

GN-No	Activity	Description
R. 983	27	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.
R. 984	15	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.
R. 985	12(a)	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. (e) In Western Cape: (i) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; (ii) Within critical biodiversity areas identified in bioregional plans; (iii) Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; or (iv) On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.

LEGISLATION GOVERNING THE CLEARING OF INDIGENOUS VEGETATION

Clearing of indigenous vegetation is regulated by the following legislation:

National Environmental Management Act and associated Environmental Impact Assessment Regulations

The clearance of indigenous vegetation with specified thresholds is listed as part of activities that may not commence without an environmental authorization from the competent authority.

WHAT CAN YOU DO TO HELP PREVENT CLEARING OF INDIGENOUS VEGETATION?

If you detect illegal clearing of indigenous vegetation please report the matter to this numbers:

National 24 hour Toll-free Environmental Crimes and Incidents Hotline 0800 205 005

WESTERN CAPE CENTRAL COMPLAINTS:

Law.Enforcement@westerncape.gov.za

CAPE TOWN OFFICE:

Director: Dr E Palmer

Eshaam.Palmer@westerncape.gov.za

Region Manager, Region 1: Mr. Dale Wakefield

Wakefield.Dale.Wakefield@westerncape.gov.za

Region Manager, Region 2: Mr Nithzaam Albertyn

Nithzaam.Albertyn@westerncape.gov.za

GEORGE OFFICE:

Region Manager, Region 3: Mr Johan Oelofse

Johan.Oelofse@westerncape.gov.za

Understanding the legal requirements for a healthy environment **BETTER TOGETHER.**



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CLEARING OF INDIGENOUS VEGETATION



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WHAT IS INDIGENOUS VEGETATION?

Indigenous vegetation as defined in the National Environmental Management Act (Act No. 107 of 1998) (NEMA) Environmental Impact Assessment Regulations, 2014 refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years.

WHAT IS NATURAL VEGETATION CLEARANCE?

- Ploughing of land, bulldozing of an area, eradication or removal of vegetation cover with chemicals, amongst others, constitutes clearance of vegetation, provided that this will result in the vegetation being eliminated, removed or eradicated.
- Burning of vegetation (e.g. firebreaks), mowing grass or pruning does not constitute vegetation clearance, unless such burning, mowing or pruning would result in the vegetation being permanently eliminated, removed or eradicated i.e. eradication of weeds or plant types not occurring naturally within the specific area by means of selective chemical application would not constitute clearance of indigenous vegetation. The pruning of shrubs under a power line would not constitute clearance, unless the pruning is done in such a way that the shrubs die off as a result of the pruning.
- Vegetation clearing is the removal or destruction of naturally occurring vegetation and forests, primarily due to human activities. There are two main types of clearing; the common land clearing and deforestation. Land clearing is the removal of large areas of low lying vegetation such as grasses and shrubs. Deforestation on the other hand is the main focus of vegetation clearing as forests play a critical role in reducing carbon dioxide in the atmosphere.

THE IMPORTANCE OF VEGETATION IN THE ENVIRONMENT

Vegetation or natural vegetation supports critical functions in the biosphere, at all possible spatial scales.

- Vegetation regulates the flow of numerous biogeochemical cycles, most critically those of water, carbon, and nitrogen
- Vegetation strongly affects soil characteristics, including soil volume, chemistry and texture, which in turn feeds back to affect various vegetation characteristics, including productivity and structure.
- Vegetation serves as wildlife habitat and an energy source for the vast array of animal species on the planet and, ultimately, to those that feed thereon.



- Vegetation is psychologically and physiologically important to humans who evolved in direct contact with, and dependence on vegetation for food, shelter, and medicine.

NEGATIVE IMPACTS OF NATURAL VEGETATION CLEARANCE

HABITAT AND BIODIVERSITY LOSS

A habitat is a natural place where organisms, plants and animals live and interact with the surrounding environment. Habitat loss or destruction is when these natural “homes” are destroyed or damaged to such a degree that it no longer supports organisms, plants and animals naturally occurring there. This displacement is directly linked to biodiversity loss as the habitats for plants, animals and organisms no longer exist, which leads to a decrease in the biodiversity variety of the plants and animals. Habitats provide all living organisms with the basic requirements for survival such as food, shelter, water. If all these basic requirements are removed along with the natural habitats, organisms will struggle to survive and adapt to new environments and become vulnerable to extinction

SOIL EROSION

Soil Erosion commonly occurs following conversion of natural vegetation to agricultural land – carrying away fertile soil as well as fertilizers, pesticides and other agrochemicals.

When natural vegetation is cleared and when farmland is ploughed, the exposed topsoil is often blown away by wind or washed away by rain. . Soil carried off in rain or irrigation water can lead to sedimentation of rivers, lakes and coastal areas. The problem is exacerbated if there is no vegetation left along the banks of rivers and other water-courses to hold the soil. Sedimentation causes serious damage to freshwater

and marine habitats, as well as the local communities that depend on these habitats. Flooding increased. Erosion caused by deforestation can also lead to increased flooding.

CONSEQUENCES OF CLEARING VEGETATION WITHOUT ENVIRONMENTAL AUTHORISATION

If the clearing of the land is in violation or triggers the listed activity under NEMA, the offender of the law would be issued with a written notice, fine or arrest according to the severity of the offence.

Failure to obtain environmental authorization where required is a criminal offence. Penalties are a fine of up to R5 million or imprisonment for a maximum of 10 years or both a fine and imprisonment.

ENVIRONMENTAL REQUIREMENTS

The National Environmental Management Act (NEMA, Act 107 of 1998) makes provision for the identification and Assessment of activities that are potentially detrimental to the environment and which require authorization from the competent authority based on the findings of an Environmental Assessment. NEMA is a national act, which is enforced by the Department of Environmental Affairs (DEA) nationally by the Western Cape, to the Department of Environmental Affairs & Development Planning (DEA&DP). In terms of section 24(2) and 24D of the NEMA, no activities listed in Government Notice (“GN”) no. R. 982, R. 983, R. 984 and R. 985 in Government Gazette No. 38282 of 04 December 2014 may commence without environmental authorisation from the competent authority.

See reverse for example

