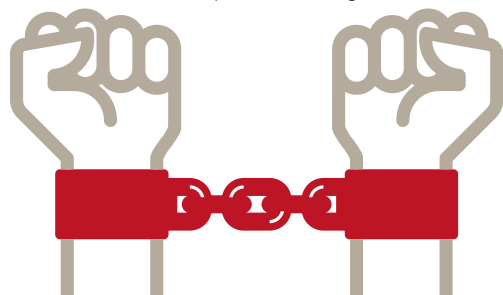


PENALTIES

Fines of up to **R10 million** or, **imprisonment** for a maximum of **10 years** or, **both** a fine and imprisonment.



LN-NO	ACTIVITY	DESCRIPTION
1	27	The clearance of an area of 1 hectare 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.
2	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.
3	12	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.

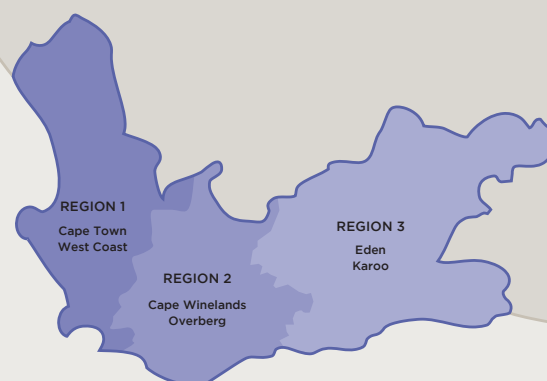


CONTACT US

To help prevent illegal clearing of indigenous vegetation, report any unlawful environmental activities to the following:

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

Western Cape Central Complaints
Law.Enforcement@westerncape.gov.za
For any **additional information** please visit our website: www.westerncape.gov.za/eadp



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BETTER TOGETHER.



UNLAWFUL CLEARING OF INDIGENOUS VEGETATION

SANBI **Biodiversity for Life**
South African National Biodiversity Institute



ENVIRONMENTAL REQUIREMENTS: NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA)

NEMA

This National Act makes provision for the identification and Assessment of activities that are potentially harmful to the environment and which require authorisation from the competent authority based on the findings of an Environmental Assessment.

NEMA is comprised of 3 Listing Notices containing a total of 123 listed activities that are threshold dependent.

If the proposed activity exceeds the threshold, NEMA is triggered, and the landowner must submit a Basic Assessment or scoping report and an Environmental Impact Assessment (depending on the activity) for Environmental Authorisation from the appropriate competent authority:

- Western Cape Government Department of Environmental Affairs and Development Planning: general developments.
- National Department of Environmental Affairs: protected areas and energy.
- Department of Mineral Resources: mining.

CONSEQUENCES OF CLEARING INDIGENOUS VEGETATION WITHOUT ENVIRONMENTAL AUTHORISATION

If the vegetation clearing triggers a listed activity under NEMA, three mechanisms of enforcement may follow:

- Compliance Notice (s31L of the NEMA)
- Directive (s28 (4) of the NEMA)
- Criminal Prosecution

FAILURE TO OBTAIN
ENVIRONMENTAL
AUTHORISATION WHERE
REQUIRED IS A

CRIMINAL OFFENCE!



* Please refer to NEMA Listing Notices 1, 2 and 3 of 2014 for the full conditions of all listed activities.

WHAT IS THE IMPORTANCE OF VEGETATION IN THE ENVIRONMENT?

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

- Regulates flow of biochemical cycles, like soil nutrients.
- Serves as wildlife habitat and energy source for vast array of animals including pollinators.
- Strongly affects soil characteristics.
- Psychologically and physiologically important to humans for food, medicine etc.
- Determines an ecosystem's resilience to threats and changes, especially climate change.



WHAT ARE THE NEGATIVE IMPACTS OF NATURAL VEGETATION CLEARANCE?

Habitat & Biodiversity Loss

A habitat is a natural place where abiotic and biotic factors interact. When a habitat is lost it stimulates the loss of biodiversity and various ecological interactions. This in turn creates a knock-on effect and affects food, shelter, reproduction, resilience etc. of the biodiversity found in a habitat. These effects lead to extinction which expose the vulnerabilities of the environment. These effects can affect society as a whole.

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. The lack of vegetation cover has a detrimental effect on the environment and its ability to deliver services.

WHAT IS INDIGENOUS VEGETATION?

- Defined in NEMA as: vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien plant infestation.
- Land where the topsoil has not been lawfully disturbed during the preceding ten years.



WHAT IS NATURAL VEGETATION CLEARANCE?

Any human activity that results in the permanent eradication, removal or elimination of vegetation.



Ploughing of land, bulldozing of an area, eradication or removal of vegetation cover with chemicals etc. provided that this will result in vegetation being eliminated, eradicated or removed.



Burning of vegetation (e.g. firebreaks). Mowing grass or pruning does not constitute vegetation clearance unless it results in permanent removal, eradication or elimination of vegetation.



The removal or destruction of naturally occurring vegetation or forests, primarily due to human activities. E.g. Land clearing and deforestation.