



# agriculture, forestry & fisheries

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Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

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20 November 2018

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Attention: Ms. Ashleigh Mckenzie

**RE: COMMENTS FOR BASIC ASSESSMENT FOR THE PROPOSED CAPACITY IMPROVEMENTS TO NATIONAL ROUTE 3 (N3), KWAZULU-NATAL: CAPACITY UPGRADES TO THE N3 FROM LYNNFIELD PARK (KM 30.6) TO MURRAY ROAD (KM 6.1)**

The Department of Agriculture, Forestry and Fisheries appreciates the opportunity given to review and comment on the Draft Basic Assessment Report (DBAR) for the above mentioned project. 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* <sup>1</sup> may not be destroyed save in exceptional circumstances where, in

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<sup>1</sup> "Natural forest" means a group of indigenous trees-

- (a) whose crowns are largely contiguous; or
- (b) which have been declared by the Minister to be a natural forest under section 7(2); (xxviii)

*the opinion of the Minister, a proposed new land use is preferable in terms of its economic, social or environmental benefits*” This prescribes that no development affecting forests may be allowed unless “exceptional circumstances” can be proven. 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.

Based on the information provided in the document that was received on the 26<sup>th</sup> October 2018 and the site inspection conducted on the 01<sup>st</sup> November 2018, DAFF concerns pertain to three areas of conservation importance i.e. the Ashburton Mixed Communitis (site 1) which constitutes of indigenous species such as *Acacia robusta*, *Acacia natalensis* and *Cussonia spicata* species, Mpushini River (Site 2) which consists of riparian thicket and the *Spirostachys* Patch (site 3) (refer to figure 1). The proposed activity will impact on these areas thus the Department requires that the following conditions be strictly adhered to:

- a) A suitable buffer should be maintained between the development site and all patches of sensitive areas of natural vegetation e.g. riparian habitat that have identified within the proposed project footprint and which will not be affected by the proposed activity. Furthermore, any vegetation occurring outside the road reserve which does not form part of the development footprint (green demarcation line on figure 1) and that does not interfere with the normal functioning of the road should not be disturbed.
- b) The temporary access at the Mpushini River should be restricted to a maximum corridor of 4 metres and should be rehabilitated immediately post construction.
- c) As per vegetation specialist report protected tree species i.e. *Sclerocarya birrea subsp.caffra* which is nationally protected under the National Forests Act No.84 of 1998 have been identified within the proposed project footprint. A licence application should be forwarded to DAFF offices in Pietermaritzburg for review prior the disturbance of indigenous trees that constitute a natural forest or protected tree species. It is recommended that protected trees that fall within the project footprint be transplanted, if this option is unviable then only may the trees be cut.
- d) The existing road reserve or open areas should be utilised for stock piling activities.
- e) The Environmental Control Officer (ECO) should monitor activities pertaining to vegetation clearing to ensure that clearance is kept to a minimum.

- f) An effective long-term post-development alien plant control programme will also need to be implemented to preclude the threat of alien invasive plant species into the forest habitats.
- g) Strict measures should be implemented, prohibiting the construction work force from any disturbance to the natural forest prior the construction phase of the development.
- h) Indigenous trees should be planted in the landscaping phase of the development along the N3 route.
- i) A licence application should be forwarded to DAFF offices in Pietermaritzburg for review prior the disturbance of indigenous trees that constitute a natural forest or protected tree species.
- j) Mitigation measures outlined in the report should be strictly enforced by the Environmental Control Officer (ECO) in order to minimise the anticipated negative ecological impacts.
- k) Kindly note, DAFF officials are permitted to monitor the site at any given time.

This letter does not exempt you from considering other environmental legislations. Should any further information be required, please do not hesitate to contact this office.

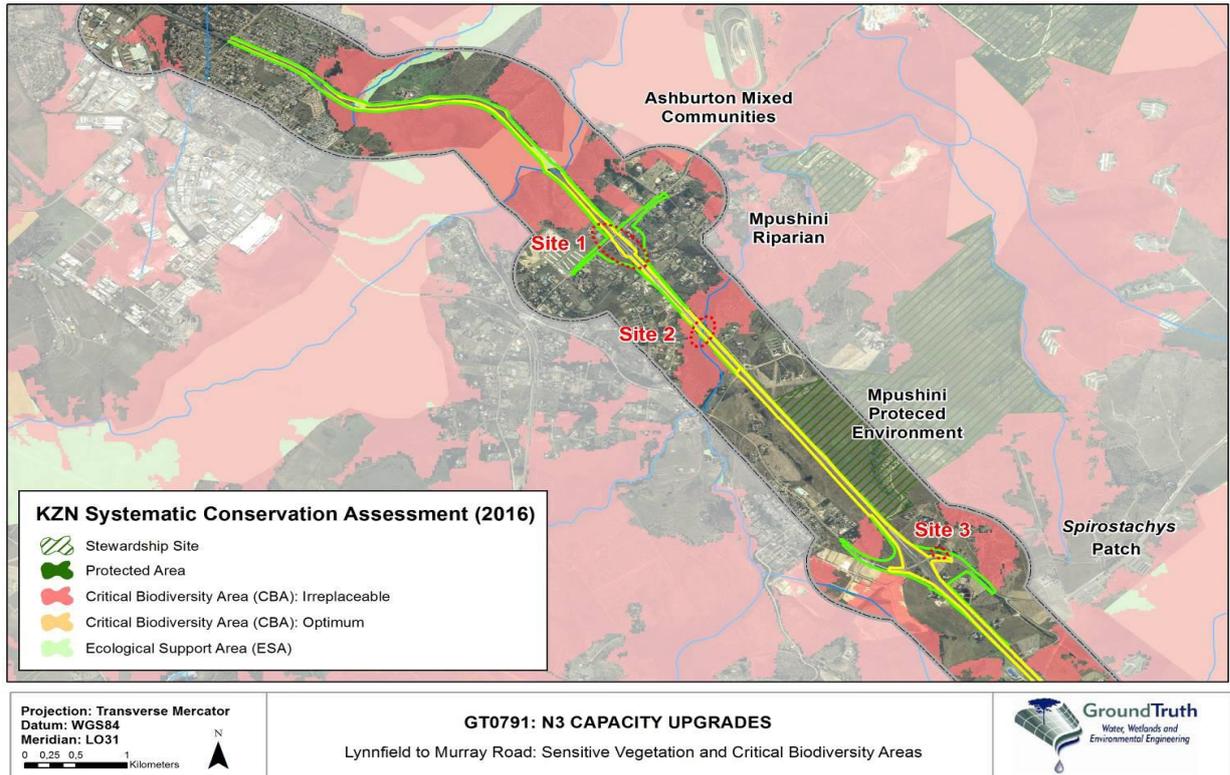
Yours faithfully

Ms. K. Moodley



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**Senior Forester: Forestry Regulations & Support – KwaZulu-Natal Forestry Management**



**Fig 1. Three site of conservation concern that were identified from Lynnfield Park to Murray Road**