



Cape Eaprac

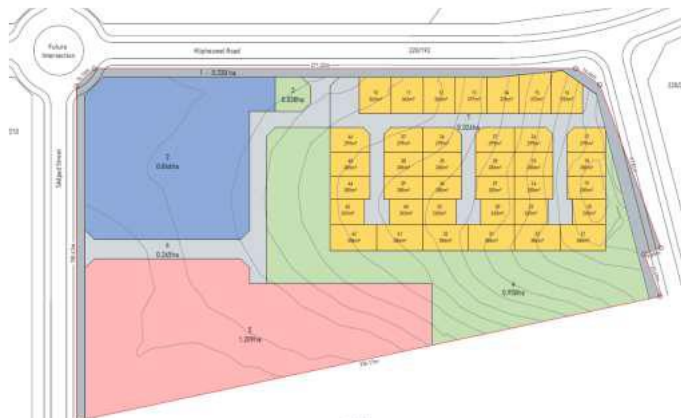
Attention: Mariska Nicholson

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COMMENTS ON THE PRE-APPLICATION DRAFT BASIC ASSESSMENT REPORT (BAR) FOR OUTENIQUASIG ESTATE ON PORTION 209 OF FARM VYF-BRAKKE-FONTEIN NO. 220, AALWYNDAL, MOSSEL BAY:

- 1 Forestry is responsible for the implementation and the enforcement of the National Forest Act (NFA), Act 84 of 1998 as amended and the National Veld and Forest Fire Act, Act 101 of 1998 as amended (NVFFA).
- 2 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. Under Section 7 of the NFA the whole forest ecosystem is protected and not just the indigenous/ protected trees within the forest. "Forest" is defined in the NFA to include i.a. "a natural forest... and the ecosystems which it makes up", thereby including all components of the forest, not only the trees." 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.
- 3 According to the report: the property consists mainly of Fynbos species, disturbed areas as well as woody species (which forms coastal forest); certain portions of the property will remain intact as open space and no-go areas- Forestry request that the Coastal Forest patches mentioned (containing protected Milkwood as well as Cheesewood trees) will remain undisturbed/ intact and should be indicated as a no-go area
- 4 According to the report: "It is the intention of the Applicant to subdivide and rezone the property from Single Residential Zone I to Subdivisional Area to accommodate for the following development components: Business Zone I (business premises) on ± 0.87 ha; Commercial/retail area (ground floor); ± 65 x Apartments (ground, first and second floor); ± 113 x Parking Bays; General Residential Zone I (group housing) on ± 1.18 h; ± 37 x Erven ranging between 265 – 383m² in size; General Residential Zone II (town housing) on ± 1.209 ha; ± 9 x Double storey row houses; Each house is ± 390 m² in size and contains 4 units (total: 36 units); Open Space Zone II (private open space); Approximately 1ha of natural vegetation will be retained; Transport Zone II (public street) on ± 0.330 ha; Transport Zone III (private road) on ± 0.589 ha



- 5 Forestry conclude/ request the following:
 - a. Forestry request that should Coastal Forest, protected Milkwood trees, as well as Protected Cheesewood trees occur on the developmental portion of property it should be GPS'd and incorporated within the proposed development design as no-go areas
 - b. Forestry support the open space area to be conserved (remain undisturbed) and request: 1) that this portion be indicated as a green belt and a no-go area for all future development proposals; and 2) that the open space area extends within the coastal forest patches- as well as protected Milkwood and Cheesewood trees indicated as no-go areas (green belt open space)
 - c. Forestry request that individual units be forwarded to the Department for further comment in order to ensure the protection of protected trees as well as indigenous forest- should Forestry's mandate under the NFA be affected
 - d. Kindly note that this letter is not a NFA licence. Continuing above activity without a valid NFA licence is illegal and a criminal offence under the NFA.
- 6 Forestry reserves the right to revise initial comment based on any additional information that may be received.

Yours Faithfully