

# Invasive Species Legislation

and the

# Cape fires

A guide  
for Cape Town  
property owners

## What are land-owners legally required to do with invasives on their property?

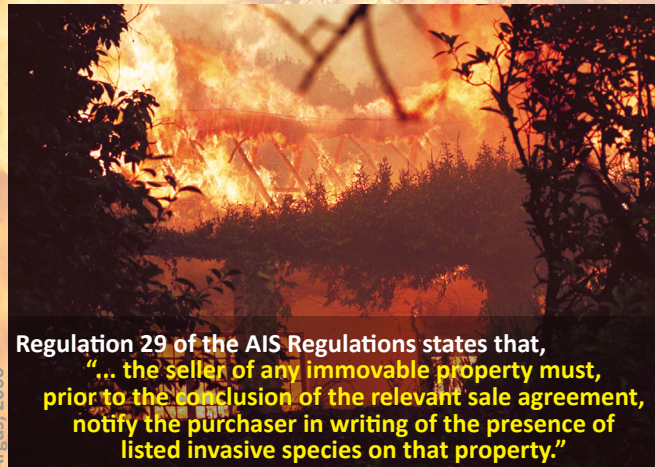
- For properties over 1 hectare, develop a Control Plan for listed invasive species. (See table below).
- Take steps to control Category 1a and 1b invasive plants and prevent them from spreading.
- Apply for a permit to keep Category 2 invasive plants.
- Adhere to permitting conditions for Category 2 plants.
- Take required steps to minimise harm to biodiversity.
- Control methods must be appropriate for the listed species and the environment.
- For assistance and guidance, notify the Department of Environmental Affairs (DEA) of any listed invasive plants on the property.

## Should land-owners not comply with the NEMBA Regulations, legal action may be implemented.

Property size Hectares (ha)/Square metres (m <sup>2</sup> )	Requirements	Time frames
< 0.5 Ha (5000 m <sup>2</sup> )	Clear and remove plant material to an approved City of Cape Town Green Garden Waste Site (See contacts list below).	21 days
0.5001 – 1 Ha (5001 m <sup>2</sup> to 10,000 m <sup>2</sup> )	Clear within acceptable time frames; or alternatively submit a Control Plan with acceptable time frames to the DEA. Remove plant material to approved City of Cape Town Green Garden Waste Site; or apply for fuel reduction burn (see details below); or chip; or utilize material. Fire breaks are to be in place.	90 days: To be cleared by the end of November (start of the fire season).
1.0001– 5 Ha (10,001 m <sup>2</sup> to 50,000 m <sup>2</sup> )	Clear within acceptable time frames; or alternatively submit a Control Plan with acceptable time frames to the DEA. Reduce fuel load by stacking and applying for a burning permit or chipping or utilizing material. Fire breaks are to be in place.	120 days to clear or 30 days to submit a Control Plan.
> 5.0001 Ha > (50,001 m <sup>2</sup> )	Submit a Control Plan with time frames acceptable to the DEA. Prioritize the urban edge-boundaries that pose a high fire risk. Fire breaks are to be in place.	30 days to submit a Control Plan. On approval: Start implementing within reasonable time frame (5-10 years).

### List of contacts

- Enquiries for all drop-off sites: **0860 103 089** or visit: <http://bit.ly/1iubB7T>
- Procedures for obtaining a permit to conduct fuel reduction burns in the City of Cape Town: <http://www.capetowninvasives.org.za>
- Submit Control Plans or send a list of invasive species on your property to the DEA at: [AIScompliance@environment.gov.za](mailto:AIScompliance@environment.gov.za)
- Download a permit application to keep Category 2 species on your property: <http://bit.ly/1NQBpZp>
- Download a notification or Declaration of Invasive Species template form: <http://bit.ly/1LK7GuR>
- For all legislation, species lists and invasive information: <http://www.invasives.org.za>



Regulation 29 of the AIS Regulations states that, "... the seller of any immovable property must, prior to the conclusion of the relevant sale agreement, notify the purchaser in writing of the presence of listed invasive species on that property."

