated wetland is calculated to be 0.9 ha in extent of which 0.024 ha (240 m²) will be permanently lost due to the construction of roads. The sections of residential erven which encroach into the wetland have not been included, as the intention is that these areas will remain as wetland habitat. Appendix B4 indicates the preferred layout with an overlay of the sections of each residential erf which can be developed and the exclusion areas consisting of the delineated wetlands and the boundary setback from neighbouring properties. CapeNature wishes to query the feasibility of maintaining the wetland sections within the private residential erven in terms of both habitat condition and ecological function and connectivity. The quantum of the wetland offset is determined by the wetland calculator as defined in the wetland offset best practice guideline (Macfarlane et al 2016). For the wetland functionality targets, the base of 58% functional value is used which falls within largely modified (D) ecological condition prior to development. The net change after development is therefore 58% which is then multiplied by the wetland area lost which results in 0.0139 ha (139.2 m²) functionality ha. For the ecosystem conservation targets, the habitat condition is rated as 70% which provides the base ha requirement of 0.0168 ha. Multipliers are then applied for	Permeable paving is supported. The swale has been removed, refer to Appendix F7. The Aquatic Biodiversity Assessment and Stormwater Management Plan now reflect the current layout. The most practical and feasible option to maintain the wetland sections as described above will involve fencing off the wetland area with low post-and-rail or wire mesh designs as this will maintain the ecological connectivity for the wetland onsite and faunal movement.	
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	ecosystem status (15), regional and national context (0.8) and local context (0.7), resulting in a stated ecosystem conservation ratio of 7.88, however we calculate the total as 8.4, depending on whether these are rounded off as indicated or not. We further wish to note that the regional and national context of high importance should be 1.0 and not 0.8 and the buffer zone integrity of 0.5 applies to cultivated lands which is not relevant at this location (Macfarlane <i>et al</i> 2016). We would motivate that degraded natural habitat (0.75) is more appropriate, although there is also limited residential development. Multiplying the base ecosystem conservation target by the ecosystem conservation ratio results in a target of 0.1323 ha (1 323 m²) ecosystem conservation target. The wetland offset requirements are therefore calculated as 0.0139 wetland functionality ha and 0.1323 ecosystem conservation ha with a net 0.1462 ha (1 462 m²) target. The motivation for the ratings however needs further description and the calculations need to be clarified with clear reference to the wetland offset best practice guidelines. No wetland plant or animal species of conservation concern (SCCs) were confirmed present or considered likely to be present therefore there are no additional offset requirements for SCCs, although we wish to refer to the animal species assessment as discussed below. The proposed wetland offset is rehabilitation of the on-site wetland with a loss of 0.024 ha leaving 0.876 ha for rehabilitation. The aim of the rehabilitation interventions will be to elevate the present ecological state from an upper D (largely modified) to an upper C (moderately modified). The rehabilitation interventions broadly consist of: removal of rubble and fill; removal of alien invasive species; establishment of a moderately diverse indigenous vegetation community; implementation of stormwater management measures and implementation of the wetland offset rehabilitation and management plan.	The wetland offset report has been updated as required. The Delta Report uses the values provided by the Offset Calculator Tool which does not round up. However, the tool itself automatically rounds up values when displaying in the summary tables. The report has been updated to manually input the values that are not rounded up. The buffer zone integrity value was initially 0.5 to be more conservative due to the residential development, however we are in agreement with CN that it can be 0.75 degraded natural area. It has been updated as such. The regional and national context of high importance should be 1.0 when the wetland falls within a protected area (not applicable) or is a Critical Biodiversity Area identified in a local or regional conservation plan, or is an identified Wetland FEPA (not applicable). The guidelines do not specify whether this should be an Aquatic or terrestrial CBA, in this case it is not classified as an Aquatic CBA as such but rather a terrestrial CBA. This may be an oversight from the WCBSP, 2023 and is likely due to the fact that NFEPA maps this wetland as artificial. We agree with CN that the value can be 1, and this has been updated. Establishing an on-site wetland offset is generally preferable, as it maintains ecological connectivity, provides an obvious like-for-like outcome (which can be very difficult to achieve with offsite offsets), and avoids the practical and administrative complications often associated with organising an offsite offset	
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	Reviewing the offset proposal in terms of the wetland offset best practice guideline, one of the key principles is the mitigation hierarchy which must be followed prior to considering an offset, as for the National Biodiversity Offset Guidelines (Macfarlane 2016; DFFE 2023). With regards to the first two steps of the mitigation hierarchy of avoid and minimize, the residential erven should be located fully outside of the delineated wetland. Conservation of wetland habitat and function within residential erven is not considered feasible. As developable areas have been identified for each erf which fully avoid the delineated wetland, the erf boundaries should be able to be retracted to only include the developable areas. The smaller erven may sacrifice the extent of gardens, however a landscaped garden will not fulfil the function of intact wetland habitat and function, and it will be very challenging to avoid this taking place on residential erven. Should it not be possible for the residential erven to fully avoid the wetland, additional motivation will be required, and the encroachments will need to be added to the impacted wetland which must be offset. Appendix G2 is an addendum to the Environmental Management Plan (EMP) which applies to the no-go areas on private erven. As CapeNature is not in support of the proposed attempt to maintain wetland habitat on the residential erven we will not provide further comment on this report. The wetland offset best practice guidelines do not address whether an on-site wetland of the remainder of a wetland partially impacted by a development is a suitable receptor site, however broadly interpreting the guidelines it can be considered acceptable. In terms of the offset target area, there is sufficient remaining wetland habitat on the on-site wetland to meet these targets. However, further motivation must be provided regarding the calculations and as discussed discrepancies/ miscalculations were identified. With regards to the proposed interventions, one of the general principles for the design and implementation of wetland offsets is that it must result in additional	It is acknowledged that best practice offset methodologies require offsets to deliver additional conservation outcomes and cannot simply involve the protection of wetland areas that would remain intact regardless of development. However, in this case the offset is not limited to conserving the remaining wetland; it involves a rehabilitation plan designed to improve the condition of the existing degraded wetland from a Category D ("largely modified") state to Category C ("moderately modified"). Such measurable improvement represents an additional conservation outcome consistent with the principles set out in best practise guidelines. On-site offsets of this nature are supported in best practice guidelines.	
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	conservation outcomes i.e. over and above what would have occurred without the offset in place (Macfarlane 2016). The National Biodiversity Offset Guidelines more specifically states with regards to additionality that it must be “over and above, biodiversity conservation measures that are already required by law”, using the example: “the removal of invasive alien species is a key strategy in rehabilitation and restoration, but in many cases is already a legal requirement” (DFFE 2023). Therefore, while alien clearing is agreed as a key intervention in rehabilitation of the wetland, it should not be considered as part of the offset as it is already required in terms of the National Environmental Management: Biodiversity Act (NEM:BA) Alien and Invasive Species Regulations and the Conservation of Agricultural Resources Act (CARA). The same may apply to stormwater management. In terms of alien clearing specifications, herbicide treatment for pampas grass (<i>Cortaderia selloana</i>) and Kikuyu grass (<i>Cenchrus clandestinus</i>) in the wetlands is not supported. Table 8 of the wetland offset best practice guidelines provides ratios for the wetland offset receptor area in accordance with the protection level. The lowest level indicates with a modifier of 1 is for securing the wetland offset through a legal mechanism such as a conservation servitude registered on the title deed and therefore is interpreted as the minimum protection level which the wetland offset must obtain. The goals and objectives of the offset study includes securing the wetland as a conservation servitude, however further detail is not provided. A suitable entity in favour of whom the conservation servitude will be signed must be identified e.g. a non-governmental organisation such as the Overberg Renosterveld Trust, although the latter only focuses on renosterveld remnants Other equivalent protection mechanisms can be investigated which are most appropriate to the site context. We recommend further consultation with CapeNature regarding the protection mechanism for the wetland offset. While the proposed rehabilitation interventions are supported, these must be linked to definite targets and timeframes to ensure that the rehabilitation goals are met. The end goal for rehabilitation must be clearly defined and address each of the proposed rehabilitation interventions. Only once the rehabilitation goals are reached can rehabilitation be considered to have been successfully implemented. Further detail is required regarding the removal of rubble and fill, including the current extent and depth of rubble and fill. If extensive excavation is required for this intervention it could result in an alteration of the hydrodynamics on site and hence the extent of the wetland. The end goal of rehabilitation must ensure that it meets	The portions of the residential erven that fall within the delineated seasonal wetland areas will be restricted from any form of development. All housing development will be located outside of the wetland areas. Furthermore, the areas within the wetland will be formally protected through a servitude, which will be monitored by the Homeowners Association (HoA) and enforced as a title deed restriction to prevent any future development within these sensitive areas. The protection methodology also includes bollard fencing which will clearly define them as no-go areas and to prevent the disturbance of ecological connectivity and faunal movement across the whole property. The most practical and feasible option to maintain the wetland sections as described above will involve fencing off the wetland area with low post-and-rail or wire mesh designs as this will maintain the ecological connectivity for the wetland onsite and faunal movement. Agreed. The goals and objectives of the offset study do include securing the wetland under a conservation servitude; however, we acknowledge that further detail regarding the mechanism and the entity in whose favour the servitude would be signed must be provided. Options such as a suitable non-governmental organisation or other equivalent entities will be investigated, and consultation with CapeNature will be undertaken to ensure that the most appropriate and effective protection mechanism is applied in the site context. Agreed. The proposed rehabilitation interventions have been strengthened by linking them to clear, measurable targets and defined timeframes to ensure that rehabilitation goals are achieved. Refer to Appendix B. The end goal of rehabilitation will be explicitly set out and aligned with each intervention, and success will only be confirmed once these	
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	the same targets identified in the wetland offset calculator with regards to wetland functionality targets and ecosystem conservation targets. The rehabilitation should be undertaken by a restoration ecologist with a proven track record of wetland restoration in particular for the revegetation component. It must be ensured that the maintenance management plan (MMP) is fully aligned to the wetland offset, rehabilitation and management plan. It is noted that a water use license application (WULA) is required for the proposed development, however no further information is provided regarding the WULA. The NEMA process and WULA should be undertaken concurrently for this development proposal in accordance with the provincial synchronisation agreement, particularly since there is a wetland offset proposed which will address concerns related to aquatic ecology for both the BAR and WULA and the recommendations for the two processes need to be aligned. Terrestrial Animal Species Assessment A terrestrial animal species assessment was undertaken to complement the discussion regarding fauna in the terrestrial biodiversity assessment. The fieldwork consisted of both visual and acoustic surveys and call playback for one of the bird SCCs flagged in the screening tool. A total of six bird, three amphibian and five mammal species were recorded on site, however none of them are SCCs or flagged in the screening tool. The likelihood of the six bird species, one reptile species and one invertebrate species flagged in the screening tool occurring on site is assessed. The Striped Flufftail (<i>Sarothrura affinis</i>) did not respond to the call playbacks and the habitat on	goals are met. The plan has been updated to ensure that a suitably quality restoration ecologist should oversee each step in the rehabilitation process. Please note that this refers to the dirt track, areas where the current house is located and coincides with the temporary/seasonal wetland area. Therefore, it is not possible for the aquatic specialist to dig out these areas and estimate depth. The appointed ecologist responsible for the rehabilitation can be present on site to oversee the removal of infill, and subsequent re-profiling. The plan has been updated to highlight that a suitably qualified restoration ecologist with a proven track record in wetland restoration (including but not limited to the revegetation component) will be appointed to lead implementation. It is agreed with that the Maintenance Management Plan (MMP) should be fully aligned with the Wetland Offset, Rehabilitation and Management Plan to ensure consistency and accountability. Proof of WULA pre-application submission is attached as Appendix L.	
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	site is considered marginal for the species. Some of the species are considered reasonably likely to occasionally frequent the site such as African Marsh Harrier (<i>Circus ranivorus</i>) and Black Harrier (<i>Circus maurus</i>) however the predicted impact for each of flagged SCCs is considered to be low or very low. Cape dwarf chameleon (<i>Bradypodion pumilum</i>) was added to the list of SCCs assessed and there are records directly adjacent to the site, therefore it is likely to be present. The impact on this species is considered to be of medium significance. The impact assessment for the preferred development layout is rated as medium significance after mitigation and therefore falls within the thresholds requiring a biodiversity offset in accordance with the National Biodiversity Offset Guidelines (DFFE 2023). The specific impacts in this regard are the infringement on the ESA 2 corridor for animal movement and habitat loss and movement impediment for the Cape dwarf chameleon. We therefore recommend that there is further investigation of the mitigation hierarchy in this regard and that an additional offset is investigated for animal species, specifically focusing on Cape dwarf chameleons. Conclusion In conclusion, CapeNature does not support the current development proposal which encroaches into the wetland. Further investigation of alternatives must be undertaken where the residential erven are fully located outside of the wetland. Any encroachments into the wetland must be adequately motivated and the extent must be offset. The wetland offset, rehabilitation and management plan must be amended in accordance with the comments above and to address revised layout plans. We recommend that CapeNature should be consulted regarding mechanisms for the protection of the wetland. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.	There are no triggers for a biodiversity offset. Both the Terrestrial Biodiversity Impact Assessment and the Faunal Specialist Assessment have been updated in line with the revised preferred layout (Alternative 3), which incorporates concerns raised during the PPP. The updated assessments confirm that the significance rating of impacts on terrestrial biodiversity and faunal species, after mitigation, is now considered to be low-medium. Accordingly, the proposal does not meet the thresholds that would necessitate a biodiversity offset. Mitigation hierarchy was investigated further, refer to the mitigating hierarchy section in the BAR. The layout has been revised and alternative sewer pipeline layout was also explored, which now avoids encroachment into the seasonal wetland area.	
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Pat Miller (Wale Coast Conservation)	Letter dated 23 July 2025 COMMENTS ON BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 1486, VERMONT, HERMANUS: June 2025 DEA&DP REFERENCE: 16/3/3/6/7/1/E2/40/1525/22 As a registered Interested and Affected Party (I&AP), Whale Coast Conservation (WCC) has the following comments on the above proposal. 1. Introduction This Basic Assessment Report (BAR) is for a revised edition of the development proposed for Erf 1486 in Vermont. It puts forward a different arrangement of the plots on the erf, together with an emphasis on ways to circumvent the ecological difficulties posed by the erf itself. 0,9 Ha (approximately two-thirds) of the 1,5 Ha erf is delineated as wetland, both permanent (approximately half) and seasonal. 0 ,71 Ha of the erf will be required to establish the proposed development and 0,79 Ha will be open space. Roads on the development account for the loss of wetland. The proposed development is split into six dwellings in the north and three in the south of the erf, together with two access roads. There is an average ingress of 25% of the seasonal wetland on the individual erven within the development (not 15% as stated in the BAR). The remaining area within the centre of the site consists of the permanent wetland zone and the remaining temporary/seasonal wetland zone (to be kept undeveloped). 1. Erf 1486 is unsuitable for development WCC contends that the erf in question should not be developed at all, for reasons that include the following (in summary), and which are explored further below: • Much of the erf is delineated as wetland and as such should be protected from development	Noted. Most of the delineated onsite wetland, an area of 0.876 ha (97.3 %) of the 0,90-ha wetland, is being protected by development in this current proposal, as recommended by the aquatic specialist reports.	

	- It is not possible to delineate the boundaries of the wetland accurately in the context of climate change and the removal of Alien Invasive Plants (AIPs), particularly from the neighbouring property, and it may well cover a greater area than that delineated. This renders the proposal meaningless. - The vegetation of the erf is classified as Hangklip Sand Fynbos, which is Critically Endangered. It should not be built on. - The erf is part of an important ecological corridor. It is classified as a Critical Biodiversity Area (CBA1) and should be protected from development. - The erf is also part of a broader Ecological Support Area (ESA2) identified in the 2023 Western Cape Biodiversity Spatial Plan (BSP) and should not be developed. - The erf is part of an important and extensive wetland system which forms part of an Environmental Management Overlay Zone (EMOZ) of the Overstrand Municipality (OM) and cannot be considered on its own, as the proposal does. 1. Ecological importance and current ecological situation of Erf 1486 The erf in question forms part of an important wetland system that runs eastwards	The boundaries of the wetland can be delineated accurately, and this has been undertaken by the numerous specialists, as well as the current specialist in accordance with the prescribed best practise methodology. This is the same methodology applied consistently across the country for all applications. It is not feasible for the Department of Water and Sanitation (DWS), DEADP, or Cape Nature to require that delineations be based on speculative future scenarios - such as the possibility that a wetland may expand over time due to adjacent land uses or climate change - without quantifiable data to define "by how much" or "where." If such an approach were adopted, the same uncertainty would apply to every future development. The EIA process is therefore correctly based on real-time field conditions and verified indicators at the time of assessment, which provides the defensible basis for decision-making. The concern has been noted. Most of the development footprint will be situated within the low sensitive botanical areas. Although there would be loss within the high botanical sensitive area, the impact is lower compared for Alternative 3 (Preferred), when compared with other alternatives assessed in the report. Noted. Although this is based on the 2023 BSP, the project considers the 2017 BSP, as it was initiated prior to the 2023 update. The 2017 BSP mapped most of the site as an Ecological Support Area (ESA). Noted.	
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	from the Bot River, roughly parallel to the R43 and sometimes underground, through the Skilpadsvlei and Paddavlei in Hawston, then through the Whale Coast Nature Reserve (WCNR), to the Vermont Pan. This system has been greatly impacted over past decades by factors such as the proliferation of thirsty AIPs and ill-advised urban development and land use. This includes urban encroachment, wetland draining, stormwater reticulation that alters natural water flows and the discharge of treated wastewater into the system. Many of these impacts are however currently being reversed, mainly by the removal of AIPs along much of the length of the system, particularly in the WCNR which borders the erf on the west, as well as in the Paradise Park and Vermont Pan areas, with dramatic effects on the quantity of water freed in the system. This work is ongoing, and water levels can be expected to increase as more plants are removed. Restoration work on the Paddavlei is also underway and this too may well increase the water levels in the system. Despite having been built on and accommodating past attempts at fill and drainage, the wetland on the erf remains functional and hydrologically connected to the larger wetland system of which it forms part. As such it is a vital ecological corridor and an important active route for ground-dwelling species. It is part of a broader ecological support area identified in the BSP. Although degraded through the presence of AIPs, it contains evidence of its (Critically Endangered) Hangklip Sand Fynbos vegetation classification and is likely to contain specimens of critically endangered plants found in close proximity. Parts of the wetland show signs of ecological recovery after many years of non-interference. The results from the relevant sensitivity theme ratings indicate the ecological importance of the site. These are given in page 15 of the BAR as: • Animal species – high sensitivity, likely to support species of conservation concern. • Aquatic biodiversity – very high sensitivity and a medium risk for residual wetland loss. • Plant species - high sensitivity, with at least one species of special conservation concern. • Terrestrial biodiversity – very high sensitivity, with approximately 70% of the site being Critically Endangered Hangklip Sand Fynbos 1. The critical importance of wetlands		
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	The 2025 Global Wetland Outlook (GWO) was released in July 2025 and bridges many data and knowledge gaps with respect to the importance and current situation regarding wetlands. In line with a global trend of declining wetlands, South Africa's wetlands are in critical decline and are degrading far faster than investment in their rehabilitation. Impacts on people and the environment are severe. Wetlands provide many ecosystem services, including water purification, flood control and critical support for biodiversity. GWO2025 found that degradation of wetlands globally rivals outright loss, with a current but increasing proportion of remaining wetlands in poor ecological condition in all regions. Pressures leading to this include AIPs, pollution, urban expansion and infrastructure development. The mounting costs associated with wetland decline include increased vulnerability to natural disasters. Once wetlands are degraded, their restoration is arduous and expensive. GWO2025 emphasises that while restoration is essential, prevention is even more so and is significantly more cost-effective. Prioritising those in early stages of degradation is essential. Although targets are not specified, South Africa has strong goals for its wetlands in the national plan for protecting nature (NBSAP), which commits to global targets (for example) of restoring 30% of damaged ecosystems by 2030. Strategies include protecting and restoring wetlands as a priority for adapting to climate change. The proposal flies in the face of these aims. 1. Climate change implications Wetlands, particularly seasonal wetlands, are dynamic systems and their extent is affected by fluctuations in supply of water. This makes them extremely important regulators of the effects of erratic supply. This is particularly important in the context of climate change and its predicted effects on rainfall. Within the Overberg, although cumulatively less rain will fall, it will do so in the form of stronger and increasingly frequent storms. On a microclimate level, Stellenbosch University research predicts that the Hermanus area will receive more rain than the rest of the Overberg. The Bot River to Vermont Pan wetland system will also receive an increasing amount of water in surges from the mountain slopes above the erf. The erf is also part of this		
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	larger hydrological catchment where runoff from Catchment Area 1, north of the R43, drains into Catchment Area 2 which includes the erf. Given the above and the continuing release of water into the system through the ongoing removal of IAPs, this makes the boundaries of the wetland on Erf 1488 as described in the proposal, which were last defined in May 2023, questionable. It should be noted that in September 2023 Hermanus experienced violent storms which led to much infrastructural and environmental damage. Anecdotal evidence is that the influence on the water level of the erf was marked. The presence of water on the erf can be expected to fluctuate unpredictably depending on the impact of factors such as those described. 1. Land use and wetlands The national climate action plan process requires different areas to create their own climate response plans. Given that wetlands have been systematically undervalued in the past, a fundamental shift in approach is required. This includes integrating spatial planning as part of a proactive policy that recognises the important role of wetlands in mitigating climate-related damage. In past decades, wetlands were not recognised as the primary, vital and essential ecosystem drivers that they are. This made it possible for land use policies to drain damp areas and marshes and allow and even encourage building in wetland areas, including conveniently flat alluvial fans and floodplains. Understanding of the critical importance of wetland areas has grown and developed, and for some time they have been recognised as vital ecosystem drivers and protected under environmental law. Development that may impinge on the full functionality of wetlands and wetland systems cannot be permitted, nor must attempts be made to regulate the flow and extent of a wetland system. The BSP Handbook and Guidelines (2023) provides guidelines for land-use within mapped ESAs, highlighting that where possible the current land-uses should be withdrawn, and rehabilitation undertaken. This approach should be applied to the subject property. In addition, the BSP maps the property as a CBA1. The BSP Guidelines indicate that such areas should be maintained in a natural or near-natural state with no further loss of habitat. It further highlights that only low-impact, biodiversity-sensitive land uses are appropriate – a residential housing development is not.		
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	In many areas however, land use practices are still to catch up with this understanding. Erf 1486 – along with all other land along the Bot River to Vermont Pan wetland system - should never have been deemed suitable for housing. The OM must redress this. It should clearly demarcate all these areas as unsuitable for development, refuse applications for development along the system, and landowners who bought property on the assumption that it could be developed should be compensated. 1. Aquatic Assessment and Offset and Management Plan is ill-conceived There have been various attempts over the years to define the boundaries, both permanent and seasonal, of the wetland on the erf but these remain open to debate. Given changing circumstances, a definitive boundary is likely to remain elusive. In such circumstances, the precautionary principle should apply. In August 2018 the aquatic biodiversity screening assessment confirmed and delineated the onsite wetland, and an updated delineation was done in May 2023. The delineated wetland covers approximately 0,9Ha of the 1,5Ha site, i.e. almost two-thirds of it, and the site was classed as being of “very high” aquatic sensitivity. Following the redesign of the development proposal to the format now proposed, a “Wetland offset, rehabilitation and management plan” was prepared in October 2024. A basic flaw of this however, is that the study area for this aquatic assessment and plan is only the extent of erf 1486. No consideration is given to its situation within the Bot River to Vermont Pan wetland system, nor to the unavoidable impact on the extent of the onsite wetland of factors beyond its boundaries.	Upstream wetland areas that are unaffected by the proposed development are not required to be included within the scope of work. However, the broader system context was considered through reference to the downslope linkage with the Vermont Salt Pan (see Figure 5-15 from the freshwater assessment report). The Aquatic Impact Assessment Report also considered the broader system in its evaluation when considering potential impacts, please refer to the Delta Report Version 4. Furthermore, as the wetland is connected to the broader downslope system, it is reasonable to assume that any rehabilitation undertaken on the site in question will contribute to improving the functioning of the overall system. However, this potential benefit was not included in the offset calculation in order to take a conservative approach and also because this area is not owned by the applicant – thereby increasing complexities in the offset	
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	In this regard, the assessment makes the risible assertion that liability for increased water flow from the removal of AIPs beyond the erf's boundaries should rest with the remover. It is of course the responsibility of the developer to conduct an environmental due diligence before deciding to purchase. The assessment showed that constructing the roads on site would mean that a portion of the wetland (some 3%) would be lost and that the proposed development could not be accommodated within the erf without a level of encroachment on the wetland, despite full application of the mitigation hierarchy, and that "some level" of wetland loss would thus be unavoidable. This would make securing a Water Use Authorisation (WUA) problematic. In an attempt to ameliorate the situation, the assessment details activities aimed at restoration and management of the remaining portion, stating that these will suffice as an offset for the losses. This assertion is arrived at after the application of formulae that result in a positive outcome. However, an offset can only be explored in an EIA process after a long process of examining a cascade of options arising from the use of the mitigation hierarchy and would involve the identification of a suitable "like for like" piece of ground to substitute for unavoidable loss. It is clear that there are no mitigation options open to this proposal. Proposing to use the remaining existing wetland as an onsite offset for the inevitable wetland losses from the development is specious. Improving the condition of the remainder of an endangered ecosystem cannot compensate for the loss of part of that ecosystem, particularly when both result from and are conditional on the actions of the developer.	process. Noted. A water Use License Application is in process, refer to Appendix L. There is a defined procedure to follow in the EIA process, and in this case, it has been applied correctly rather than bypassed through amelioration. The project followed the EIA mitigation hierarchy. The layout was revised through multiple alternatives to avoid and minimise wetland loss as far as viable. Comprehensive measures have been proposed to mitigate residual impacts, and only 0.024 ha of unavoidable wetland loss is addressed through an offset, in line with best practice. The specialist may need clarity as to what exactly WCC is stating in the Offset plan is superficially plausible but actually wrong. It is acknowledged that best practice offset methodologies require offsets to deliver additional conservation outcomes and cannot simply involve the protection of wetland areas that would remain intact regardless of development. However, in this case the offset is not limited to conserving the remaining wetland; it involves a rehabilitation plan designed to improve the condition of the existing degraded wetland from a Category D ("largely modified") state to Category C ("moderately modified"). Such measurable improvement represents an additional conservation outcome consistent with the principles set out in best practise guidelines. On-site offsets of this nature are supported in best practice guidelines. The	
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	Given the basic flaw of the restriction of the study area to the boundaries of erf 1486 however, these calculations and proposed activities are nothing more than arranging the deckchairs to ensure maximum occupancy on the deck of a sinking ship. A WUA should not be issued.	proposal is therefore consistent with recognised offset methodology, provided that rehabilitation is implemented and monitored to demonstrate the anticipated ecological gains (please note that monitoring of this is included in the Plan). This statement is noted; however, the specialist cannot agree with it. The Aquatic Assessment and Offset have been undertaken using the prescribed methodology and within the defined scope of work. The process followed is consistent with best practice and relevant policy guidance. The offset has only been proposed after applying the full mitigation hierarchy - avoidance, minimisation, and mitigation - and is designed to address the small portion of residual wetland loss that is unavoidable for the project to remain viable. The delineation and assessment were undertaken in accordance with the DWS wetland delineation guidelines. Upstream, unaffected (by the development proposal at hand) wetlands are not required to be included in the scope of work; however, the broader system context was considered through reference to the downslope linkage with the Vermont Salt Pan (see Figure 5-15, extracted from the freshwater assessment report). It is also noted that this wetland does not exist in a pristine or fully natural state. This reality formed part of the specialist assessment, which applied the recognised WET-Health methodology (Macfarlane et al., 2020) to evaluate the current condition and extent of modification. This ensures that the assessment and offset proposals are based on actual ecological condition rather than an assumptions. The specialist recommended that the majority of the wetland is designated it as a No-Go area, and by recommended rehabilitation, protection, and detailed mitigation measures for the proposed development, there is acceptable levels of impact. Please note that as with all developments, the success of these measures depends not only on the actions of the developer but also on appropriate monitoring and	
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	1. Biodiversity offset implications The current proposal will result in a loss of Critically Endangered vegetation of some 500m2 and reduces the impact from the previous iteration from high to medium negative. However, there is no indication as to where this will be lost and how the area/s of loss relate to the wetland delineation. It should be noted that according to the National Biodiversity Offset Guidelines, if the residual impact is medium, a biodiversity offset is required, but this aspect is not dealt with. Negative impacts of development on the erf are inevitable The development will negatively impact several features of the ecology of the site, such as its critically endangered vegetation, the wetland, connectivity and habitat for several species. It will result in “the permanent loss of all natural and semi-natural vegetation and faunal habitat within the development footprint, including approximately 500 m² of high-sensitivity habitat”. If approved, it will flout many layers of environmental protection. The BAR emphasises throughout, including in the section on need and desirability, that the development will satisfy housing needs and promotes infill development and densification – even referring to this as fulfilling a mandate (page 101). These are laudable goals for urban development in general but are not appropriate for this property. The ecological importance of the erf is such that it must be protected from encroachment – it should in fact be restored to its natural state. The development needs and aims to capitalise on the misguided purchase of the erf. Thus, the BAR attempts to persuade decision-makers that the development will be of benefit to the erf and that negative impacts will be minimal and transient. This is nonsense. Construction activities on the erf will destroy critically endangered natural vegetation and interfere with the natural functioning of the legally protected wetland. Occupation will jeopardise the erf’s function as an important ecological corridor by interfering with faunal existence and movement. The development will also dampen the wetlands’ ability as part of a larger system to mitigate the effects of future storm surges.	enforceable conditions of approval. This loss of Critically Endangered vegetation is associated with the construction of the road running northwards of the development. The Terrestrial Biodiversity Impact Assessment addendum highlights that the ecological significance of the proposed development phase of the project has now been reduced from an unacceptable High negative (Alternative 2) to an acceptable Low to Medium negative (Alternative 3),	
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	The development will cause damage to the wetland both in the construction phase and afterwards when the development is established. In the construction phase this includes loss of wetland area, habitat disturbance, alteration of the flow regime of the wetland and water quality impairment. During the operational phase the damage includes habitat disturbance, alteration in the flow regime, water quality impairment and potential sewerage leaks. 1. The proposal is not an eco-sensitive development Much is made in the BAR of the intention of the development to minimise its effects on the wetland. When these are examined however, it is clear that the chances of success are slim and that they are nothing more than greenwashing. Table 1 of the BAR notes that the percentage of seasonal wetland on the various residential erven ranges from 0 (one unit of 350m²) to 30 (four units of 300m² and one of 450m²), averaging at 25% coverage (not 15% as stated in Table 1). The inclusion of areas of seasonal wetland in the erven is no doubt to ensure marketable erven sizes and increase the financial viability of the proposal. The individual property boundaries as well as the proposed sewer and enhanced protective swale system should be well outside of the seasonal wetland areas. Placing the swale inside the boundaries of the seasonal wetland is not acceptable as it is likely to result in the draining of these areas. The proposed sewer line should also be placed outside the seasonal wetland boundaries. The proposal states that the seasonal wetland areas, including those located inside the various erven, will be regarded as no-go areas protected by a conservation servitude. They will be managed and policed by the Home Owners' Association (HOA). An HOA is not a suitable or sustainable mechanism to ensure compliance, and HOA members are unlikely to have the expertise to do this. A variety of rules will need to be introduced and enforced to mitigate and manage impacts on the seasonal wetland areas, whereas if the erven boundaries did not include any such areas, the need for these rules, which are likely to be broken often, would be considerably reduced. Environmental prescriptions to landowners as contained in the Environmental Management Programme (EMPr), are suggestive rather than prescriptive. The recommended HOA will need to be supervised in its adherence to them. The	The enhanced swale that was proposed in the seasonal wetland area has now been removed in the current preferred alternative site development layout (Alternative 3). In addition to management by the Home Owners' Association (HOA), the seasonal wetland No-Go areas will be physically demarcated using bollard fencing. This measure will provide a clear visual and physical barrier to help protect these areas and reduce the likelihood of encroachment, complementing the HOA's management role.	
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	prescriptions themselves will need to be more than just recommendations; they will need to be constantly monitored and enforced and backed up by penalties for non-compliance. This is unlikely to happen. No amount of greenwashing will alter the fact that any development on this site will: • Destroy endangered vegetation and its denizens. • Compromise the effectiveness of the ecological corridor of which it is a vital part. • Negatively impact this section of the larger wetland system. The site is patently unsuitable for development. 1. Conclusions and recommendations • The BAR under consideration proposes a different arrangement of fewer individual plots on Erf 1486, together with ways to circumvent the ecological difficulties posed by the erf itself. • Much of the erf is delineated as wetland, both permanent and seasonal. It is part of a larger wetland system stretching from the Bot River to the Vermont Pan. • The current changing situation regarding water levels in the wetland system, largely due to the removal of AIPs and climate change, mean that the boundaries of (particularly) the seasonal wetland areas on the erf, cannot be definitively delineated. This renders the proposal meaningless. • The vegetation of the erf is classified as Critically Endangered Hangklip Sand Fynbos. The development will mean the permanent loss of some 500m² of this. The impact is classed as medium negative, for which the National Biodiversity Offset Guidelines requires an offset. However, this requirement is not dealt with. • The erf is of great ecological significance and has various layers of environmental protection that apply to it. It is part of a Critical Biodiversity Area (CBA1), a broader Ecological Support Area (ESA2) and part of an Environmental Management Overlay Zone (EMOZ). It should not be developed. • The greater wetland system of which the erf forms a part of has borne the brunt of harmful impacts over past decades, including AIP proliferation and ill-advised urban development and land use. Despite this, it remains functional and hydrologically connected to the larger wetland system and shows signs of ecological recovery after many years of non-interference.	Noted. Noted. Noted. The concern has been noted. Most of the development footprint will be situated within the low sensitive botanical areas. Although there would be loss within the high botanical sensitive area, the impact is lower compared for Alternative 3 (Preferred), when compared with other alternatives assessed in the report. A Biodiversity Offset is not applicable. Noted.	
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	• The erf is a vital ecological corridor and an important active route for ground-dwelling species. • The proposal flies in the face of recent data on the critical importance of wetlands, the urgent need to address their degradation as early as possible, and the country's commitments to assist in achieving targets for their protection and rehabilitation. • The Overstrand is experiencing the results of climate change in the form of more frequent and severe storms; functional wetlands are critical in ameliorating floodwater. • Past decades did not realise the value of wetlands as ecosystem drivers; this led to their neglect and often destruction for urban development. Although this understanding has progressed and their importance is recognised in environmental law, many land use practices must catch up. In line with the Western Cape Biodiversity Spatial Plan Handbook and Guidelines (2023), the OM should withdraw current land use along the wetland system, demarcate all these areas as unsuitable for development, refuse development applications along the system and compensate owners as appropriate. • The Aquatic Assessment and Offset is ill-conceived. A basic flaw is that the study area is confined to Erf 1486 with no consideration of its place in the larger system. It also asserts that the loss of a part of the wetland through road construction could be offset by rehabilitating the remainder of the wetland on site. This is specious as both the loss and the condition of the remainder of the wetland are conditional on the actions of the developer. A Water Use Authorisation should not be issued for the development. • The proposal will have negative impacts on many features of the ecology of the erf, including its critically endangered vegetation, the wetland's extent and functionality, and connectivity and habitat for many species, some of which are endangered. Damage will be during both the construction and operational stages. • The BAR emphasises throughout that the development will satisfy housing needs through infill and densification. These laudable goals for urban development are totally inappropriate for this property. • Although touted as such, the proposal is not an eco-sensitive development. The developer clearly needs to capitalise on the misguided purchase of an environmentally sensitive erf and thus has cloaked it in greenwashing. In reality, construction will destroy critically endangered natural vegetation and interfere with the functionality of a wetland. Occupation will jeopardise the erf's corridor function. The wetland's ecosystem function in ameliorating storm surges will be compromised.		
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	Management of the environment after development will be in the hands of a Home Owners' Association, guided by suggestive rather than prescriptive "rules". This is a recipe for disastrous non-compliance. Whale Coast Conservation recommends that the proposal under consideration is not approved. Approval will flout many levels of environmental protection. The site should be excluded from development consideration. Yours sincerely		
Fabion Smith (BOCMA)	Email dated 23 July 2025 NOTICE OF PUBLIC PARTICIPATION FOR BASIC ENVIRONMENTAL IMPACT ASSESSMENT IN TERMS OF NEMA <u>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, our subsequent comment dated 22/03/2023, then followed by your latest submission of the PPP for the BAR for Erf 1486 Vermont development, with Lornay Report dated 20/06/2025, and with DEA&DP reference number 16/3/3/6/7/1/E2/40/1525/22, herewith the following:</u> - The BOCMA notes the new Preferred Alternative 3, which had been informed through Freshwater, Botanical and Faunal Specialists. - This Alternative proofs to have the least impact on the environment. - Previously, the absence of a Risk Assessment Matrix, limited the ability of BOCMA to provide comprehensive input. - The latest information is that a Risk Assessment Matrix had been done with the associated risk rating being LOW/MEDIUM, with confidence level being HIGH . - Please note that any activity within the 1:100 year flood line or within 100m of a watercourse (river, spring, natural channel, a lake or dam) or within 500m radius from the delineated boundary (extent) of any wetland or pan, triggers a water use activity in terms of Section 21 (c) & (i) of the National Water Act, 1998 (Act 36 of 1998). If applicable, appropriate mitigation measures should be employed to minimize the overall risk on the water resource.	Noted. No further actions required. Noted. Noted. Noted. Noted.	

