

**AGENDA of the
Portfolio Committee: Protection Services
18 October 2016
(Also the agenda for the Mayoral Committee Meeting: 26 October 2016)**

**3.
OVERSTRAND MUNICIPALITY POLICY FOR THE CLEARING AND MAINTENANCE
OF VEGETATION CREATING FIRE HAZARDS**

17/8/B

N J Michaels

(028) 313 8054

Corporate Head Office

22 September 2016

1. Executive Summary

The purpose of the report is to present to Council a policy specific to the prevention of the outbreak and spread of fire by the elimination or minimising of fire hazards created by vegetation of any species on erven and other open land within the area of municipal jurisdiction. The policy aims to promote a safe and healthy environment in line with, the requirements of Section 152 of the Constitution of the Republic of South Africa, 1996, the requirements of the Fire Brigade Services Act 99 of 1987 and Section 34(20) of the Community Fire Safety By-law P.N. 6454 of 2007.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Protection and Security Services
Protection and Security Services

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Creation and maintenance of a safe and healthy environment
Provision and maintenance of municipal services

4. Delegated Authority

None

5. Legal Requirements

Constitution of the Republic of South Africa, 1996
Disaster Management Act No. 57 of 2002
Fire Brigade Services Act No. 99 of 1987
Local Government: Municipal Systems Act No. 32 of 2000
Local Government: Municipal Structures Act No.117 of 1998
Community Fire Safety By-law, P.N. 6454/2007
Service Delivery and Budget Implementation Plan (SDBIP) 2013/14
By-laws of the Overstrand Municipality

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6. Background/Discussion

Background

In accordance with the provision of the Constitution of the Republic of South Africa, 1996, the Overstrand Municipality is responsible to promote a safe and healthy environment for all communities, investors and visitors within its boundaries.

The Policy for the Clearing and Maintenance of Vegetation Creating Fire Hazards focuses on preventing or reducing the risk of urban and wildfires, mitigating the severity of damages caused by veldt and bush fires and ensuring co-operation between the municipality and property owners and effective rapid fire fighting intervention in the occurrence of fires.

This policy is intended as a reasonable minimum guideline, in the lack of specific details of requirements in the relative legislation to assist landowners and the municipality with meeting their obligations. This policy will also provide clarity on standards for property owners and the enforcement functions of delegated officials tasked with the management and administration of municipal processes.

Discussion

The establishment and adoption of this policy, will enable understanding of all role players and facilitate better co-ordination of responsibilities between property owners and the Municipality.

Fire risk reduction in urban development areas and on the urban edges will be performed to ensure safer and resilient communities. This will also greatly assist the Municipality in improving its emergency preparedness and creating peace of mind for all communities.

These processes will positively benefit the Overstrand Municipality by ensuring appropriate action by services enhancing its commitment to service delivery. Comments from the public are as per Annexure D and have been incorporated as far as possible.

7. Financial Implications

None

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

See annexure D

10. Annexures

- Annexure A: The Policy for the Clearing and Maintenance of Vegetation Creating Fire Hazards.
- Annexure B: Notice of Clearing and Maintenance of Vegetation
- Annexure C: Notice for the public participation
- Annexure D: Comments from the public

RECOMMENDATION TO THE COUNCIL:

that the Overstrand Municipality Policy for the Clearing and Maintenance of Vegetation Creating Fire Hazards, previously known as the Fire Hazard Management Policy, **be approved.**

RESPONSIBLE OFFICIAL :

L SMITH

TARGET DATE FOR IMPLEMENTATION :

1 NOVEMBER 2016

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17/8/B

N J Michaels

(028) 313 8054

Corporate Head Office

22 September 2016

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
18 OCTOBER 2016, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

that the item **be referred back.**

RESPONSIBLE OFFICIAL :

L SMITH

TARGET DATE FOR IMPLEMENTATION :

1 NOVEMBER 2016

OVERSTRAND MUNICIPALITY



POLICY FOR THE CLEARING AND MAINTENANCE OF VEGETATION CREATING FIRE HAZARDS

November 2016

CONTENTS

	Page No.	
Chapter 1	Definitions and Abbreviations	3
Chapter 2	Purpose of the Policy	5
Chapter 3	Principals of the Policy	6
Chapter 4	Responsibilities and rights of the Municipality	6
Chapter 5	Obligation of land owners	7
Chapter 6	Recovery of costs	8
Chapter 7	Guidelines for minimum standards for clearing vegetation	8
Chapter 8	Milkwood Trees and other Protected/Endangered Plant Species	8
Chapter 9	Procedures	9
Chapter 10	Schedule of Categories	10