Invasive species are a liability passed from seller to buyer

## Understanding invasives and fire

In January 2000, devastating fires broke out along the Table Mountain chain. The intensity of these fires was fuelled by invasive plants. More than 80 structures and several houses were damaged and destroyed, and over 8 000 hectares of land was burnt. It was only due to fortuitous changes in wind strength and direction that far greater destruction was averted.

In March 2015, wild fires again raged across parts of the Table Mountain chain. Over 6,000 hectares were burnt. As with the fires fifteen years' earlier, it was almost always where there were invasive plants that several houses were destroyed.



Exceptional fire-fighting efforts by Working on Fire, SANParks, the City of Cape Town, the Western Cape Fire and Rescue Services, the Cape Peninsula Fire Protection Association (CPFPA) and the Volunteer Wildfire Services (VWS) averted a greater disaster. However, even their capacities might not have been enough, had it not been for the clearing of over 5,000 hectares of invaded land in the intervening years.

Against this background, and given the scale and extent of the recent fires which resulted in the tragic loss of life, serious injuries, as well as significant damage to infrastructure, it has become necessary to stress the importance of the duties of landowners to ensure that catastrophic events of this (or a significantly greater) magnitude are not repeated in the future.

## Invasive species and the law

On 1 October 2014, the National Environmental Management Biodiversity Act 10 of 2004 (NEMBA) Alien and Invasive Species (AIS) Regulations and Lists came into effect. The NEMBA AIS Regulations list invasive species in four categories:

- 1a** - Species must be combatted or eradicated.
- 1b** - Species must be controlled.
- 2** - Species require a permit to carry out a restricted activity. If it occurs in a riparian zone or a protected area, it must be treated as Category 1b.
- 3** - Species subject to exemptions and prohibitions. If it occurs in a riparian zone or protected area, it must be treated as Category 1b.

### Why are invasive plants a problem?

Studies indicate that invasive alien plants have detrimental effects on...

#### Water

- Invasive plants...
- reduce water flow and water quality
  - are already causing a loss of 5% of South Africa's mean annual runoff, and this figure can increase many times over, as they spread and grow.

#### Biodiversity

- Invasive species...
- lead to species extinction
  - destroy the habitat for animals
  - multiply exponentially to the detriment of indigenous plants

#### Soil

- Invasive species...
- modify soil chemistry and cause erosion and mudslides



## What if you, as the land-owner, fail to comply with the legislation?

It is the duty of every land-owner to familiarise him- or herself with the different listed species and to comply with the corresponding duties related to that category of species. Any failure to comply will result in legal consequences.

Land-owners are required to control the listed invasive species on their properties, and to prevent them from spreading. A failure to do so can result in a fine and/or the work being done by the authorities, at the expense and risk of the land-owner. This includes any necessary follow-up clearing of the invasive plants, and any fire-related need to deal with the cleared biomass.

The City of Cape Town Invasive Species Programme and its partners may provide assistance or advice in specific circumstances:

- Assistance for the clearing of Category 1a species.
- Assistance may be provided in clearing difficult-to-access plants, under certain circumstances.
- Advice on fire-proofing your property and home.

### Points to consider

- Certain species may require a permit to remain in place. More info at [www.invasives.org.za](http://www.invasives.org.za)
- The NEMBA Regulations require certain species that border a protected area to be cleared, while others might be exempt from this provision.
- There are many indigenous and non-invasive alien species that can be planted instead of the invasives. Contact your local garden centre for Plant-me-instead ideas.

## Who to contact?

The Compliancy Officer, Biosecurity Unit,  
Environmental Programmes,  
Department of Environmental Affairs, 1st Floor,  
14 Loop Street, Cape Town. Telephone: 021 441 2700  
Email: [AIScompliance@environment.gov.za](mailto:AIScompliance@environment.gov.za)

**Invasive plant fires burn 10x hotter than fynbos fires.**



environmental affairs  
Department:  
Environmental Affairs  
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