



# **POLICY**

## **Controlled Tree Pruning / Removal**

### **1. PREAMBLE**

The forest environment is a very sensitive habitat. “Coastal Forest” is an endangered biodiversity resource in terms of Section 52 of the National Environment Management Biodiversity Act (Act 10 of 2004). One of the founding philosophies of Zimbali Coastal Resort is its pristine environment and unique coastal forest, which add value to the Estate.

The matter of pruning has arisen in recent years due, particularly, to the significant increase in the construction of new homes in the forest. If this programme is not introduced, the forest canopy will potentially encroach into properties and exceed beyond the height of houses, which could lead to structural damage and the disastrous consequence of disgruntled residents taking the law into their own hands to the detriment of the forest.

ZEMA would therefore like to guide and assist residents and the various commercial entities within the Estate to manage and maintain the vegetation in an appropriate and controlled manner without impacting on the forest ecosystem.

Following consultation with the Department of Agriculture, Forestry and Fisheries (DAFF), this policy and procedure will allow ZEMA and its members to work harmoniously to keep a good eco-balance in compliance with DAFF’s requirements, and will assist in accommodating the needs of property owners wherever possible.

The objective of this policy is therefore for ZEMA to prevent inappropriate removal of woody vegetation by advising the member with regard to pruning and ensuring that it is controlled and carried out appropriately and in accordance with the Act.

### **2. POLICY CONDITIONS**

- 2.1 The ZEMA Board-approved Pruning Guidelines are set and implemented by ZEMA management strictly under the jurisdiction and discretion of the ZEMA Environmental Management Committee (EMC).
- 2.2 Initial clearing of a site must be done by an approved landscape contractor under the supervision of ZEMA to ensure conformity with the ZEMA Landscaping Guidelines and to ensure that the ‘feel’ of the forest in general is maintained. The cost of this target pruning exercise will be for the property owner’s account. A pruning request must be made with the ZEMA Operations & Environmental department once building plans have been approved. No pruning will be allowed until the building plans have been approved by the ZEMA ARC.





- 2.3 Target pruning for routine maintenance of the building is encouraged and should be done regularly to prevent damage to infrastructure. Target pruning for maintenance requires pruning approval and will be at the sole discretion of ZEMA and guided by the EMC.
- 2.4 Pruning approval for the sole purpose of a view is not guaranteed. However, ZEMA acknowledges the need for members to be able to enjoy the beautiful vistas Zimbali has to offer. Pruning to regain a view that originally existed but was lost due to a failure to prune, will be favourably considered. Pruning for views will be assessed on a case-by-case basis and will be dependent on the site-specific conditions. The following criteria will be used to determine whether approval can be issued, as well as the extent of pruning that can be done:
- (a) Plant species that are conducive to pruning, such as *Brachylaena Discolor*, *Sapium Integerrimum*, *Grewia Occidentalis*, *Trema Orientalis*, etc. will be considered for pruning to an agreed height, for example, the balustrade level on the first floor of the building.
  - (b) Mature forest trees, where it is requested to have the crown severely pruned or “topped”, will not be considered.
  - (c) Shaping of mature trees, such as controlled crown lifting and removal of a minimal number of branches to encourage the growth in such a way that views can be achieved by looking “through” the tree/s will be considered as far as is reasonably practical.
  - (d) Pruning for views may have an impact on the privacy desires of other members. The privacy of other members is a factor which should be taken into account by ZEMA or the EMC in the exercise of the discretion by ZEMA or the EMC in the decision to permit or not to permit said pruning.
  - (e) Pruning that impacts negatively on the forest ecosystem integrity will not be permitted.
  - (f) All residents of Zimbali Coastal Resort, as well as the EMC, must be conscious of the impact on neighbours and surrounding homes of the planting of trees or other vegetation that may or will have an adverse effect on the structure or view of a neighbour or surrounding property.

### **3. DEPARTMENT OF AGRICULTURE FORESTRY AND FISHERIES (DAFF) PERMIT REQUIREMENTS**

Pruning requests that trigger permit requirements in terms of the National Forests Act, 1998 (Act No. 84 of 1998) will necessitate the member applying directly to DAFF for such permit. ZEMA can assist the property owner in such event in terms of the channels and contact details of the authorities concerned.

