

SCIENTIFIC SERVICES

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To Whom It May Concern:

RE: CAPENATURE'S COMMENTING ROLE IN EIA AND DEVELOPMENT APPLICATIONS

In order to ensure that biodiversity and ecological issues are adequately and pre-emptively addressed as part of the development application process, the following information will need to be included in any development applications that require comment from CapeNature. Providing this information will assist in avoiding unnecessary delays to authorisations.

1. As part of the authorisation process, CapeNature's involvement will relate specifically to the biodiversity and ecological aspects of proposed development activities on the receiving environment. CapeNature expects that a precautionary and risk-averse approach should be adopted towards those projects which may result in substantial detrimental impacts on biodiversity and ecosystems, and especially the irreversible loss of habitat and ecological functioning in threatened ecosystems as identified by the National Spatial Biodiversity Assessment or systematic biodiversity plans.
2. All reports must firmly demonstrate how the proponent intends complying with the following National Environmental Management Principles (s 2, National Environmental Management Act 107 of 1998) which *inter alia* dictate that environmental management must:
 - Avoid, minimise or remedy disturbance of ecosystems and loss of biodiversity;
 - Avoid degradation of the environment;
 - Avoid jeopardising ecosystem integrity;
 - Pursue the best practicable environmental option by means of integrated environmental management;
 - Protect the environment as the people's common heritage;
 - Control and minimise environmental damage; and
 - Pay specific attention to management and planning procedures pertaining to sensitive, vulnerable, highly dynamic or stressed ecosystems.

These principles serve as guidelines for all decision-making that may affect the environment. As such, it is incumbent upon the proponent to show how proposed activities would comply with these principles and thereby contribute towards the achievement of sustainable development as defined by Act 107 of 1998 as amended.

3. The Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) has produced a series of guideline documents that provide clear guidance on the EIA process (<http://www.capegateway.gov.za/eng/pubs/guides/G/103381>). Specifically, they aim to improve the capacity of EIA practitioners to draft appropriate terms of reference that meet the information requirements of informed environmental decision-making. By meeting the requirement for timeous, accurate and relevant information, EIA practitioners can support efficient and accountable decision-making.

The Western Cape Nature Conservation Board trades as CapeNature

Board Members: Prof Mohammed Bayat, Prof William Bond, Mr Mark Botta, Mr Christopher Clarke, Mr Russell de Pleesse, Ms Fátima Fesi, Dr John Hanko, Mr Eton Jethoux, Adv Mandla Mdludlu, Ms Yasmin Pandey

From a biodiversity perspective, we therefore request that you at least refer to the following documents when undertaking environmental assessments:

- a. Brownlie S (2005) *Guideline for involving biodiversity specialists in EIA processes: Edition 1*. CSIR Report No ENV-S-C 2005 053 C. Republic of South Africa, Provincial Government Western Cape, Department of Environmental Affairs and Development Planning, Cape Town;
 - b. De Villiers C, Driver A, Clark B, Euston-Brown D, Day L, Job N, Helme N, Holmes P, Brownlie S and Rebelo T (2005) *Fynbos Forum Ecosystem Guidelines for Environmental Assessment in the Western Cape*. Fynbos Forum c/o Botanical Society of South Africa: Conservation Unit, Kirstenbosch, Cape Town. Contact BotSoc on 021 7992284 or Paisley@botanicalsociety.org.za.
4. The following factors must also be taken into account during project planning and assessment:

- a. CapeNature does not support activities that may negatively impact on the following habitats and their ecological functioning:
 - i. Rivers, wetlands, groundwater-dependent communities and estuaries.
 - ii. Viable and/or connected Critically Endangered and Endangered ecosystems.
 - iii. Any area in low irreplaceable habitat that is important for biodiversity conservation, as identified by a systematic conservation plan.
 - iv. Any other special habitats that may contain a unique signature of species e.g. dolomite outcrops, quartz or ferricrete patches.
 - v. Any habitat that contains rare or threatened flora or fauna species.
 - vi. Natural habitat in an ecological corridor or along a vegetation boundary (including frontal dune systems).
 - vii. Formally declared Mountain Catchment Areas.

Appropriate buffers need to be determined by a suitably qualified specialist to avoid impacting on these habitats. Particular attention should be paid to avoiding the loss of intact habitat, maximising connectivity and habitat heterogeneity, and reducing fragmentation at a local and regional scale. Please also note that an infestation by alien plants does not necessarily mean that an area is not important for biodiversity.

- b. The Cape Floristic Region is largely a fire-dependent system, relying on natural fire regimes that must be maintained and managed in the landscape. The exclusion of fire from certain habitats will be considered unacceptable.
- c. Water is a limited resource in most of the Western Cape. Water requirements for development activities and the impact on broader water resources of the area (i.e. cumulative impacts) need to be rigorously assessed, especially in light of other developments taking place in an area. The impact of a proposed development on infrastructure such as wastewater treatment works etc also needs to be adequately addressed.

A biodiversity assessment should be undertaken if any of the above-mentioned circumstances prevail or if there is any doubt about the biodiversity value of the site. The opportunities and constraints of the receiving environment must be used to inform the layout of any development proposal so as to ensure that developments do not compromise the biodiversity value of the area.

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Board Members: Prof Mohammed Bayat, Prof Willem Bond, Mr Mark Botha, Mr Christopher Clarke, Mr Russell du Plessis, Ms Fikiswa Fasi, Dr John Henks, Mr Elton Jeffries, Adv Maudie Mdludlu, Ms Yasmina Priddy

All applications requiring comment from CapeNature must be sent in hardcopy format as well as electronic format (if possible) to:

CapeNature
Scientific Services: Land Use Advice
P/Bag x5014
Stellenbosch
7599

Email: landuse@cncjnk.wcape.gov.za

I would like to take this opportunity to thank you in advance for your co-operation in this regard.

Yours sincerely



Dr K.C.D. Hamman
For Acting CEO

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Board Members: Prof Mohammed Razaq, Prof William Bond, Mr Mark Botha, Mr Christopher Clarke, Mr Russell du Plessis, Ma Fikiswa Fest, Dr John Hanks, Mr Elton Jethras, Adv Mandla Mdludzi, Ms Yasmina Paruly