



# agriculture, forestry & fisheries

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Agriculture, Forestry and Fisheries  
REPUBLIC OF SOUTH AFRICA

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Forestry Regulations & Support

12 April 2019

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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 CATO RIDGE (KM 19.4) TO LYNNFIELD PARK (KM 30.6): CATO RIDGE TO DARDANELLES AND DARDANELLES TO LYNFIELD PARK.**

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 1 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 11<sup>th</sup> March 2019, vegetation within the study area includes two dominant vegetation types, namely Dry Hinterland Grassland and KwaZulu-Natal Hinterland Thornveld. It is also noted that these vegetation types have been subjected to high levels of transformation due to the surrounding land use activities and pressures. The majority of riparian areas have been variably impacted upon by the road and associated drainage structures, by canalisation and by urban and agricultural development. It is however noted that indigenous trees such as *Cussonia spicata* and *Erythrina lysistemon* do occur within the thicket vegetation along the route. No protected tree species were recorded along the route. Should the proposed project be authorised, the following conditions should be adhered to in order to minimise the impact on the remaining vegetation:

- Where construction occurs close to any sensitive areas of natural vegetation e.g. riparian habitats, these areas must be clearly demarcated and cordoned off by an Environmental Control Officer prior to and during the construction phase.
- The existing road reserve or open areas should be utilised for stock piling activities.
- No vegetation disturbance should occur outside the development footprint.
- The DMOSS area should not be disturbed as there will be no widening of the N3 in that specific area.
- Indigenous trees should be planted and not alien invasive plant species in the landscaping phase of the development along the N3 route.
- A licence application should be forwarded to DAFF offices in Pietermaritzburg for review prior to the disturbance of indigenous trees that constitute a natural forest that have been encountered during the construction phase.
- 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.

- 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. Govender



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