



# agriculture, forestry & fisheries

Department:  
Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

Directorate: Forestry Management (Other Regions)  
P.O. Box 2782, Upington, 8800, Tel 054 338 5909, Fax 054 334 0030

Enquiries: J Mans  
E-mail: [JacolineMa@daff.gov.za](mailto:JacolineMa@daff.gov.za)  
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Department of Environment and Conservation  
P.O. Box 2249  
KURUMAN  
8460

ATTENTION: Mr. Moses Ramakulukusha ([mramakulukusha@yahoo.com](mailto:mramakulukusha@yahoo.com))  
cc Mr. Clinton Geyser ([Clinton@enviroafrica.co.za](mailto:Clinton@enviroafrica.co.za))

RE: COMMENTS ON DRAFT SCOPING REPORT FOR THE PROPOSED HOUSING DEVELOPMENT ON PORTION 1 AND THE REMAINDER OF FARM SIMS 462, KATHU (DENC REF: NC/EIA/10/JTG/GAM/KAT2/2014)

## 1. DEPARTMENTAL MANDATE

1.1 The Branch: Forestry and Natural Resource Management in the **Department of Agriculture, Forestry and Fisheries (DAFF)** is responsible for implementation of the **National Forests Act, Act 84 of 1998 (NFA)** and the **National Veld and Forest Fires Act, Act 101 of 1998** as amended. With the development of the activity, the developer must comply with the **NFA and NVFFA** as amended and take note of the following:

- 1.1.1 Section 12(1)(d): "The Minister may declare-
- A particular tree,
  - A particular group of trees,
  - A particular woodland; or
  - Trees belonging to a particular species, to be a protected tree, group of trees, woodland or species."
- 1.1.2 Section 15(1): "No person may-
- Cut, disturb, damage or destroy any protected tree; or
  - Possess, collect, remove, transport, export, purchase, sell, donate or in any other manner acquire or dispose of any protected tree, or any forest product derived from a protected tree, except-
    - under a license granted by the Minister; or
    - in terms of an exemption from the provision of this subsection published by the Minister in the Gazette on the advice of the Council."

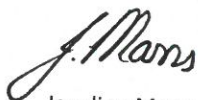
- 1.1.3 Section 62(2)(c): "Any person who contravenes the prohibition on-
- (i) The cutting, disturbance, damage or destruction of temporarily protected trees or groups of trees referred to in section 14(2) or protected trees referred to in section 15(1)(a); or
  - (ii) The possession, collection, removal, transport, export, purchase or sale of temporarily protected trees or groups of trees referred to in section 14(2) or protected trees referred to in section 15(1)(b), or any forest product derived from a temporarily protected tree, group of trees or protected tree, is guilty of a first category offence.
- 1.1.4 Section 58 (1): "Any person who is guilty of a first category offence referred to in sections 62 and 63 may be sentenced to a fine or imprisonment for a period of up to three years, or to both a fine and such imprisonment."

## 2. COMMENTS ON DRAFT SCOPING REPORT

- 2.1 The Draft Scoping Report (DSR), page 7 stated that "consideration is been given to the rezoning and subdivision of Portion 1 and the Remainder of the Farm Sims, No. 462, from Agricultural Zone I for the development of a mixed use residential development. Page 18 refers to the no-go alternative and stated that "currently no Agricultural activities are taking place on this site although it is zoned as Agricultural Zone 1." Kindly note that re-zoning of agricultural land is subjected to the Sub-division of Agricultural Land Act 70 of 1970 and agricultural land cannot be changed to another land use without the supported recommendation under the Act. **A local authority cannot change the zoning of demarcated agricultural land to any other zoning without a letter from the Registrar of this Act. The DAFF is responsible for the Sub-division of Agricultural Land Act 70 of 1970.**
- 2.2 **Kindly note that a portion of the farm Sims 462 forms part of the demarcated Kathu Forest area. The DAFF may not support re-zoning in any part of the Kathu Forest, but we do not object to re-zoning in areas outside of the Kathu Forest.** Please ensure that the area of the farm *Sims* containing a portion of the Kathu Forest is excluded from the application for re-zoning.
- 2.3 Page 26 indicated that "mammal and bird species was not regarded as the proposed activity is not expected to have any significant, permanent impact on these species." Page 22 mentioned that a small seasonal pan is located in the northern corer of the study site. Therefore, it might be necessary to assess the potential impact on avifauna.

Thank you very much for allowing this Department to comment and for the additional time to do so.

Kind Regards,



Jacoline Mans  
Chief Forester: NFA Regulation