	6. A full Water Use License will be required for this project due to the encroachment into the onsite wetland. 7. The ecologically transformed unchanneled valley-bottom wetland still holds ecological and hydrological value. 8. It is encouraging that the ecological corridor link from Hoek van der Berg to the Vermont Salt Pan through the implementation of the onsite Wetland Offset, Rehabilitation and Management Plan, be reinstated. 9. The wetland offset, rehabilitation and management plan should be implemented and clear method statements be utilised during construction and further maintenance. 10. The Wetland Offset, Rehabilitation, and Management Plan must be fully implemented, with clear timelines and accountability measures. This includes ongoing monitoring of the wetland's health and the success of offset measures, with adaptive management measures in place if targets are not met. 11. The Stormwater Management Plan must address the site-specific hydrological dynamics influenced by the wetland and its surrounding catchment. 12. The proposed construction should adhere to all other relevant sections of the NWA, 1998 (Act 36 of 1998), not contained within this letter. 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.	Proof of application submission is attached as Appendix L. Noted. Noted. Noted. The stormwater Management Plan accounts for the hydrology that will be received onsite from the surrounding, including from the mountains and from R43, which will be facilitate through the site through stormwater management designs, refer to the updated Stormwater Management Plan under Appendix F7. Noted.	
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Responses from the Freshwater Specialist:

Organisation	Comments	Responses
PHS	The Freshwater Consulting Group (FCG) study in August	Noted. For the current proposed development and the associated risks and impacts under consideration in this application, the aquatic study by Delta Ecology (2025), together with the "Aquatic Biodiversity Impact

	2006 for the Overstand Municipality delineated the wetland in blue as per figure 2 below. The study recommended that appropriately vegetated buffers be established to protect the wetlands wherever this is possible. It was recommended that minimum buffer width of 30 m should designate as per white in figure 2 (refer to PHS comments on Page 3) . • The HVDB property was subjected to an EIA, that contained an Alien Vegetation Management Plan that is being implemented. It is disclosed in the specialist's wetland reports in 2012 as part of the EIA that the wetlands will likely increase. This was the same wetland specialist who recommended in 2008-2010 that no development should take place on Erf 1486. The onus is therefore not on HVDB to consider downstream impact on Erf 1486 for an activity required to conserve wetlands. It is the applicant and the EAP's responsibility to consider the changing circumstances which are positive changes in the natural landscape in this instance. A HOA is not a sustainable mitigation tool, neither are the personnel running the HOA competent or interested in managing wetlands especially the seasonal wetlands to be located on private erven as per preferred alternative. The best approach should be precautionary by delineating the erf boundaries on the outer edge of the seasonal wetlands, this way the HOA don't have to monitor private erven/owners or activities falling inside the seasonal wetlands. • The specialist confirm that the wetland report scope does not include climate change, impact on adjacent landowners or any catchment transformations, and due to this the Limitation Section in the specialist report was updated. These limitations place the responsibility on the EAP to do the require climate change assessment, noting that numerous I&AP requested the same. The BAR is silent on Climate Change and catchment transformation, regarded as a flaw in the assessment. Instead of moving the private erf boundaries to the outer edge of the seasonal wetland, the recommendation is that all erven except one can contain temporary wetlands. These	Assessment Erf 1486 Vermont V4.0" and the associated "Wetland Offset, Rehabilitation and Management Plan," proposes a comprehensive list of mitigation measures addressing risks during both the construction and operational phases. In addition to these measures, the replanting of areas within the northern erven with indigenous vegetation is proposed to provide an adequate functional buffer. The wetland delineation has been undertaken in accordance with the prescribed methodology, which is based on current field conditions and does not provide for predictions of future scenarios. The establishment of a buffer consisting of vegetated gardens introduces an element of flexibility in this regard. Should the wetland expand slightly upslope as a result of alien clearing, the buffer already provided may accommodate this expansion. It is recommended that an Aquatic Ecologist be consulted during the detailed design of the residential dwellings and Town Housing units, and that an Environmental Control Officer (ECO) be appointed during the construction of the Town Housing development in the south of the erf. It is further noted that Lynx Road located downstream of the wetland is likely influencing hydrology by contributing to an increased extent of the onsite wetland. Therefore, rehabilitation measures will include interventions to improve hydrological connectivity beneath the road, with the aim of restoring more natural flow conditions. It is recommended that an independent aquatic specialist be appointed during the design phase of the residential development to ensure that appropriate wetland considerations are integrated from the outset. Furthermore, it is noted that in certain cases Homeowners Associations (HoAs) can play an important role in managing wetlands on private land, as they are directly accountable at the local level.
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	temporary wetlands inside private erven is regarded as no-go areas but it need to be policed by the HOA. The Wetland Management Plan attached to the BAR as App G2 Regulated Areas MP, contains a set of rules each private owner needs to operate accordingly. From experience it always leads to none-compliances. The likely reason for the inclusion of wetlands inside private erven is to achieve optimal erf sizes and numbers to achieve development feasibility and satisfy market demand at the cost of wetlands. The proposed mitigating measures are not sustainable. We noted that a SWMP was drafted and attached to the BAR as a substitute for a geohydrological/hydrological/hydropedology study, however the SWMP recommendation are made on a SDP that does not feature in the BAR. The catchment area in the SWMP is also smaller than the C1 determined by a geohydrologist as per Figure 4. Permeable paving is proposed in the south seemingly along a road, however the road and erven layout is not in line with the preferred alternative. The enhance swale proposed on the northern erf boundaries is not assessed by the freshwater ecologist and regarded as a concern considering it is inside the seasonal wetland most likely draining the seasonal wetlands on private erven, exactly the reason why erf boundaries should be on the outer edge of seasonable wetlands and a swale placed on the outer edge of the wetlands. We still maintain that the EIA process requires a geohydrological/hydrological/hydropedology study to inform subsurface flow and increase in flow especially if development takes place inside a wetland. A variety of rules are introduced to mitigate and manage impacts whereby one simple alignment of erf boundaries outside seasonal wetlands is avoidance that would eliminate the need for rules that is subject to be broken with very little consequences. We note that a sewer line is also proposed along the swale alignment regarded as a risk that should be located outside the seasonable wetland opposed to inside it.	
DEADP	CapeNature and I&APs indicated that alien clearing on the	The boundaries of the wetland have been delineated using the accepted best practice method for

	adjacent property may affect the extent of the wetland. However, this was not considered by the Freshwater Specialist. Please note that this potential impact must be assessed by the Freshwater Specialist, who must also confirm whether there will be any additional impacts on the watercourses	delineating watercourses in South Africa, required by GN 509, which specifies that key indicators obtained in the field are used to determine the wetland's current edge. This is the same methodology applied consistently across the country for all applications. It is not feasible for the Department of Water and Sanitation (DWS), DEADP, or Cape Nature to require that delineations or impacts assessed in EIA reports, be based on speculative future scenarios - such as the possibility that a wetland may expand over time due to adjacent land uses or climate change - without quantifiable data to define "by how much" or "where." If such an approach were adopted, the same uncertainty would apply to every future development. The EIA process is therefore correctly based on real-time field conditions and verified indicators at the time of assessment, which provides the defensible basis for decision-making. • The presence of alien invasive species was explicitly considered during the assessment. At the time of the fieldwork, dense stands of alien vegetation were present and were therefore incorporated into the immediate surrounds and catchment of the wetland as part of the Present Ecological State (PES) assessment. • However, if specialists were required to account for every possible future land-use change, this would imply assuming, for every project, that all alien invasive vegetation has been cleared and that all unlawful water uses (such as illegal dams) have been rectified. Such assumptions are not realistic and cannot be applied with a high degree of confidence. The EIA process is therefore correctly based on actual conditions observed at the time of assessment, in line with best practice and methodological guidance. • DEADP should note that what has been requested is comparable to asking the specialist to estimate the extent of the wetland on the assumption that the surrounding areas were in a pristine reference state. While this might be conceptually useful when considering the presumed natural reference state of the system for a PES assessment, it does not make sense for delineating the boundaries of the present-day wetland. • It should be explicitly noted that freshwater ecological assessments do not delineate or assess wetlands on the basis of assumed pristine conditions. Rather, wetlands are delineated and assessed using current, real-time field indicators, and the present condition is then compared against an appropriate reference state to inform the PES outcome.
Cape Nature	• Permeable paving is proposed for the section of road which traverses the wetland, and a swale is proposed along the southern edge of the erven in the northern residential node. These features have not been assessed in the aquatic biodiversity assessment. Either the stormwater management plan or the aquatic biodiversity assessment and BAR must be amended to reflect the current preferred layout plan, neither of which are currently supported due	1. Permeable paving is supported. The location of the swale has been moved. 2. The wetland offset report has been updated as required. The Delta Report uses the values provided by the Offset Calculator Tool which does not round up. However, the tool itself automatically rounds up values when displaying in the summary tables. The report has been updated to manually input the values that are not rounded up. The buffer zone integrity value was initially 0.5 to be more conservative due to the residential development, however we are in agreement with CN that it can be 0.75 degraded natural area. It has been updated as such. The regional and national context of high importance should be 1.0 when the wetland falls within a

	to the encroachment into the wetland. - For the ecosystem conservation targets, the habitat condition is rated as 70% which provides the base ha requirement of 0.0168 ha. Multipliers are then applied for ecosystem status (15), regional and national context (0.8) and local context (0.7), resulting in a stated ecosystem conservation ratio of 7.88, however we calculate the total as 8.4, depending on whether these are rounded off as indicated or not. We further wish to note that the regional and national context of high importance should be 1.0 and not 0.8 and the buffer zone integrity of 0.5 applies to cultivated lands which is not relevant at this location (Macfarlane et al 2016). We would motivate that degraded natural habitat (0.75) is more appropriate, although there is also limited residential development. Multiplying the base ecosystem conservation target by the ecosystem conservation ratio results in a target of 0.1323 ha (1 323 m²) ecosystem conservation target. - The wetland offset requirements are therefore calculated as 0.0139 wetland functionality ha and 0.1323 ecosystem conservation ha with a net 0.1462 ha (1 462 m²) target. The motivation for the ratings however needs further description and the calculations need to be clarified with clear reference to the wetland offset best practice guidelines. - The wetland offset best practice guidelines do not address whether an on-site wetland of the remainder of a wetland partially impacted by a development is a suitable receptor site, however broadly interpreting the guidelines it can be considered acceptable. In terms of the offset target area, there is sufficient remaining wetland habitat on the on-site wetland to meet these targets. However, further motivation must be provided regarding the calculations and as discussed discrepancies/ miscalculations were identified. With regards to the proposed interventions, one of the general principles for the design and implementation of wetland offsets is that it must result in	protected area (not applicable), or is a Critical Biodiversity Area identified in a local or regional conservation plan, or is an identified Wetland FEPA (not applicable). The guidelines do not specify whether this should be an Aquatic or terrestrial CBA, in this case it is not classified as an Aquatic CBA as such but rather a terrestrial CBA. This may be an oversight from the WCBSP, 2023 and is likely due to the fact that NFEPA maps this wetland as artificial. We agree with CN that the value can be 1, and this has been updated. - Establishing an on-site wetland offset is generally preferable, as it maintains ecological connectivity, provides an obvious like-for-like outcome (which can be very difficult to achieve with offsite offsets), and avoids the practical and administrative complications often associated with organising an offsite offset. - It is acknowledged that best practice offset methodologies require offsets to deliver additional conservation outcomes and cannot simply involve the protection of wetland areas that would remain intact regardless of development. However, in this case the offset is not limited to conserving the remaining wetland; it involves a rehabilitation plan designed to improve the condition of the existing degraded wetland from a Category D ("largely modified") state to Category C ("moderately modified"). Such measurable improvement represents an additional conservation outcome consistent with the principles set out in best practise guidelines. On-site offsets of this nature are supported in best practice guidelines. The proposal is therefore consistent with recognised offset methodology, provided that rehabilitation is implemented and monitored to demonstrate the anticipated ecological gains (please note that monitoring of this is included in the Plan). - Agreed. The goals and objectives of the offset study do include securing the wetland under a conservation servitude; however, we acknowledge that further detail regarding the mechanism and the entity in whose favour the servitude would be signed must be provided. Options such as a suitable non-governmental organisation or other equivalent entities will be investigated, and consultation with CapeNature will be undertaken to ensure that the most appropriate and effective protection mechanism is applied in the site context. - Agreed. The proposed rehabilitation interventions have been strengthened by linking them to clear, measurable targets and defined timeframes to ensure that rehabilitation goals are achieved. Refer to Appendix B. The end goal of rehabilitation will be explicitly set out and aligned with each intervention, and success will only be confirmed once these goals are met. The plan has been updated to ensure that a suitably quality restoration ecologist should oversee each step in the rehabilitation process. Please note that infill refers to the dirt track, spoil areas from previous construction onsite, and areas where the current house is located, all of which coincide with the temporary/seasonal wetland area. Therefore, it is not possible for the aquatic specialist to dig out these areas and estimate depth. The appointed ecologist responsible for the rehabilitation can be present on site to oversee the removal of infill, and subsequent re-profiling recommended in the Rehabilitation
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	additional conservation outcomes i.e. over and above what would have occurred without the offset in place (Macfarlane 2016). - Table 8 of the wetland offset best practice guidelines provides ratios for the wetland offset receptor area in accordance with the protection level. The lowest level indicates with a modifier of 1 is for securing the wetland offset through a legal mechanism such as a conservation servitude registered on the title deed and therefore is interpreted as the minimum protection level which the wetland offset must obtain. The goals and objectives of the offset study includes securing the wetland as a conservation servitude, however further detail is not provided. A suitable entity in favour of whom the conservation servitude will be signed must be identified e.g. a non-governmental organisation such as the Overberg Renosterveld Trust, although the latter only focuses on renosterveld remnants Other equivalent protection mechanisms can be investigated which are most appropriate to the site context. We recommend further consultation with CapeNature regarding the protection mechanism for the wetland offset. - While the proposed rehabilitation interventions are supported, these must be linked to definite targets and timeframes to ensure that the rehabilitation goals are met. The end goal for rehabilitation must be clearly defined and address each of the proposed rehabilitation interventions. Only once the rehabilitation goals are reached can rehabilitation be considered to have been successfully implemented. Further detail is required regarding the removal of rubble and fill, including the current extent and depth of rubble and fill. If extensive excavation is required for this intervention it could result in an alteration of the hydrodynamics on site and hence the extent of the wetland. The end goal of rehabilitation must ensure that it meets the same targets identified in the wetland offset calculator with regards to wetland functionality targets	plan. The plan has been updated to highlight that a suitably qualified restoration ecologist with a proven track record in wetland restoration (including but not limited to the revegetation component) will be appointed to lead implementation. It is agreed with that the Maintenance Management Plan (MMP) should be fully aligned with the Wetland Offset, Rehabilitation and Management Plan to ensure consistency and accountability. Please refer to Appendix B of the Offset & Rehabilitation Plan for a table which links the proposed rehabilitation interventions from the Wetland Offset, Rehabilitation, and Management Plan (Erf 1486, Vermont) to definite targets and timeframes, drawing on both the site-specific plan and the national best practice guideline (Macfarlane et al. 2016).
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	and ecosystem conservation targets. The rehabilitation should be undertaken by a restoration ecologist with a proven track record of wetland restoration in particular for the revegetation component. It must be ensured that the maintenance management plan (MMP) is fully aligned to the wetland offset, rehabilitation and management plan.	
Whale Coast Conservation	WCC contends that the erf in question should not be developed at all, for reasons that include the following (in summary), and which are explored further below: • Much of the erf is delineated as wetland and as such should be protected from development • It is not possible to delineate the boundaries of the wetland accurately in the context of climate change and the removal of Alien Invasive Plants (AIPs), particularly from the neighbouring property, and it may well cover a greater area than that delineated. This renders the proposal meaningless. • Following the redesign of the development proposal to the format now proposed, a “Wetland offset, rehabilitation and management plan” was prepared in October 2024. A basic flaw of this however, is that the study area for this aquatic assessment and plan is only the extent of erf 1486. No consideration is given to its situation within the Bot River to Vermont Pan wetland system, nor to the unavoidable impact on the extent of the onsite wetland of factors beyond its boundaries. • The assessment showed that constructing the roads on site would mean that a portion of the wetland (some 3%) would be lost and that the proposed development could not be accommodated within the erf without a level of encroachment on the wetland, despite full application of the mitigation hierarchy, and that “some level” of wetland loss would thus be unavoidable. This would make securing a Water Use Authorisation (WUA) problematic. • In an attempt to ameliorate the situation, the assessment details activities aimed at restoration and management of the remaining portion, stating that these will suffice as an offset for the losses. This assertion is arrived at after the application of formulae that result in a positive outcome. However, an offset can only be explored in an EIA process	1. Most of the delineated onsite wetland, an area of 0.876 ha (97.3 %) of the 0,90-ha wetland, is being protected by development in this current proposal, as recommended by the aquatic specialist reports. 2. The boundaries of the wetland can be delineated accurately, and this has been undertaken by the numerous specialists, as well as the current specialist in accordance with the prescribed best practise methodology. This is the same methodology applied consistently across the country for all applications. It is not feasible for the Department of Water and Sanitation (DWS), DEADP, or Cape Nature to require that delineations be based on speculative future scenarios - such as the possibility that a wetland may expand over time due to adjacent land uses or climate change - without quantifiable data to define “by how much” or “where.” If such an approach were adopted, the same uncertainty would apply to every future development. The EIA process is therefore correctly based on real-time field conditions and verified indicators at the time of assessment, which provides the defensible basis for decision-making. 3. Upstream wetland areas that are unaffected by the proposed development are not required to be included within the scope of work. However, the broader system context was considered through reference to the downslope linkage with the Vermont Salt Pan (see Figure 5-15 from the freshwater assessment report).

after a long process of examining a cascade of options arising from the use of the mitigation hierarchy and would involve the identification of a suitable “like for like” piece of ground to substitute for unavoidable loss. It is clear that there are no mitigation options open to this proposal.

- Proposing to use the remaining existing wetland as an onsite offset for the inevitable wetland losses from the development is specious. Improving the condition of the remainder of an endangered ecosystem cannot compensate for the loss of part of that ecosystem, particularly when both result from and are conditional on the actions of the developer.

Given the basic flaw of the restriction of the study area to the boundaries of erf 1486 however, these calculations and proposed activities are nothing more than arranging the deckchairs to ensure maximum occupancy on the deck of a sinking ship. A WUA should not be issued.

- The Aquatic Assessment and Offset is ill-conceived. A basic flaw is that the study area is confined to Erf 1486 with no consideration of its place in the larger system. It also asserts that the loss of a part of the wetland through road construction could be offset by rehabilitating the remainder of the wetland on site. This is specious as both the loss and the condition of the remainder of the wetland are conditional on the actions of the developer. A Water Use Authorisation should not be issued for the development.

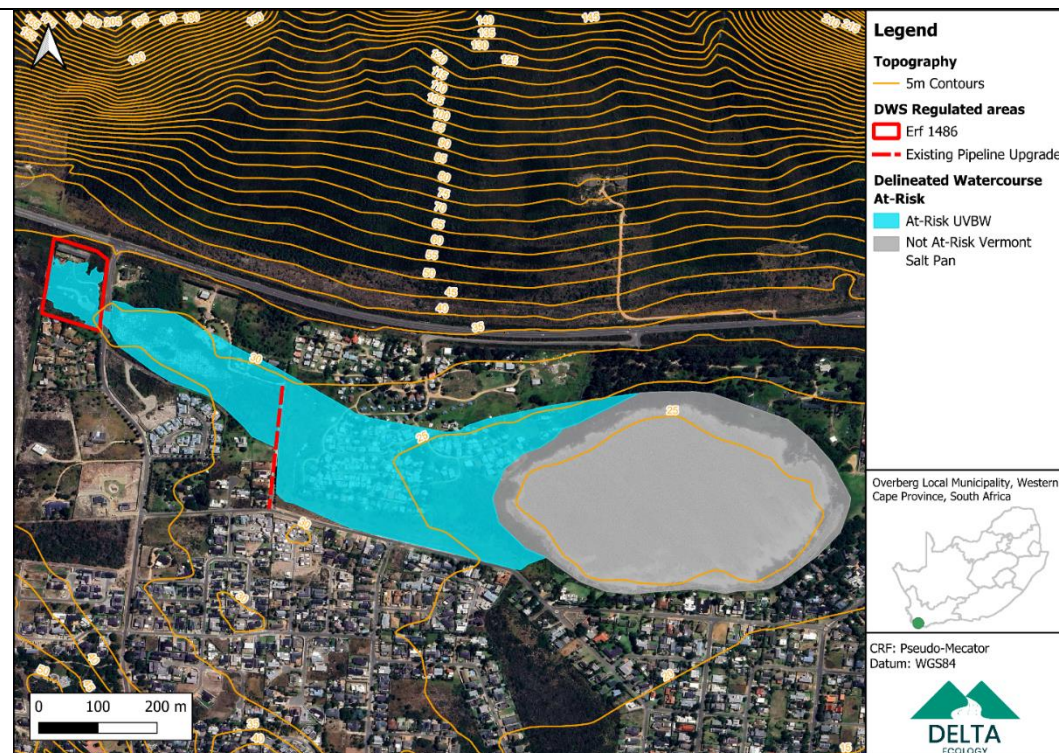


Figure 0-1: At risk wetland.

The Aquatic Impact Assessment Report also considered the broader system in its evaluation when considering potential impacts, please refer to the Delta Report Version 4. Furthermore, as the wetland is connected to the broader downslope system, it is reasonable to assume that any rehabilitation undertaken on the site in question will contribute to improving the functioning of the overall system. However, this potential benefit was not included in the offset calculation in order to take a conservative approach and also because this area is not owned by the applicant – thereby increasing complexities in the offset process.