ZEMA has engaged with the DAFF and the following agreement reached:

- ZEMA will authorise pruning where legal permits are not required under the exemptions of the National Forests Act.



- ZEMA will collate all the required data concerning all pruning authorised by ZEMA during the year and submit an annual report each and every December to DAFF detailing the pruning that had occurred in that year and the species pruned.
- Regular communication will be kept with the Department and random visits by its authorised personnel will be encouraged to ensure conformity.

#### **4. PRUNING REQUEST PROTOCOL & PROCEDURE**

- 4.1 The property owner, or his authorised representative contacts the ZEMA office and requests a pruning inspection.
- 4.2 The ZEMA Operations team attend to the request on site to inspect the property and determine the extent to which the requested pruning is permissible.
- 4.3 ZEMA will record all details of the agreed and authorised pruning operation and issue a copy of such authorisation to the property owner.
- 4.4 The property owner is entitled to use an accredited landscaper of their choice to undertake the pruning. However, the landscaper concerned must be present at the pruning inspection so that he is fully aware of the scope and specific requirements.
- 4.5 Where the applicant for pruning is not the registered property owner (member) of the property, such as a long-term tenant, agent, property manager, etc., written permission and confirmation must be obtained from the property owner and forwarded to the ZEMA Operations department together with the pruning request. Without such written authorisation of the property owner, ZEMA will not entertain or issue any pruning request.
- 4.6 Once authorised pruning has taken place, a digital photo will be taken of the target pruning area for views and the size of opening achieved. This will be filed in the property owner's file to ensure no further unauthorised pruning takes place.
- 4.7 Any unauthorised pruning over and above that permitted by ZEMA will be considered a breach of the ZEMA rules and a penalty will be levied against the property owner (member) concerned.
- 4.8 Target pruning requests by property owners will usually be allowed in the cadastral boundary of their property. The ZEMA General Manager or the EMC may exercise their discretion on whether pruning is also necessary in areas other than within the said cadastral boundaries, such as for the purpose of regaining a view that existed, but which has become lost through lack of pruning or through injudicious planting by a neighbour or surrounding property.
- 4.9 The extent of individual target-pruning exercises will be at the sole discretion of the ZEMA and the EMC.



## **5. TREE REMOVAL REQUEST PROTOCOL & PROCEDURE**

- 5.1 Neither pruning nor removal of trees may be for the purpose of creating a view that never existed or that does not occur naturally as normal incidence of the situation of the property in question.
- 5.2 If a property owner/body corporate makes a request to ZEMA for the removal of a tree, approval for such removal is at the discretion of ZEMA or the EMC after consultation by ZEMA/the EMC with all affected and potentially affected neighbouring property owners. If no resolution is reached between the affected parties, ZEMA refers the applicant property owner to Article 20.12 of the ZEMA Memorandum of Incorporation regarding “Determination of Disputes”.
- 5.3 The DAFF standard for off-setting the loss of a tree is 3 for 1, i.e. three new trees must be planted for each single tree removed. ZEMA’s objective is to maintain balance by continuing to ensure that replacement trees are planted in forest areas where there is a need to bolster the forest biodiversity, or where canopy trees have fallen and created gaps in the canopy.
- 5.4 The property owner/body corporate and ZEMA will ensure that, to maintain this balance, the following is applied for the removal of a tree:
  - (a) If the property owner/body corporate does not wish to have the replacement trees planted on their own property, the location of where replacement trees are planted will be at ZEMA’s discretion;
  - (b) The property owner/body corporate will purchase the replacement trees at their cost prior to the removal of any tree;
  - (c) The species of replacement trees to be planted will be determined in consultation with ZEMA who will provide the property owner/body corporate with a Priority Tree Species list to select from.
- 5.5 It is also noted that ZEMA may at any time, after careful assessment and in accordance with environmental regulations, request a property owner to prune or remove any tree on his property which poses a threat to infrastructure, buildings or services.

## **6. NON-COMPLIANCE**

- 6.1 Should the owner conduct target pruning without adhering to the conditions set out in this policy, he will be issued with a fine in accordance with the ZEMA fines schedule.
- 6.2 Should the owner be found to have contravened the conditions of the National Forests Act, he will be reported to DAFF and could face prosecution in terms of the law.