Chapter 1 Definitions and Abbreviations

Administration Fee	Means a tariff as approved by Council and provided for in the tariff list of the Overstrand Municipality
Appeal Process	Provisions of section 62 of the Local Government: Municipal Systems Act, No. 32 of 2000 which <i>inter alia</i> provides that a person, whose rights are affected by a decision taken by a staff member in terms of a power or duty delegated, may appeal against that decision by giving <u>written notice of the appeal and reasons</u> to the Municipal Manager <u>within 21 days</u> of the date of the notification of the decision. Said notice must be accompanied with proof that the appellant has, in terms of a Council resolution dated, paid an <u>appeal deposit (approved tariff, annually reviewed)</u> to the Municipality, which deposit is refundable if the appeal is upheld.
Brush Cutter	A hand held mechanical tool, powered by an electrical or petrol motor, and used to cut down shrubs and small trees
Bush-cutter (Bossiekapper)	A machine drawn behind a tractor, powered by a power take-off from the tractor, and is used to cut down shrubs and large areas of vegetation
CARA	Conservation of Agricultural Resources Act, No. 43 of 1983
Chain Saw	A hand held mechanical saw powered by an electrical or petrol motor, and used to cut down trees and logs
Combustible material	Means combustible refuse, combustible waste or any other material capable of igniting
Community Fire Safety By-law	Means the Overstrand Municipality By-Law relating to Community Fire Safety
Contract	Means a formal written agreement between the parties to provide for the execution of a specific task under specific conditions as set out in the contract document
Contractor	Means a person, natural or juristic, who undertakes to execute a contract, awarded by the Overstrand Municipality under the terms and conditions stipulated therein
Fire Brigade Services Act	Means the Fire Brigade Services Act, No. 99 of 1987
Fire hazard	Means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire and which poses a threat to life or property.

Green Belt (s)		A land use designation for areas set aside as undeveloped natural areas surrounding or within urban areas.
Hazard		Means any physical situation with the potential to cause a fire hazard or the accumulation of excess waste material
Herbicide		Means a chemical substance (weed killer) that is registered in terms of The Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, No. 36 of 1947 to control or destroy specified plants in accordance with the directions for the use of such a weed killer
Invasive Vegetation	Alien	Vegetation that is declared invasive in terms of the Conservation of Agriculture Resources Act, No. 43 of 1998, that landowners are legally required to remove from their property and which are deemed to be a verified fire hazard in terms of this policy
Land		Means all privately, state, provincial and municipal owned land developed or undeveloped
Land Clearing		Means all actions required to ensure that fire hazard conditions are minimized on all land; that rubble, dead and dry vegetation and waste material is removed
Land owner		Any person (including a company, close corporation or trust) in whose name the land is registered, or if such land has been purchased but not yet registered, such a purchaser. Also a person who has the right of ownership even though the land has not been registered in such a person's name. If the person is not residing in South Africa, or if that person cannot be found, a representative will be regarded as the owner
Land user		Any person (including a company, closed corporation or trust) who is the owner of the land, or who leases the land or who has any legal right to use the land or the plants or other organic matter from the land, whether that person lives on the property or not
Manual clearing		Means the removal of plant and other material by hand, with hand held tools
Mechanical Clearing		Means the removal of plant and other material with mechanical equipment such as tractor driven lawn mowers or bush-cutters (bossiekappers)
Municipal Provider	Service	Means a person, natural or juristic, who undertakes to execute a contract awarded by the Overstrand Municipality under the terms and conditions stipulated therein
Municipality		Means Overstrand Municipality, a local authority duly established in terms of the Local Government: Municipal Structures Act, no 117 of 1998 with its head office situated at Magnolia Street, Hermanus, Western Cape