- Noted.
- There is a defined procedure to follow in the EIA process, and in this case, it has been applied correctly rather than bypassed through amelioration. The project followed the EIA mitigation hierarchy. The layout was revised through multiple alternatives to avoid and minimise wetland loss as far as viable. Comprehensive measures have been proposed to mitigate residual impacts, and only 0.024 ha of unavoidable wetland loss is addressed through an offset, in line with best practice.
- The specialist may need clarity as to what exactly WCC is stating in the Offset plan is superficially

		plausible but actually wrong. It is acknowledged that best practice offset methodologies require offsets to deliver additional conservation outcomes and cannot simply involve the protection of wetland areas that would remain intact regardless of development. However, in this case the offset is not limited to conserving the remaining wetland; it involves a rehabilitation plan designed to improve the condition of the existing degraded wetland from a Category D (“largely modified”) state to Category C (“moderately modified”). Such measurable improvement represents an additional conservation outcome consistent with the principles set out in best practise guidelines. On-site offsets of this nature are supported in best practice guidelines. The proposal is therefore consistent with recognised offset methodology, provided that rehabilitation is implemented and monitored to demonstrate the anticipated ecological gains (please note that monitoring of this is included in the Plan). 7. This statement is noted; however, the specialist cannot agree with it. The Aquatic Assessment and Offset have been undertaken using the prescribed methodology and within the defined scope of work. The process followed is consistent with best practice and relevant policy guidance. The offset has only been proposed after applying the full mitigation hierarchy - avoidance, minimisation, and mitigation - and is designed to address the small portion of residual wetland loss that is unavoidable for the project to remain viable. The delineation and assessment were undertaken in accordance with the DWS wetland delineation guidelines. Upstream, unaffected (by the development proposal at hand) wetlands are not required to be included in the scope of work; however, the broader system context was considered through reference to the downslope linkage with the Vermont Salt Pan (see Figure 5-15, extracted from the freshwater assessment report). It is also noted that this wetland does not exist in a pristine or fully natural state. This reality formed part of the specialist assessment, which applied the recognised WET-Health methodology (Macfarlane et al., 2020) to evaluate the current condition and extent of modification. This ensures that the assessment and offset proposals are based on actual ecological condition rather than an assumptions. The specialist recommended that the majority of the wetland is designated it as a No-Go area, and by recommended rehabilitation, protection, and detailed mitigation measures for the proposed development, there is acceptable levels of impact. Please note that as with all developments, the success of these measures depends not only on the actions of the developer but also on appropriate monitoring and enforceable conditions of approval.
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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	Email dated 22/03/2023 Good Afternoon Michelle, Please forward the relevant documents referred to in your email icw Proposed Residential Development, Erf 1486 Vermont. Kind Regards JA Hugo Chairman - Lynx Sands Home Owners Association & Resident	-
Peter Hodgskin	Private	-		peterhodgskin@gmail.com	Email dated 30/03/2023 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 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@gmail.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@gmail.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 wetransfer link below has expired.	-

					Thanks Denis Brandjes	
Giorgio Lombardi	-	-	-	vogelgat@gmail.com	Email dated 12/04/2023 Dear Michelle Could you kindly send me the above report to this address. kind regards Giorgio 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, 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. 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.	
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					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	
Bernadette Osborne DEA&DP	DEA&DP	-	-	Bernadette.Osborne@westerncape.gov.za	Email dated 20/04/2023 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	
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					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	
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				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	
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					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 EMPr, 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	
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					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.	
Paul Pfister	-	-	-	paulmpfister@yahoo.com	Email dated 23/04/2023 Good day Michelle Naylor I recently received your notification, dated 22 March, from a neighbour and accordingly wish to register as an Interested and Affected Party. Sincerely Paul Pfister	
Rhett Smart	Cape Nature	-	-	rsmart@capenature.co.za	Email dated 24/04/2023 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 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	
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					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	
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					specialist studies. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.	
Duncan Heard Ratepayers Association	Vermont Ratepayers and environmental Association Vermont Conservation Trust	-	-	duncanheard@telkomsa.net	Email dated 24/04/2023 Good Day Michelle Thank you for the opportunity to comment on the Pre-Application Basic Assessment Report (BAR) for the proposed residential development on Erf 1486 Vermont. 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). The responsibility must be placed on the HoA to ensure that the conditions of the EA are implemented during the operational phase, and that: • 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. 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.. Kind regards 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	
Giorgio Lombardi	-	-	-	giorgiolombardisa@gmail.com vogelgat@gmail.com	Email dated 24/04/2023 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 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. Comments Wetlands are regarded as the most threatened ecosystem type in South Africa and therefore should be given the correct protection. 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. 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.	
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					In conclusion 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. An Animal Species Assessment is dismissed. This shows the lack of integrity of the process. A site assessment must be carried out. Therefore, this BAR for the proposed housing development on Erf 1486 should be rejected in its entirety and authorisation for this development be rejected. 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. 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. https://www.researchgate.net/publication/311894707_National_Wetland_Policy_South_Africa#:~:text=Consistent%20with%20global,al.%201995).	
Pat Miller On behalf of Whale Coast Conservation	Whale Coast Conservation	-	-	patmiller@telkom.sa.net wcc.greenhouse@gmail.com	Email dated 24/04/2023 Dear Ms Naylor BASIC ASSESSMENT PROCESS AND REPORT: PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 1486, VERMONT 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. 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. 1. Proposed subdivision 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: Single residential: 5091m2 34% Town housing: 1699m2 11% Private road: 2926m2 20% Private open space: 5362m2 35% (i.e. wetland area) 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. 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. 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. 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. 1.1 Generation of alternatives and selection of preferred alternative It is noted that two design proposals were generated on the	
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				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.” 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. 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.” 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). 2. Wetland area delineation 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. 2.1 Freshwater Screening Study (FSS) 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	
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					boundaries “do vary however with time”. It does not mention however that wetland boundaries are also affected, sometimes profoundly, by surrounding environmental conditions. 2.1.1 Study area delimitation and implications 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. 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. 2.1.2 Greater wetland system 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.” 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	
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				Hawston, depending on weather conditions. 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. 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. 2.1.3 Definition of study area component parts 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. 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. 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. 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. 2.1.4 Legislative constraints applicable to study area In its consideration of the legislative constraints that would	
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				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. 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. 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. 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. 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.” 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	
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					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. 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 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. 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.” In this regard it should be noted: • 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. 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.	
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					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. 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. 3. Applicable legislation, policies and protocols 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. 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. Again, it is stated that the “site is highly transformed”, which is not true. No plant species assessment was done. 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. 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	
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				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. 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). 4. Impact on the wider environment 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. 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.” 5. Biodiversity 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”. 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	
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					does not harbour 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. 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: • 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” 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. 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. 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. The report states that “a site visit was conducted several times	
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					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. 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. 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. 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. 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	
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					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. 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. 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. 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. 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. 8. Conclusion and recommendations WCC is of the opinion that: • 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	
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					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. 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. 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	
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					wetland to accommodate the construction. In summary, the BAR is a sloppy piece of work containing a worrying number of inaccuracies, misinformation, and instances of bias. 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	
Barbara Kahn	-	-	-	barbara3420@gmail.com	Email dated 24/04/2023 Dear Michelle , 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. Thank you Barbara Kahn (Ms)	-
Michael Raimondo	UVA Properties Hoek van Der Berg	-	-	michael@greenrenaissance.co.za	Email dated 24/04/2023 Dear Michelle, 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. 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 wetland system. 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. Regards, Michael Raimondo <i>Begin forwarded message:</i> <i>From: "Duncan Heard" <duncanheard@telkomsa.net></i> <i>Subject: RE: ERF1486 Vermont, c/o R43 and Lynx Avenue</i> <i>Date: 21 June 2017 at 11:23:42 CAT</i> <i>To: "'Penelope Aplon'" <pmichaels@overstrand.gov.za></i> <i>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" <pfjordaan@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></i> <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</i>	
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					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 Environmental Management Overlay Zoning as an Urban Conservation-worthy area by the municipality. What happens now. I look forward to being informed on behalf of the Vermont community in this regard. Duncan Heard Vermont Conservation Trust & Vermont Ratepayers and Environmental Association 12 Sepia Avenue, Vermont, Onrusrivier. 7201. SOUTH AFRICA Tel: +27(0) 28 316 3386 Cell: +27(0) 82 495 3943 Fax: +27(0) 86513 4462 Email: duncanheard@telkomsa.net <image001.gif> "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 From: Penelope Aplon [mailto:pmichaels@overstrand.gov.za] Sent: Wednesday, 21 June 2017 10:07 AM To: robfryer.wcc@gmail.com 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> Subject: Re: ERF1486 Vermont Good morning, 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	
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					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. 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>Penelope Aplon Environmental Officer Overstrand Municipality Tel: 028 316 3724 ext:8272 Cell: 072 394 9841 Fax: 028 316 4953 e-mail: paplon@overstrand.gov.za</i> <i>"When we tug at a single thing in nature, we find it attached to the rest of the world."</i> <i>- John Muir</i> <i><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</i> <i>Vision Statement: "To be a centre of excellence for the community"</i> <i>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.</i> <i>Please consider the environment before printing this correspondence.</i> <i>>>> Rob Fryer <robfrayer.wcc@gmail.com> 2017/06/21 09:53 AM</i> <i>>>></i> <i>Dear Penelope</i> <i>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</i>	
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					<i>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.</i> <i>Please let me have feedback on what the forward plan is for this property.</i> <i>Warm regards</i> <i>Rob</i> <i>-- 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.</i>	
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: - Properties 1 to 7 lie in the seasonal wetland. This is not acceptable. - 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. - Erf 9 to 13 are below 600sqm in size. This is not acceptable. - 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 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	BGCMA Ref: 4/10/1/G40G/Erf 1486 Vermont

					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.	
PUBLIC PARTICIPATION 2						
Samantha Hog	Private			samantha@ginjaninja.co.za	Email dated 17 May 2024 Please note I am completely against any such type development of this nature.	Date: 17/05/24
Michael Raimondo				michael@reflecti.onsof.life	Email dated 17 May 2024 Hi Michelle, Thanks for the call. Please give me info on the servitude been cancelled. Also - is the urban rule you can't build 2m from the perimeter fence - I know in the rural area where I live it's 30m. Thanks again, Michael	Date: 17/05/24
Rob Crank	Private			rdcrank@gmail.com	Email dated 17 May 2024 Telephone call received in support of the proposed development on Erf 1486 Vermont Wants to be added into the I&APs list.	Date: 17/05/24
Peter Hodgskin				peterhodgskin@gmail.com	Email dated 17 May 2024 ta michelle please forward copy of BAR as offered many thanks peter	Date: 17/05/24
Paul Pfister				paulmpfister@yahoo.com	Email dated 17 May 2024 Your email at 09:13 this am refers. Please note that I am not	Date: 17/05/24

					comfortable with your having distributed my email address publically. Please rectify this asap.	
Marleine Badenhorst	Erf 1487			marleine.badenhorst@gmail.com	Email dated 20 May 2024 Good day I live at 10 Caracal Close, Erf 1487 Please keep me informed about this development on Erf:1486, as it borders on my back yard. Mrs M BADENHORST 0824733356	Date: 20/05/24
Denis Brandjes				denis@brandjes.org	Email dated 20 May 2024 Greetings Michelle Please provide further documentation regarding this process. Regards Denis Brandjes	Date: 20/05/24
Paul Verhoef and Janice Yvonne Verhoef					Email dated 11 June 2024 Michelle, We, Paul Verhoef I.D. 5612205060087 and Janice Yvonne Verhoef I.D. 5907300047082, hereby wish to register as interested and affected parties in respect of the proposed development of Erf 1486 Vermont. We reside at 4 Caracal Close, Vermont which is adjacent to Erf 1486 and any development there will affect us. Please advise if you require any further information. Kind regards Paul & Janice Verhoef.	Date: 11/06/24

Rulien Volschenk	Overberg District Municipality			rvolschenk@odm.org.za	12 June 2024 NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROCESS: PROPOSED RESIDENTIAL DEVELOPMENT, ERF 1486, VERMONT, HERMANUS Reference number: 16/3/3/6/7/1/E2/40/1525/22 The Overberg District Municipality's department of Environmental Management Services takes cognisance of the draft Basic Assessment Report. The Western Cape Biodiversity Spatial Plan, 2017 (WCBSP) categorise the area as: • Ecological Support Area (ESA0: Areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of Pas or CBAs and are often vital for delivering ecosystem services. The Overberg District Municipality's Spatial Development framework clearly define Spatial Categories (SPCs) to reflect how the area should be developed spatially to ensure sustainability. These SPCs are linked with the Biodiversity Spatial Plan Categories as defined in the WCBSP. ESAs in terms of the Spatial Planning Categories are classified as Core 2. This classification is defined as areas that are in degraded or secondary condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. These areas should be maintained in a natural or near-natural state with further loss of natural habitat. These areas should be rehabilitated. The current applicant falls within Hangklip Sandstone Fynbos which is listed as Critically Endangered. It is however acknowledged that the proposed development footprint is within the urban edge thus earmarked for development. The ODM therefore support alternative 4 as the preferred layout for the development, this layout promotes the protection of the wetland system within the property boundary and allow for the majority of the erf to remain undisturbed, and therefore	Date: 12/06/25
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Paul Slabbert	PHS Consulting			paul@phsconsulting.co.za	maintaining its conservation potential. Email dated 13 June 2024 Attention: Michelle Naylor per e-mail Michelle@lornay.co.za Cc: Michael Raimondo per e-mail michael@reflectionsof.life COMMENT ON RESIDENTIAL DEVELOPMENT APPLICATION – ERF 1486 VERMONT PHS Consulting was appointed by UVA Prop the owners of the Remainder of the Farm Hoek van de Berg no 572 (RE/572) located directly west of the subject erf. We were commissioned to evaluate the development proposal and to provide comment on the proposed development impact on the environment and the impact of the environment on the development. The aim is to achieve a better development outcome for the site and surrounds. Of particular concern is the affected botanical and freshwater resources on and off site and its connectivity with the larger natural system. Botanical The Botanist identified the vegetation on site as Hangklip Sand Fynbos that is gazetted as Critically Endangered (CE). The high ecological sensitive area was mapped as per figure 1 below. We note that the development proposal will result in a loss of CE vegetation which is not desirable. The botanist identified the site as part of an ecological corridor and the risk of reducing the width of this wetland corridor, will clearly have a negative impact on the functioning of this corridor. Most of this is driven by the critical position of the site as the last viable wetland and ecological link between the Hoek van de Berg Nature Reserve and the Vermont Salt Pan. As a result we'd advised that development should only be on the current development footprint and that the rest of the site should be restored as a functional ecological corridor. Wetlands The wetlands on-site and offsite was subjected to various studies in the past. The Freshwater Consulting Group (FCG) conducted a study in August 2006 for the Overstand	Date: 13/06/25
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					Municipality whereby the wetland system boundaries and buffers were identified and mapped as per figure 2 below. The study recommended that appropriately vegetated buffers be established to protect the wetlands wherever this is possible. It was recommended that minimum buffer width of 30 m should designate a limit of development, whilst some activities may be allowed within the buffer areas. This report recommended that future development inside the urban edge that is located along the slopes of the mountains should include provisions to ensure a natural delivery of water via natural drainages. This should be supported by specialist investigation, looking at both the impacts within the site as well as the impacts this might have on the identified wetlands in the larger area. During 2008 - 2010 a development application was subjected to a Basic Assessment process, but the file was subsequently closed when the application lapsed. The main reason being the development restrictions due to the extent of the wetlands on Erf 1486 as per figure 3 above. The FCG visited the site during 2008 and based on the wetland boundaries on site advised that the site to be unfit for development expansion beyond the current built footprint. Then in September 2012 the FCG produced a wetland report as part of an EIA process for the now approved Hoek van de Berg development on Re/572. As part of the EIA it was confirmed that the back-dune corridor south of the R43 is associated with dispersal of surface and sub-surface flow along the length of the valley floor, either to the north-west, to Paddavlei in Hawston, or in a south-easterly direction, toward the Vermont Pan. The north-eastern corner of the site supports the upper portion of an extensive <i>Juncus cf. krausii</i> valley bottom wetland that extends toward the Vermont Pan. Figure 4 below shows the extent of wetland system considered during the EIA. The origin of the wetland, on the site itself, was heavily infested with alien vegetation, chiefly <i>Acacia saligna</i> and <i>Eucalyptus spp.</i>, which has reduced the area of functional	
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					wetland due to droughting and shading. Immediately east of RE/572, the wetland has been excavated to the underlying clay layer, and the resulting open waterbody as well as its margins are poorly vegetated. However, remnant vegetation here and other small sedges suggesting a mixed restia / sedge / grass community may have naturally been supported within this portion of the wetland, and this is likely to have extended westwards, into the now invaded seep on RE/572. As part of the 2012 investigation, FCG recommended a groundwater study to provide hydrogeological input regarding the determination of aquifers and groundwater flow, which feed the surface wetlands, and the delineation of sub catchments or watersheds within the site. These were deemed necessary for the identification of appropriate setback areas around the wetlands on site to ensure their protection and to determine potential impacts on groundwater-fed ecosystems associated with the development proposal. The watershed boundaries and direction of sub-surface flows are provided in Figure 5 (from SRK 2012). Important sub-catchments relevant to this case relates to Sub-catchment C1 which feeds the north-eastern wetland. The dune field comprising the southern portion of the sub catchment rises to between 45 and 60 m amsl, some 300 m to the south of the <i>Juncus</i> valley bottom seep. The seep probably emerges at about 30 m amsl, although the true extent will be determined only after alien removal allows the natural extent to re-establish. The seep is fed by a combination of surface and subsurface runoff from the northern rocky mountain slopes and subsurface inputs from the dune field to the south. The next freshwater study was conducted in August 2018 by EnviroSwift whereby only the wetland on erf 1486 was delineated. This study acknowledged the 2006 delineated wetlands by Municipality. It is stated that wetland boundaries do vary with time and the 2006 delineation is outdated particularly considering the recent housing development to the south.” However, it’s not clear how the	
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				development in the south changed the wetland on Erf 1486, presumably by the additional stormwater feed. The study delineated the wetlands as per figure 6 below, based on the presence of saturated, high carbon soils and isolated instances of mottling within the upper 500mm of the soil was used in conjunction with the presence of hydrophytic vegetation to delineate the outer boundary of temporary zone of the wetland. The excavated depression represented the permanent zone. The EviroSwift report concluded as follow: Location of the proposed development – - Development within the wetland would most likely result in wetland loss and therefore a high risk rating which would require a WULA and likely also a wetland offset scheme. - Development immediately adjacent to the wetland would likely result in a medium or high risk rating which would require a WULA. - Development behind a setback that allows for establishment of a buffer zone would result in a low to medium risk rating which in the former case would require registration of a water use in terms of the General Authorisation, and which in the later case would require a WULA. Detailed design– <i>PHS Consulting</i> - Appropriately designed raft foundations may significantly reduce the impact on subsurface flow and therefore reduce risk. - Rainwater harvesting schemes that may reduce runoff intensity and thereby mitigate the impact of catchment hardening. - Stormwater polishing infrastructure such as artificial wetlands that may mitigate water quality impacts. The most recent wetland study by Delta Ecology dated November 2023 forms part of the Basic Assessment we are commenting on. Following the aquatic biodiversity screening	
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					assessment of the proposed site by Joshua Gericke in August 2018, a natural Unchanneled Valley-Bottom (UVB) wetland was confirmed and delineated onsite (EnviroSwift, 2018). The wetland was confirmed, and an updated delineation was undertaken during a site assessment by Gericke and van Zyl (Delta Ecology, 2023) on the 30th of May 2023. The Delta Ecology report concluded that the proposed layout has gone through various iterations in order to ensure that the layout overlapping with the delineated wetland area is minimal. Ordinarily, wetland loss would fall within the high category, but the limited area of wetland loss and the degraded nature of the wetland has reduced the impact significance. The No-Go option would result in the continuation of impact to the wetland due to adjacent land uses – and would therefore still result in negative impact to the wetland onsite. The Moderate risk rating confirms that a Water Use Licence will be required for this project due to the encroachment into the onsite wetland. It is furthermore highlighted that a suitable wetland offset and associated Wetland Offset, Rehabilitation, and Management Plan will be required It is concluded that the opinion of the specialist that rehabilitating the remnant UVBW onsite will be a feasible and acceptable offset for the proposed development. It is therefore the opinion of the specialist that the proposed development should be approved subject to application of the mitigation measures listed in this report, as well as the implementation of a suitable Wetland Offset, Rehabilitation and Management Plan. Changing circumstance The narrative of the studies conducted since 2006 on and next to erf 1486, clearly stipulate as per highlighted section above that erf 1486 form part of a critical ecological link corridor and that impacts on the larger wetland system must be considered when future development is proposed. It's	
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					also clear that surface and sub-surface water flow from the west to the east passes through erf 1486 all forming part of an extensive system. It's also confirmed that the true extent of the wetlands will be determined only after alien removal allows the natural extent to re-establish. It's stated that wetland boundaries do vary with time clearly depicted in the change in delimitation over the years, most probably due to manmade intervention like stormwater additions, further infilling after 2006, run-off from the mountains, floods and alien clearance. What we could not establish as part of the resent studies for the proposed development on erf 1486 is how the wetland boundaries are likely be change in future, therefore water feed through the larger systems as a whole and the important link role of erf 1486 was not considered. Hoek van de Berg Nature Reserve has been the subject of an alien vegetation clearance programme over the years and during the last six months clearance of the wetland area in the north eastern corner of the nature reserve took place, directly next to the wetland on erf 1486. Based on the Sept 2012 FCG report, the wetland on erf 1486 is fed from C1 as per figure 5 above, therefore the tempo and volumes of water feed need to be considered after alien removal. It's been observed on RE/572 that the water level in the wetland has drastically increased as per photo evidence below, due to the reduction of alien vegetation. The most recent wetland studies haven't considered the increase in wetland run-off and feed from RE/572 to the Vermont Pan due to the current alien clearing efforts. Neither has the additional run-off from the mountains been considered where additional clearing of alien vegetation is taking place and directly north where landowners will be forced to clear aliens. The Sept 2012 FCG study predicted that the true extent of wetlands will be determined only after alien removal allows the natural extent to re-establish. On the RE/572 site the wetland area already expanded as per photo 3, 4 & 5 below. This extend will have a direct impact on the wetland extent on erf 1486 and it's likely the site will become	
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					wetter in future. This coupled with climate change and extreme events occurring more frequently, more surface and sub-surface flow will originate from catchment C1. The BAR has not considered the changing circumstances in particular the effect of alien clearance and climate change on the proposed development. The likelihood that the extent of the wetland on erf 1486 will increase over time it's not sensible to have seasonal wetlands on private erven as per the proposal. Considering these erven are private individual owners will resort to all sorts of interventions to drain or infill erven as per the current case. We would advise that all private erven be located outside of seasonal wetlands to avoid development impacts on the ecosystem. Climate change is real and more water will flow through the system from west to east with erf 1486 fulfilling the role of a critical link. We therefore recommend that a geohydrological/hydrological/hydropedology study in conjunction with a stormwater master plan be conducted to inform the freshwater impact assessment in order to understand what the impacts of the increase in surface and subsurface water flow will have on the system and in specific the wetland on erf 1486. A development alternative should be presented and assessed as part of the process that avoid the CE vegetation and the seasonal wetland areas completely. With the alien clearance extent, the wetland on RE/572 has enlarged up to the fence with the R 43 and erf 1486. The red area in photo 3 below depicts the wetland shape as per recent observation. The building on erf 1486 in picture was elevated when originally constructed in order to be raised out of the wetland, infilling on the site took place over the years to allow for drier disturbed areas and the alien vegetation has increased resulting in much "drier" and less wetland conditions in up to the alien clearance started on RE/572. However now with the alien vegetation removal of approx. 20 ha and climate change predictions the wetlands will increase and it's highly likely	
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					that Erf 1486 will be more inundated with water. UVA Prop therefore don't support the development in its current format until the required additional studies are conducted, avoidance of the CE vegetation and seasonal wetlands entirely should be the preferred mitigating measure before offsets are considered, due to the flood risks. We recommend that an alternative be assessed where total avoidance is applied. Further note that UVA Prop can't be held liable for any additional water flow towards the east due to the conservation efforts that can result in flooding or water inundation of the proposed development on erf 1486 Vermont. The owners of RE/572 and PHS Consulting should be registered as I&AP's please. We reserve the right to provide further comments.	
Paul Pfister	Private			paulmpfister@yahoo.com	Email dated 14 June 2024 Good day Michele Lornay With reference to your email of 17 May 2024 regarding the Basic Assessment Process of the above I provide the following concerns for your information and attention : On 12 March as a previously registered party I questioned whether there had been any progress regarding the development, but no response was received. Therefore on 23 April I indicated my concern that I received information from a relatively new neighbour to which you thankfully responded by re-entering my name to the "interested/affected" party list. MY CONCERNS AND RECOMMENDATIONS The "activities" referred to do not indicate the intentions of the proposed developer regarding the dwellings, outbuildings, entrance and exit routes et etcetera. Given the following I consider that there should be no additional development other than that of the existing foot print:	Date: 14/06/24

					Consideration should be given to the fact that since the development application by the previous owner, the wetland area has extended substantially; Any additional dwellings other than that of the above existing foot print, if approved, should thus be elevated with raft foundations; It is also essential that any development and Environmental Authorization (EA) of the proposed nature should form part of a Home-owner's Association (HOA) or Sectional Title constitution. In this way the significance of the wetland and the conservation thereof would be maintained; Such body e.g. HOA must also be held responsible for the control of domestic pets to ensure the safety of wild animals in the wetland area, in particular; and The HOA constitution should make provision for a maintenance plan to be monitored by the respective portfolio managers in accordance with the EA. Sincerely Paul Pfister	
Denis Brandjes & Samantha Hogg-Brandjes	Erf 2319 Vermont			denis@brandjes.org	Email dated 17 June 2024 RE: Comment on Development of Erf 1486, Vermont As the owners of an adjacent property, we were registered as an I&AP and submitted the following in April 2023: • Properties 1 to 7 are situated in the seasonal wetland, which is deemed unacceptable. • Concerns are raised regarding buildings within the 30m floodline, with only erf 3, 4, 5, 6, and 9 falling outside this line. • Erven 9 to 13 are below 600sqm in size, which is considered unacceptable. • Request for the inclusion of a biodiversity report,	Date: 17/06/25

					highlighting potential protected aquatic life forms dependent on the salt pan water mass. We thank you for addressing some of these concerns in the PRE-APPLICATION BASIC ASSESSMENT REPORT of May 2024 – specifically the bio-diversity report. Our concerns relate specifically to the wetland, and the fact that the wetland on RE/572 through to erf 1486 has and is enlarging, notably since the initial reports of March 2023 and site inspections of mid-2023. In fact, the floods of late 2023 saw the Seasonal Wetland floodline extend to within meters of erven 2317, 2318 & 2319, and was apparent for some time after the floods. This relates specifically to your proposed development of Erf 7,8 & 9 of 'APP B3 Development Proposal Alternative Four Final Preferred'. If developed, these erven will severely impact and be impacted by the enlarging wetland. Kind Regards Denis Brandjes & Samantha Hogg-Brandjes Erf 2319 Vermont	
Bernadette Osborne	DEADP			Bernadette.Osborne@westerncape.gov.za	Email dated 18 June 2024 COMMENT ON THE REVISED 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 revised pre-application Draft BAR received by this Department on 17 May 2024 and the acknowledgement thereof issued on 22 May 2024, refer. 2. Following the review of the information submitted to this Department, the following is noted: The proposal entails the establishment of a residential	Date: 18/06/25

					development on Erf No. 1486, Vermont. • The proposed residential development will consist of 9 residential erven, private roads, and an open space. • The proposed development will have a development footprint of 15069m². • 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 and road 3.1.1. The BAR indicates that planning approval was granted for the existing buildings. However, it is still unclear whether the buildings and the road are lawful in terms of the EIA Regulations. 3.1.2. Confirmation is required as to when the buildings and road were developed on the site. Furthermore, the width and length of the road and as well as the use and footprint of the existing buildings must be confirmed. Confirmation is also required whether the buildings were developed within or within 32m of a watercourse. 3.1.3. The above must be clarified prior to the submission of the application for environmental authorisation. 3.2 According to the available mapping resources, the replacement of the sewer pipe in Kolgans Street is located within a wetland. Clarity must be provided whether the replacement of the pipeline will also trigger Activity 19 of Listing Notice 1. If so, the Freshwater Impact Assessment must be updated to include an assessment of the impacts associated with the sewer pipeline. 3.3 It is noted that the activity description does not include	
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				details of the width and length of the private roads. The applicability of Activity 24 of Listing Notice 1 and/or Activity 4 of Listing Notice 3 must be confirmed and the activity description must be updated to include the details of the road. 3.4 Co-ordinates of pipelines and road • The start, middle and end co-ordinates for the roads must be included in the report. • The start, middle and end co-ordinates for each pipeline must be included in the report. 3.5 Written confirmation from the Overstrand Municipality is required that sufficient, spare, unallocated capacity is available for potable water supply, effluent management, waste management and electrical supply for the proposed development. 3.6 It is noted that a new preferred layout alternative is proposed based on the findings of the specialists. Three layout alternatives and the no-go alternative is therefore considered. The preferred layout alternative should therefore be included as Layout Alternative 3. 3.7 Confirmation from the Department of Water and Sanitation ("DWS") / Breede-Olifants Catchment Management Agency ("BOCMA") must be obtained as to whether a general authorisation or a water use license application in terms of the National Water Act, 1998 (Act No. 36 of 1998) is required. Comment must also be obtained from BOCMA regarding the development within and within 32m of a watercourse. 3.8 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	
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					proposed MMP, future maintenance work specified within the MMP would not require an Environmental Authorisation prior to the undertaking thereof. 3.9 It is noted that CapeNature was not in support of the proposed development. However, the layout has been revised taking the comment from I&AP's and the specialists into consideration. Comment must be obtained from CapeNature regarding the revised layout. 3.10 The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014. 3.11 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. 3.12 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. 3.13 Be advised that an 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.	
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					3.14 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. 7. Kindly quote the abovementioned reference number in any future correspondence in respect of the application. 8. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. 9. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.	
Penelope Aplon	Overstrand Municipality			paplon@overstrand.gov.za	Email dated 18 June 2024 PROPOSED RESIDENTIAL DEVELOPMENT: ERF 1486 VERMONT, HERMANUS The Environmental Management Section thanks you for the opportunity to provide comments on above mentioned application, please receive the following comments: Site lay-out: The proposed site layout Alternative 4 is supported as it enables the least disturbance to the delineated wetland footprint on the development site. This design also facilitates the creation of a private open space, which is larger than the development area. Mitigation: It is recommended that the mitigation measures proposed in the <i>Aquatic Biodiversity Impact Assessment, table 10 -2 Summary of impact/risk assessment results (with mitigation)</i>, should be implemented. The demarcation of the wetland as a "no-go" area during the construction phase is supported. Appointment of Environmental Control Officer (ECO): If an EA is issued, the developer must inform the Environmental Management Section regarding the appointment of the onsite ECO, as per the Construction EMP and Operational EMP.	Date: 18/06/24

