

SCIENTIFIC SERVICES

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reference SSD14/2/6/1/4/6/1471-1_S24G_Durbanville
date 6 April 2018

Doug Jeffery Environmental Consultants
P.O. Box 44
Klapmuts
7625

Attention: Marais Geldenhuys
By email: marais@dougjeff.co.za

Dear Marais

NEMA Section 24G Rectification Report for the Unlawful Infilling of a Watercourse on Portion 1 of Farm 1471, Bloemendal Wine Estate, Durbanville
(DEA&DP ref. no.: 16/3/3/5/A1/18/3050/17)

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 application is for the rectification of the construction of a barn within a watercourse without receiving an environmental authorisation. The barn is not located within any wetlands or watercourses which are mapped on the Biodiversity Network (BioNet) for City of Cape Town, Western Cape Biodiversity Spatial Plan (WCBSP) or NFEPA, however the valley bottom wetlands associated with the Elsiekraal River are located a short distance to the north. From a terrestrial perspective, the site is classified as No Natural according to the WCBSP and the BioNet.

The freshwater specialist study identified a minor ephemeral tributary of the Elsieskraal River which was impacted by the construction of the barn. The feature is in a highly modified state with limited ecological value and function and was further impacted by the barn including diversion. CapeNature supports the contents of the freshwater specialist report, which indicates that the impacts incurred were not highly significant.

The recommendations are however that the tributary should be rehabilitated, which is supported by CapeNature and should be taken into account in the assessment of the application. No additional rectification measures are considered necessary. Ideally the rehabilitation should also include the Elsieskraal River, which is a higher order watercourse and of higher ecological function and is adjacent to most of the facilities on the property, however this is not related to this application.

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 read "Rhett Smart", with a horizontal line underneath.

Rhett Smart
For: Manager (Scientific Services)

Pat Titmuss

Regional Manager: Environmental & Heritage Management Branch
Environmental Management Department

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DEA&DP Reference: -

28 March 2018

Doug Jeffery Environmental Consultants (Pty) Ltd
P O Box 44
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Attention: Marais Geldenhuys

[email: marais@dougjeff.co.za]

Dear Sir,

PORTION 1 OF FARM 1471, BLOEMENDAL WINE ESTATE, DURBANVILLE: COMMENT ON THE DRAFT SECTION 24G REPORT FOR THE RECTIFICATION OF THE UNLAWFUL CONSTRUCTION ACTIVITIES (INFILLING OF A WATERCOURSE)

The abovementioned Draft Section 24G Report (DJEC reference: 2017/42), dated February 2018), as compiled by Doug Jeffery Environmental Consultants (Pty) Ltd refers.

The following technical comment from relevant City of Cape Town departments is provided:

1. Environmental Management Department – Pat Titmuss/Clarissa Fransman

Draft S24G report

- 1.1 The DEA&DP Reference number has not been provided. This is to be included.
- 1.2 Page 22: Figure 12 is labelled incorrectly – it should indicate “.... after construction of barn...”
- 1.3 The report indicates heavy infestation of alien vegetation within the channel. Rehabilitation measures and recommendation by the EAP include alien clearing during the re-shaping of the channel. An Alien clearing Method Statement is to be formulated and included in the Draft Section 24G Report and EMPr.
- 1.4 The removal of waste material and rubble from the stream is to be done manually by hand.
- 1.5 Appendix B: Site Plan – Project No. 009/11; Sheet No. 4 of 4, dated September 2011 as compiled Ben Van Rensburg Architectural Designs cc is to indicate the tributary on the plan in relation to the store, septic tanks and French drain.

Freshwater Assessment

- 1.6 The conclusions and recommendations given by the freshwater specialist are agreed with and should be incorporated as conditions of approval.

EMPr

- 1.7 Under Section 1.7.2 it erroneously indicates Galtea Investments Pty Ltd as the applicant/employer; this is to be amended to reflect the correct applicant.
- 1.8 Under Sections 1.7.5 and 1.10.1 (last bullet point): The City of Cape Town's Environmental Management Department: Northern District is to be included to the circulation and submission list of all ECO and audit reports.

Heritage

- 1.9 The barn that was erected is located on the same property as the Bloemendal historic farm complex which has intrinsic heritage value and associational and contextual significance. The farm is one of the original early 18th century grants in the Tygerberg with evidence of historic layering spanning the late 18th/early 19th century (outbuildings) to the early 20th century (main house). It has been afforded a grade IIIA heritage grading and forms a significant component in the larger Durbanville Hills Cultural Landscape. The report does not make reference to the heritage status or significance of the farm.
- 1.10 The Durbanville Road/Tygervalley Road is a Scenic Route, as per the Cultural & Recreational Resources Zone Map, Northern District Plan (February 2012). In this regard, the report does not make reference to the visual impact of the barn on the scenic route (page 8 of the S24G Report) but states that the visual impact is "shielded by a stand of gum trees".
- 1.11 The following general note is to be included in the EMPr: Should any archaeological deposits or remains be uncovered during activities, work must stop immediately and Heritage Western Cape (HWC) be informed. Herewith the contact details of the HWC archaeologist, Mr Andrew September: Email: Andrew.september@westerncape.gov.za Tel 021 483 9543.
- 1.12 The Environmental Management Department is aware of a previous heritage process on the property which required a Phase II Heritage Impact Assessment that which also had to address, amongst other matters, the unauthorised work in the stables building.

