



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

Demar Centre, Main Road, Knysna, WC, Contact Number: 066 374 7795  
Enquiries: TF Gwala, E-mail: TGwala@dfpe.gov.za

### EIA-WC-GR-0018-2025-26

#### RE: COMMENT ON PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT (BAR) FOR A PORTION OF PORTION 257 OF FARM MELKHOUTE FONTEIN NO. 480, STILL BAY

DATE: 9 September 2025

Cape-Eaprac  
Attention: Mrs. Mariska Byleveld  
Email: mariska@cape-eaprac.co.za  
Cell/ Tel: 044- 874 0365

Dear Sir/ Madam

I refer to your e-mail notification of 2 September 2025.

Please receive comments from the Branch: Forestry Management, Directorate: Forest Resource Protection in the Department of Forestry, Fisheries and the Environment (DFPE) on the above-mentioned proposed Draft BAR. Site inspection was conducted 4 September 2025.

**The mandate of the Forestry Branch in the Department of Forestry, Fisheries and the Environment (DFPE), as a commenting authority, is to ensure control over developments that affect State forests, natural forests, forest nature reserves and protected trees.**

1. The applicant must assess and quantify the anticipated impacts on the indigenous forests. The National Forests Act of 1998 (as amended) provides the strongest and most comprehensive legislation and mandate for the protection of all natural forests in South Africa. The principles of the Act in Section 3 state clearly that "...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 economic, social or environmental benefits".

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. Under section 62 (1) of the NFA any person who contravenes the prohibition of certain acts in relation to trees in natural forests referred to in Section 7 (1) is guilty of a second category offence. A person who is guilty of a second category offence may be sentenced on a first conviction for that offence to a fine or imprisonment for a period of up to two years, or to both a fine and such imprisonment. Section 15 of the NFA, prohibits the destruction of protected 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.



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3. Section 7 of the Act prohibits the cutting, disturbance, destruction or removal of any indigenous living or dead tree in a forest without a licence, while Section 15 places a similar prohibition on protected tree species listed under the Act, some of which are also forest species.

4. Cutting or disturbing an indigenous tree in a natural forest without a valid Forest Act Licence is a criminal offence and a transgression of the National Forests Act, 1998 (Act No. 84 of 1998) and carries a fine or imprisonment or both.

5. Indigenous trees with active bird nests or other significant biodiversity features may not be destroyed without a valid Fauna Permit from the provincial conservation authority, the Western Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform (“DAERL”), if these would be affected.

**DDFE studied the supporting documents for the above-mentioned Draft BAR and the following points related to Forestry’s mandate i.e. the implementation of the NFA are applicable**

6. According to the information provided the properties are: “Access to the farm property is via an unnamed gravel road that connects directly to the R305- This gravel road continues south in the general direction of the Goukou River, where it traverses the neighbouring Portion 132/480 to provide access to the preferred site location for the dwelling- The existing access (across 132/480) has been registered as a formal servitude access with consent from the property owner of Prt 132/480; this is commenting phase is running alongside the planning application for deviation/relaxation of the 30m building line (the application is for the western boundary line from 30m to 1m, to allow for the construction of the new primary dwelling); the property is 50.15ha in extent; two properties were consolidated- but area in yellow had already the primary right for single residential dwelling when purchased; the property consists of very steep slopes at the back that consists of protected Milkwood Forest; the dwelling is proposed on the open grassy area next to the river- dwelling will be built on piled supports (pillars); Considering that this dwelling will not be constructed at ground level (rather it will be elevated and on pillars), the structure will only have a shadow footprint of  $\pm 158\text{m}^2$  although the physical footprint accounts for the supporting pillars/stilts only ( $\pm 30$  pillars,  $\pm 0.07\text{m}^2$  each, totalling to  $\pm 3\text{m}^2$  with additional for the conservancy tank and rain water tank platform)- Apart from the support pillars ( $\pm 3\text{m}^2$ ), the only other excavations will be for the  $\pm 6\text{m}^2$  conservancy tank and a  $\pm 4\text{m}^2$  concrete slab to create a level area for the rainwater tank- The  $\pm 36\text{m}^2$  parking area remains undisturbed (vehicles will park on the already grassed area behind the house)- The total physical development footprint amounts to  $\pm 13\text{m}^2$  ( $\pm 3\text{m}^2$  stilts / pillars,  $\pm 6\text{m}^2$  conservancy tank &  $\pm 4\text{m}^2$  concrete slab)- The ‘shadow footprint’ amounts to  $\pm 204\text{m}^2$  all inclusive (primary dwelling, conservancy tank, rainwater tank & grassed parking)”; only two protected Milkwood trees will require pruning as the branches will encroach within the footprint of the proposed dwelling



2. The remaining protected Milkwood Forest on the steep slopes- at the back of the grassy area of the property- to remain intact and should be indicated as a no-go area
- iii. Kindly note that this letter is not a NFA licence
- iv. Section 15 of the National Forest Act (NFA) (Act No. 84 of 1998) as amended prohibits the cutting, disturbing, damaging or destroying of protected tree species without a licence. 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.

**Note:** The Department reserves the right to revise the initial comment based on any additional information that may be received

Should you wish to correspond further on this matter, quote Reference EIA-WC-GR-0018-2025-26. Enquiries may be directed to Ms. TF Gwala at TGwala@dffe.gov.za, Cell 066 374 7795.

Yours Faithfully,



**SIGNATURE OF DELEGATED AUTHORITY**  
**Department of Forestry, Fisheries and the Environment**  
**Letter signed by: Ms. TF Gwala**  
**Designation: Deputy Director Forest Resource Protection**  
**Branch: Forestry Management**

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