



MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

Association incorporated under section 21 of the Companies Act 1973 (as amended)

P.O. Box 567

MOSSEL BAY 6500

South Africa

Tel. 044-691 3054

status2@status-mark.co.za Fax 044-691 1520

19 JUNE 2018

NEWSFLASH

Beste Eienaar

Dit kom alhoemeeer voor dat melkhoutbome se toppe en veral die wat tussen huise en die gholfbaan groei, plat gesny word vir beter uitsig.

Aangeheg is 'n dokument wat deur die Departement Landbou, Bosbou en Visserye versprei is ten opsigte van beskermende bome.

Indien daar onsekerheid bestaan of 'n boom wat eienaars wil sny, 'n beskermende boom is, kan hulle met die Landgoedbestuurder kontak vir raadgewing.

Dear Owner

It has become more prevalent that the tops of Milkwood trees are being cut off to enable a better view, especially in between houses and the Golf Course

Attached is a document distributed by the Department of Agriculture, Forestry and Fisheries with regards to protected trees.

If there is any doubt whether a tree an owner wants to cut, is a protected species or not; please contact the Estate Manager for advice.

Cleon Steyl
Status Mark
On behalf of:
Environmental Sub Committee
Mosse Bay Golf Estate HOA
Copies to: Estate Manager



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agriculture,
forestry & fisheries

Department
Agriculture, Forestry and Fisheries
REPUBLIC OF SOUTH AFRICA

THE NATIONAL FOREST ACT (NFA) (ACT NO. 84 OF 1998) as amended : FORESTS/ PROTECTED TREES

Everyone has the constitutional right to have the environment protected for the benefit of present and future generations. Natural forests form an important part of the environment and need to be conserved and developed according to the principles of sustainable management.

The Department of Agriculture, Forestry and Fisheries (DAFF) is responsible for all regulatory functions according to the NFA on State Land as well as Non State Land. The NFA provides the strongest and most comprehensive legislation and mandate for the protection of all natural forests in South Africa. It is a criminal offence for anyone to cut, disturb, damage or destroy a protected tree or any indigenous, tree in a natural forest, or to remove or receive any such tree, except in terms of a license, which may be issued by DAFF under certain conditions.

In September 2007, a Policy Guideline - : "*Policy principles and guidelines for control of development affecting natural forests*", was finalised and approved by DAFF to 1) ensure the effective protection and sustainability of natural forests through proper control over development and land use change affecting forests in a co-operative manner, by public agencies at all levels of government mandated to exercise such control; 2) the effective implementation of current environmental legislation pertaining to development affecting natural forests and associated ecosystems and 3) to serve as the basis for co-operative decision-making and ensure a uniform approach by decision-makers to the control of development affecting forests. The principles and guidelines apply equally to all decision-makers and all proponents of land use change or development, and to all circumstances where development affects natural forests. Decisions on the control of any development affecting forests are taken in a co-operative manner, through proper consultation with the relevant authorities at all levels of government with the mandate or jurisdiction relating to that particular development or forest. This document's prescriptions are now meticulously implemented and enforce by DAFF.

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". This prescribes that no development affecting forests may be allowed unless "exceptional circumstances" can be proven. The term "exceptional circumstance" indicates situations that are unusual or rare. It refers to capital projects of national and provincial strategic importance. Where forests are affected by such projects, it must first be proven beyond doubt that these are in the strategic national or provincial interest, and secondly that no feasible alternative is available (such as an alternative site or route). If unavoidable, an off-set agreement must be reached to compensate for the loss, and all feasible mitigation measures must be taken to minimise the impact. Urban development does not constitute exceptional circumstances. The Act also states that forests must be managed so as to conserve biological diversity, ecosystems and habitats.

Section 7 of the NFA provides for the prohibition of the destruction of indigenous trees in any natural forest without a license. Anyone contravening this prohibition, is guilty of a second category offence, and can be sentenced to up to 2 years imprisonment, a fine, or both. "Natural forest" ----- means a group of indigenous trees whose crowns are largely contiguous or which have been declared by the Minister to be a natural forest under section 7(2)

All types of indigenous forests such as Afromontane, mangrove, swamp and riverine forests are included. Western Cape Milkwood Forest ("coastal scrub forests") occurs all along the coastal areas of the Southern Cape and are characterised by dense tangles of small trees, shrubs and undergrowth. Mountain forest species such as candlewood and saffron occurs in a stunted form. These forests were declared in the list of National Forest Types as Natural Forests in terms of Section 7(3)(a) of the NFA, Government Notice No. 762, 18 July 2008 (National Forest Type VI3). This forest type is not only protected in terms of sections 3 and 7 of the NFA, but has also been identified as an endangered ecosystem under the Biodiversity Act, which places an even greater obligation on DAFF to invoke the forest protection provisions.

Protected trees such as Stinkwood (*Ocotea bullata*), Yellowwood (*Podocarpus falcatus* and *P. latifolius*), Assegai (*Curtisia dentata*), Cheesewood (*Pittosporum viridiflorum*) and Milkwood (*Sideroxylon inerme*), are protected under Section 15 of the NFA, which prohibits the destruction of these trees without a license. "No person may cut, damage, destroy or remove any protected tree; or collect, remove, transport, export, purchase, sell donate or in any other manner acquire or dispose of any protected tree....." Anyone contravening this prohibition, is guilty of a first category offence, and can be sentenced to up to 3 years imprisonment, or a fine, or both.

Keeping the above in mind, means that nobody is allowed to:

- 1) prune more than 25% of a tree or remove/destroy a protected tree in their gardens without a license issued by DAFF (pruning up to a maximum of 25% of the crown, without mutilating the tree is exempted from a license - topping of tree crowns i.e. of trees obstructing views or "table topping" of a tree is excluded from the exemption)
- 2) destroy a protected tree or indigenous forest to build a house or for any other kind of development or
- 3) change land use if protected trees or indigenous forest is going to be destroyed etc. - without a license issued by DAFF.

Applications for a licence can be made to the DAFF Office in Knysna. A field inspection will be done by Forest Officers, after which a license may be issued with specific conditions, complying with all DAFF's Policy Principles and Guidelines for the pruning/cutting of protected trees and forests. Licenses are free of charge. Contraventions can also be reported to this office.

For more information, assistance or if there is any doubt that the vegetation in question is protected, please feel free to contact the DAFF Office in Knysna.

DAFF OFFICE KNYSNA: TEL 044-3026900 FAX 044-3825461

Contact details of Forest officers are as follows:

Jeffrey Sass	0828865402	sassj@dwaf.gov.za
Melanie Koen	0828032361	koenm@dwaf.gov.za