Nature Reserve	An area with such a municipal zoning or which has been declared as a Protected Area in terms of the National Environmental Management: Protected Areas Act No. 57 of 2003.
Open Lands	refers to non-built-up land with no, or with insignificant, vegetation cover
Park Lands	Land with clumps of trees and shrubs and lawned areas mainly used for recreational purposes
Procedure	Means a description of a single process, with many steps or tasks/responsibilities/ regulations/requirements, involving a number of people
Resort	A place that is a popular destination for vacations or recreation, or which is frequented for a particular purpose
Responsible Official	Means an official of the Overstrand Municipality with the delegated responsibility for fire prevention
Waste material	Means excessive rubble, rubbish, other debris or waste material accumulated on a property

Chapter 2 Purpose of the Policy

- 2.1 This document is established to lay down operational management principles, procedures and processes on public and privately owned land for the following purposes only:
- 2.1.1 Control and elimination of fire hazards;
 - 2.1.2 Combating and control of vegetation that is a verified fire hazard and other threatening danger.
- 2.2 **The Policy gives effect to the following legislation:**
- 2.2.1 Chapter 7 Section 152(d) of the Constitution of South Africa, 1996 - Promotion of a safe and healthy environment;
 - 2.2.2 Sections 4, 34 of the Overstrand Municipality Community Fire Safety By-law, P.N. 6454/2007 – Prevention of fire hazards on properties;
 - 2.2.3 Fire Brigade Services Act, No. 99 of 1987 as amended
 - 2.2.4 Local Government: Municipal Finance Management Act, No. 56 of 2003 – Prescribed regulations with regard to financial aspects of local government;
 - 2.2.5 Local Government: Municipal Systems Act, No. 32 of 2000 – Prescribed regulations with regards to the functions of a municipality;
- 2.3 **Objectives include:**
- 2.3.1 To co-ordinate and ensure the removal and/or reduction of fire hazards.
 - 2.3.2 To provide for the identification and verification of fire hazards on all properties in the Overstrand,
 - 2.3.3 To notify residents and owners of such fire hazards that are a potential threat to the environment,
 - 2.3.4 To inform residents and owners of the requirements and recommended methods with respect to the clearing and removal of such fire hazards, and

- 2.3.5 To ensure that all vacant properties, small holdings, farm land and public commons conform to the minimum standards as determined by the Policy before the end of October each year.

Chapter 3 Principles of the Policy

- 3.1 All officials and contractors of the Overstrand Municipality, all residents, land owners and appointed agents, shall be subject to the contents of the Policy and follow this procedure and any processes described.
- 3.2 All land owners are obligated to maintain their properties in terms of Sections 34 & 54 of the Community Fire Safety By-law in such a manner that the land is maintained to the satisfaction of the Chief Fire Officer in that it does not constitute a fire hazard to the environment and community.
- 3.3 Each land owner is obligated to comply with the standards determined by the Municipality.
- 3.4 The methods used for reducing fire hazards are manual (with hand held tools), mechanical and the maintenance of fire breaks on property boundaries which is larger than 1ha.
- 3.4.1 Manual Clearing:**
- 3.4.1.1 Manual non-mechanical clearing is done through the use of hand tools such as loppers, slashers, bow-saws, pruning scissors.
- 3.4.1.2 Manual mechanical clearing is done through the use of brush cutters and handheld chainsaws.
- 3.4.2 Mechanical Clearing:**
Clearing is done through the use of tractor driven lawnmowers or “bossiekappers”.
- 3.4.3 Fire Breaks:**
Where necessary, suitably cleared boundary strips that are free of combustible material that must be created that will assist in preventing fire spread and provide access for controlling fires as determined by the Chief Fire Officer.
- 3.5 The use of tractor driven lawnmowers or “bossiekappers” is at the discretion of the land owner as referenced in Category A1 to A8 of the policy.
- 3.6 Areas such as road verges, municipal gardens, public commons and parklands, fire breaks or sport fields where continuous maintenance occurs (as is set out in Category B1 to B5) is subject to the discretion of the relative controlling authority.

