



agriculture, forestry & fisheries

Department:
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

Directorate: Forestry Management (Other Regions)
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ATTENTION: Mr. Clinton Geyser (Clinton@enviroafrica.co.za)
cc (admin@enviroafrica.co.za)

RE: COMMENTS ON DRAFT BASIC ASSESSMENT REPORT FOR PROPOSED HOUSING
DEVELOPMENT ON ERF 745, OLYVENHOUTSDRIFT, UPINGTON (DENC REF: NOT SUPPLIED)

1. DEPARTMENTAL MANDATE

The Directorate: Forestry Management (Other Regions) in the Department of Agriculture, Forestry and Fisheries (DAFF) is responsible for implementation of the **National Forests Act, Act 84 of 1998 (NFA)** and the **National Veld and Forest Fires Act, Act 101 of 1998** as amended. The developer must take note of the following sections of the NFA:

1.1 Section 12(1): "The Minister may declare-

- (a) a particular tree,
- (b) a particular group of trees,
- (c) a particular woodland; or
- (d) trees belonging to a particular species, to be a protected tree, group of trees, woodland or species.

1.2 Section 15(1): "No person may-

- (a) Cut, disturb, damage or destroy any protected tree; or
- (b) Possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree, or any forest product derived from a protected tree, except-
 - (i) under a license granted by the Minister; or
 - (ii) in terms of an exemption from the provision of this subsection published by the Minister in the Gazette on the advice of the Council."

- 1.3 "Any person who contravenes the prohibition on-
- (i) The cutting, disturbance, damage or destruction of temporarily protected trees or groups of trees referred to in section 14(2) or protected trees referred to in section 15(1)(a); or
 - (ii) The possession, collection, removal, transport, export, purchase or sale of temporarily protected trees or groups of trees referred to in section 14(2) or protected trees referred to in section 15(1)(b), or any forest product derived from a temporarily protected tree, group of trees or protected tree, is guilty of a first category offence.
- 1.4 Section 58 (1): "Any person who is guilty of a first category offence referred to in sections 62 and 63 may be sentenced to a fine or imprisonment for a period of up to three years, or to both a fine and such imprisonment."
- 1.5 The list of protected tree species under section 12(1) (d) of the National Forests Act, 1998 (Act No. 84 of 1998) was published in GN1161 of 20 November 2015.

2. COMMENTS ON DRAFT BASIC ASSESSMENT REPORT

- 2.1 The development of 32 residential units over an area of 1.92 ha refers. The report stated that the area is mostly disturbed with lots of alien vegetation. It does not say whether any protected trees are present on site. If so, the developer will have to apply for and obtain a valid Forest Act License prior to disturbance of any protected tree species.
- 2.2 In developments of this nature, it is recommended that vegetation clearance be restricted to the roads and for installation of services (i.e. electricity, sewerage, water pipelines, etc.) and that every individual homeowner applies for a license (if protected trees must be removed) to facilitate construction of houses. Houses should be placed to avoid protected trees. If trees cannot be avoided, such owner may apply for license but will have to supply a copy of the approved building plan showing the location of protected trees on site. It must be noted that sometimes owners are requested to re-design houses and alter their building plan to accommodate slow growing protected trees. Therefore, all possible efforts should be made to minimize impacts on protected trees.

The Department of Agriculture, Forestry and Fisheries has no objection against the proposed development, as long as the necessary permits and licenses are obtained (if needed) for removal of protected trees and plants prior to disturbance of such species.

Thank you very much for notifying the Department of the proposed project.

Kind Regards,

J. Mans

Jacoline Mans (Chief Forester: NFA Regulation)