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Reference LE14/2/6/1/6/6/38-136_Residential/BID_Tergniet
date 24 March 2026

Digital Soil Africa,
45 Church Street,
Walmer,
6070

Attention: Ms Natalie Sharp
By email: natalie@dsafrica.co.za

Dear Ms Natalie Sharp

**THE BACKGROUND INFORMATION DOCUMENT FOR THE PROPOSED
RESIDENTIAL DEVELOPMENT OF 5.96 HA ON PORTION 38 OF FARM NO.
136, TERGNIET, MOSSEL BAY LOCAL MUNICIPALITY, WESTERN CAPE.**

CapeNature would like to thank you for the opportunity to review the above report. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature wishes to make the following comments:

According to the Western Cape Biodiversity Spatial Plan (CapeNature 2024)¹ the property has Critical Biodiversity Areas (CBA 1: Terrestrial). The fine-scale vegetation map describes the vegetation as Hartenbos Strandveld (Vlok and de Villiers 2007)². According to the updated South African Vegetation Map (Beta VegMap, 2024)³ the vegetation unit is Hartenbos Dune Thicket which is listed as **Endangered** (NEM:BA, 2022)⁴. There are no freshwater features mapped at the property. CapeNature has reviewed the Background Information Document (BID) and has the following comments:

- I. The Western Cape Biodiversity Spatial Plan (CapeNature, 2024) has specific guidelines regarding the management objectives of Critical Biodiversity Areas (CBA). Thus, the proposed development must be guided by those objectives to conserve and protect the CBAs.
 - I.1. Critical Biodiversity Areas are defined as: “Areas in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure.” CBA objectives are: “Degraded areas should be rehabilitated. Only low-impact, biodiversity-sensitive land uses are appropriate.”

¹ CapeNature. 2024. 2023 Western Cape Biodiversity Spatial Plan and Guidelines. Unpublished Report

² Vlok JHJ, de Villiers R (2007) Vegetation Map for the Riversdale Domain. Unpublished 1:50 000 maps and report supported by CAPE FSP task team and CapeNature.

³ South African National Biodiversity Institute (2006-2024). The Vegetation Map of South Africa, Lesotho and Swaziland, Mucina, L., Rutherford, M.C. and Powrie, L.W. (Editors), Online, <https://bgis.sanbi.org/Projects/Detail/2258>, Version 2024.

⁴ National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004). The Revised National List of Ecosystems that are Threatened and in need of protection. 2022. Government Gazette No. 47526

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

Board Members: Mr Tom Blok, Ms Reyhana Gani, Dr Colin Johnson, Ms Ayanda Mvandaba, Prof Nicolaas Olivier, Ms Chwayita Shude-Mareka, Dr Razeena Omar

2. Satellite imagery and the Department of Forestry, Fisheries and the Environment (DFFE) National Land Cover dataset indicate that the surrounding area has largely been transformed by residential development, with remaining fragments of shrubland and forest on the property. The site is bisected by Robertson Avenue, with a railway line to the south, and these infrastructures have likely already impacted biodiversity. Notwithstanding this, the property still contains ecologically significant features that requires careful consideration.
3. The Hartenbos Dune Thicket is part of the Albany Thicket Bioregion and is endemic to South Africa. This is a poorly protected ecosystem with 79% of its natural extent remaining. The Hartenbos Dune Thicket has not been critically assessed to determine the risks and pressures for this vegetation unit and data on the ecosystems condition (including biotic disturbances, overutilization, and altered fire regimes) is limited (SANBI 2022)⁵.
4. According to iNaturalist, numerous fauna and flora species have been recorded on the property, including Near Threatened to Critically Endangered species and indigenous protected trees⁶. This highlights the site's ecological value despite its fragmented state. As such, specialist assessments must meaningfully inform the Site Development Plan (SDP) prior to any approval being granted.
5. CapeNature recommends that comment be obtained from the DFFE. CapeNature will defer to the comments provided by DFFE, as the Department is the competent authority and custodian of forestry resources in South Africa.
6. The proposed development will result in a definite and irreversible loss of threatened vegetation. CapeNature does not agree with the conclusion in the BID that impacts are limited to “some environmental impacts” that are “low to moderate and manageable.” Given the presence of CBA areas and Endangered vegetation, the proposed development will result in complete transformation and permanent loss of sensitive habitat, which constitutes a high impact from a biodiversity perspective.
7. The proposed retention of “pockets of natural open space” along the pipeline servitude is noted; however, these areas are unlikely to sufficiently offset the loss of intact habitat or maintain ecological functionality, particularly if they are narrow, isolated, and subject to edge effects.
8. In terms of section 12 (1) and 2 (a) of National Veld and Forest Act⁷ adequate firebreak must be prepared and maintained around the property to reasonably prevent the spread of unwanted fires in the area.
9. CapeNature reminds the applicant of Section 28 of National Environmental Management Act (NEMA) (Act 104 of 1998 as amended) (Duty of Care) that states the following:

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

⁵ Government of South Africa (2022) South African Red List of Terrestrial Ecosystems: assessment details and ecosystem descriptions. Technical Report #7664, SANBI Pretoria, South Africa.

⁶ Notice of the List of Protected Tree Species under the National Forest Act, 1998 (Act No. 84 of 1998).

⁷ National Veld and Forest Act 1998 (Act 101 of 1998) Government Gazette: 19515

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

In conclusion, CapeNature will provide further detailed comments and recommendations during the public participation process of the Draft Basic Assessment Report, including a review of the specialist assessments.

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

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Megan Simons', with a large, stylized initial 'M' and 'S'.

Megan Simons
For: Manager (Conservation Intelligence)