					Wetland rehabilitation plan: The applicant should give an indication of when a rehabilitation plan will be drawn up and implemented. Search & Rescue operations: It is advised that the expertise of WCC be drawn upon for the search and rescue of chameleons on site. This organization has experience in assisting with search & rescue operations on properties which will be developed. This office reserves the right to revise these comments based on the availability of new information.	
Rhett Smart	Cape Nature			rsmart@capenature.co.za	Draft 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. Context CapeNature was not in support of the preferred development layout presented in the Pre-Application Basic Assessment Report as it encroached upon the seasonal wetland on site. Additional specialist studies were recommended to inform the application. The results from the screening tool indicate a very high sensitivity for terrestrial biodiversity and aquatic biodiversity and high sensitivity for plant species and animal species. Following on from the freshwater screening study undertaken during the pre-application phase, a terrestrial biodiversity impact assessment and aquatic biodiversity impact assessment have been undertaken. The plant species theme is addressed in the terrestrial biodiversity assessment and the animal species theme is briefly addressed in the same study. Aquatic Biodiversity Impact Assessment The delineation of the wetland in the freshwater screening study was undertaken in August 2018, which as noted by CapeNature was during a drought period, even if seasonally optimal. The wetland delineation has been revised in the aquatic biodiversity impact assessment with a slightly larger	

					extent of wetland delineated, in particular along the western boundary of the site. No explanation is however provided for the change in the delineation of the extent of the wetland between the screening study and the impact assessment. The updated delineation was undertaken in May 2023 which is at the start of the wet season and hence not seasonally optimal, however it was not within a drought as previously. With regards to the above it is important to note that extensive alien clearing has taken place on the adjacent property to the west, Whale Coast Nature Reserve (previously Hoek van de Berg Nature Reserve), with dense, tall infestations of gum (<i>Eucalyptus sp.</i>) trees removed. Gum trees in particular are known to use much higher volumes of water than indigenous fynbos, and therefore it is likely that the increased wetland extent is as a result of the alien clearing undertaken to date. Research has shown that up to 2 ML/ha (2 million litres per hectare) of water per year can potentially be saved through clearing of gum invasions (Dzikiti <i>et al</i> 2015). There is historical evidence that the wetland system originating at Vermont Pan historically extended to the Bot River Estuary. Further clarification is therefore required regarding the revised wetland delineation and should take into account the likely wetland extent once alien clearing on adjacent properties is complete. Two layout alternatives were presented in the pre-application phase and although the preferred alternative included an open space area to accommodate the wetland, the proposed erven still encroached substantially into the wetland and therefore was not supported. The access road also traversed the full wetland extent. A revised layout has been developed which encroaches less into the wetland however there are still minor infringements, taking into account the revised delineation. The revised layout also reduces the impacts on habitat loss and flow hinderance as a result of the access roads. Several impacts associated with the proposed development were identified in the aquatic biodiversity impact assessment for which the impact significance was identified as low-medium negative or less except for the loss of wetland habitat for which the impact was rated as medium negative. No mitigation measures were identified for this impact.	
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					We wish to note the following with regards to the Environmental Management Programme: • Construction must take place in summer as far as possible. • Water drainage off-site must not be permitted during the construction phase • No killing of fauna is supported however should add that snakes should be removed by an accredited snake handler. • No open fires should be permitted on site and no fires of any type during red and orange risk days. The Fire Protection Association can be contacted to alert when there are red and orange risk days. • Drip trays must be provided for vehicles in case of fuel leaks. No petrochemicals or other hazardous waste may be permitted to enter the wetland. Contaminated soils must be disposed of at a hazardous waste landfill. • The permanent and seasonal wetland must be a no-go area during construction. • No smoking should be permitted. • Should any buildings encroach into wetlands appropriate foundations or stilts should be used. Wetland Offset The application must be considered in the context of the best practice guideline for wetland offsets (McFarlane et al 2016). As with terrestrial biodiversity offsets, the mitigation hierarchy is a core concept for wetland offsets, hence the investigation of reducing impacts should follow the hierarchy of avoid, minimize, mitigate/rehabilitate and only then should a wetland offset be considered to offset the residual impact. A key principle specific to wetland offsets is “No Net Loss”, whereby the loss of wetlands will require a wetland offset to achieve no net loss. Wetland offsets can be implemented as a result of either an authorisation process in terms of the National Water Act or the National Environmental Management Act (NEMA). In most cases in the Western Cape to date, wetland offsets have been implemented as a requirement for an authorisation in terms of the National Water Act, however it also needs to be considered in the NEMA authorisation as mitigation for impacts on wetlands.	
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					The wetland offset best practice guideline does not in itself have any status in terms of legislation, however the national biodiversity offset guideline was gazetted in June 2023 as a NEMA Section 24J guideline. The national biodiversity offset guideline specifically references the wetland best practice guideline for further detail regarding wetland offsets and hence provides for legal grounds for the guideline and many of the key principles are shared for both biodiversity offsets and wetland offsets. Where the residual impact is medium negative or higher a biodiversity offset is required in terms of the national biodiversity offset guideline. Therefore, taking both guidelines into account the encroachment into the wetlands requires the implementation of a wetland offset. However, prior to investigating an offset, the mitigation hierarchy must be further interrogated. In this regard, further investigation is required of full avoidance of both the permanent and seasonal/ephemeral wetland for the residential erven. It would appear to be possible to reduce the size of the current proposed erven as proportion of wetland on each of the erven is less than half. We recommend that group housing/townhouse complexes should only be considered on erven which have no encroachment into the wetlands. Should it not be possible to avoid the loss of wetlands, a motivation will need to be provided why this is not feasible and a wetland offset must be implemented in accordance with the wetland offset best practice guideline. The aquatic biodiversity impact assessment accurately indicates that a wetland offset is required in terms of the no net loss policy. The recommendation for an offset is rehabilitation of the wetland on site. The wetland offset calculator must however be used to determine the wetland offset requirements in accordance with the guideline. The broad actions which can be implemented for wetland offsets are protection, rehabilitation, averted loss, establishment and direct compensation. The risk matrix completed as part of the aquatic biodiversity impact assessment confirms that the risk is rated as moderate and therefore a water use license (WUL) is required. Based on the information provided the process for the WUL has not progressed beyond the risk matrix and should ideally be	
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				undertaken concurrently with the NEMA process in order for alignment of the two processes, particularly with regards to the wetland offset requirements. CapeNature recommends that a wetland offset plan is required in accordance with the wetland offset guideline. The wetland offset calculator must be used to determine the offset requirements which may require actions on wetland off-site. In this regard we wish to recommend that the broader wetland system stretching westwards from Vermont Pan to beyond Erf 1486 must be taken into account. Terrestrial Biodiversity Impact Assessment The terrestrial biodiversity assessment agrees with the mapping of the vegetation on site as Hangklip Sand Fynbos, however as indicated above, a large proportion of the site is occupied by wetland vegetation with the remainder consisting of moderately disturbed to transformed condition. Various disturbances are visible in historical Google Earth imagery as referred to. No Plant Species of Conservation Concern were recorded however there is a possibility of an endangered species recorded on an adjacent property (Erf 1492) occurring on site. Nonetheless, the moderately disturbed sections still support a representative vegetation community of the original vegetation type. The heavily disturbed and transformed areas are mapped as low sensitivity with the remainder mapped as high sensitivity. Two amphibian species were recorded on site based on their calls. We wish to note however that <i>Hyperolius marmoratus</i> (painted reed frog) is an extralimital species that did not historically occur east of Tsitsikamma (http://speciesstatus.sanbi.org/assessment/last-assessment/1470/). As indicated, <i>Bradypodion pumilum</i> (Cape dwarf chameleon) is known to occur in the vicinity of the site as identified in surveys by a local non-governmental organisation. Five faunal species were flagged in the screening tool as high sensitivity, all of which are birds. Two are discussed which are noted to be occasionally visit the area and the loss of habitat is not considered to be significant for these species. Although not discussed, the site is unlikely to be utilised by the other three species flagged due to the urban location. The species flagged in the screening tool should however be evaluated. The impact assessment of the preferred alternative for the pre-	
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					application phase evaluates the impact as high significance before mitigation for both construction and operational phase and medium significance after mitigation. An addendum is provided for the current preferred alternative which indicates that the increase in open space and avoidance of development of the high sensitivity areas provides for an acceptable compromise with a substantially lower ecological impact. The impact assessment indicates a medium significance as avoidance was one of the proposed mitigation measures. With regards to the requirement for an offset, we wish to note that the section of the site which were considered of high sensitivity is relatively closely matched to the wetland delineation and therefore a wetland offset will cater for the terrestrial biodiversity, plant species and animal species requirements. We wish to however recommend that regardless of whether an offset is implemented or not, the management of the open space area needs to be addressed as part of the application, including management of alien invasive species, prevention of pollution of the wetland etc. Conclusion In conclusion, CapeNature recommends that there is further investigation of the mitigation hierarchy, in particular with regards to the layout, in order to ensure that there is no net loss of wetlands. If this is not possible and is adequately motivated, a wetland offset must be investigated and presented within a wetland offset plan. The wetland offset plan must form part of both the NEMA and NWA processes. Management of the open space must be addressed regardless of whether an offset is implemented or not. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.	
Pat Miller	Whale Coast Conservation			pat.miller7@outlook.com	18 June 2024 BASIC ASSESSMENT PROCESS: PROPOSED RESIDENTIAL DEVELOPMENT, ERF 1486, VERMONT, HERMANUS (DEA&DP Ref. No.: 16/3/3/6/7/1/E2/40/1525/22) Whale Coast Conservation (WCC) commented on the Basic Assessment Report (BAR) for this proposed development in April 2023. That comment remains valid. This comment as part	

					of the Environmental Impact Assessment (EIA) Public Participation Process (PPP) supplements WCC's previous comment and should be read in conjunction with it, and WCC should be registered as an Interested and Affected Party (I&AP). For ease of reference the previous comment is attached to this submission. 1. Introduction The applicant proposes to develop a number of dwellings on the erf in question (erf 1486 in Vermont), which houses a natural wetland that is part of a larger wetland system which runs west to east. This system and its component parts are fed by watersheds in the area, as well as by the presence of ground and underground water. The erf in question currently has a derelict building on its (slightly higher) northern boundary, an area has been infilled and a drain was installed some years ago on its eastern side. This is a clear indication of the constant presence of water on the erf over a number of years. 2. History of wetland on erf 1486 A number of studies done over the years prior to those undertaken for the BAR have noted the presence of the wetland and its existence within the context of a larger system. WCC has covered the original BAR studies in its previous comment: those undertaken prior to these include; 2.1 A 2006 study for the Overstrand Municipality (OM) done by the Freshwater Consulting Group (FCG) delineated the wetland boundaries feeding into the Vermont Pan south of the R43 and included erf 1486 in these, noting that the wetland had been forcibly wrapped around the existing building on the site by infilling. The study's recommendations included: • a minimum 30m-wide protective buffer against development around the outer edge of the wetland areas • future development against the mountains to the north of the R43 should protect natural drainages into the wetland system • studies should be done into the impacts of future developments on the larger wetland system.	
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					2.2 Following a development application in 2008, FCG recommended that because of the wetland presence no development should take place beyond the existing footprint; this application duly lapsed. 2.3 In 2012 FCG undertook a wetland report for the Environmental Impact Assessment (EIA) process for the property immediately adjacent to the west of erf 1486. This showed that surface and sub-surface water is dispersed along a wide corridor both towards Paddavlei in Hawston to the west and towards the Vermont Pan in the east. The extent of this dispersal was masked by extensive infestations of alien invasive plants (AIPs). 2.4 A further groundwater study done in 2012 confirmed that the wetland area on the adjacent property is fed by both runoff from the mountains and subsurface seeps. This study noted that the true extent of the wetland area will only be determined when the comprehensive AIP removal programme is completed and the natural systems have re-established themselves. During the years prior to 2006 the wetland on erf 1486 had been badly degraded by such factors as (primarily) the rampant overgrowth of alien invasive plants (IAPs) in the area, particularly on the property adjacent to the west, and infilling and drainage on erf 1486 itself in order to build the now derelict buildings on the property. This took place within a legal context that placed little value on wetlands, and indeed to the concept of conservation and environmental value. 3. Changed environmental context of erf 1486 The environmental context of erf 1486 has now changed. The most important changes are: • wetlands now have legal protection, • the adjacent property on the western boundary which is now a registered private nature reserve is removing all of its very many AIPs. • Climate change is no longer a future probability, but is affecting rainfall patterns in the area and will have a marked impact on the wetland 3.1 Wetland protection With regard to the first contextual change, it is unlikely that the OM would have been able to apportion the land encompassing	
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				the wetland system for sale should it have wished to do so now. The fact that it was able to do in the past and accept development that has harmed the wetland system does not mean that this pattern can or should continue. The extent of the wetland system and its manifestation on erf 1486 has naturally been affected by these harmful developments that have included infilling and drainage infrastructure. The OM now is under a legal obligation to ensure that wetlands are protected, which should naturally include rejecting development applications that compromise existing degraded wetlands further and/or interfere with the functioning of larger wetland systems. 3.2 Removal of alien invasive plants to the west and north With regard to the second contextual change, work has continued apace on AIP removal from the property adjacent to the west. AIP removal close to the boundary with erf 1486 has resulted in the predicted re-emergence of a wide wetland area following the course of the larger wetland system. The area correlates with the area determined in the 2006 study, extending on the north to the R43 and thus would completely encompass erf 1486. Many AIPs on the adjacent property remain and are targeted for removal, thus this process of wetland re-establishment can be expected to continue. The predicted impact on the wetland on erf 1486 noted in WCC's previous comment has indeed materialised, and an increase in wetland area from the initial BAR comment to the present is already very evident. This can be expected to continue. In this regard, it should also be borne in mind that AIP clearing is also being undertaken on properties north of the R43 which feed the relevant watersheds. Mountain run-off can be expected to increase, particularly within the context of changing weather patterns. 3.3 Climate change impacts With regard to the third contextual change, climate change predictions are that although the area will become drier, it will experience more frequent and more violent storms. The Overstrand is already experiencing the disruptive effects of these changing weather patterns, most recently (September 2023) with disastrous consequences for both public and private infrastructure. In this context, natural systems for dispersing this	
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				increased intermittent flow of water (both surface and sub-surface) become vitally important and their protection is essential. All levels of government are now required to put mitigation measures in place to deal with predictable effects of climate change, and ill-advised developments that interfere with these dispersal systems should not find favour. This would certainly apply to erf 1486; its role as a link in a larger wetland system means that more water in unpredictable quantities will flow through it and its dispersal function becomes increasingly important. 4. Additional studies The previous BAR was supplemented by additional studies. These include: 4.1 Terrestrial ecology report update In November 2023 Nick Helme added an addendum his terrestrial ecology report of May 2023 that provides his opinion on the revised, final development layout of Alternative 4. In his opinion, this layout will have a substantially lower ecological impact which reduces the impact rating from high negative to medium negative. He thus approves the development subject to all mitigation measures stipulated in his earlier report and adds a requirement for annual removal of IAPs. The revised layout is guided by the current delineation of the wetland that takes no account of the predicted increased flow. Mr Helme's addendum does not however consider the impact of increased water flow into the erf noted above. This will affect the size and fluctuation in size of the wetland area on the erf, and will render the new iteration of the proposed layout meaningless. This is a surprising omission given that the addendum is dated November 2023, only two months after the devastating floods in the area that lead to widespread infrastructure damage, including the closure of the R43. 4.2 Aquatic biodiversity screening update In May 2023 Delta Ecology confirmed and updated the delineation done during the aquatic biodiversity screening of 2018. The report concluded that the impact of the proposed revised development layout would be minimal and that the limited area of loss of a degraded wetland reduces the	
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				significance of this impact. It confirms that a Water Use Licence will be required as well as an offset and is of the opinion that the rehabilitation of the remnant wetland on the site, as well as a rehabilitation and management plan for it, will suffice for this. WCC disagrees with this conclusion. As with the terrestrial ecology study, it gives no consideration to the predictable impact of the removal of AIPs from the adjacent property on the wetland on site and its role as part of the larger wetland system, nor to the predictable increase in intermittent water flow into them as part of changing weather patterns. 5. Drainage interferences It is highly probable that if permission is granted the developer will introduce drainage systems that will divert this flow away from the property. The type of drainage that would be required will have a significant impact on the natural dissipation and dispersal systems of the wetland and the larger wetland system and will merely shift the problem elsewhere. By doing so they are likely to exacerbate the problem. The consequences of predicted increased water flow, both regular and intermittent, for the proposed development and its surroundings may well be catastrophic, and if approval is granted the developer would be well advised to consider issues of liability very carefully. 6. Wetland boundaries It must be borne in mind that the currently manifest boundaries of the wetland on site have been drastically affected by past interference in order to construct the now derelict buildings. This interference has naturally also affected and degraded the vegetation markers. The true extent of the wetland on site and the larger wetland system of which it is a part could only be determined were these to be removed and a few seasons allowed to pass for stabilisation before measuring. However, in the context of climate change and its inevitable effect on the water flow through the system, determining the boundaries with any level of accuracy will be challenging. What is certain is that the AIP removal to the west and climate change will lead to more water flowing through the system. Forecasting the extent of this increase with any level of accuracy will need to be informed by a full hydrology, hydrogeology and hydroclimatology study. In the absence of such a study it would	
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				be sensible to err on the side of caution, and the cautionary principle should prevail. All wetland areas, including those currently described as seasonal, should be avoided in any development. This would restrict any development to the current footprint of the derelict buildings. 7. Conclusions and recommendations Minor changes have been made to the layout of the development and to some of the specialist studies undertaken for the original BAR. However, the proposal continues to assume that the context of the site will remain as it was when the necessary specialist studies were undertaken for the original BAR. WCC still contends that this is not the case. Contextual changes have still not been taken into account. These changes will have a profound effect on the site into the future and on the feasibility of the development proposal. The removal of AIPs from the property immediately adjacent to the west and altered rainfall patterns will increase the flow of water into the larger wetland system of which the wetland on erf 1486 forms part, and into the wetland on the property. Climate change will affect – and is already affecting - rainfall patterns in the area; more frequent and more violent storms will occur. This will increase the water entering the larger wetland system and that on the property. The proper natural functioning of these systems will be an important factor in ameliorating the effects of these changed rainfall patterns. The OM is now obliged to consider the impact of climate change on all infrastructure and plan accordingly. Extensive drainage will be needed to cope with the expected increased water into the system and onto the property should the development go ahead. This will interfere further with the natural functioning of the system and can be expected to cause problems in the surrounding area. A full hydrology, hydrogeology and hydroclimatology study of the areas – including the mountain catchments - that feed in to the larger wetland system as well as the site itself should be undertaken in order to be able to assess the probable impacts of changing weather patterns on the site. This study should then inform a layout for the development. Unless this is done, no development should take place, and certainly not beyond the existing footprint on the northern boundary.	
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					Yours sincerely	
IN PROCESS PPP (PPP3)						
Peter Hodgskin				peterhodgskin@gmail.com	Email dated 20 June 2025 Subject: Re: Notice of In Process PPP Proposed Residential Development Erf 1486 Vermont, Hermanus, Caledon RD it never stops	
Michael Raimondo	Resident			michael@reflectonsof.life	Email dated 20 June 2025 Hi Michelle, Sorry I don't quite understand the attached notice - can you send us the final case or any amendments to the case - we can then decide to add further comment. Currently we have not heard back since our comments on the 14th of June 2024 that Paul submitted on our behalf. I would appreciate any help, have a wonderful weekend. Many thanks, Michael Raimondo	
Michael Raimondo	Resident			michael@reflectonsof.life	Email dated 24 June 2025 Subject: Re: Notice of In Process PPP Proposed Residential Development Erf 1486 Vermont, Hermanus, Caledon RD Thanks Michelle, I am still going through the document. Is the Appendix F1,F8 & F2A part of this doc - I have not come across them yet - I would like to read the updated wetland and aquatic assessments. I do apologise if they are part of the document. If they not please can you send me the appendix - or a link to download. I am particularly Interested in the wetland or aquatic reports done since our last comments in June 2024. Many thanks, Michael	

Petro Steere	Resident			petro.steere@ymail.com	Email dated 24 June 2025 Hi Michele. I got this email from Marga Hugo. Please will you change my email in your file, from Gmail to ymail please, I would like to be kept updated on matters relating to erf 1486 Regards Petro	
Bernadette Osborne	DEADP			Bernadette.Osborne@westerncape.gov.za	Email dated 27 June 2025 ACKNOWLEDGEMENT OF THE APPLICATION FORM AND THE 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 1. The electronic copies of the Application Form and the Draft BAR received by the Department’s Directorate: Development Management Region 1 (“this Directorate”) on 19 June 2025, refer. 2. This letter serves as acknowledgement of receipt of the abovementioned documents. 3. Please note that since an application has been lodged with this Directorate, the pre-application file (DEA&DP Reference: 16/3/3/6/7/1/E2/40/1525/22) has been closed for administrative purposes. 4. Following the review of the information submitted to this Department, the following is noted: 5.The proposal entails the establishment of a residential development on Erf No. 1486, Vermont. • The proposed residential development will consist of 9 residential erven, private roads, and an open space. • The proposed development will have a development footprint of 15069m². • 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. 6. Please note that this Directorate will consider the Draft BAR and issue a comment within the prescribed 30-day commenting period which ends on 23 July 2025. 7. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Directorate. 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. 8. This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any information received.	
Paul Pfister	Private			paulmpfister@yahoo.com	Email dated 21 July 2025 Dear Michele Lornay With reference to your email and notice of 20/6/2025 I provide the following comments and recommendation for consideration: That of my comments indicated in my email dated 14/6/2024 are still relevant, particularly that of paragraphs 3 to 7; and That should a Homeowners Association (HOA) be established that a condition be included in the respective constitution that the HOA be compelled to submit a copy of their annual general meeting (AGM) to the Overstrand Municipality, in compliance with the relevant national and/or provincial Act/s. All to often a HOA association is established encouraging	

					investors only to conveniently fall away shortly after the development is complete or a few years thereafter. I believe such practice is illegal and may be contested. Sincerely Paul	
Paul Slabbert on behalf of UVA Prop				paul@phsconsulting.co.za	Email dated 22 July 2025 COMMENT ON RESIDENTIAL DEVELOPMENT APPLICATION – ERF 1486 VERMONT Our initial comment on the abovementioned development dated 13 June 2024 refers. PHS Consulting was commissioned by UVA Prop the owners of the Remainder of the Farm Hoek van de Berg no 572 (RE/572) located directly west of the subject erf, to provide further comment on the development application. Considering its more than a year since we provided comment, we were commissioned to evaluate the revised development proposal, the responses provided on our initial comments and to comment on the new preferred alternative. UVA Prop still opposes any development inside a wetland, irrespective if its seasonal or permanent. UVA Prop position is that future property boundaries of privately owned erven, the proposed sewer and enhanced swale system should be outside of the seasonal wetland areas. PHS was requested to provide input on their position to achieve a better development outcome for the site and surrounds. The affected wetland resources on and off site and its connectivity with the larger natural system, is still the biggest concern. BOTANICAL The Botanist identified the vegetation on site as Hangklip Sand Fynbos that is gazetted as Critically Endangered (CE), the BAR on pg 159 refer to the vegetation being “Endangered” which is incorrect. We note that the development proposal will result in a loss of CE vegetation of approx. 500 m2 and the botanist confirmed that this is a good compromise because a substantially lower ecological impact was achieved and that the	

				proposed residential erven (Alternative 3) now exclude most of the High sensitivity areas and only about 500m2 of high sensitivity habitat will now be lost. The BAR then rate the Ecological Impact (Botany) as Medium Negative after mitigation, meaning the residual impact is regarded as Medium Negative. Shortcomings in the BAR: The BAR does not include a combined constraints map showing the botanical overlay with the new Alternative 3. As a result the I&AP's dont understand where the 500 sqm vegetation zone is that will be lost and how does this relate to the wetland delineation. The BAR under guidelines (pg 24) does not refer to the National Biodiversity Offset Guidelines 2023 neither does it explain how it has influenced the development proposal considering that a Wetland Offset form part of the proposal. The incomplete "Guideline Section 5" in the BAR needs to be updated to explain to the I&AP's their applicability and how they have influenced the proposal. Irrespective of the botanical findings the I&AP's need to understand why not all CE vegetation can be avoided as per the required impact hierarchy. The BAR concludes that the Ecological Impact (Botany) is Medium Negative therefore the lack of clarifying the applicable Offset Guideline needs to be explained and then how this EIA interpret figure 1 below extracted from the Offset Guidelines. It indicates that if the residual impact is medium than a biodiversity offset is required. WETLANDS As per previous comments provided and summarised below, many freshwater ecologists have been involved at this site over the years. The erf in question is a critically important corridor link between the Farm Hoek van de Berg (HVDB) no 572 (RE/572) and the Vermont Pan, which certainly raise its ecological importance and sensitivity. What stand out for us is that the size of the wetland is delineated smaller and smaller	
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					over time since the first work done in the early 2000's. And considering all the alien clearing efforts occurring on HVDB, it is logic that the wetland itself should become wetter, which is at least, more similar to its natural hydrological regime than what it might have been before the aliens were cleared. Our previous comments substantiated the fact that we believe the wetland on and off the site is indeed wetter and more functional resulting in the temporary wetland areas being inundated with water more frequently than initially though. SUMMARY OF WETLAND AREAS g) The Freshwater Consulting Group (FCG) study in August 2006 for the Overstand Municipality delineated the wetland in blue as per figure 2 below. The study recommended that appropriately vegetated buffers be established to protect the wetlands wherever this is possible. It was recommended that minimum buffer width of 30 m should designate as per white in figure 2 below. h) During 2008 - 2010 a development application was subjected to a NEMA process, whereby the file was closed due to the extent of the wetlands confirmed by FCG in 2008 advising that the site is unfit for development expansion beyond the current built footprint. UVA Prop concur with the position of FCG. i) Then in September 2012 the FCG produced a wetland report as part of an EIA process for the now approved Hoek van de Berg development on Re/572. As part of the EIA it was confirmed that the back-dune corridor south of the R43 is associated with dispersal of surface and sub-surface flow along the length of the valley floor, either to the north-west, to Paddavlei in Hawston, or in a south-easterly direction, toward the Vermont Pan. The north-eastern corner of the site supports the upper portion of an extensive Juncus cf. krausii valley bottom wetland that extends toward the Vermont Pan. Figure 3 below shows the extent of	
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					wetland system considered during the EIA, for ease of reference we indicated the location and wetland extent on the subject site in yellow. The recent photos of the HVDB site confirm surface flows as per grey arrows below, towards the Vermont Pan after extensive alien clearance. j) As part of the 2012 investigation, FCG recommended a groundwater study to provide hydrogeological input regarding the determination of aquifers and groundwater flow, which feed the surface wetlands, and the delineation of sub catchments or watersheds within the site. These were deemed necessary for the identification of appropriate setback areas around the wetlands on site to ensure their protection and to determine potential impacts on groundwater-fed ecosystems associated with the development proposal. The watershed boundaries and direction of sub-surface flows are provided in Figure 4 (from SRK 2012). Important sub-catchments relevant to this case relates to Sub-catchment C1 which feeds the north-eastern wetland. The dune field comprising the southern portion of the sub catchment rises to between 45 and 60 m amsl, some 300 m to the south of the Juncusvalleybottom seep. The seep probably emerges at about 30 m amsl, although the true extent will be determined only after alien removal allows the natural extent to re-establish. The seep is fed by a combination of surface and subsurface runoff from the northern rocky mountain slopes and subsurface inputs from the dune field to the south. k) The next freshwater study was conducted in August 2018 by EnviroSwift whereby only the wetland on erf 1486 was delineated. This study acknowledged the 2006 delineated wetlands by Municipality. It is stated that wetland boundaries do vary with time and the 2006 delineation is outdated particularly considering the recent housing development to the south. The study delineated the wetlands as per figure 5 below, based on the presence of saturated, high carbon soils and isolated instances of mottling within the upper	
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					500mm of the soil was used in conjunction with the presence of hydrophytic vegetation to delineate the outer boundary of temporary zone of the wetland. The excavated depression represented the permanent zone. I) The wetland study by Delta Ecology dated November 2023 forms part of the previous Draft Basic Assessment we commented on. A delineation as per figure was undertaken during a site assessment by Gericke and van Zyl (Delta Ecology, 2023) on the 30th of May 2023. This was the last delineation of wetlands in the area. Changing circumstance Our previous comments did deal with changing circumstance to be considered. From the above it is clear that the wetland changed since the first 2006 delineation. It's also clear that the true extent of the wetlands should be determined only after alien removal allows the natural extent to re-establish. This is the case now as per photos proof below. It's stated that wetland boundaries do vary with time clearly depicted in the change in delimitation over the years, most probably due to manmade intervention like stormwater additions, further infilling after 2006, run-off from the mountains, floods and the recent extensive alien clearance. Since the last delineation in May 2023, HVDB has been the subject of an alien vegetation clearance programme Based on the Sept 2012 FCG report, the wetland on erf 1486 is fed from C1 as per figure 4 above, therefore the tempo and volumes of water feed has increased since the first Draft Basic Assessment and May 2023 wetland delineation. Since our last comment it's been observed on RE/572 that the water level in the wetland has drastically increased as per comparative photo evidence below. Our previous comments related primarily to the points below, the response provided in the Comments and Response Report are included in blue below and our further comment is added	
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					as underlined text: The most recent wetland studies haven't considered the increase in wetland run-off and feed from RE/572 to the Vermont Pan due to the current alien clearing efforts. Neither has the additional run-off from the mountains been considered where additional clearing of alien vegetation is taking place and directly north where landowners will be forced to clear aliens. The Sept 2012 FCG study predicted that the true extent of wetlands will be determined only after alien removal allows the natural extent to re-establish. On the RE/572 site the wetland area already expanded as per photo comparisons below. This extend will have a direct impact on the wetland extent on erf 1486 and it's likely the site will become wetter in future. This coupled with climate change and extreme events occurring more frequently, more surface and sub-surface flow will originate from catchment C1. <i>Freshwater specialist response:</i> <i>"The specialist agrees that there is potential need for a hydrological assessment to determine the impact of clearing AIS on Hoek van de Berg Nature Reserve on the downstream wetland system. It is questioned whether the entity undertaking the AIPS clearing is not responsible for assessing potential impacts that may occur as a result of the clearing, such as increased flow to downstream land. There are many landowners downstream that could be affected if increased flow does occur, not only the property immediately downstream."</i> <i>"The comment is acknowledged, and it is recommended that changes in the wetland boundary should be monitored by the HoA. The recommendation to monitor the potential expansion in the onsite wetland boundary over time will be included in the Wetland Management Plan."</i> July 2025 comment: The HVDB property was subjected to an EIA, that contained an Alien Vegetation Management Plan that is being implemented. It is disclosed in the specialist's wetland reports in 2012 as part of the EIA that the wetlands will likely increase. This was the same wetland specialist who	
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				recommended in 2008-2010 that no development should take place on Erf 1486. The onus is therefore not on HVDB to consider downstream impact on Erf 1486 for an activity required to conserve wetlands. It is the applicant and the EAP's responsibility to consider the changing circumstances which are positive changes in the natural landscape in this instance. A HOA is not a sustainable mitigation tool, neither are the personnel running the HOA competent or interested in managing wetlands especially the seasonal wetlands to be located on private erven as per preferred alternative. The best approach should be precautionary by delineating the erf boundaries on the outer edge of the seasonal wetlands, this way the HOA don't have to monitor private erven/owners or activities falling inside the seasonal wetlands. The BAR has not considered the changing circumstances in particular the effect of alien clearance and climate change on the proposed development. The likelihood that the extent of the wetland on erf 1486 will increase over time it's not sensible to have seasonal wetlands on private erven as per the proposal. Considering these erven are private individual owners will resort to all sorts of interventions to drain or infill erven as per the current case. We would advise that all private erven be located outside of seasonal wetlands to avoid development impacts on the ecosystem. Climate change is real and more water will flow through the system from west to east with erf 1486 fulfilling the role of a critical link. <i>Freshwater specialist response:</i> <i>"However, the scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present state of the onsite wetland determined to be At-Risk of the proposed development, and subsequently the potential impacts of the proposed development on this wetland. The Delta Ecology (2023) report's scope does not include assessing the potential impact of climate change, adjacent changes in land use, or any other potential catchment transformation that may occur in the future; and how (if applicable) the boundary of the wetland will change as a result</i>	
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				<i>of such changes. The report has been updated to include this exclusion in the Limitation Section 1.2. of the report (Delta Ecology, 2023)."</i> <i>"The comment is acknowledged, and changes in the wetland boundary should be monitored. The recommendation to monitor the potential expansion in the onsite wetland boundary over time will be included in the Wetland Management Plan. It is recommended that the HoA ensures that no private landowners' resort to interventions to drain or infill the remnant UVBW. The designs for houses on the residential Erven should take cognisance of the wetland's sensitivity and this should be enforced by the HoA through the Wetland Management Plan. The Delta Ecology (2023) report has been updated as necessary to include this mitigation measure."</i> July 2025 comment: The specialist confirm that the wetland report scope does not include climate change, impact on adjacent landowners or any catchment transformations, and due to this the Limitation Section in the specialist report was updated. These limitations place the responsibility on the EAP to do the require climate change assessment, noting that numerous I&AP requested the same. The BAR is silent on Climate Change and catchment transformation, regarded as a flaw in the assessment. Instead of moving the private erf boundaries to the outer edge of the seasonal wetland, the recommendation is that all erven except one can contain temporary wetlands. These temporary wetlands inside private erven is regarded as no-go areas but it need to be policed by the HOA. The Wetland Management Plan attached to the BAR as App G2 Regulated Areas MP, contains a set of rules each private owner needs to operate accordingly. From experience it always leads to none-compliances. The likely reason for the inclusion of wetlands inside private erven is to achieve optimal erf sizes and numbers to achieve development feasibility and satisfy market demand at the cost of wetlands. The proposed mitigating measures are not sustainable. ii We therefore recommend that a geohydrological/hydrological/hydropedology study in	
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					conjunction with a stormwater master plan be conducted to inform the freshwater impact assessment in order to understand what the impacts of the increase in surface and subsurface water flow will have on the system and in specific the wetland on erf 1486. A development alternative should be presented and assessed as part of the process that avoid the CE vegetation and the seasonal wetland areas completely. <i>Freshwater Specialist response:</i> A SWMP is recommended. However, it is the specialist's opinion that the proposed development will not have a substantial impact on the hydrology or interflow dynamics of the onsite wetland and downstream system given the implementation of mitigation measures. The Delta Ecology (2023) report's scope does not include assessing the potential impact of climate change, adjacent changes in land use, or any other potential catchment transformation that may occur in the future; and how the onsite wetland's surface and subsurface water flow may change as a result thereof. The report has been updated to include this exclusion in the Limitation Section 1.2. of the report (Delta Ecology, 2023). The scope of the recent studies (specifically EnviroSwift, 2018 and Delta Ecology, 2023), included assessment of the present state of the onsite wetland determined to be At-Risk of the proposed development, and subsequently the potential impacts of the proposed development on this wetland. There may potentially be a slight increase of flow due to the hardened surfaces as a result of the housing development. This is seen to be of "Low "significance" to the onsite wetland, given the implementation of mitigation measures such as implementing rainwater harvesting schemes that may reduce runoff intensity, and mitigate the potential impact of catchment hardening. To ensure the implementation of recommendations in the Aquatic Impact Assessment Report (Delta Ecology, 2023), the report has been updated to specify that an Aquatic Ecologist must be consulted during the design of the onsite Residential Dwellings and Town Housing unit, and an Environmental Control Officer (ECO) should be appointed during the Construction of the Town Housing development in the south.	
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					July 2025 comment: We noted that a SWMP was drafted and attached to the BAR as a substitute for a geohydrological/hydrological/hydropedology study, however the SWMP recommendation are made on a SDP that does not feature in the BAR. The catchment area in the SWMP is also smaller than the C1 determined by a geohydrologist as per Figure 4. Permeable paving is proposed in the south seemingly along a road, however the road and erven layout is not in line with the preferred alternative. The enhance swale proposed on the northern erf boundaries is not assessed by the freshwater ecologist and regarded as a concern considering it is inside the seasonal wetland most likely draining the seasonal wetlands on private erven, exactly the reason why erf boundaries should be on the outer edge of seasonable wetlands and a swale placed on the outer edge of the wetlands. We still maintain that the EIA process requires a geohydrological/hydrological/hydropedology study to inform subsurface flow and increase in flow especially if development takes place inside a wetland. A variety of rules are introduced to mitigate and manage impacts whereby one simple alignment of erf boundaries outside seasonal wetlands is avoidance that would eliminate the need for rules that is subject to be broken with very little consequences. We note that a sewer line is also proposed along the swale alignment regarded as a risk that should be located outside the seasonable wetland opposed to inside it. CONCLUSION Based on the above we are of the opinion that new updated wetland delineation is required based on the comparison of delineation differences since 2006 and the limitations confirmed in the last May 2023 wetland report. Avoidance of the seasonal wetlands entirely should be the preferred mitigating measure before rules are adopted to manage seasonal wetlands inside private erven. We recommend that an alternative be assessed where total avoidance is applied. A comparative constraints map is required to confirm which areas of CE vegetation will be removed. Considering that is has been more than 2 years since the last	
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					wetland delineation, UVA Prop has approached a freshwater ecologist to verify the extent of the wetlands on and off the site in 2025, however due to time constraints such an assessment could not be done. UVA Prop therefore reserve their right to provide further input into the EIA process. Further to the above it is unclear at what stage the WULA application is at and how to provide comment. As a norm it is handled as a “one environmental system application” but it appears not to be the case. Considering the importance of the wetlands in this case, we noticed that Shaddai Daniel from DWS Resource Protection unit is not registered as an I&AP, for the record we have copied her in on this comment. We understand that BOCMA is providing comment in this regard however officials with expertise in wetland resource protection should be requested to comment on this proposal.	
Petro Steere				petro.steere@ymail.com	Email dated 22 July 2025 Subject: Re: Notice of In Process PPP Proposed Residential Development Erf 1486 Vermont, Hermanus, Caledon RD Hi Michelle As before, I cannot see that it is at all viable to build anything along the southern border of the property. I was there on the 6th of July, after a few days of rain. Less than 12 meters from the southern border, I was ankle deep in mushy wet mud. I attach photos and a video of the water pouring out into the stormwater outlet in Lyx road.	
Denis Brandjes & Samantha Hogg-Brandjes	Residents			denis@brandjes.org samantha@ginjaninja.co.za	Email dated 23 July 2025 Subject: Comment on Development of Erf 1486, Vermont ATT. Michelle Naylor LORNAY ENVIRONMENTAL CONSULTING PO Box 1990, Hermanus, 7200 Tel. 083 245 6556	

