



agriculture, forestry & fisheries

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Agriculture, Forestry and Fisheries
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WCD 0134/02/18-19
FORESTRY WESTERN CAPE
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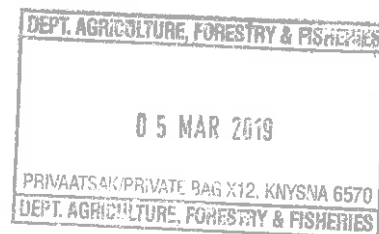
Enquiries: J. Sass

Ref: F13/11/2

Date: 05 March 2019

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Dear Sir

PROPOSED NEW HOUSE AND FLAT ON ERF 783 MOSSEL STREET FRAUITSIG, LITTLE BRAK RIVER

The Department of Agriculture, Forestry and Fisheries (DAFF) would like to thank you for the opportunity to comment on the proposal.

- 1) The Department of Agriculture, Forestry and Fisheries (DAFF) sector Forestry is responsible for the implementation and the enforcement of the National Forest Act, 84 of 1998 as amended (NFA) and the National Veld and Forest Fire Act, 101 of 1998 as amended (NVFFA).
- 2) Section 7 of the National Forest Act (NFA), act no 84 of 1998 as amended provides for the prohibition of the destruction of indigenous trees in any natural forest without a license. A number of 26 National Forest Types have been declared as natural forest in terms of Section 7(3) (a) of the NFA, Government Notice No. 762, 18 July 2008. "Forest" is defined in the NFA to include i.e. "a natural forest... and the ecosystems which it makes up", thereby including all components of the forest, not only the trees. According to Principle 3.3 (a) of the NFA, "natural forests may not be destroyed save in exceptional circumstances where, in the opinion of the Minister, a proposed new land use is preferable in terms of its economics; social or environmental benefits"

- 3) Section 15 of the National Forest Act, 84 of 1998 as amended (NFA) prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence.

The vegetation on the erf consist of several single standing Milkwood trees and others forming clusters with other Milkwoods and trees. According to the information provided and the site inspection of 27 February 2019, eight of these Milkwood trees, one Cheesewood and one Outeniqua Yellowwood will have to be removed in order to build the proposed structures. The trees will either be within the foundations of the structures or in the access to the garage. The two larger Milkwood trees on the north-eastern side and the cluster on the south-south-western side of the erf do not interfere with the buildings and must stay intact.

However, the DAFF, Directorate Forestry respect the owner's right to build dwellings of his choice within the restrictions as set by the local authority i.e. zoning, building lines, height etc.

The DAFF has no objection to the construction of the proposal and will issue a licence for the removal of the tree in question on the following conditions:

- The owner will have to apply for a licence , as required by the National Forest Act, 84 of 1998 as amended, to cut/destroy, remove, disturb... the Milkwood tree.
- **The applications to remove the tree can only be made** once the building plans for the proposed structures are approved by Mossel Bay municipality and proof of approval must accompany the application for a licence.
- **Removal of the trees prior to the licence being issued is an offence under the provisions of the NFA and can lead to prosecution.**

NB: The owner/representative must be careful not to intrude onto the adjacent property on the western side of this erf.

Please feel free to contact me if you need more information in this regard.

Yours faithfully: Jeffrey Sass



pp AREA MANAGER FORESTRY WESTERN CAPE: KNYSNA