2. Water and Sanitation – Tiaan Wright

- 2.1 This Department does not support septic tanks (French drains). The current septic tanks are to be demolished and removed and replaced with water tight conservancy tanks.
- 2.2 The conservancy tanks are to be placed in areas where no waterborne sewer services are available.
- 2.3 The conservancy tanks are to be easily accessible and emptied by a private service provider periodically.
- 2.4 An accurate plan indicating the placing of the new conservancy tanks, their volume, the access to the tanks for emptying, and the position of the water course must be provided.

3. Catchment and Stormwater Management - Johann Terblanche/Alistair Lee

- 3.1 The following policies are to be included under Section A 6 *Applicable Legislation, policies and/or Guidelines* (page 13):
- Management of Urban Stormwater Impacts Policy, Approved by Council : 27 May 2009
 - Floodplain and River Corridor Management Policy, Approved by Council : 27 May 2009
 - By-Law Relating to Stormwater Management, Approved by Council : 30 August 2005

- 3.2 Appropriate measures be taken to prevent the discharge of silt from the minor channel (tributary) entering the Elsieskraal river. A silt trap / silt barrier be constructed across the minor channel, as a gabion or similar structure, upstream of the confluence with the Elsieskraal river. This system must be maintained regularly in order to prevent the build-up of silt behind the structure.
- 3.3 Ensure that appropriate stormwater vegetation included in the "proposed plant species list", for the channel section is approved and listed within the City's "SUSTAINABLE URBAN DRAINAGE SYSTEMS: Landscape and Indigenous Plant Species Guideline, dated 28 February 2011" (Obtainable from this Office), to facilitate implementation of Sustainable Urban Drainage Systems (SUDS).

4. Environmental Health – Jackie Hintenaus

- 4.1 The pesticide and herbicide storage is to comply with the Environmental Health legislation under the City of Cape Town Environmental Health By-law P.N 200 of 2013 and Department of Agriculture's National Health Act (61/2003).

5. Development Management Department

- 5.1 The property is zoned Agricultural Zone. As such, a bona fide farm store/shed is permitted as a primary right within the zoning, provided that it complies with the relevant development parameters.
- 5.2 The site plan indicates that the structure is set back at least 30m from the site boundaries. On this basis, it complies with the relevant building lines.
- 5.3 The ridge height of the building is not indicated on the plans. However, from the indicated wall plate height, it appears that the structure does not exceed 11m in height, and therefore complies with the maximum height requirement.
- 5.4 The applicant is to confirm whether the structure is used as a farm shed/store and/or other activities.
- 5.5 The structure requires building plan approval. It is not clear from this Department's records whether building plan approval has been sought and/or obtained – it is advised that confirmation be obtained with the Building Development Management Department.

Yours faithfully



PAT TITMUSS

**Regional Manager: Environmental & Heritage Management Branch – Northern Region
Environmental Management Department**



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

WESTERN CAPE PROVINCE

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Tel # : (021) 941 6311
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Reference : 16/27/G200/A

Attention: Mr M Geldenhuys

Doug Jeffery Environmental Consultants (DJEC)
P O Box 44
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7625

Dear Sir

SECTION 24 G RECTIFICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107, 1998): RECTIFICATION OF THE UNLAWFULL CONSTRUCTION ACTIVITIES ON PORTION 1 OF FARM 1471, BLOEMENDAL WINE ESTATE, DURBANVILLE

The above mentioned report dated 28 February 2018 with DJEC reference number: 2017/42 refers.

The Department has perused the submitted report and has the following comments:

According to the report the construction of a barn lead to the infilling of a tributary of the Elsiekraal River and resulted in the channel being redirected. Please note that any development within the 1:100 year flood line or 100m from the riparian habitat whichever is the greatest or within a 500m boundary of a wetland or water resource triggers water uses in terms of sections 21 (c) "impeding or diverting the flow of water in a watercourse" and (i) "altering the bed, banks, course or characteristics of a watercourse" of the National Water Act, 1998 (Act no. 36 of 1998).

Please note that your water use activity should have been authorised before commencement and that using water without an authorisation constitutes an offence in terms of section 151 of the National Water Act, 1998 (Act 36 of 1998). Your application will therefore be referred to the Compliance and Enforcement Sub- Directorate in the Department for further investigation.

Please do not hesitate to contact the above official if there are any queries.

Yours faithfully

M. Lintnaar - Strauss

PROVINCIAL HEAD: WESTERN CAPE
Signed by: Melissa Lintnaar- Strauss
Designation: Control Environmental Officer
Date: 28 March 2018



NATIONAL DEVELOPMENT PLAN
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