					Email. michelle@lornay.co.za RE: Comment on Development of Erf 1486, Vermont As the owners of an adjacent property, we were registered as an I&AP and submitted reports in April 2023, and again in June 2024. We thank you for addressing some of these concerns in the APP- la-Maintenance-Mgmt-Plan-Report-150625" Report Our concerns relate specifically to the wetland, and the fact that the wetland on RE/572 through to erf 1486 has and is enlarging, notably since the initial reports of March 2023 and site inspections of mid-2023 and 2024. This relates specifically to your proposed development of Erf 7,8 & 9 of 'APP B3 Development Proposal Alternative Four Final Preferred' and above report. In fact, you are invited to inspect the site currently for proof of wetland increase. For detailed analysis, please consider report submitted by PHS Consulting, commissioned by UVA Prop the owners of the Remainder of the Farm Hoek van de Berg no 572 (RE/572) Kind Regards Denis Brandjes & Samantha Hogg-Brandjes Erf 2319 Vermont	
Rulien Volschenk				rvolschenk@odm.org.za	Email dated 23 July 2025 RE; NOTICE OF PUBLIC PARTICIPATION FOR A BASIC ASSESSMENT PROESS: PROPOSED RESIDENTIAL DEVELOPMENT, ERF 1486, VERMONT, HERMANUS. Reference number: 16/3/3/6/7/1/E2/40/1525/22 The Overberg District Municipality's Environmental Services Department acknowledges receipt of the draft Basic Assessment Report.	

					With Reference to the comments submitted this this department on 11 June 2024, the ODM wishes to reiterate and add the following key points in terms of ODM policies: • The proposed development is located within the designated Hermanus/Vermont urban edge and is consistent with the Spatial Development Framework (SDF) policies. These policies discourage urban sprawl and instead promote sustainable, compact urban growth. By aligning with these principles, the development contributes to efficient land use and infrastructure optimisation. • The ODM fully supports and actively promotes the rehabilitation plan of environmentally degraded areas. in this regard, the proposed wetland rehabilitation plan is welcomed and strongly endorsed, as it aligns with the ODM's commitment to restoring ecological integrity and enhancing biodiversity. • The ODM also advocates for the protection and preservation of prominent indigenous vegetation and sensitive habitats. Accordingly, Layout 3 is considered the most appropriate option, as it best supports the conservation objectives and minimises ecological disturbance. • In accordance with the duty of care provisions outlined in the National Environmental Management Act (NEMA), the property owner is legally obligated to take reasonable measures to prevent environmental degradation. This obligation applies regardless of whether environmental authorisation has been granted. Consequently, the landowner must ○ Actively manage and control invasive plant species on the property; ○ Implement effective measures to prevent stormwater pollution; ○ Rehabilitate the illegal dumpsite, which currently contains building rubble and fill material, to restore the integrity of the wetland system. The Overberg District Municipality reserves the right to amend its comments and to request further information should any relevant documentation or details become available.	
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					Yours faithfully,	
Bernadette Osborne	DEADP			Bernadette.Osborne@westerncape.gov.za	Letter dated 23 July 2025 COMMENT ON THE 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. 4. The electronic copy of the Draft BAR received by this Department on 19 June 2025 and the acknowledgement thereof issued on 27 June 2025, refers. 5. 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 9 residential erven, private roads, and an open space. • The proposed development will have a development footprint of 15079m². • 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. 6. The Department’s comment is as follow: 3.1. It is noted that the site is zoned Residential. Can you please confirm whether the site was zoned residential prior to 5 March 2012. 3.2. In this Directorate’s comment dated 18 June 2024, confirmation was requested of when the road and buildings were developed. However, the report only provides confirmation regarding the development of the buildings. Please confirm when the road was developed and provide the width of the road. 3.3. It is noted that an onsite wetland offset will be	

					implemented and that an offset report has been included in the report. Please note that comment must be obtained from BOCMA regarding the offset proposal and whether they support the proposed offset. This comment must be included in the final BAR. Failure to include the comment may prejudice the outcome of the application. 3.4. It is noted that two options for stormwater control measures have been proposed: the installation of two 900 mm diameter culvert pipes, or a 1.3 m wide × 0.7 m high trapezoidal concrete-lined channel to manage upstream flow. However, the preferred alternative has not been indicated. Please note that the preferred alternative must be clearly stipulated in the final BAR. 3.5. CapeNature and I&APs indicated that alien clearing on the adjacent property may affect the extent of the wetland. However, this was not considered by the Freshwater Specialist. Please note that this potential impact must be assessed by the Freshwater Specialist, who must also confirm whether there will be any additional impacts on the watercourses. A final comment from CapeNature on the revised layout must be obtained and included in the final BAR. 3.6. 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. 3.7 It is noted that a water use license application in terms of the National Water Act, 1998 (Act No. 36 of 1998) is required. Proof of the submission thereof to the relevant water authority should be included in the Final BAR. 3.8 The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014. 3.9 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	
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					Department, may result in the application for Environmental Authorisation being refused. 3.10 Be advised that an 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. 3.11 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. 6. This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any information received.	
Rhett Smart	Cape Nature			rsmart@capenature.co.za	Letter dated 23 July 2025 Final 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. The second draft of the Basic Assessment Report (BAR) updated the aquatic biodiversity study to an impact assessment and included a terrestrial biodiversity and plant species assessment,	

					and a revised preferred layout was presented which encroached less into the delineated wetland. Concern was however raised regarding the continued encroachment into the wetland, and it was recommended that a wetland offset should be investigated after detailed investigation of the mitigation hierarchy. We further wish to note that the site was mapped as Ecological Support Area 2 (ESA) in the 2017 Western Cape Biodiversity Spatial Plan (BSP) which was the official version at the commencement of the project and therefore accepted, however the site is mapped as Critical Biodiversity Area 1 (CBA) in the 2023 BSP. Development Proposal The preferred development layout presented in the current version of the BAR is the same as presented in the previous version and hence has not addressed the concern regarding the encroachment into the wetland. The response to our comments in the comments and response report by the aquatic ecologist indicates that there will be further investigation of full avoidance the wetland, however this has not been included in the Final BAR. The environmental assessmentpractitioner indicates that there is full avoidance of the permanent wetland, however this is insufficient, as there should be full avoidance of the seasonal/temporary wetland as well. We further note that the sewer pipeline will traverse the wetland in the north of the property, and we recommend there should be further investigation of an alternative alignment which avoids the wetland. Confirmation should be provided that the sewer pipeline upgrades within the suburb of Vermont to accommodate the development will occur within existing transformed areas and will not require additional environmental controls to minimize the impact. We note reference to a screening wall along the western boundary which received building plan approval historically. No solid boundary walls should be permitted as this will impact on the hydrology of the wetland, in particular along the western boundary. Only fences with minimal disturbance footprint should be permitted. We further wish to respond to the	
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				responses regarding the change in the wetland extent that it was primarily along the western boundary where extensive clearing of gum trees has taken place on the neighbouring property and not along the south-eastern boundary where the stormwater outlet is located. The stormwater management plan will play an important role in the hydrology of the site and hence the impact on the wetlands. We note however that the layout plan in the stormwater management plan differs from the preferred layout plan in the BAR and is not included in any of the other reports. The access road to the southern node is located to the north of the units and traverses the wetland. Permeable paving is proposed for the section of road which traverses the wetland, and a swale is proposed along the southern edge of the erven in the northern residential node. These features have not been assessed in the aquatic biodiversity assessment. Either the stormwater management plan or the aquatic biodiversity assessment and BAR must be amended to reflect the current preferred layout plan, neither of which are currently supported due to the encroachment into the wetland. Wetland Offset, Rehabilitation and Management Plan The wetland offset, rehabilitation and management plan was compiled to address the encroachment into the wetland of the development layout. The delineated wetland is calculated to be 0.9 ha in extent of which 0.024 ha (240 m²) will be permanently lost due to the construction of roads. The sections of residential erven which encroach into the wetland have not been included, as the intention is that these areas will remain as wetland habitat. Appendix B4 indicates the preferred layout with an overlay of the sections of each residential erf which can be developed and the exclusion areas consisting of the delineated wetlands and the boundary setback from neighbouring properties. CapeNature wishes to query the feasibility of maintaining the wetland sections within the private residential erven in terms of both habitat condition and ecological function and connectivity.	
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					The quantum of the wetland offset is determined by the wetland calculator as defined in the wetland offset best practice guideline (Macfarlane et al 2016). For the wetland functionality targets, the base of 58% functional value is used which falls within largely modified (D) ecological condition prior to development. The net change after development is therefore 58% which is then multiplied by the wetland area lost which results in 0.0139 ha (139.2 m²) functionality ha. For the ecosystem conservation targets, the habitat condition is rated as 70% which provides the base ha requirement of 0.0168 ha. Multipliers are then applied for ecosystem status (15), regional and national context (0.8) and local context (0.7), resulting in a stated ecosystem conservation ratio of 7.88, however we calculate the total as 8.4, depending on whether these are rounded off as indicated or not. We further wish to note that the regional and national context of high importance should be 1.0 and not 0.8 and the buffer zone integrity of 0.5 applies to cultivated lands which is not relevant at this location (Macfarlane <i>et al</i> 2016). We would motivate that degraded natural habitat (0.75) is more appropriate, although there is also limited residential development. Multiplying the base ecosystem conservation target by the ecosystem conservation ratio results in a target of 0.1323 ha (1 323 m²) ecosystem conservation target. The wetland offset requirements are therefore calculated as 0.0139 wetland functionality ha and 0.1323 ecosystem conservation ha with a net 0.1462 ha (1 462 m²) target. The motivation for the ratings however needs further description and the calculations need to be clarified with clear reference to the wetland offset best practice guidelines. No wetland plant or animal species of conservation concern (SCCs) were confirmed present or considered likely to be present therefore there are no additional offset requirements for SCCs, although we wish to refer to the animal species assessment as discussed below. The proposed wetland offset is rehabilitation of the on-site wetland with a loss of 0.024 ha leaving 0.876 ha for rehabilitation. The aim of the rehabilitation interventions will be to elevate the present ecological state from an upper D (largely modified) to an upper C (moderately modified). The	
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					rehabilitation interventions broadly consist of: removal of rubble and fill; removal of alien invasive species; establishment of a moderately diverse indigenous vegetation community; implementation of stormwater management measures and implementation of the wetland offset rehabilitation and management plan. Reviewing the offset proposal in terms of the wetland offset best practice guideline, one of the key principles is the mitigation hierarchy which must be followed prior to considering an offset, as for the National Biodiversity Offset Guidelines (Macfarlane 2016; DFFE 2023). With regards to the first two steps of the mitigation hierarchy of avoid and minimize, the residential erven should be located fully outside of the delineated wetland. Conservation of wetland habitat and function within residential erven is not considered feasible. As developable areas have been identified for each erf which fully avoid the delineated wetland, the erf boundaries should be able to be retracted to only include the developable areas. The smaller erven may sacrifice the extent of gardens, however a landscaped garden will not fulfil the function of intact wetland habitat and function, and it will be very challenging to avoid this taking place on residential erven. Should it not be possible for the residential erven to fully avoid the wetland, additional motivation will be required, and the encroachments will need to be added to the impacted wetland which must be offset. Appendix G2 is an addendum to the Environmental Management Plan (EMP) which applies to the no-go areas on private erven. As CapeNature is not in support of the proposed attempt to maintain wetland habitat on the residential erven we will not provide further comment on this report. The wetland offset best practice guidelines do not address whether an on-site wetland of the remainder of a wetland partially impacted by a development is a suitable receptor site, however broadly interpreting the guidelines it can be considered acceptable. In terms of the offset target area, there is sufficient remaining wetland habitat on the on-site wetland to meet these targets. However, further motivation must be provided regarding the calculations and as discussed discrepancies/ miscalculations were identified.	
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				With regards to the proposed interventions, one of the general principles for the design and implementation of wetland offsets is that it must result in additional conservation outcomes i.e. over and above what would have occurred without the offset in place (Macfarlane 2016). The National Biodiversity Offset Guidelines more specifically states with regards to additionality that it must be “over and above, biodiversity conservation measures that are already required by law”, using the example: “the removal of invasive alien species is a key strategy in rehabilitation and restoration, but in many cases is already a legal requirement” (DFFE 2023). Therefore, while alien clearing is agreed as a key intervention in rehabilitation of the wetland, it should not be considered as part of the offset as it is already required in terms of the National Environmental Management: Biodiversity Act (NEM:BA) Alien and Invasive Species Regulations and the Conservation of Agricultural Resources Act (CARA). The same may apply to stormwater management. In terms of alien clearing specifications, herbicide treatment for pampas grass (<i>Cortaderia selloana</i>) and Kikuyu grass (<i>Cenchrus clandestinus</i>) in the wetlands is not supported. Table 8 of the wetland offset best practice guidelines provides ratios for the wetland offset receptor area in accordance with the protection level. The lowest level indicates with a modifier of 1 is for securing the wetland offset through a legal mechanism such as a conservation servitude registered on the title deed and therefore is interpreted as the minimum protection level which the wetland offset must obtain. The goals and objectives of the offset study includes securing the wetland as a conservation servitude, however further detail is not provided. A suitable entity in favour of whom the conservation servitude will be signed must be identified e.g. a non-governmental organisation such as the Overberg Renosterveld Trust, although the latter only focuses on renosterveld remnants. Other equivalent protection mechanisms can be investigated which are most appropriate to the site context. We recommend further consultation with CapeNature regarding the protection mechanism for the wetland offset. While the proposed rehabilitation interventions are supported,	
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				these must be linked to definite targets and timeframes to ensure that the rehabilitation goals are met. The end goal for rehabilitation must be clearly defined and address each of the proposed rehabilitation interventions. Only once the rehabilitation goals are reached can rehabilitation be considered to have been successfully implemented. Further detail is required regarding the removal of rubble and fill, including the current extent and depth of rubble and fill. If extensive excavation is required for this intervention it could result in an alteration of the hydrodynamics on site and hence the extent of the wetland. The end goal of rehabilitation must ensure that it meets the same targets identified in the wetland offset calculator with regards to wetland functionality targets and ecosystem conservation targets. The rehabilitation should be undertaken by a restoration ecologist with a proven track record of wetland restoration in particular for the revegetation component. It must be ensured that the maintenance management plan (MMP) is fully aligned to the wetland offset, rehabilitation and management plan. It is noted that a water use license application (WULA) is required for the proposed development, however no further information is provided regarding the WULA. The NEMA process and WULA should be undertaken concurrently for this development proposal in accordance with the provincial synchronisation agreement, particularly since there is a wetland offset proposed which will address concerns related to aquatic ecology for both the BAR and WULA and the recommendations for the two processes need to be aligned. Terrestrial Animal Species Assessment A terrestrial animal species assessment was undertaken to complement the discussion regarding fauna in the terrestrial biodiversity assessment. The fieldwork consisted of both visual and acoustic surveys and call playback for one of the bird SCCs flagged in the screening tool. A total of six bird, three amphibian and five mammal species were recorded on site, however none of them are SCCs or flagged in the screening tool. The likelihood of the six bird species, one reptile species and one invertebrate species flagged in the screening tool occurring on site is assessed. The Striped Flufftail (<i>Sarothrura affinis</i>) did	
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					not respond to the call playbacks and the habitat on site is considered marginal for the species. Some of the species are considered reasonably likely to occasionally frequent the site such as African Marsh Harrier (<i>Circus ranivorus</i>) and Black Harrier (<i>Circus maurus</i>) however the predicted impact for each of flagged SCCs is considered to be low or very low. Cape dwarf chameleon (<i>Bradypodion pumilum</i>) was added to the list of SCCs assessed and there are records directly adjacent to the site, therefore it is likely to be present. The impact on this species is considered to be of medium significance. The impact assessment for the preferred development layout is rated as medium significance after mitigation and therefore falls within the thresholds requiring a biodiversity offset in accordance with the National Biodiversity Offset Guidelines (DFFE 2023). The specific impacts in this regard are the infringement on the ESA 2 corridor for animal movement and habitat loss and movement impediment for the Cape dwarf chameleon. We therefore recommend that there is further investigation of the mitigation hierarchy in this regard and that an additional offset is investigated for animal species, specifically focusing on Cape dwarf chameleons. Conclusion In conclusion, CapeNature does not support the current development proposal which encroaches into the wetland. Further investigation of alternatives must be undertaken where the residential erven are fully located outside of the wetland. Any encroachments into the wetland must be adequately motivated and the extent must be offset. The wetland offset, rehabilitation and management plan must be amended in accordance with the comments above and to address revised layout plans. We recommend that CapeNature should be consulted regarding mechanisms for the protection of the wetland. CapeNature reserves the right to revise initial comments and request further information based on any additional information	
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					that may be received.	
Pat Miller	Whale Coast conservation			pat.miller7@outlook.com	Letter dated 23 July 2025 COMMENTS ON BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON ERF 1486, VERMONT, HERMANUS: June 2025 DEA&DP REFERENCE: 16/3/3/6/7/1/E2/40/1525/22 As a registered Interested and Affected Party (I&AP), Whale Coast Conservation (WCC) has the following comments on the above proposal. 2. Introduction This Basic Assessment Report (BAR) is for a revised edition of the development proposed for Erf 1486 in Vermont. It puts forward a different arrangement of the plots on the erf, together with an emphasis on ways to circumvent the ecological difficulties posed by the erf itself. 0,9 Ha (approximately two-thirds) of the 1,5 Ha erf is delineated as wetland, both permanent (approximately half) and seasonal. 0 ,71 Ha of the erf will be required to establish the proposed development and 0,79 Ha will be open space. Roads on the development account for the loss of wetland. The proposed development is split into six dwellings in the north and three in the south of the erf, together with two access roads. There is an average ingress of 25% of the seasonal wetland on the individual erven within the development (not 15% as stated in the BAR). The remaining area within the centre of the site consists of the permanent wetland zone and the remaining temporary/seasonal wetland zone (to be kept undeveloped). 2. Erf 1486 is unsuitable for development WCC contends that the erf in question should not be developed at all, for reasons that include the following (in summary), and which are explored further below: • Much of the erf is delineated as wetland and as such	

