

postal Private Bag X5014 Stellenbosch 7599
physical Assegaaibosch Nature Reserve Jonkershoek
website www.capenature.co.za
enquiries Chanel Rampartab
telephone +27 21 866 8017 **fax** +27 21 866 1523
email crampartab@capenature.co.za
reference SSD14/2/5/1/7/Overstrand_Policy_Plot_Clearing
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Department of Environmental Affairs and Development Planning
 Western Cape Government
 Private Bag X9086
 Cape Town
 8000

Attention: Bernard Niemand

Dear Mr Niemand

Comments on Policy for the Overstrand Municipality: Clearance and Maintenance of Vegetation on Open Land

CapeNature would like to thank you for the opportunity to comment on the policy for the clearance and maintenance of vegetation on open land in the Overstrand Municipality. Please note that our comments only pertain to biodiversity-related impacts.

CapeNature recommends that the following terms be added to the list of definitions:

- National Environmental Management Act (NEMA) 1998 (Act 107 of 1998)
- National Forests Act (NFA) 1998 (Act No. 84 of 1998) Protected Tree Regulations
- Nature Conservation Ordinance No. 19 of 1974
- National Environmental Management: Biodiversity Act (NEM:BA) 2004 (Act No. 10 of 2004) Threatened or Protected Species (TOPS) Regulations
- National Environmental Management: Biodiversity Act (NEM:BA) 2004 (Act No. 10 of 2004) Alien and Invasive Species (AIS) Regulations

Vegetation clearing in line with the current policy may trigger NEMA listed activities if the vegetation is eliminated, removed or eradicated, or if the topsoil is disturbed after a ten-year period – see table below:

NEMA Listed Activity	Explanation
Activity 27 of Listing Notice 1	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.
Activity 15 of Listing Notice 2	The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

Activity 12 of Listing Notice 3	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.
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The Overstrand region provides habitat for many species of conservation concern and protected species. In terms of NEM:BA, both the TOPS and the AIS Regulations would be relevant to vegetation clearing on properties. Further, although brush-cutting of firebreaks does not trigger NEMA, it does have a negative impact on biodiversity, particular when an entire property is brush-cut on an annual basis. Therefore, apart from firebreaks, landowners should not be obligated to clear indigenous vegetation.

The Overstrand is characterised by fire-driven fynbos and renosterveld ecosystems; the fuel load and fire risk of which are exacerbated by AIS. In terms of the Conservation of Agricultural Resources Act (CARA 1983) and NEM:BA AIS Regulations (2014), all landowners are required to implement an alien invasive management plan. Therefore, as outlined in the policy, CapeNature is in support of the clearing of AIS.

Chapter 4 of the policy states that plots are authorised for clearance by an official with delegated authority. The official tasked with determining fire risks on site may not be able to determine if any NEMA listed activities would be triggered, or if any protected species are present.

Chapter 8 of the policy states that permits must be obtained for the destruction of protected species, however only Milkwoods are referred to in the text. CapeNature recommends that the policy refers to all the protected species in terms of the Nature Conservation Ordinance, NEM:BA TOPS and NFA Protected Trees Regulations.

As it stands, CapeNature objects to the policy, and would like to make the following recommendations to the schedule of categories as listed in Chapter 10 of the policy:

1. A2: CapeNature objects to the requirements for properties under one hectare, which obligates landowners to clear at least 50 % of the fynbos on their properties.
2. B1, B2 and B4: CapeNature recommends that naturally occurring locally indigenous species may not be cleared or trimmed.
3. All categories: CapeNature recommends that there must be a requirement to clear all listed AIS in terms of CARA and NEM:BA. Landowners may also clear other non-listed alien vegetation.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely



Chanel Rampartab
For: Manager (Scientific Services)

- cc. Andrew Turner, CapeNature
Rhett Smart, CapeNature
Steve Gildenhuis, CapeNature
Corlie Hugo, CapeNature
Rupert Koopman, CapeNature
Peter Viljoen, CapeNature