



MOSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

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

P.O. Box 567
Tel. 044-691 3054

MOSEL BAY 6500 South Africa
status2@status-mark.co.za Fax 044-691 1520

13 MEI 2023

NUUSFLITS

Beste Eienaar

Na nog 'n onlangse geval waar beskermde bome onwettig gesny en verwyder is, word u weer aan die volgende herinner:

1. Daar is bome en plante op ons landgoed en in eienaars se tuine wat deur Nasionale wetgewing beskerm word en waaroor die Departement Bosbou seggenskap het. Veral twee bome, die Melkhout- en Kasuurbome, (Cheesewood) is beskermde bome. Hierdie bome, nie eers waar dit in 'n privaat tuin voorkom nie, mag gesny, gesnoei of verwyder word sonder skriftelike toestemming van die Departement Bosbou nie. Enige oortreding hiervan in die landgoed sal onmiddellik aan die Departement Bosbou gerapporteer word en u sal ook beboet word volgens die reëls van die landgoed.
2. Geen plante, bome of stuike mag versteur, gesny, gesnoei of verwyder word wat nie binne privaat erwe is nie. Daar is areas wat aan die HEV behoort, areas wat aan die Munisipaliteit behoort en gebruik word as die Gholfbaan, en areas wat aan die Munisipaliteit behoort en as natuureservaat gebruik word. Geen eienaar het die reg om enige plante in hierdie gebiede te versteur, sonder die nodige skriftelike toestemming nie.
3. Hierdie reëls is verskeie kere in die verlede aan eienaars gekommunikeer en die doel van hierdie nuusflits is om bogenoemde weer onder u aandag te bring. As u nie seker is tot waar u erfrens strek nie, kan u die inligting op die Munisipaliteit se GIS stelsel bekom.

<https://mbm-gis.maps.arcgis.com/apps/webappviewer/index.html?id=a9985be1bc6741609b515ca899e155ca>

HEV RAAD
Mosselbaai Gholflandgoed HEV

*Copies to: Estate Manager
Site Office: S Koen*



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13 MAY 2023

NEWSFLASH

Dear Owner

After a recent incident where protected trees were illegally cut and removed, you are once again reminded of the following:

1. There are trees and plants on our estate and in owners' gardens that are protected by national legislation under the jurisdiction of the Department of Forestry. In particular, two trees, the Milkwood and the Cheesewood trees, are protected trees. These trees, not even in a private garden, may be cut, pruned, or removed without written permission from the Department of Forestry. Any violation of this rule on the estate will be immediately reported to the Department of Forestry, and you will also be fined according to the rules of the estate.
2. No plants, trees, or bushes may be disturbed, cut, pruned, or removed that are not within private property boundaries. There are areas belonging to the Homeowners' Association, areas belonging to the Municipality and used as the golf course, and areas belonging to the Municipality and used as a nature reserve. No owner has any right to disturb any plants in these areas without the necessary written permission.
3. These rules have been communicated to owners several times in the past, and this newsletter merely serves to bring the above to your attention again. If you are unsure about your property boundaries, you can obtain the information on the Municipality's GIS Viewer system.

<https://mbm-gis.maps.arcgis.com/apps/webappviewer/index.html?id=a9985be1bc6741609b515ca899e155ca>

HOA Board
Mossel Bay Golf Estate HOA
*Copies to: Estate Manager
Site Office: S Koen*



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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