					should be protected from development • It is not possible to delineate the boundaries of the wetland accurately in the context of climate change and the removal of Alien Invasive Plants (AIPs), particularly from the neighbouring property, and it may well cover a greater area than that delineated. This renders the proposal meaningless. • The vegetation of the erf is classified as Hangklip Sand Fynbos, which is Critically Endangered. It should not be built on. • The erf is part of an important ecological corridor. It is classified as a Critical Biodiversity Area (CBA1) and should be protected from development. • The erf is also part of a broader Ecological Support Area (ESA2) identified in the 2023 Western Cape Biodiversity Spatial Plan (BSP) and should not be developed. • The erf is part of an important and extensive wetland system which forms part of an Environmental Management Overlay Zone (EMOZ) of the Overstrand Municipality (OM) and cannot be considered on its own, as the proposal does. 2. Ecological importance and current ecological situation of Erf 1486 The erf in question forms part of an important wetland system that runs eastwards from the Bot River, roughly parallel to the R43 and sometimes underground, through the Skilpadsvlei and Paddavlei in Hawston, then through the Whale Coast Nature Reserve (WCNR), to the Vermont Pan. This system has been greatly impacted over past decades by factors such as the proliferation of thirsty AIPs and ill-advised urban development and land use.	
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					This includes urban encroachment, wetland draining, stormwater reticulation that alters natural water flows and the discharge of treated wastewater into the system. Many of these impacts are however currently being reversed, mainly by the removal of AIPs along much of the length of the system, particularly in the WCNR which borders the erf on the west, as well as in the Paradise Park and Vermont Pan areas, with dramatic effects on the quantity of water freed in the system. This work is ongoing, and water levels can be expected to increase as more plants are removed. Restoration work on the Paddavlei is also underway and this too may well increase the water levels in the system. Despite having been built on and accommodating past attempts at fill and drainage, the wetland on the erf remains functional and hydrologically connected to the larger wetland system of which it forms part. As such it is a vital ecological corridor and an important active route for ground-dwelling species. It is part of a broader ecological support area identified in the BSP. Although degraded through the presence of AIPs, it contains evidence of its (Critically Endangered) Hangklip Sand Fynbos vegetation classification and is likely to contain specimens of critically endangered plants found in close proximity. Parts of the wetland show signs of ecological recovery after many years of non-interference. The results from the relevant sensitivity theme ratings indicate the ecological importance of the site. These are given in page 15 of the BAR as: • Animal species – high sensitivity, likely to support species of conservation concern. • Aquatic biodiversity – very high sensitivity and a medium risk for residual wetland loss. • Plant species - high sensitivity, with at least one species of special conservation concern. • Terrestrial biodiversity – very high sensitivity, with approximately 70% of the site being Critically Endangered Hangklip Sand Fynbos	
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					2. The critical importance of wetlands The 2025 Global Wetland Outlook (GWO) was released in July 2025 and bridges many data and knowledge gaps with respect to the importance and current situation regarding wetlands. In line with a global trend of declining wetlands, South Africa's wetlands are in critical decline and are degrading far faster than investment in their rehabilitation. Impacts on people and the environment are severe. Wetlands provide many ecosystem services, including water purification, flood control and critical support for biodiversity. GWO2025 found that degradation of wetlands globally rivals outright loss, with a current but increasing proportion of remaining wetlands in poor ecological condition in all regions. Pressures leading to this include AIPs, pollution, urban expansion and infrastructure development. The mounting costs associated with wetland decline include increased vulnerability to natural disasters. Once wetlands are degraded, their restoration is arduous and expensive. GWO2025 emphasises that while restoration is essential, prevention is even more so and is significantly more cost-effective. Prioritising those in early stages of degradation is essential. Although targets are not specified, South Africa has strong goals for its wetlands in the national plan for protecting nature (NBSAP), which commits to global targets (for example) of restoring 30% of damaged ecosystems by 2030. Strategies include protecting and restoring wetlands as a priority for adapting to climate change. The proposal flies in the face of these aims. 2. Climate change implications Wetlands, particularly seasonal wetlands, are dynamic systems and their extent is affected by fluctuations in supply of water.	
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				This makes them extremely important regulators of the effects of erratic supply. This is particularly important in the context of climate change and its predicted effects on rainfall. Within the Overberg, although cumulatively less rain will fall, it will do so in the form of stronger and increasingly frequent storms. On a microclimate level, Stellenbosch University research predicts that the Hermanus area will receive more rain than the rest of the Overberg. The Bot River to Vermont Pan wetland system will also receive an increasing amount of water in surges from the mountain slopes above the erf. The erf is also part of this larger hydrological catchment where runoff from Catchment Area 1, north of the R43, drains into Catchment Area 2 which includes the erf. Given the above and the continuing release of water into the system through the ongoing removal of IAPs, this makes the boundaries of the wetland on Erf 1488 as described in the proposal, which were last defined in May 2023, questionable. It should be noted that in September 2023 Hermanus experienced violent storms which led to much infrastructural and environmental damage. Anecdotal evidence is that the influence on the water level of the erf was marked. The presence of water on the erf can be expected to fluctuate unpredictably depending on the impact of factors such as those described. 2. Land use and wetlands The national climate action plan process requires different areas to create their own climate response plans. Given that wetlands have been systematically undervalued in the past, a fundamental shift in approach is required. This includes integrating spatial planning as part of a proactive policy that recognises the important role of wetlands in mitigating climate-related damage. In past decades, wetlands were not recognised as the primary, vital and essential ecosystem drivers that they are. This made it possible for land use policies to drain damp areas and marshes	
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				and allow and even encourage building in wetland areas, including conveniently flat alluvial fans and floodplains. Understanding of the critical importance of wetland areas has grown and developed, and for some time they have been recognised as vital ecosystem drivers and protected under environmental law. Development that may impinge on the full functionality of wetlands and wetland systems cannot be permitted, nor must attempts be made to regulate the flow and extent of a wetland system. The BSP Handbook and Guidelines (2023) provides guidelines for land-use within mapped ESAs, highlighting that where possible the current land-uses should be withdrawn, and rehabilitation undertaken. This approach should be applied to the subject property. In addition, the BSP maps the property as a CBA1. The BSP Guidelines indicate that such areas should be maintained in a natural or near-natural state with no further loss of habitat. It further highlights that only low-impact, biodiversity-sensitive land uses are appropriate – a residential housing development is not. In many areas however, land use practices are still to catch up with this understanding. Erf 1486 – along with all other land along the Bot River to Vermont Pan wetland system - should never have been deemed suitable for housing. The OM must redress this. It should clearly demarcate all these areas as unsuitable for development, refuse applications for development along the system, and landowners who bought property on the assumption that it could be developed should be compensated. 2. Aquatic Assessment and Offset and Management Plan is ill-conceived There have been various attempts over the years to define the boundaries, both permanent and seasonal, of the wetland on the erf but these remain open to debate. Given changing	
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				circumstances, a definitive boundary is likely to remain elusive. In such circumstances, the precautionary principle should apply. In August 2018 the aquatic biodiversity screening assessment confirmed and delineated the onsite wetland, and an updated delineation was done in May 2023. The delineated wetland covers approximately 0,9Ha of the 1,5Ha site, i.e. almost two-thirds of it, and the site was classed as being of “very high” aquatic sensitivity. Following the redesign of the development proposal to the format now proposed, a “Wetland offset, rehabilitation and management plan” was prepared in October 2024. A basic flaw of this however, is that the study area for this aquatic assessment and plan is only the extent of erf 1486. No consideration is given to its situation within the Bot River to Vermont Pan wetland system, nor to the unavoidable impact on the extent of the onsite wetland of factors beyond its boundaries. In this regard, the assessment makes the risible assertion that liability for increased water flow from the removal of AIPs beyond the erf’s boundaries should rest with the remover. It is of course the responsibility of the developer to conduct an environmental due diligence before deciding to purchase. The assessment showed that constructing the roads on site would mean that a portion of the wetland (some 3%) would be lost and that the proposed development could not be accommodated within the erf without a level of encroachment on the wetland, despite full application of the mitigation hierarchy, and that “some level” of wetland loss would thus be unavoidable. This would make securing a Water Use Authorisation (WUA) problematic. In an attempt to ameliorate the situation, the assessment details activities aimed at restoration and management of the remaining portion, stating that these will suffice as an offset for the losses. This assertion is arrived at after the application of formulae that result in a positive outcome. However, an offset	
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				can only be explored in an EIA process after a long process of examining a cascade of options arising from the use of the mitigation hierarchy and would involve the identification of a suitable “like for like” piece of ground to substitute for unavoidable loss. It is clear that there are no mitigation options open to this proposal. Proposing to use the remaining existing wetland as an onsite offset for the inevitable wetland losses from the development is specious. Improving the condition of the remainder of an endangered ecosystem cannot compensate for the loss of part of that ecosystem, particularly when both result from and are conditional on the actions of the developer. Given the basic flaw of the restriction of the study area to the boundaries of erf 1486 however, these calculations and proposed activities are nothing more than arranging the deckchairs to ensure maximum occupancy on the deck of a sinking ship. A WUA should not be issued. 2. Biodiversity offset implications The current proposal will result in a loss of Critically Endangered vegetation of some 500m2 and reduces the impact from the previous iteration from high to medium negative. However, there is no indication as to where this will be lost and how the area/s of loss relate to the wetland delineation. It should be noted that according to the National Biodiversity Offset Guidelines, if the residual impact is medium, a biodiversity offset is required, but this aspect is not dealt with. Negative impacts of development on the erf are inevitable The development will negatively impact several features of the ecology of the site, such as its critically endangered vegetation, the wetland, connectivity and habitat for several species. It will result in “the permanent loss of all natural and semi-natural vegetation and faunal habitat within the development footprint,	
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					including approximately 500 m² of high-sensitivity habitat". If approved, it will flout many layers of environmental protection. The BAR emphasises throughout, including in the section on need and desirability, that the development will satisfy housing needs and promotes infill development and densification – even referring to this as fulfilling a mandate (page 101). These are laudable goals for urban development in general but are not appropriate for this property. The ecological importance of the erf is such that it must be protected from encroachment – it should in fact be restored to its natural state. The development needs and aims to capitalise on the misguided purchase of the erf. Thus, the BAR attempts to persuade decision-makers that the development will be of benefit to the erf and that negative impacts will be minimal and transient. This is nonsense. Construction activities on the erf will destroy critically endangered natural vegetation and interfere with the natural functioning of the legally protected wetland. Occupation will jeopardise the erf's function as an important ecological corridor by interfering with faunal existence and movement. The development will also dampen the wetlands' ability as part of a larger system to mitigate the effects of future storm surges. The development will cause damage to the wetland both in the construction phase and afterwards when the development is established. In the construction phase this includes loss of wetland area, habitat disturbance, alteration of the flow regime of the wetland and water quality impairment. During the operational phase the damage includes habitat disturbance, alteration in the flow regime, water quality impairment and potential sewerage leaks. 2. The proposal is not an eco-sensitive development Much is made in the BAR of the intention of the development to minimise its effects on the wetland. When these are examined however, it is clear that the chances of success are slim and that they are nothing more than greenwashing.	
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					Table 1 of the BAR notes that the percentage of seasonal wetland on the various residential erven ranges from 0 (one unit of 350m²) to 30 (four units of 300m² and one of 450m²), averaging at 25% coverage (not 15% as stated in Table 1). The inclusion of areas of seasonal wetland in the erven is no doubt to ensure marketable erven sizes and increase the financial viability of the proposal. The individual property boundaries as well as the proposed sewer and enhanced protective swale system should be well outside of the seasonal wetland areas. Placing the swale inside the boundaries of the seasonal wetland is not acceptable as it is likely to result in the draining of these areas. The proposed sewer line should also be placed outside the seasonal wetland boundaries. The proposal states that the seasonal wetland areas, including those located inside the various erven, will be regarded as no-go areas protected by a conservation servitude. They will be managed and policed by the Home Owners' Association (HOA). An HOA is not a suitable or sustainable mechanism to ensure compliance, and HOA members are unlikely to have the expertise to do this. A variety of rules will need to be introduced and enforced to mitigate and manage impacts on the seasonal wetland areas, whereas if the erven boundaries did not include any such areas, the need for these rules, which are likely to be broken often, would be considerably reduced. Environmental prescriptions to landowners as contained in the Environmental Management Programme (EMPr), are suggestive rather than prescriptive. The recommended HOA will need to be supervised in its adherence to them. The prescriptions themselves will need to be more than just recommendations; they will need to be constantly monitored and enforced and backed up by penalties for non-compliance. This is unlikely to happen. No amount of greenwashing will alter the fact that any development on this site will: • Destroy endangered vegetation and its denizens.	
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				• Compromise the effectiveness of the ecological corridor of which it is a vital part. • Negatively impact this section of the larger wetland system. The site is patently unsuitable for development. 2. Conclusions and recommendations • The BAR under consideration proposes a different arrangement of fewer individual plots on Erf 1486, together with ways to circumvent the ecological difficulties posed by the erf itself. • Much of the erf is delineated as wetland, both permanent and seasonal. It is part of a larger wetland system stretching from the Bot River to the Vermont Pan. • The current changing situation regarding water levels in the wetland system, largely due to the removal of AIPs and climate change, mean that the boundaries of (particularly) the seasonal wetland areas on the erf, cannot be definitively delineated. This renders the proposal meaningless. • The vegetation of the erf is classified as Critically Endangered Hangklip Sand Fynbos. The development will mean the permanent loss of some 500m² of this. The impact is classed as medium negative, for which the National Biodiversity Offset Guidelines requires an offset. However, this requirement is not dealt with. • The erf is of great ecological significance and has various layers of environmental protection that apply to it. It is part of a Critical Biodiversity Area (CBA1), a broader Ecological Support Area (ESA2) and part of an Environmental Management Overlay Zone (EMOZ). It should not be developed. • The greater wetland system of which the erf forms a part of has borne the brunt of harmful impacts over past decades, including AIP proliferation and ill-advised urban development and land use. Despite this, it remains functional	
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					and hydrologically connected to the larger wetland system and shows signs of ecological recovery after many years of non-interference. • The erf is a vital ecological corridor and an important active route for ground-dwelling species. • The proposal flies in the face of recent data on the critical importance of wetlands, the urgent need to address their degradation as early as possible, and the country's commitments to assist in achieving targets for their protection and rehabilitation. • The Overstrand is experiencing the results of climate change in the form of more frequent and severe storms; functional wetlands are critical in ameliorating floodwater. • Past decades did not realise the value of wetlands as ecosystem drivers; this led to their neglect and often destruction for urban development. Although this understanding has progressed and their importance is recognised in environmental law, many land use practices must catch up. In line with the Western Cape Biodiversity Spatial Plan Handbook and Guidelines (2023), the OM should withdraw current land use along the wetland system, demarcate all these areas as unsuitable for development, refuse development applications along the system and compensate owners as appropriate. • The Aquatic Assessment and Offset is ill-conceived. A basic flaw is that the study area is confined to Erf 1486 with no consideration of its place in the larger system. It also asserts that the loss of a part of the wetland through road construction could be offset by rehabilitating the remainder of the wetland on site. This is specious as both the loss and the condition of the remainder of the wetland are conditional on the actions of the developer. A Water Use Authorisation should not be issued for the development. • The proposal will have negative impacts on many features of the ecology of the erf, including its critically endangered vegetation, the wetland's extent and functionality, and connectivity and habitat for many species, some of which are endangered. Damage will be during both the construction	
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					and operational stages. - The BAR emphasises throughout that the development will satisfy housing needs through infill and densification. These laudable goals for urban development are totally inappropriate for this property. - Although punted as such, the proposal is not an eco-sensitive development. The developer clearly needs to capitalise on the misguided purchase of an environmentally sensitive erf and thus has cloaked it in greenwashing. In reality, construction will destroy critically endangered natural vegetation and interfere with the functionality of a wetland. Occupation will jeopardise the erf's corridor function. The wetland's ecosystem function in ameliorating storm surges will be compromised. - Management of the environment after development will be in the hands of a Home Owners' Association, guided by suggestive rather than prescriptive "rules". This is a recipe for disastrous non-compliance. Whale Coast Conservation recommends that the proposal under consideration is not approved. Approval will flout many levels of environmental protection. The site should be excluded from development consideration. Yours sincerely	
Fabion Smith	BOCMA			fsmith@bocma.co.za	Email dated 23 July 2025 NOTICE OF PUBLIC PARTICIPATION FOR BASIC ENVIRONMENTAL IMPACT ASSESSMENT IN TERMS OF NEMA <u>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, our subsequent comment dated 22/03/2023, then followed by your latest submission of the PPP for the BAR for Erf</u>	

					<u>1486 Vermont development, with Lornay Report dated 20/06/2025, and with DEA&DP reference number 16/3/3/6/7/1/E2/40/1525/22, herewith the following:</u> 13. The BOCMA notes the new Preferred Alternative 3, which had been informed through Freshwater, Botanical and Faunal Specialists. 14. This Alternative proves to have the least impact on the environment. 15. Previously, the absence of a Risk Assessment Matrix, limited the ability of BOCMA to provide comprehensive input. 16. The latest information is that a Risk Assessment Matrix had been done with the associated risk rating being LOW/MEDIUM, with confidence level being HIGH . 17. Please note that any activity within the 1:100 year flood line or within 100m of a watercourse (river, spring, natural channel, a lake or dam) or within 500m radius from the delineated boundary (extent) of any wetland or pan, triggers a water use activity in terms of Section 21 (c) & (i) of the National Water Act, 1998 (Act 36 of 1998). If applicable, appropriate mitigation measures should be employed to minimize the overall risk on the water resource. 18. A full Water Use License will be required for this project due to the encroachment into the onsite wetland. 19. The ecologically transformed unchanneled valley-bottom wetland still holds ecological and hydrological value. 20. It is encouraging that the ecological corridor link from Hoek van der Berg to the Vermont Salt Pan through the implementation of the onsite Wetland Offset, Rehabilitation and Management Plan, be reinstated. 21. The wetland offset, rehabilitation and management plan should be implemented and clear method statements be utilised during construction and further maintenance. 22. The Wetland Offset, Rehabilitation, and Management Plan must be fully implemented, with clear timelines and accountability measures. This includes ongoing monitoring of the wetland's health and the success of offset measures, with adaptive management measures in place if targets are	
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					not met. 23. The Stormwater Management Plan must address the site-specific hydrological dynamics influenced by the wetland and its surrounding catchment. 24. The proposed construction should adhere to all other relevant sections of the NWA, 1998 (Act 36 of 1998), not contained within this letter. 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.	
Samantha Hogg						

8. COMMENTS RECEIVED DURING PUBLIC PARTICIPATION ROUND 1



**Western Cape
Government**

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 EMPr, 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 Apion (Overstrand Municipality)

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



CONSERVATION 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 LS14/2/6/1/7/2/1486_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 Dermer Handricks (Chairperson), Prof Gavin Maree (Vice Chairperson), Ms Margalite 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 Denver Hendricks (Chairperson), Prof Gavin Manewaldt (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn
Burton, Dr Colin Johnson, Prof Aubrey Reddinghuis, Mr Paul Slack



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

PBD No./Nr. 930031881

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.

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

PUBLIC PARTICIPATION 2

9. REGISTERED INTERESTED AND AFFECTED PARTIES – PPP 2

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 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

10. NOTICE OF ADDITIONAL PUBLIC PARTICIPATION – PPP 2



17 May 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

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.

(19) 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 **18 June 2024** via the following contact details:

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 | michelle@lornay.co.za | www.lornay.co.za
PO Box 1990, Hermanus, 7200
Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07

11. PROOF OF ADDITIONAL PPP 2

Michelle Lornay

From: Michelle Lornay <michelle@lornay.co.za>
Sent: Friday, 17 May 2024 09:13
To: 'peterhodgskin@gmail.com'; 'wcc@ocf.org.za'; 'hugofam@whalemail.co.za';
'stanway.margaret@gmail.com'; 'petro.steere@gmail.com'; 'denis@brandjes.org';
'vogelgat@gmail.com'; 'maver@mweb.co.za'; 'paulmpfister@yahoo.com';
'duncanheard@telkomsa.net'; 'michael@greenrenaissance.co.za'; 'barbara3420@gmail.com'; 'samantha@ginjaninja.co.za'
Subject: Notice of Public Participation | Erf 1486, Vermont
Attachments: Notice of Draft PPP 1486 V 170524.pdf

Dear Registered I&AP and / or Organ of State,

Kindly see attached notice of public participation for proposed Residential Development on Erf 1486 Vermont.

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

Kind regards,



LORNAY

ENVIRONMENTAL CONSULTING

Michelle Naylor

M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA, 2019/698, Cand. APHP, IAIAA

Hemel & Aarde Wine Village – Unit 3A

PO Box 1990, Hermanus, 7200, South Africa

T +27 (0) 83 245 6556

E michelle@lornay.co.za | W www.lornay.co.za

Reg No. 2015/445417/07

Michelle Lornay

From: Michelle Lornay <michelle@lornay.co.za>
Sent: Friday, 17 May 2024 09:14
To: Bernadette Osborne; Rhett Smart; Rulien Volschenk; 'fkotze@odm.org.za'; Penelope Aplon; 'Fabion Smith'
Cc: 'DEADPEIAadmin@westerncape.gov.za'
Subject: Notice of Public Participation | Erf 1486, Vermont
Attachments: Notice of Draft PPP 1486 V 170524.pdf

Dear Registered I&AP and / or Organ of State,

DEA&DP – B. Osbourne
BOCMA – F. Smith - Ref: 4/10/1/G40G/Erf 1486 Vermont
ODM – R. Volschenk
OM – P. Aplon
Cape Nature – R. Smart – Ref: LS14/2/6/1/7/2/1486_residential_Vermont

Kindly see attached notice of public participation for proposed Residential Development on Erf 1486 Vermont.

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

Kind regards,



LORNAY
ENVIRONMENTAL CONSULTING

Michelle Naylor
M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAAs
Hemel & Aarde Wine Village – Unit 3A
PO Box 1990, Hermanus, 7200, South Africa
T +27 (0) 83 245 6556
E michelle@lornay.co.za | W www.lornay.co.za
Reg No. 2015/445417/07

Michelle Lornay

From: Michelle Lornay <michelle@lornay.co.za>
Sent: Friday, 17 May 2024 09:27
To: 'pat.miller7@outlook.com'
Subject: Notice of Public Participation | Erf 1486, Vermont
Attachments: Notice of Draft PPP 1486 V 170524.pdf

Dear Registered I&AP and / or Organ of State,

Kindly see attached notice of public participation for proposed Residential Development on Erf 1486 Vermont.

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

Kind regards,



LORNAY
ENVIRONMENTAL CONSULTING

Michelle Naylor
M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAAa
Hemel & Aarde Wine Village – Unit 3A
PO Box 1990, Hermanus, 7200, South Africa
T +27 (0) 83 245 6556
E michelle@lornay.co.za | W www.lornay.co.za
Reg No. 2015/445417/07

12. COMMENTS RECEIVED DURING PPP 2

Comments from organs of state during PPP 2

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

OVERBERG

DISTRIKSMUNISIPALITEIT
DISTRICT MUNICIPALITY
UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

Ons Verw./Our Ref.: 18/5/5/4

Navrae/Enquiries: Francois Kotze

Bylyn/Ext.:

Privaatsak: X22

Private Bag:
BREDASDORP
7280

Tel.: (028) 4251157

Faks/Fax: (028) 4251014

E-mail/E-pos: rvolschenk@odm.org.za

11 June 2024

LORNAY ENVIRONMENTAL CONSULTING

**P.O. BOX 1990
HERMANUS
7200**

For attention: Michelle Naylor

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

Reference number: 16/3/3/6/7/1/E2/40/1525/22

The Overberg District Municipality's department of Environmental Management Services takes cognisance of the draft Basic Assessment Report.

The Western Cape Biodiversity Spatial Plan, 2017 (WCBSP) categorise the area as:

- Ecological Support Area (ESA): Areas that are not essential for meeting biodiversity targets, but that play an important role in supporting the functioning of PAs or CBAs and are often vital for delivering ecosystem services.

The Overberg District Municipality's Spatial Development Framework clearly define Spatial Planning Categories (SPCs) to reflect how the area should be developed spatially to ensure sustainability. These SPCs are linked with the Biodiversity Spatial Plan Categories as defined in the WCBSP.

ESAs in terms of the Spatial Planning Categories are classified as Core 2. This classification is defined as areas that are in a degraded or secondary condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. These

**Alle korrespondensie moet aan die Munisipale Bestuurder gerig word.
All correspondence must be addressed to the Municipal Manager**

areas should be maintained in a natural or near-natural state with no further loss of natural habitat. These areas should be rehabilitated.

The current application falls within Hangklip Sandstone Fynbos which is listed as Critically Endangered. It is however acknowledged that the proposed development footprint is within the urban edge thus earmarked for development. The ODM therefore support alternative 4 as the preferred layout for the development. This layout promotes the protection of the wetland system within the property boundary and allow for the majority of the erf to remain undisturbed, and therefor maintaining its conservation potential.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'R. Bosman', written over a horizontal line.

R. BOSMAN

MUNICIPAL MANAGER

KANTOOR VAN DIE DIREKTEUR: INFRASTRUKTUUR & BEPLANNING
OFFICE OF THE DIRECTOR: INFRASTRUCTURE & PLANNING

NAVRAE | ENQUIRIES: PENELOPE APLON
DATE | DATUM: 18 June 2024



LORNAY ENVIRONMENTAL CONSULTING

ATT. Michelle Naylor
PO Box 1990, Hermanus, 7200
Tel. 083 245 6556
Email. michelle@lornay.co.za

PROPOSED RESIDENTIAL DEVELOPMENT: ERF 1486 VERMONT, HERMANUS

The Environmental Management Section thanks you for the opportunity to provide comments on above mentioned application, please receive the following comments:

Site lay-out:

The proposed site layout Alternative 4 is supported as it enables the least disturbance to the delineated wetland footprint on the development site. This design also facilitates the creation of a private open space, which is larger than the development area.

Mitigation:

It is recommended that the mitigation measures proposed in the *Aquatic Biodiversity Impact Assessment, table 10 -2 Summary of impact/risk assessment results (with mitigation)*, should be implemented. The demarcation of the wetland as a "no-go" area during the construction phase is supported.

Appointment of Environmental Control Officer (ECO):

If an EA is issued, the developer must inform the Environmental Management Section regarding the appointment of the onsite ECO, as per the Construction EMP and Operational EMP.

Wetland rehabilitation plan:

The applicant should give an indication of when a rehabilitation plan will be drawn up and implemented.

Search & Rescue operations:

It is advised that the expertise of WCC be drawn upon for the search and rescue of chameleons on site. This organization has experience in assisting with search & rescue operations on properties which will be developed.

This office reserves the right to revise these comments based on the availability of new information.

Penelope Aplon

Tel: 028 316 5619 | E-mail: paplon@overstrand.gov.za
PO Box 20 | **HERMANUS** 7200
www.overstrand.gov.za



**Western Cape
Government**

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: 18 June 2024

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 REVISED 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 revised pre-application Draft BAR received by this Department on 17 May 2024 and the acknowledgement thereof issued on 22 May 2024, 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 9 residential erven, private roads, and an open space.
 - The proposed development will have a development footprint of 15069m².
 - 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 and road
 - 3.1.1. The BAR indicates that planning approval was granted for the existing buildings. However, it is still unclear whether the buildings and the road are lawful in terms of the EIA Regulations.
 - 3.1.2. Confirmation is required as to when the buildings and road were developed on the site. Furthermore, the width and length of the road and as well as the use and footprint of the existing buildings must be confirmed. Confirmation is also required whether the buildings were developed within or within 32m of a watercourse.

- 3.1.3. The above must be clarified prior to the submission of the application for environmental authorisation.
- 3.2 According to the available mapping resources, the replacement of the sewer pipe in Kogans Street is located within a wetland. Clarity must be provided whether the replacement of the pipeline will also trigger Activity 19 of Listing Notice 1. If so, the Freshwater Impact Assessment must be updated to include an assessment of the impacts associated with the sewer pipeline.
- 3.3 It is noted that the activity description does not include details of the width and length of the private roads. The applicability of Activity 24 of Listing Notice 1 and/or Activity 4 of Listing Notice 3 must be confirmed and the activity description must be updated to include the details of the road.
- 3.4 Co-ordinates of pipelines and road
- The start, middle and end co-ordinates for the roads must be included in the report.
 - The start, middle and end co-ordinates for each pipeline must be included in the report.
- 3.5 Written confirmation from the Overstrand Municipality is required that sufficient, spare, unallocated capacity is available for potable water supply, effluent management, waste management and electrical supply for the proposed development.
- 3.6 It is noted that a new preferred layout alternative is proposed based on the findings of the specialists. Three layout alternatives and the no-go alternative is therefore considered. The preferred layout alternative should therefore be included as Layout Alternative 3.
- 3.7 Confirmation from the Department of Water and Sanitation ("DWS") / Breede-Olifants Catchment Management Agency ("BOCMA") must be obtained as to whether a general authorisation or a water use license application in terms of the National Water Act, 1998 (Act No. 36 of 1998) is required. Comment must also be obtained from BOCMA regarding the development within and within 32m of a watercourse.
- 3.8 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.
- 3.9 It is noted that CapeNature was not in support of the proposed development. However, the layout has been revised taking the comment from I&AP's and the specialists into consideration. Comment must be obtained from CapeNature regarding the revised layout.
- 3.10 The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014.
- 3.11 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.

- 3.12 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.
- 3.13 Be advised that an 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.
- 3.14 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.
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
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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



CONSERVATION INTELLIGENCE

postal 16 17th Avenue, Voëlklip, Hermanus, 7200
physical 16 17th Avenue, Voëlklip, Hermanus, 7200
website www.capenature.co.za
enquiries Rhett Smart
telephone 087 087 8017
email rsmart@capenature.co.za
reference LS14/2/6/1/7/2/1486_residential_Vermont
date 18 June 2024

Lornay Environmental Consulting
P.O. Box 1990
Hermanus
7200

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

Dear Michelle

Draft 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.

Context

CapeNature was not in support of the preferred development layout presented in the Pre-Application Basic Assessment Report as it encroached upon the seasonal wetland on site. Additional specialist studies were recommended to inform the application.

The results from the screening tool indicate a very high sensitivity for terrestrial biodiversity and aquatic biodiversity and high sensitivity for plant species and animal species. Following on from the freshwater screening study undertaken during the pre-application phase, a terrestrial biodiversity impact assessment and aquatic biodiversity impact assessment have been undertaken. The plant species theme is addressed in the terrestrial biodiversity assessment and the animal species theme is briefly addressed in the same study.

Aquatic Biodiversity Impact Assessment

The delineation of the wetland in the freshwater screening study was undertaken in August 2018, which as noted by CapeNature was during a drought period, even if seasonally optimal. The wetland delineation has been revised in the aquatic biodiversity impact assessment with a slightly larger extent of wetland delineated, in particular along the western boundary of the site. No explanation is however provided for the change in the delineation of the extent of the wetland between the screening study and the impact assessment. The updated delineation was undertaken in May 2023 which is at the start of the wet season and hence not seasonally optimal, however it was not within a drought as previously.

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

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Mervyn Burton, Prof Denver Hendricks, Dr Colin Johnson, Mr Paul Slack

With regards to the above it is important to note that extensive alien clearing has taken place on the adjacent property to the west, Whale Coast Nature Reserve (previously Hoek van de Berg Nature Reserve), with dense, tall infestations of gum (*Eucalyptus sp.*) trees removed. Gum trees in particular are known to use much higher volumes of water than indigenous fynbos, and therefore it is likely that the increased wetland extent is as a result of the alien clearing undertaken to date. Research has shown that up to 2 ML/ha (2 million litres per hectare) of water per year can potentially be saved through clearing of gum invasions (Dzikiti *et al* 2015). There is historical evidence that the wetland system originating at Vermont Pan historically extended to the Bot River Estuary. Further clarification is therefore required regarding the revised wetland delineation and should take into account the likely wetland extent once alien clearing on adjacent properties is complete.

Two layout alternatives were presented in the pre-application phase and although the preferred alternative included an open space area to accommodate the wetland, the proposed erven still encroached substantially into the wetland and therefore was not supported. The access road also traversed the full wetland extent. A revised layout has been developed which encroaches less into the wetland however there are still minor infringements, taking into account the revised delineation. The revised layout also reduces the impacts on habitat loss and flow hinderance as a result of the access roads.

Several impacts associated with the proposed development were identified in the aquatic biodiversity impact assessment for which the impact significance was identified as low-medium negative or less except for the loss of wetland habitat for which the impact was rated as medium negative. No mitigation measures were identified for this impact.

We wish to note the following with regards to the Environmental Management Programme:

- Construction must take place in summer as far as possible.
- Water drainage off-site must not be permitted during the construction phase
- No killing of fauna is supported however should add that snakes should be removed by an accredited snake handler.
- No open fires should be permitted on site and no fires of any type during red and orange risk days. The Fire Protection Association can be contacted to alert when there are red and orange risk days.
- Drip trays must be provided for vehicles in case of fuel leaks. No petrochemicals or other hazardous waste may be permitted to enter the wetland. Contaminated soils must be disposed of at a hazardous waste landfill.
- The permanent and seasonal wetland must be a no-go area during construction.
- No smoking should be permitted.
- Should any buildings encroach into wetlands appropriate foundations or stilts should be used.

Wetland Offset

The application must be considered in the context of the best practice guideline for wetland offsets (Mcfarlane *et al* 2016). As with terrestrial biodiversity offsets, the mitigation hierarchy is a core concept for wetland offsets, hence the investigation of reducing impacts should follow the hierarchy of avoid, minimize, mitigate/rehabilitate and only then should a wetland offset be considered to offset the residual impact. A key principle specific to wetland offsets is "No Net Loss", whereby the loss of wetlands will require a wetland offset to achieve no net loss. Wetland offsets can be implemented as a result of either an authorisation process in terms of the National Water Act or the National Environmental Management Act (NEMA).

In most cases in the Western Cape to date, wetland offsets have been implemented as a requirement for an authorisation in terms of the National Water Act, however it also needs to be considered in the NEMA authorisation as mitigation for impacts on wetlands.

The wetland offset best practice guideline does not in itself have any status in terms of legislation, however the national biodiversity offset guideline was gazetted in June 2023 as a NEMA Section 24J guideline. The national biodiversity offset guideline specifically references the wetland best practice guideline for further detail regarding wetland offsets and hence provides for legal grounds for the guideline and many of the key principles are shared for both biodiversity offsets and wetland offsets. Where the residual impact is medium negative or higher a biodiversity offset is required in terms of the national biodiversity offset guideline. Therefore, taking both guidelines into account the encroachment into the wetlands requires the implementation of a wetland offset.

However, prior to investigating an offset, the mitigation hierarchy must be further interrogated. In this regard, further investigation is required of full avoidance of both the permanent and seasonal/ephemeral wetland for the residential erven. It would appear to be possible to reduce the size of the current proposed erven as proportion of wetland on each of the erven is less than half. We recommend that group housing/townhouse complexes should only be considered on erven which have no encroachment into the wetlands.

Should it not be possible to avoid the loss of wetlands, a motivation will need to be provided why this is not feasible and a wetland offset must be implemented in accordance with the wetland offset best practice guideline. The aquatic biodiversity impact assessment accurately indicates that a wetland offset is required in terms of the no net loss policy. The recommendation for an offset is rehabilitation of the wetland on site. The wetland offset calculator must however be used to determine the wetland offset requirements in accordance with the guideline. The broad actions which can be implemented for wetland offsets are protection, rehabilitation, averted loss, establishment and direct compensation.

The risk matrix completed as part of the aquatic biodiversity impact assessment confirms that the risk is rated as moderate and therefore a water use license (WUL) is required. Based on the information provided the process for the WUL has not progressed beyond the risk matrix and should ideally be undertaken concurrently with the NEMA process in order for alignment of the two processes, particularly with regards to the wetland offset requirements. CapeNature recommends that a wetland offset plan is required in accordance with the wetland offset guideline. The wetland offset calculator must be used to determine the offset requirements which may require actions on wetland off-site. In this regard we wish to recommend that the broader wetland system stretching westwards from Vermont Pan to beyond Erf 1486 must be taken into account.

Terrestrial Biodiversity Impact Assessment

The terrestrial biodiversity assessment agrees with the mapping of the vegetation on site as Hangklip Sand Fynbos, however as indicated above, a large proportion of the site is occupied by wetland vegetation with the remainder consisting of moderately disturbed to transformed condition. Various disturbances are visible in historical Google Earth imagery as referred to. No Plant Species of Conservation Concern were recorded however there is a possibility of an endangered species recorded on an adjacent property (Erf 1492) occurring on site. Nonetheless, the moderately disturbed sections still support a representative vegetation

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community of the original vegetation type. The heavily disturbed and transformed areas are mapped as low sensitivity with the remainder mapped as high sensitivity.

Two amphibian species were recorded on site based on their calls. We wish to note however that *Hyperolius marmoratus* (painted reed frog) is an extralimital species that did not historically occur east of Tsitsikamma (<http://speciesstatus.sanbi.org/assessment/last-assessment/1470/>). As indicated, *Bradypodion pumilum* (Cape dwarf chameleon) is known to occur in the vicinity of the site as identified in surveys by a local non-governmental organisation.

Five faunal species were flagged in the screening tool as high sensitivity, all of which are birds. Two are discussed which are noted to be occasionally visit the area and the loss of habitat is not considered to be significant for these species. Although not discussed, the site is unlikely to be utilised by the other three species flagged due to the urban location. The species flagged in the screening tool should however be evaluated.

The impact assessment of the preferred alternative for the pre-application phase evaluates the impact as high significance before mitigation for both construction and operational phase and medium significance after mitigation. An addendum is provided for the current preferred alternative which indicates that the increase in open space and avoidance of development of the high sensitivity areas provides for an acceptable compromise with a substantially lower ecological impact. The impact assessment indicates a medium significance as avoidance was one of the proposed mitigation measures.

With regards to the requirement for an offset, we wish to note that the section of the site which were considered of high sensitivity is relatively closely matched to the wetland delineation and therefore a wetland offset will cater for the terrestrial biodiversity, plant species and animal species requirements. We wish to however recommend that regardless of whether an offset is implemented or not, the management of the open space area needs to be addressed as part of the application, including management of alien invasive species, prevention of pollution of the wetland etc.

Conclusion

In conclusion, CapeNature recommends that there is further investigation of the mitigation hierarchy, in particular with regards to the layout, in order to ensure that there is no net loss of wetlands. If this is not possible and is adequately motivated, a wetland offset must be investigated and presented within a wetland offset plan. The wetland offset plan must form part of both the NEMA and NWA processes. Management of the open space must be addressed regardless of whether an offset is implemented or not.

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)



overstrand conservation foundation, trading as
whale coast
CONSERVATION

Caring for your environment

18 June 2024

LORNAY ENVIRONMENTAL CONSULTING

For attention: Michelle Naylor

BASIC ASSESSMENT PROCESS: PROPOSED RESIDENTIAL DEVELOPMENT, ERF 1486, VERMONT, HERMANUS (DEA&DP Ref. No.: 16/3/3/6/7/1/E2/40/1525/22)

Whale Coast Conservation (WCC) commented on the Basic Assessment Report (BAR) for this proposed development in April 2023. That comment remains valid. This comment as part of the Environmental Impact Assessment (EIA) Public Participation Process (PPP) supplements WCC's previous comment and should be read in conjunction with it, and WCC should be registered as an Interested and Affected Party (I&AP). For ease of reference the previous comment is attached to this submission.

1. Introduction

The applicant proposes to develop a number of dwellings on the erf in question (erf 1486 in Vermont), which houses a natural wetland that is part of a larger wetland system which runs west to east. This system and its component parts are fed by watersheds in the area, as well as by the presence of ground and underground water.

The erf in question currently has a derelict building on its (slightly higher) northern boundary, an area has been infilled and a drain was installed some years ago on its eastern side. This is a clear indication of the constant presence of water on the erf over a number of years.

2. History of wetland on erf 1486

A number of studies done over the years prior to those undertaken for the BAR have noted the presence of the wetland and its existence within the context of a larger system. WCC has covered the original BAR studies in its previous comment: those undertaken prior to these include;

TEL +27 28 316 2527 FAX 086 695 0046 CELL +27 72 185 5726

E-MAIL wcc.greenhouse@gmail.com WEBSITE www.whalecoastconservation.org.za

Green House, R43 Vermont, Hermanus PO Box 1949 Hermanus South Africa 7200

PBO 130004541 NPO 020-771



- 2.1 A 2006 study for the Overstrand Municipality (OM) done by the Freshwater Consulting Group (FCG) delineated the wetland boundaries feeding into the Vermont Pan south of the R43 and included erf 1486 in these, noting that the wetland had been forcibly wrapped around the existing building on the site by infilling. The study's recommendations included:
- a minimum 30m-wide protective buffer against development around the outer edge of the wetland areas
 - future development against the mountains to the north of the R43 should protect natural drainages into the wetland system
 - studies should be done into the impacts of future developments on the larger wetland system.
- 2.2 Following a development application in 2008, FCG recommended that because of the wetland presence no development should take place beyond the existing footprint; this application duly lapsed.
- 2.3 In 2012 FCG undertook a wetland report for the Environmental Impact Assessment (EIA) process for the property immediately adjacent to the west of erf 1486. This showed that surface and sub-surface water is dispersed along a wide corridor both towards Paddavlei in Hawston to the west and towards the Vermont Pan in the east. The extent of this dispersal was masked by extensive infestations of alien invasive plants (AIPs).
- 2.4 A further groundwater study done in 2012 confirmed that the wetland area on the adjacent property is fed by both runoff from the mountains and subsurface seeps. This study noted that the true extent of the wetland area will only be determined when the comprehensive AIP removal programme is completed and the natural systems have re-established themselves.

During the years prior to 2006 the wetland on erf 1486 had been badly degraded by such factors as (primarily) the rampant overgrowth of alien invasive plants (IAPs) in the area, particularly on the property adjacent to the west, and infilling and drainage on erf 1486 itself in order to build the now derelict buildings on the property.

This took place within a legal context that placed little value on wetlands, and indeed to the concept of conservation and environmental value.

3. Changed environmental context of erf 1486

The environmental context of erf 1486 has now changed. The most important changes are:

- wetlands now have legal protection,
- the adjacent property on the western boundary which is now a registered private nature reserve is removing all of its very many AIPs.
- Climate change is no longer a future probability, but is affecting rainfall patterns in the area and will have a marked impact on the wetland

3.1 Wetland protection

With regard to the first contextual change, it is unlikely that the OM would have been able to apportion the land encompassing the wetland system for sale should it have wished to do so now. The fact that it was able to do in the past and accept development that has harmed the wetland system does not mean that this pattern can or should continue. The extent of the wetland system



and its manifestation on erf 1486 has naturally been affected by these harmful developments that have included infilling and drainage infrastructure.

The OM now is under a legal obligation to ensure that wetlands are protected, which should naturally include rejecting development applications that compromise existing degraded wetlands further and/or interfere with the functioning of larger wetland systems.

3.2 Removal of alien invasive plants to the west and north

With regard to the second contextual change, work has continued apace on AIP removal from the property adjacent to the west. AIP removal close to the boundary with erf 1486 has resulted in the predicted re-emergence of a wide wetland area following the course of the larger wetland system. The area correlates with the area determined in the 2006 study, extending on the north to the R43 and thus would completely encompass erf 1486.

Many AIPs on the adjacent property remain and are targeted for removal, thus this process of wetland re-establishment can be expected to continue. The predicted impact on the wetland on erf 1486 noted in WCC's previous comment has indeed materialised, and an increase in wetland area from the initial BAR comment to the present is already very evident. This can be expected to continue. In this regard, it should also be borne in mind that AIP clearing is also being undertaken on properties north of the R43 which feed the relevant watersheds. Mountain run-off can be expected to increase, particularly within the context of changing weather patterns.

3.3 Climate change impacts

With regard to the third contextual change, climate change predictions are that although the area will become drier, it will experience more frequent and more violent storms. The Overstrand is already experiencing the disruptive effects of these changing weather patterns, most recently (September 2023) with disastrous consequences for both public and private infrastructure. In this context, natural systems for dispersing this increased intermittent flow of water (both surface and sub-surface) become vitally important and their protection is essential.

All levels of government are now required to put mitigation measures in place to deal with predictable effects of climate change, and ill-advised developments that interfere with these dispersal systems should not find favour. This would certainly apply to erf 1486; its role as a link in a larger wetland system means that more water in unpredictable quantities will flow through it and its dispersal function becomes increasingly important.

4. Additional studies

The previous BAR was supplemented by additional studies. These include:

4.1 Terrestrial ecology report update

In November 2023 Nick Helme added an addendum his terrestrial ecology report of May 2023 that provides his opinion on the revised, final development layout of Alternative 4. In his opinion, this layout will have a substantially lower ecological impact which reduces the impact rating from high negative to medium negative. He thus approves the development subject to all mitigation measures stipulated in his earlier report and adds a requirement for annual removal of IAPs.



The revised layout is guided by the current delineation of the wetland that takes no account of the predicted increased flow. Mr Helme's addendum does not however consider the impact of increased water flow into the erf noted above. This will affect the size and fluctuation in size of the wetland area on the erf, and will render the new iteration of the proposed layout meaningless.

This is a surprising omission given that the addendum is dated November 2023, only two months after the devastating floods in the area that lead to widespread infrastructure damage, including the closure of the R43.

4.2 Aquatic biodiversity screening update

In May 2023 Delta Ecology confirmed and updated the delineation done during the aquatic biodiversity screening of 2018. The report concluded that the impact of the proposed revised development layout would be minimal and that the limited area of loss of a degraded wetland reduces the significance of this impact. It confirms that a Water Use Licence will be required as well as an offset and is of the opinion that the rehabilitation of the remnant wetland on the site, as well as a rehabilitation and management plan for it, will suffice for this.

WCC disagrees with this conclusion. As with the terrestrial ecology study, it gives no consideration to the predictable impact of the removal of AIPs from the adjacent property on the wetland on site and its role as part of the larger wetland system, nor to the predictable increase in intermittent water flow into them as part of changing weather patterns.

5. Drainage interferences

It is highly probable that if permission is granted the developer will introduce drainage systems that will divert this flow away from the property. The type of drainage that would be required will have a significant impact on the natural dissipation and dispersal systems of the wetland and the larger wetland system and will merely shift the problem elsewhere. By doing so they are likely to exacerbate the problem.

The consequences of predicted increased water flow, both regular and intermittent, for the proposed development and its surroundings may well be catastrophic, and if approval is granted the developer would be well advised to consider issues of liability very carefully.

6. Wetland boundaries

It must be borne in mind that the currently manifest boundaries of the wetland on site have been drastically affected by past interference in order to construct the now derelict buildings. This interference has naturally also affected and degraded the vegetation markers. The true extent of the wetland on site and the larger wetland system of which it is a part could only be determined were these to be removed and a few seasons allowed to pass for stabilisation before measuring. However, in the context of climate change and its inevitable effect on the water flow through the system, determining the boundaries with any level of accuracy will be challenging.

What is certain is that the AIP removal to the west and climate change will lead to more water flowing through the system. Forecasting the extent of this increase with any level of accuracy will need to be informed by a full hydrology, hydrogeology and hydroclimatology study. In the absence of such a study it would be sensible to err on the side of caution, and the cautionary principle should



prevail. All wetland areas, including those currently described as seasonal, should be avoided in any development. This would restrict any development to the current footprint of the derelict buildings.

7. Conclusions and recommendations

Minor changes have been made to the layout of the development and to some of the specialist studies undertaken for the original BAR. However, the proposal continues to assume that the context of the site will remain as it was when the necessary specialist studies were undertaken for the original BAR. WCC still contends that this is not the case.

Contextual changes have still not been taken into account. These changes will have a profound effect on the site into the future and on the feasibility of the development proposal. The removal of AIPs from the property immediately adjacent to the west and altered rainfall patterns will increase the flow of water into the larger wetland system of which the wetland on erf 1486 forms part, and into the wetland on the property.

Climate change will affect – and is already affecting - rainfall patterns in the area; more frequent and more violent storms will occur. This will increase the water entering the larger wetland system and that on the property. The proper natural functioning of these systems will be an important factor in ameliorating the effects of these changed rainfall patterns. The OM is now obliged to consider the impact of climate change on all infrastructure and plan accordingly.

Extensive drainage will be needed to cope with the expected increased water into the system and onto the property should the development go ahead. This will interfere further with the natural functioning of the system and can be expected to cause problems in the surrounding area.

A full hydrology, hydrogeology and hydroclimatology study of the areas – including the mountain catchments - that feed in to the larger wetland system as well as the site itself should be undertaken in order to be able to assess the probable impacts of changing weather patterns on the site. This study should then inform a layout for the development. Unless this is done, no development should take place, and certainly not beyond the existing footprint on the northern boundary.

Yours sincerely

A handwritten signature in black ink, appearing to read "P. Miller", with a horizontal line underneath.

Dr PK Miller

Chair: Whale Coast Conservation

Tel: (028) 313-0093

Cell: 082 374-9729

pat.miller7@outlook.com

IN PROCESS PUBLIC PARTICIPATION PROCESS (PPP 3)

13. REGISTERED INTERESTED AND AFFECTED PARTIES – PPP3

IN PROCESS PUBLIC PARTICIPATION

WC Government Environmental Affairs & Dev Planning**Development Management**

Bernadette Osbourne

Registry Office

1st Floor, Utilitas Building

1 Dorp Street

Bernadette.Osborne@westerncape.gov.za

8001

Cape Nature

Rhett Smart

rsmart@capenature.co.za

BOCMA

F. Smith

Private Bag x3055

Worcester

6850

023 346 8000

f.smith@bocma.co.za

Whale Coast Conservation

Pat Miller

patmiller@telkomsa.net

wcc@ocf.org.za

IAP**Lynx Sands Home Owners Association & Resident**

JA Hugo

hugofam@whalemail.co.za

Peter Hodgskin

peterhodgskin@gmail.com

Margaret Stanway

stanway.margaret@gmail.com

Overberg District Municipality

F. Kotze / R. Volschenk

Private Bag x 22

Bredasdorp

7280

F. Kotze

rvolschenk@odm.org.za

Overstrand Municipality

Penelope Aplon

PO Box 20

Hermanus

7200

paplon@overstrand.gov.za

Giogio Lombardi

vogelgat@gmail.com

vogelgat@gmail.com

Hermanus Botanical Society

Mary Ann Verster

maver@mweb.co.za

Paul Pfister

paulmpfister@yahoo.com

Erf 1498 and 1495 Vermont

Petro Steere
petro.steere@gmail.com

Erf 2319

Denis Brandjes
denis@brandjes.org

Erf 2319

UVA Propoerties Hoek van der Berg
Michael Raimondo
michael@greenrenaissance.co.za

Paul Slabbert
paul@phsconsulting.co.za

Rob Crank
rdcrank@gmail.com

Paul Verhoef and Janice Yvonne Verhoef
paulver@absamail.co.za

Vermont Ratepayers and environmental Association, Vermont Conservation Trust

Duncan Heard
duncanheard@telkomsa.net

UVA Propoerties Hoek an Der Berg

Michael Raimondo
michael@greenrenaissance.co.za

Barbara Kahn
barbara3420@gmail.com

Dennis and Samantha Hogg-Brandjes
samantha@ginjaninja.co.za
denis@brandjes.org

Marleine Badenhorst
marleine.badenhorst@gmail.com

14. NOTICE OF IN PROCESS PPP (PPP 3)



20/06/2025

NOTICE OF PUBLIC PARTICIPATION FOR BASIC ENVIRONMENTAL IMPACT ASSESSMENT IN TERMS OF NEMA

Notice is hereby provided, in accordance with the Environmental Impact Assessment (EIA) regulations, as stipulated under the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) and the 2014 NEMA EIA Regulations (as amended) as published in Government Gazette No. 38282, Government Notice R983, R984, and R985, on 4 December 2014, to register as a Interested and Affected Party (I&AP) and provide comments on the in-process Basic Assessment Report for the *Proposed Residential development on Erf 1486, Vermont, Hermanus*

DEA&DP REFERENCE: 16/3/3/6/7/1/E2/40/1525/22

LORNAY REF: Erf-1486

APPLICANT: Elephant Ventures Africa CC

LOCATION: Erf 1486, Vermont, Hermanus

PROJECT OVERVIEW: The proposed development of residential erven, private roads, and open space on Erf 1486, Vermont

LISTED ACTIVITIES: The following Listed Activities are applied for in terms of the NEMA EIA Regulations:

- **Listing Notice 1 (GN R983):** Activity; 12; 19
- **Listing Notice 3 (GN R985):** Activities; 12

A copy of the in-process Basic Assessment Report is available for public review and download on our website, or upon request. Interested and Affected Parties (I&APs) are invited to provide comments on the application during the public participation period from **20 June 2025 to 23 July 2025**.

HOW TO PARTICIPATE: Please register or submit your comment via the following details:

Lornay Environmental Consulting
For Att: Michelle Naylor
Tel: 083 245 6556
Email: michelle@lornay.co.za
Website: www.lornay.co.za

IMPORTANT NOTICE: In accordance with the Protection of Personal Information Act (POPI Act, 2023), by registering and commenting as an I&AP your name and comments will be made public.



*Environmental Impact Assessments | Basic Assessments | 24G
Applications | Water Use License Applications | Environmental Audits*

*Lornay Environmental Consulting Pty Ltd | Reg 2015/445417/07
Unit 5/1F, Hemel & Aarde Wine Village, Hermanus*

15. PROOF OF IN PROCESS PPP (PPP 3)

michelle@lornay.co.za

From: michelle@lornay.co.za
Sent: Friday, 20 June 2025 09:47
To: 'Pat Miller'; 'Sheraine Van Wyk'; 'wcc@ocf.org.za'; 'hugofam@whalemail.co.za'; 'peterhodgskin@gmail.com'; 'stanway.margaret@gmail.com'; 'petro.steere@gmail.com'; 'denis@brandjes.org'; 'vogelgat@gmail.com'; 'maver@mweb.co.za'; 'paulmpfister@yahoo.com'; 'Duncan Heard'; 'michael@greenrenaissance.co.za'; 'barbara3420@gmail.com'; 'samantha@ginjaninja.co.za'; 'rdcrank@gmail.com'; 'marleine.badenhorst@gmail.com'; 'paulver@absamail.co.za'; 'Paul Slabbert'
Subject: Notice of In Process PPP | Proposed Residential Development | Erf 1486 Vermont, Hermanus, Caledon RD
Attachments: Notice of PPP3 1486 200625.pdf

Dear Registered, I&AP and / Organ of State,

PROPOSED RESIDENTIAL DEVELOPMENT | ERF 1486, VERMONT, HERMANUS

Please see attached Notice of In Process Public Participation on the above-mentioned case. Should you have no further comment, please ignore this notice.

Kind regards,



LORNAY

ENVIRONMENTAL CONSULTING

Michelle Naylor

M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA, 2019/698, Cand. APHP., IAIAAs

Hemel & Aarde Wine Village – Unit 5/1F

PO Box 1990, Hermanus, 7200, South Africa

T +27 (0) 83 245 6556

E michelle@lornay.co.za | W www.lornay.co.za

Reg No. 2015/445417/07 | Vat. Reg. 429 031 9468

You are receiving communication from us for professional reasons or as an identified Interested and Affected Party only. The Protection of Personal Information Act (POPIA) requires that we protect your information and that we obtain your consent to communicate with you in the future.

If you wish to be removed from any data list, please state so and we will remove your details.

Note that we will only use your personal information in a confidential and professional manner relating to this specific project.

michelle@lornay.co.za

From: michelle@lornay.co.za
Sent: Friday, 20 June 2025 09:41
To: Bernadette Osborne; Rhett Smart; Fabion Smith; Rulien Volschenk; Penelope Aplon
Cc: DEADP EIA Admin
Subject: Notice of In Process PPP | Proposed Residential Development | Erf 1486 Vermont, Hermanus, Caledon RD
Attachments: Notice of PPP3 1486 200625.pdf

Dear Registered, I&AP and / Organ of State,

PROPOSED RESIDENTIAL DEVELOPMENT | ERF 1486, VERMONT, HERMANUS

DEA&DP – B. Osbourne (16/3/3/6/7/1/E2/40/1525/22)
Cape Nature – R. Smart (LS14/2/6/1/7/2/1486_residential_Vermont)
BOCMA – F. Smith (4/10/1/G40G/Erf 1486 Vermont)
ODM – R. Volschenk (18/5/5/4)
OM – P. Aplon

Please see attached Notice of In Process Public Participation on the above-mentioned case. Should you have no further comment, please ignore this notice.

Kind regards,



LORNAY

ENVIRONMENTAL CONSULTING

Michelle Naylor
M.Sc.; Pr.Sci.Nat. 400327/13., EAPASA. 2019/698, Cand. APHP., IAIAAs
Hemel & Aarde Wine Village – Unit 5/1F
PO Box 1990, Hermanus, 7200, South Africa
T +27 (0) 83 245 6556
E michelle@lornay.co.za | W www.lornay.co.za
Reg No. 2015/445417/07 | Vat. Reg. 429 031 9468

You are receiving communication from us for professional reasons or as an identified Interested and Affected Party only.
The Protection of Personal Information Act (POPIA) requires that we protect your information and that we obtain your consent to communicate with you in the future.

If you wish to be removed from any data list, please state so and we will remove your details.

Note that we will only use your personal information in a confidential and professional manner relating to this specific project.

16. COMMENTS RECEIVED DURING IN PROCESS PPP (PPP 3)



**Western Cape
Government**

Department of Environmental Affairs and Development Planning

Bernadette Osborne

Directorate: Development Management, Region 1

Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/1/E2/40/1046/25

DATE: 27 June 2025

The Owner
Elephant Ventures Africa CC
224 Cherrywood Street
KLEINMOND
7195

Attention: Mr. Craig Saunders

Cell: 083 206 3770

E-mail: babyjumbo@mweb.co.za

Dear Sir

ACKNOWLEDGEMENT OF THE APPLICATION FORM AND THE 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.

1. The electronic copies of the Application Form and the Draft BAR received by the Department's Directorate: Development Management Region 1 ("this Directorate") on 19 June 2025, refer.
2. This letter serves as acknowledgement of receipt of the abovementioned documents.
3. Please note that since an application has been lodged with this Directorate, the pre-application file (DEA&DP Reference: 16/3/3/6/7/1/E2/40/1525/22) has been closed for administrative purposes.
4. 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 9 residential erven, private roads, and an open space.
 - The proposed development will have a development footprint of 15069m².
 - 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.
5. Please note that this Directorate will consider the Draft BAR and issue a comment within the prescribed 30-day commenting period which ends on 23 July 2025.

6. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
7. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Directorate. 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.
8. This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

Melanese Schippers
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Melanese Schippers
Date: 2025.06.27
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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

OVERBERG DISTRIKSMUNISIPALITEIT DISTRICT MUNICIPALITY UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

Ons Verw./Our Ref.: 18/5/5/4

Navrae/Enquiries: Francois Kotze

Bylyn/Ext.:

Privaatsak: X22
Private Bag:
BREDASDORP
7280
Tel.: (028) 4251157
Faks/Fax: (028) 4251014
E-mail/E-pos: rvolschenk@odm.org.za

23 July 2025

LORNAY ENVIRONMENTAL CONSULTING

**P.O. BOX 1990
HERMANUS
7200**

For attention: Michelle Naylor

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

Reference number: 16/3/3/6/7/1/E2/40/1525/22

The Overberg District Municipality's Environmental Management Services Department acknowledges receipt of the draft Basic Assessment Report.

With reference to the comments submitted by this department on 11 June 2024, the Overberg District Municipality (ODM) wishes to reiterate and add the following key points in terms of ODM policies:

- The proposed development is located within the designated Hermanus/Vermont urban edge and is consistent with the Spatial Development Framework (SDF) policies. These policies discourage urban sprawl and instead promote sustainable, compact urban growth. By aligning with these principles, the development contributes to efficient land use and infrastructure optimization.
- The ODM fully supports and actively promotes the rehabilitation of environmentally degraded areas. In this regard, the proposed wetland rehabilitation plan is welcomed and strongly endorsed, as it aligns with the ODM's commitment to restoring ecological integrity and enhancing biodiversity.
- The ODM also advocates for the protection and preservation of prominent indigenous vegetation and sensitive habitats. Accordingly, Layout 3 is considered the most appropriate option, as it best supports the conservation objectives and minimizes ecological disturbance.

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word.
All correspondence must be addressed to the Municipal Manager

- In accordance with the duty of care provisions outlined in the National Environmental Management Act (NEMA), the property owner is legally obligated to take reasonable measures to prevent environmental degradation. This obligation applies regardless of whether environmental authorisation has been granted. Consequently, the landowner must:
 - Actively manage and control invasive alien plant species on the property;
 - Implement effective measures to prevent stormwater pollution;
 - Rehabilitate the illegal dumpsite, which currently contains building rubble and fill material, to restore the integrity of the wetland system.

The Overberg District Municipality reserves the right to amend its comments and to request further information should any additional relevant documentation or details become available.

Yours faithfully,


R. BOSMAN
MUNICIPAL MANAGER



Department of Environmental Affairs and Development Planning

Bernadette Osborne

Directorate: Development Management, Region 1

Bernadette.Osborne@westerncape.gov.za | Tel: 021 483 3679

REFERENCE: 16/3/3/1/E2/40/1046/25

DATE: 23 July 2025

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

Cell: 083 306 3770

E-mail: babyjumbo@mweb.co.za

Dear Sir

COMMENT ON THE 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 Draft BAR received by this Department on 19 June 2025 and the acknowledgement thereof issued on 27 June 2025, refers.
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 9 residential erven, private roads, and an open space.
 - The proposed development will have a development footprint of 15079m².
 - 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 It is noted that the site is zoned Residential. Can you please confirm whether the site was zoned residential prior to 5 March 2012.
 - 3.2 In this Directorate's comment dated 18 June 2024, confirmation was requested of when the road and buildings were developed. However, the report only provides confirmation regarding the development of the buildings. Please confirm when the road was developed and provide the width of the road.

- 3.3 It is noted that an onsite wetland offset will be implemented and that an offset report has been included in the report. Please note that comment must be obtained from BOCMA regarding the offset proposal and whether they support the proposed offset. This comment must be included in the final BAR. Failure to include the comment may prejudice the outcome of the application.
- 3.4 It is noted that two options for stormwater control measures have been proposed: the installation of two 900 mm diameter culvert pipes, or a 1.3 m wide × 0.7 m high trapezoidal concrete-lined channel to manage upstream flow. However, the preferred alternative has not been indicated. Please note that the preferred alternative must be clearly stipulated in the final BAR.
- 3.5 CapeNature and I&APs indicated that alien clearing on the adjacent property may affect the extent of the wetland. However, this was not considered by the Freshwater Specialist. Please note that this potential impact must be assessed by the Freshwater Specialist, who must also confirm whether there will be any additional impacts on the watercourses. A final comment from CapeNature on the revised layout must be obtained and included in the final BAR.
- 3.6 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.
- 3.7 It is noted that a water use license application in terms of the National Water Act, 1998 (Act No. 36 of 1998) is required. Proof of the submission thereof to the relevant water authority should be included in the Final BAR.
- 3.8 The Public Participation Process must comply with the approved Public Participation Plan and the requirements of Regulation 41 of the NEMA EIA Regulations, 2014.
- 3.9 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.
- 3.10 Be advised that an 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.
- 3.11 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.

6. This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

Melanese Schippers
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Date: 2025.07.23
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**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 Aplin (Overstrand Municipality)

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



CONSERVATION INTELLIGENCE: SOUTH

postal 16 17th Avenue, Voëlklip, Hermanus, 7200
physical 16 17th Avenue, Voëlklip, Hermanus, 7200
website www.capenature.co.za
enquiries Rhett Smart
telephone 087 087 8017
email rsmart@capenature.co.za
reference LS14/2/6/1/7/2/1486_residential_Vermont
date 23 July 2025

Lornay Environmental Consulting
P.O. Box 1990
Hermanus
7200

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

Dear Ms Naylor

Final 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.

The second draft of the Basic Assessment Report (BAR) updated the aquatic biodiversity study to an impact assessment and included a terrestrial biodiversity and plant species assessment, and a revised preferred layout was presented which encroached less into the delineated wetland. Concern was however raised regarding the continued encroachment into the wetland, and it was recommended that a wetland offset should be investigated after detailed investigation of the mitigation hierarchy.

We further wish to note that the site was mapped as Ecological Support Area 2 (ESA) in the 2017 Western Cape Biodiversity Spatial Plan (BSP) which was the official version at the commencement of the project and therefore accepted, however the site is mapped as Critical Biodiversity Area I (CBA) in the 2023 BSP.

Development Proposal

The preferred development layout presented in the current version of the BAR is the same as presented in the previous version and hence has not addressed the concern regarding the encroachment into the wetland. The response to our comments in the comments and response report by the aquatic ecologist indicates that there will be further investigation of full avoidance the wetland, however this has not been included in the Final BAR. The environmental assessment

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

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practitioner indicates that there is full avoidance of the permanent wetland, however this is insufficient, as there should be full avoidance of the seasonal/temporary wetland as well.

We further note that the sewer pipeline will traverse the wetland in the north of the property, and we recommend there should be further investigation of an alternative alignment which avoids the wetland. Confirmation should be provided that the sewer pipeline upgrades within the suburb of Vermont to accommodate the development will occur within existing transformed areas and will not require additional environmental controls to minimize the impact.

We note reference to a screening wall along the western boundary which received building plan approval historically. No solid boundary walls should be permitted as this will impact on the hydrology of the wetland, in particular along the western boundary. Only fences with minimal disturbance footprint should be permitted. We further wish to respond to the responses regarding the change in the wetland extent that it was primarily along the western boundary where extensive clearing of gum trees has taken place on the neighbouring property and not along the south-eastern boundary where the stormwater outlet is located.

The stormwater management plan will play an important role in the hydrology of the site and hence the impact on the wetlands. We note however that the layout plan in the stormwater management plan differs from the preferred layout plan in the BAR and is not included in any of the other reports. The access road to the southern node is located to the north of the units and traverses the wetland. Permeable paving is proposed for the section of road which traverses the wetland, and a swale is proposed along the southern edge of the erven in the northern residential node. These features have not been assessed in the aquatic biodiversity assessment. Either the stormwater management plan or the aquatic biodiversity assessment and BAR must be amended to reflect the current preferred layout plan, neither of which are currently supported due to the encroachment into the wetland.

Wetland Offset, Rehabilitation and Management Plan

The wetland offset, rehabilitation and management plan was compiled to address the encroachment into the wetland of the development layout. The delineated wetland is calculated to be 0.9 ha in extent of which 0.024 ha (240 m²) will be permanently lost due to the construction of roads. The sections of residential erven which encroach into the wetland have not been included, as the intention is that these areas will remain as wetland habitat. Appendix B4 indicates the preferred layout with an overlay of the sections of each residential erf which can be developed and the exclusion areas consisting of the delineated wetlands and the boundary setback from neighbouring properties. CapeNature wishes to query the feasibility of maintaining the wetland sections within the private residential erven in terms of both habitat condition and ecological function and connectivity.

The quantum of the wetland offset is determined by the wetland calculator as defined in the wetland offset best practice guideline (Macfarlane et al 2016). For the wetland functionality targets, the base of 58% functional value is used which falls within largely modified (D) ecological condition prior to

development. The net change after development is therefore 58% which is then multiplied by the wetland area lost which results in 0.0139 ha (139.2 m²) functionality ha.

For the ecosystem conservation targets, the habitat condition is rated as 70% which provides the base ha requirement of 0.0168 ha. Multipliers are then applied for ecosystem status (15), regional and national context (0.8) and local context (0.7), resulting in a stated ecosystem conservation ratio of 7.88, however we calculate the total as 8.4, depending on whether these are rounded off as indicated or not. We further wish to note that the regional and national context of high importance should be 1.0 and not 0.8 and the buffer zone integrity of 0.5 applies to cultivated lands which is not relevant at this location (Macfarlane *et al* 2016). We would motivate that degraded natural habitat (0.75) is more appropriate, although there is also limited residential development. Multiplying the base ecosystem conservation target by the ecosystem conservation ratio results in a target of 0.1323 ha (1 323 m²) ecosystem conservation target.

The wetland offset requirements are therefore calculated as 0.0139 wetland functionality ha and 0.1323 ecosystem conservation ha with a net 0.1462 ha (1 462 m²) target. The motivation for the ratings however needs further description and the calculations need to be clarified with clear reference to the wetland offset best practice guidelines. No wetland plant or animal species of conservation concern (SCCs) were confirmed present or considered likely to be present therefore there are no additional offset requirements for SCCs, although we wish to refer to the animal species assessment as discussed below.

The proposed wetland offset is rehabilitation of the on-site wetland with a loss of 0.024 ha leaving 0.876 ha for rehabilitation. The aim of the rehabilitation interventions will be to elevate the present ecological state from an upper D (largely modified) to an upper C (moderately modified). The rehabilitation interventions broadly consist of: removal of rubble and fill; removal of alien invasive species; establishment of a moderately diverse indigenous vegetation community; implementation of stormwater management measures and implementation of the wetland offset rehabilitation and management plan.

Reviewing the offset proposal in terms of the wetland offset best practice guideline, one of the key principles is the mitigation hierarchy which must be followed prior to considering an offset, as for the National Biodiversity Offset Guidelines (Macfarlane 2016; DFFE 2023). With regards to the first two steps of the mitigation hierarchy of avoid and minimize, the residential erven should be located fully outside of the delineated wetland. Conservation of wetland habitat and function within residential erven is not considered feasible. As developable areas have been identified for each erf which fully avoid the delineated wetland, the erf boundaries should be able to be retracted to only include the developable areas. The smaller erven may sacrifice the extent of gardens, however a landscaped garden will not fulfil the function of intact wetland habitat and function, and it will be very challenging to avoid this taking place on residential erven. Should it not be possible for the residential erven to fully avoid the wetland, additional motivation will be required, and the encroachments will need to be added to the impacted wetland which must be offset. Appendix G2 is an addendum to the

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Environmental Management Plan (EMP) which applies to the no-go areas on private erven. As CapeNature is not in support of the proposed attempt to maintain wetland habitat on the residential erven we will not provide further comment on this report.

The wetland offset best practice guidelines do not address whether an on-site wetland of the remainder of a wetland partially impacted by a development is a suitable receptor site, however broadly interpreting the guidelines it can be considered acceptable. In terms of the offset target area, there is sufficient remaining wetland habitat on the on-site wetland to meet these targets. However, further motivation must be provided regarding the calculations and as discussed discrepancies/miscalculations were identified.

With regards to the proposed interventions, one of the general principles for the design and implementation of wetland offsets is that it must result in additional conservation outcomes i.e. over and above what would have occurred without the offset in place (Macfarlane 2016). The National Biodiversity Offset Guidelines more specifically states with regards to additionality that it must be “over and above, biodiversity conservation measures that are already required by law”, using the example: “the removal of invasive alien species is a key strategy in rehabilitation and restoration, but in many cases is already a legal requirement” (DFFE 2023). Therefore, while alien clearing is agreed as a key intervention in rehabilitation of the wetland, it should not be considered as part of the offset as it is already required in terms of the National Environmental Management: Biodiversity Act (NEM:BA) Alien and Invasive Species Regulations and the Conservation of Agricultural Resources Act (CARA). The same may apply to stormwater management. In terms of alien clearing specifications, herbicide treatment for pampas grass (*Cortaderia selloana*) and Kikuyu grass (*Cenchrus clandestinus*) in the wetlands is not supported.

Table 8 of the wetland offset best practice guidelines provides ratios for the wetland offset receptor area in accordance with the protection level. The lowest level indicates with a modifier of 1 is for securing the wetland offset through a legal mechanism such as a conservation servitude registered on the title deed and therefore is interpreted as the minimum protection level which the wetland offset must obtain. The goals and objectives of the offset study includes securing the wetland as a conservation servitude, however further detail is not provided. A suitable entity in favour of whom the conservation servitude will be signed must be identified e.g. a non-governmental organisation such as the Overberg Renosterveld Trust, although the latter only focuses on renosterveld remnants Other equivalent protection mechanisms can be investigated which are most appropriate to the site context. We recommend further consultation with CapeNature regarding the protection mechanism for the wetland offset.

While the proposed rehabilitation interventions are supported, these must be linked to definite targets and timeframes to ensure that the rehabilitation goals are met. The end goal for rehabilitation must be clearly defined and address each of the proposed rehabilitation interventions. Only once the rehabilitation goals are reached can rehabilitation be considered to have been successfully implemented. Further detail is required regarding the removal of rubble and fill, including the current extent and depth of rubble and fill. If extensive excavation is required for this intervention it could

result in an alteration of the hydrodynamics on site and hence the extent of the wetland. The end goal of rehabilitation must ensure that it meets the same targets identified in the wetland offset calculator with regards to wetland functionality targets and ecosystem conservation targets. The rehabilitation should be undertaken by a restoration ecologist with a proven track record of wetland restoration in particular for the revegetation component. It must be ensured that the maintenance management plan (MMP) is fully aligned to the wetland offset, rehabilitation and management plan.

It is noted that a water use license application (WULA) is required for the proposed development, however no further information is provided regarding the WULA. The NEMA process and WULA should be undertaken concurrently for this development proposal in accordance with the provincial synchronisation agreement, particularly since there is a wetland offset proposed which will address concerns related to aquatic ecology for both the BAR and WULA and the recommendations for the two processes need to be aligned.

Terrestrial Animal Species Assessment

A terrestrial animal species assessment was undertaken to complement the discussion regarding fauna in the terrestrial biodiversity assessment. The fieldwork consisted of both visual and acoustic surveys and call playback for one of the bird SCCs flagged in the screening tool. A total of six bird, three amphibian and five mammal species were recorded on site, however none of them are SCCs or flagged in the screening tool.

The likelihood of the six bird species, one reptile species and one invertebrate species flagged in the screening tool occurring on site is assessed. The Striped Flufftail (*Sarothrura affinis*) did not respond to the call playbacks and the habitat on site is considered marginal for the species. Some of the species are considered reasonably likely to occasionally frequent the site such as African Marsh Harrier (*Circus ranivorus*) and Black Harrier (*Circus maurus*) however the predicted impact for each of flagged SCCs is considered to be low or very low. Cape dwarf chameleon (*Bradypodion pumilum*) was added to the list of SCCs assessed and there are records directly adjacent to the site, therefore it is likely to be present. The impact on this species is considered to be of medium significance.

The impact assessment for the preferred development layout is rated as medium significance after mitigation and therefore falls within the thresholds requiring a biodiversity offset in accordance with the National Biodiversity Offset Guidelines (DFFE 2023). The specific impacts in this regard are the infringement on the ESA 2 corridor for animal movement and habitat loss and movement impediment for the Cape dwarf chameleon. We therefore recommend that there is further investigation of the mitigation hierarchy in this regard and that an additional offset is investigated for animal species, specifically focusing on Cape dwarf chameleons.

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

Board Members: Ms Marguerite Loubser (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Mr Tom Blok, Ms Reyhana Gani, Dr Colin Johnson, Ms Ayanda Mvandaba, Prof Nicolaas Olivier, Ms Chwayita Shude-Mareka, Dr Razeena Omar

Conclusion

In conclusion, CapeNature does not support the current development proposal which encroaches into the wetland. Further investigation of alternatives must be undertaken where the residential erven are fully located outside of the wetland.

Any encroachments into the wetland must be adequately motivated and the extent must be offset. The wetland offset, rehabilitation and management plan must be amended in accordance with the comments above and to address revised layout plans. We recommend that CapeNature should be consulted regarding mechanisms for the protection of the wetland.

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

Regards

 Digitally signed
by Rhett Smart
Date:
2025.07.23
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Rhett Smart

For: Manager: Landscape Conservation Intelligence South

cc. Jeanne Gouws, CapeNature

Fabion Smith, Breede Olifants Catchment Management Agency

References:

Department of Forestry, Fisheries and the Environment. 2023. [The National Biodiversity Offset Guideline](#) in terms of the National Environmental Management Act (Act 107 of 1998). Government Notice 3569. Government Gazette 48841. Pretoria

Macfarlane D., Holness S.D., von Hase A., Brownlie S., Dini J.A. & Kilian V. 2016. [Wetland Offsets: A Best Practice Guideline for South Africa](#). Report to the Water Research Commission by South African National Biodiversity Institute and the Department of Water and Sanitation. WRC Report No. TT 660/16klnm



overstrand conservation foundation, trading as
whale coast
CONSERVATION

Caring for your environment

23 July 2025

Lornay Environmental Consulting
Attention: Michelle Naylor michelle@lornay.co.za

**COMMENTS ON BASIC ASSESSMENT REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON
ERF 1486, VERMONT, HERMANUS: June 2025**
DEA&DP REFERENCE: 16/3/3/6/7/1/E2/40/1525/22

As a registered Interested and Affected Party (I&AP), Whale Coast Conservation (WCC) has the following comments on the above proposal.

1. Introduction

This Basic Assessment Report (BAR) is for a revised edition of the development proposed for Erf 1486 in Vermont. It puts forward a different arrangement of the plots on the erf, together with an emphasis on ways to circumvent the ecological difficulties posed by the erf itself.

0,9 Ha (approximately two-thirds) of the 1,5Ha erf is delineated as wetland, both permanent (approximately half) and seasonal. 0,71Ha of the erf will be required to establish the proposed development and 0,79Ha will be open space. Roads on the development account for the loss of wetland.

The proposed development is split into six dwellings in the north and three in the south of the erf, together with two access roads. There is an average ingress of 25% of the seasonal wetland on the individual erven within the development (not 15% as stated in the BAR).

The remaining area within the centre of the site consists of the permanent wetland zone and the remaining temporary/seasonal wetland zone (to be kept undeveloped).

2. Erf 1486 is unsuitable for development

WCC contends that the erf in question should not be developed at all, for reasons that include the following (in summary), and which are explored further below:

- Much of the erf is delineated as wetland and as such should be protected from development

TEL +27 28 316 2527 FAX 086 695 0046 CELL +27 72 185 5726

E-MAIL wcc.greenhouse@gmail.com WEBSITE www.whalecoastconservation.org.za

Green House, R43 Vermont, Hermanus PO Box 1949 Hermanus South Africa 7200

PBO 130004541 NPO 020-771



- It is not possible to delineate the boundaries of the wetland accurately in the context of climate change and the removal of Alien Invasive Plants (AIPs), particularly from the neighbouring property, and it may well cover a greater area than that delineated. This renders the proposal meaningless.
- The vegetation of the erf is classified as Hangklip Sand Fynbos, which is Critically Endangered. It should not be built on.
- The erf is part of an important ecological corridor. It is classified as a Critical Biodiversity Area (CBA1) and should be protected from development.
- The erf is also part of a broader Ecological Support Area (ESA2) identified in the 2023 Western Cape Biodiversity Spatial Plan (BSP) and should not be developed.
- The erf is part of an important and extensive wetland system which forms part of an Environmental Management Overlay Zone (EMOZ) of the Overstrand Municipality (OM) and cannot be considered on its own, as the proposal does.

3. Ecological importance and current ecological situation of Erf 1486

The erf in question forms part of an important wetland system that runs eastwards from the Bot River, roughly parallel to the R43 and sometimes underground, through the Skilpadsvlei and Paddavlei in Hawston, then through the Whale Coast Nature Reserve (WCNR), to the Vermont Pan. This system has been greatly impacted over past decades by factors such as the proliferation of thirsty AIPs and ill-advised urban development and land use.

This includes urban encroachment, wetland draining, stormwater reticulation that alters natural water flows and the discharge of treated wastewater into the system.

Many of these impacts are however currently being reversed, mainly by the removal of AIPs along much of the length of the system, particularly in the WCNR which borders the erf on the west, as well as in the Paradise Park and Vermont Pan areas, with dramatic effects on the quantity of water freed in the system. This work is ongoing, and water levels can be expected to increase as more plants are removed. Restoration work on the Paddavlei is also underway and this too may well increase the water levels in the system.

Despite having been built on and accommodating past attempts at fill and drainage, the wetland on the erf remains functional and hydrologically connected to the larger wetland system of which it forms part. As such it is a vital ecological corridor and an important active route for ground-dwelling species. It is part of a broader ecological support area identified in the BSP. Although degraded through the presence of AIPs, it contains evidence of its (Critically Endangered) Hangklip Sand Fynbos vegetation classification and is likely to contain specimens of critically endangered plants found in close proximity. Parts of the wetland show signs of ecological recovery after many years of non-interference.

The results from the relevant sensitivity theme ratings indicate the ecological importance of the site. These are given in page 15 of the BAR as:

- Animal species – high sensitivity, likely to support species of conservation concern.
- Aquatic biodiversity – very high sensitivity and a medium risk for residual wetland loss.
- Plant species - high sensitivity, with at least one species of special conservation concern.
- Terrestrial biodiversity – very high sensitivity, with approximately 70% of the site being Critically Endangered Hangklip Sand Fynbos



4. The critical importance of wetlands

The 2025 Global Wetland Outlook (GWO) was released in July 2025 and bridges many data and knowledge gaps with respect to the importance and current situation regarding wetlands.

In line with a global trend of declining wetlands, South Africa's wetlands are in critical decline and are degrading far faster than investment in their rehabilitation. Impacts on people and the environment are severe. Wetlands provide many ecosystem services, including water purification, flood control and critical support for biodiversity.

GWO2025 found that degradation of wetlands globally rivals outright loss, with a current but increasing proportion of remaining wetlands in poor ecological condition in all regions. Pressures leading to this include AIPs, pollution, urban expansion and infrastructure development. The mounting costs associated with wetland decline include increased vulnerability to natural disasters.

Once wetlands are degraded, their restoration is arduous and expensive. GWO2025 emphasises that while restoration is essential, prevention is even more so and is significantly more cost-effective. Prioritising those in early stages of degradation is essential. Although targets are not specified, South Africa has strong goals for its wetlands in the national plan for protecting nature (NBSAP), which commits to global targets (for example) of restoring 30% of damaged ecosystems by 2030. Strategies include protecting and restoring wetlands as a priority for adapting to climate change.

The proposal flies in the face of these aims.

5. Climate change implications

Wetlands, particularly seasonal wetlands, are dynamic systems and their extent is affected by fluctuations in supply of water. This makes them extremely important regulators of the effects of erratic supply. This is particularly important in the context of climate change and its predicted effects on rainfall. Within the Overberg, although cumulatively less rain will fall, it will do so in the form of stronger and increasingly frequent storms. On a microclimate level, Stellenbosch University research predicts that the Hermanus area will receive more rain than the rest of the Overberg.

The Bot River to Vermont Pan wetland system will also receive an increasing amount of water in surges from the mountain slopes above the erf. The erf is also part of this larger hydrological catchment where runoff from Catchment Area 1, north of the R43, drains into Catchment Area 2 which includes the erf.

Given the above and the continuing release of water into the system through the ongoing removal of IAPs, this makes the boundaries of the wetland on Erf 1488 as described in the proposal, which were last defined in May 2023, questionable. It should be noted that in September 2023 Hermanus experienced violent storms which led to much infrastructural and environmental damage. Anecdotal evidence is that the influence on the water level of the erf was marked. The presence of water on the erf can be expected to fluctuate unpredictably depending on the impact of factors such as those described.

6. Land use and wetlands

The national climate action plan process requires different areas to create their own climate response plans. Given that wetlands have been systematically undervalued in the past, a fundamental shift in approach is required. This includes integrating spatial planning as part of a



proactive policy that recognises the important role of wetlands in mitigating climate-related damage.

In past decades, wetlands were not recognised as the primary, vital and essential ecosystem drivers that they are. This made it possible for land use policies to drain damp areas and marshes and allow and even encourage building in wetland areas, including conveniently flat alluvial fans and floodplains. Understanding of the critical importance of wetland areas has grown and developed, and for some time they have been recognised as vital ecosystem drivers and protected under environmental law. Development that may impinge on the full functionality of wetlands and wetland systems cannot be permitted, nor must attempts be made to regulate the flow and extent of a wetland system.

The BSP Handbook and Guidelines (2023) provides guidelines for land-use within mapped ESAs, highlighting that where possible the current land-uses should be withdrawn, and rehabilitation undertaken. This approach should be applied to the subject property.

In addition, the BSP maps the property as a CBA1. The BSP Guidelines indicate that such areas should be maintained in a natural or near-natural state with no further loss of habitat. It further highlights that only low-impact, biodiversity-sensitive land uses are appropriate – a residential housing development is not.

In many areas however, land use practices are still to catch up with this understanding. Erf 1486 – along with all other land along the Bot River to Vermont Pan wetland system - should never have been deemed suitable for housing. The OM must redress this. It should clearly demarcate all these areas as unsuitable for development, refuse applications for development along the system, and landowners who bought property on the assumption that it could be developed should be compensated.

7. Aquatic Assessment and Offset and Management Plan is ill-conceived

There have been various attempts over the years to define the boundaries, both permanent and seasonal, of the wetland on the erf but these remain open to debate. Given changing circumstances, a definitive boundary is likely to remain elusive. In such circumstances, the precautionary principle should apply.

In August 2018 the aquatic biodiversity screening assessment confirmed and delineated the onsite wetland, and an updated delineation was done in May 2023. The delineated wetland covers approximately 0,9Ha of the 1,5Ha site, i.e. almost two-thirds of it, and the site was classed as being of "very high" aquatic sensitivity.

Following the redesign of the development proposal to the format now proposed, a "Wetland offset, rehabilitation and management plan" was prepared in October 2024. A basic flaw of this however, is that the study area for this aquatic assessment and plan is only the extent of erf 1486. No consideration is given to its situation within the Bot River to Vermont Pan wetland system, nor to the unavoidable impact on the extent of the onsite wetland of factors beyond its boundaries.

In this regard, the assessment makes the risible assertion that liability for increased water flow from the removal of AIPs beyond the erf's boundaries should rest with the remover. It is of course the responsibility of the developer to conduct an environmental due diligence before deciding to purchase.

The assessment showed that constructing the roads on site would mean that a portion of the wetland (some 3%) would be lost and that the proposed development could not be accommodated within the erf without a level of encroachment on the wetland, despite full application of the



mitigation hierarchy, and that “some level” of wetland loss would thus be unavoidable. This would make securing a Water Use Authorisation (WUA) problematic.

In an attempt to ameliorate the situation, the assessment details activities aimed at restoration and management of the remaining portion, stating that these will suffice as an offset for the losses. This assertion is arrived at after the application of formulae that result in a positive outcome. However, an offset can only be explored in an EIA process after a long process of examining a cascade of options arising from the use of the mitigation hierarchy and would involve the identification of a suitable “like for like” piece of ground to substitute for unavoidable loss. It is clear that there are no mitigation options open to this proposal.

Proposing to use the remaining existing wetland as an onsite offset for the inevitable wetland losses from the development is specious. Improving the condition of the remainder of an endangered ecosystem cannot compensate for the loss of part of that ecosystem, particularly when both result from and are conditional on the actions of the developer.

Given the basic flaw of the restriction of the study area to the boundaries of erf 1486 however, these calculations and proposed activities are nothing more than arranging the deckchairs to ensure maximum occupancy on the deck of a sinking ship. A WUA should not be issued.

8. Biodiversity offset implications

The current proposal will result in a loss of Critically Endangered vegetation of some 500m² and reduces the impact from the previous iteration from high to medium negative. However, there is no indication as to where this will be lost and how the area/s of loss relate to the wetland delineation. It should be noted that according to the National Biodiversity Offset Guidelines, if the residual impact is medium, a biodiversity offset is required, but this aspect is not dealt with.

9. Negative impacts of development on the erf are inevitable

The development will negatively impact several features of the ecology of the site, such as its critically endangered vegetation, the wetland, connectivity and habitat for several species. It will result in “the permanent loss of all natural and semi-natural vegetation and faunal habitat within the development footprint, including approximately 500 m² of high-sensitivity habitat”. If approved, it will flout many layers of environmental protection.

The BAR emphasises throughout, including in the section on need and desirability, that the development will satisfy housing needs and promotes infill development and densification – even referring to this as fulfilling a mandate (page 101). These are laudable goals for urban development in general but are not appropriate for this property. The ecological importance of the erf is such that it must be protected from encroachment – it should in fact be restored to its natural state.

The development needs and aims to capitalise on the misguided purchase of the erf. Thus, the BAR attempts to persuade decision-makers that the development will be of benefit to the erf and that negative impacts will be minimal and transient. This is nonsense. Construction activities on the erf will destroy critically endangered natural vegetation and interfere with the natural functioning of the legally protected wetland. Occupation will jeopardise the erf’s function as an important ecological corridor by interfering with faunal existence and movement. The development will also dampen the wetlands’ ability as part of a larger system to mitigate the effects of future storm surges.

The development will cause damage to the wetland both in the construction phase and afterwards when the development is established. In the construction phase this includes loss of wetland area, habitat disturbance, alteration of the flow regime of the wetland and water quality impairment.



During the operational phase the damage includes habitat disturbance, alteration in the flow regime, water quality impairment and potential sewerage leaks.

10. The proposal is not an eco-sensitive development

Much is made in the BAR of the intention of the development to minimise its effects on the wetland. When these are examined however, it is clear that the chances of success are slim and that they are nothing more than greenwashing.

Table 1 of the BAR notes that the percentage of seasonal wetland on the various residential erven ranges from 0 (one unit of 350m²) to 30 (four units of 300m² and one of 450m²), averaging at 25% coverage (not 15% as stated in Table 1).

The inclusion of areas of seasonal wetland in the erven is no doubt to ensure marketable erven sizes and increase the financial viability of the proposal.

The individual property boundaries as well as the proposed sewer and enhanced protective swale system should be well outside of the seasonal wetland areas. Placing the swale inside the boundaries of the seasonal wetland is not acceptable as it is likely to result in the draining of these areas. The proposed sewer line should also be placed outside the seasonal wetland boundaries.

The proposal states that the seasonal wetland areas, including those located inside the various erven, will be regarded as no-go areas protected by a conservation servitude. They will be managed and policed by the Home Owners' Association (HOA). An HOA is not a suitable or sustainable mechanism to ensure compliance, and HOA members are unlikely to have the expertise to do this. A variety of rules will need to be introduced and enforced to mitigate and manage impacts on the seasonal wetland areas, whereas if the erven boundaries did not include any such areas, the need for these rules, which are likely to be broken often, would be considerably reduced.

Environmental prescriptions to landowners as contained in the Environmental Management Programme (EMPr), are suggestive rather than prescriptive. The recommended HOA will need to be supervised in its adherence to them. The prescriptions themselves will need to be more than just recommendations; they will need to be constantly monitored and enforced and backed up by penalties for non-compliance. This is unlikely to happen.

No amount of greenwashing will alter the fact that any development on this site will:

- Destroy endangered vegetation and its denizens.
- Compromise the effectiveness of the ecological corridor of which it is a vital part.
- Negatively impact this section of the larger wetland system.

The site is patently unsuitable for development.

11. Conclusions and recommendations

- The BAR under consideration proposes a different arrangement of fewer individual plots on Erf 1486, together with ways to circumvent the ecological difficulties posed by the erf itself.
- Much of the erf is delineated as wetland, both permanent and seasonal. It is part of a larger wetland system stretching from the Bot River to the Vermont Pan.
- The current changing situation regarding water levels in the wetland system, largely due to the removal of AIPs and climate change, mean that the boundaries of (particularly) the seasonal wetland areas on the erf, cannot be definitively delineated. This renders the proposal meaningless.



- The vegetation of the erf is classified as Critically Endangered Hangklip Sand Fynbos. The development will mean the permanent loss of some 500m² of this. The impact is classed as medium negative, for which the National Biodiversity Offset Guidelines requires an offset. However, this requirement is not dealt with.
- The erf is of great ecological significance and has various layers of environmental protection that apply to it. It is part of a Critical Biodiversity Area (CBA1), a broader Ecological Support Area (ESA2) and part of an Environmental Management Overlay Zone (EMOZ). It should not be developed.
- The greater wetland system of which the erf forms a part of has borne the brunt of harmful impacts over past decades, including AIP proliferation and ill-advised urban development and land use. Despite this, it remains functional and hydrologically connected to the larger wetland system and shows signs of ecological recovery after many years of non-interference.
- The erf is a vital ecological corridor and an important active route for ground-dwelling species.
- The proposal flies in the face of recent data on the critical importance of wetlands, the urgent need to address their degradation as early as possible, and the country's commitments to assist in achieving targets for their protection and rehabilitation.
- The Overstrand is experiencing the results of climate change in the form of more frequent and severe storms; functional wetlands are critical in ameliorating floodwater.
- Past decades did not realise the value of wetlands as ecosystem drivers; this led to their neglect and often destruction for urban development. Although this understanding has progressed and their importance is recognised in environmental law, many land use practices must catch up. In line with the Western Cape Biodiversity Spatial Plan Handbook and Guidelines (2023), the OM should withdraw current land use along the wetland system, demarcate all these areas as unsuitable for development, refuse development applications along the system and compensate owners as appropriate.
- The Aquatic Assessment and Offset is ill-conceived. A basic flaw is that the study area is confined to Erf 1486 with no consideration of its place in the larger system. It also asserts that the loss of a part of the wetland through road construction could be offset by rehabilitating the remainder of the wetland on site. This is specious as both the loss and the condition of the remainder of the wetland are conditional on the actions of the developer. A Water Use Authorisation should not be issued for the development.
- The proposal will have negative impacts on many features of the ecology of the erf, including its critically endangered vegetation, the wetland's extent and functionality, and connectivity and habitat for many species, some of which are endangered. Damage will be during both the construction and operational stages.
- The BAR emphasises throughout that the development will satisfy housing needs through infill and densification. These laudable goals for urban development are totally inappropriate for this property.
- Although punted as such, the proposal is not an eco-sensitive development. The developer clearly needs to capitalise on the misguided purchase of an environmentally sensitive erf and thus has cloaked it in greenwashing. In reality, construction will destroy critically endangered natural vegetation and interfere with the functionality of a wetland. Occupation will jeopardise the erf's corridor function. The wetland's ecosystem function in ameliorating storm surges will be compromised.



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- Management of the environment after development will be in the hands of a Home Owners' Association, guided by suggestive rather than prescriptive "rules". This is a recipe for disastrous non-compliance.

Whale Coast Conservation recommends that the proposal under consideration is not approved. Approval will flout many levels of environmental protection. The site should be excluded from development consideration.

Yours sincerely

A handwritten signature in black ink, appearing to read "PK Miller", with a long horizontal stroke extending to the right.

Dr PK Miller

Chair: Whale Coast Conservation

Tel: (028) 313-0093

Cell: 082 374-9729

pat.miller7@outlook.com



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

Our Reference no: 4/10/2/G40G/Erf 1486 Vermont Caledon RD

Date: 23 July 2025

Lornay Environmental Consulting
PO Box 1990
Hermanus
7200

For Attention: M Naylor
Madam,

NOTICE OF PUBLIC PARTICIPATION FOR BASIC ENVIRONMENTAL IMPACT ASSESSMENT IN TERMS OF NEMA

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, our subsequent comment dated 22/03/2023, then followed by your latest submission of the PPP for the BAR for Erf 1486 Vermont development, with Lornay Report dated 20/06/2025, and with DEA&DP reference number 16/3/3/6/7/1/E2/40/1525/22, herewith the following:

:

1. The BOCMA notes the new Preferred Alternative 3, which had been informed through Freshwater, Botanical and Faunal Specialists.
2. This Alternative proofs to have the least impact on the environment.
3. Previously, the absence of a Risk Assessment Matrix, limited the ability of BOCMA to provide comprehensive input.
4. The latest information is that a Risk Assessment Matrix had been done with the associated risk rating being LOW/MEDIUM, with confidence level being HIGH .
5. Please note that any activity within the 1:100 year flood line or within 100m of a watercourse (river, spring, natural channel, a lake or dam) or within 500m radius from the delineated boundary (extent) of any wetland or pan, triggers a water use activity in terms of Section 21 (c) & (i) of the National Water Act, 1998 (Act 36 of 1998). If applicable, appropriate mitigation measures should be employed to minimize the overall risk on the water resource.
6. A full Water Use License will be required for this project due to the encroachment into the onsite wetland.
7. The ecologically transformed unchanneled valley-bottom wetland still holds ecological and hydrological value.
8. It is encouraging that the ecological corridor link from Hoek van der Berg to the Vermont Salt Pan through the implementation of the onsite Wetland Offset, Rehabilitation and Management Plan, be reinstated.
9. The wetland offset, rehabilitation and management plan should be implemented and clear method statements be utilised during construction and further maintenance.

10. The Wetland Offset, Rehabilitation, and Management Plan must be fully implemented, with clear timelines and accountability measures. This includes ongoing monitoring of the wetland's health and the success of offset measures, with adaptive management measures in place if targets are not met.
11. The Stormwater Management Plan must address the site-specific hydrological dynamics influenced by the wetland and its surrounding catchment.
12. The proposed construction should adhere to all other relevant sections of the NWA, 1998 (Act 36 of 1998), not contained within this letter.

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)

17. FINAL PUBLIC PARTICIPATION (PPP 4)

29 September 2025 to 29 October 2025