Chapter 4

Responsibilities and rights of the Municipality

- 4.1 Officials with delegated authority for the verification of fire hazards shall have the final decision in the clearing of property, in accordance with the Municipality's By-laws, policies and directives as to **when** and **how** a property shall be cleared. If a property is found not to be a fire hazard, but is in breach of other municipal legislation, the matter will be delegated to the relevant department(s) for further action.
- 4.2 A notice period of **28 working days** for owners resident in South Africa and **40 days** for owners who are international residents will be determined in respect of the removal of hazardous conditions described in the policy.
- 4.3 Compliance notices will be served to the land owners per registered post and by email as a courtesy where such information is provided in the municipal data base.
- 4.4 A delegated official of the Municipality is empowered in terms Section 4 of its Community Fire Safety By-law to enter upon a property to do whatever is deemed to be necessary to remove the hazard if it is found that the property is in non-compliance with the regulated standards. Non-compliance of the regulated standards will result in the municipality exercising its powers.
- 4.5 Standards for plot clearing are set. This will be reviewed annually.
- 4.6 The process for the acquisition of plot clearing contractors must be followed in accordance with the Municipality's Supply Chain Management Policy.
- 4.7 The appointed contractor(s) will be provided with specific instructions, including plot numbers, time frames, method and sequence of clearing and disposal of waste.
- 4.8 The contractor will be paid after the invoice has been verified and cleared sites have been inspected to verify that the work has been done according to standards.
- 4.9 The relevant fees will be billed against the defaulting owner's Municipal account.
- 4.10 Notwithstanding paragraphs 4.6 to 4.9 above, the Municipality may lay charges against a property owner in the Additional Court for Municipal Matters.
- 4.11 Right of admission:**
Delegated officials of the Overstrand Municipality Fire Rescue and Disaster Management Services retain the right to enter any premises to perform remedial action and inspections in accordance with the Fire Brigade Services Act, Act 99 of 1987 as amended to prevent fire hazards.

Chapter 5

Obligation of land owners

- 5.1 Land owners are obligated to comply with the provisions of Section 34 of the Overstrand Municipality's Community Fire Safety By-law, P.N 6454/2007.
- 5.2 Clearing of property must be in compliance of the norms and standards as prescribed in Chapter 10 - Schedule of Categories
- 5.3 Failure to comply will result in remedial action or legal action in terms of Section 55 of the said By-law in the form of a summons to court taken against the owner. Fines and imprisonment may be imposed by a court of law.

Chapter 6

Recovery of costs

6. Should it become necessary for the Municipality to take remedial action the full cost thereof will be recoverable from the land owner. The costs involved include the actual cost of the remedial action and the administrative fee as determined by the Municipal Tariff structure. This cost will be levied against the owners' municipal account.

Chapter 7

Guidelines for minimum standards for clearing vegetation

- 7.1 Grass (all species) may not be longer than 500mm.
- 7.2 Invasive alien vegetation shall be eradicated (cut down) and may be treated with herbicide at the discretion of land owners, as applicable, to prevent re-growth.
- 7.3 Contractors appointed by the municipality for clearing of private erven are not permitted to use any herbicides.
- 7.4 Indigenous vegetation shall be reduced as per schedule 1 or 2 of the policy.
- 7.5 All garden refuse, cuttings and excess combustible material (irrespective of the clearing process) shall be removed from the property and disposed of at the relevant municipal transfer stations.
- 7.6 Garden refuse may be chipped and spread over the cleared area as mulching in order to prevent soil erosion and to replenish soil nourishment.
- 7.7 It is suggested that private landowners make use of the registered contractors available on the Municipal database or contractor list supplied on request from the relevant

administrators as being considered competent in indigenous and invasive alien plants plot clearing activities.

Chapter 8

Milkwood Trees and other Protected/Endangered Plant Species

8. *Sideroxylon inerme* (White Milkwood) are protected trees and may only be removed, cut or controlled in accordance to the determination of the Minister of the Department of Agriculture, Forestry and Fisheries. In urban areas **Milkwood Trees may be trimmed by a maximum of 25% without obtaining a permit.** Topping of tree crowns and of trees growing in a natural forest ecosystem is excluded from this exemption. Destruction of protected trees or natural forest or any other protected/endangered plant species without a permit obtained from the Department of Agriculture, Forestry and Fisheries and/or Cape Nature, is a criminal offence.

Chapter 9

Prescribed Procedures of the Plot Clearing Management Process

NO.	ACTION	RESPONSIBLE DEPT
Standard procedures		
1.	1 st Compliance inspection	Chief: Fire Services or delegate
2.	Administration and Issue of Compliance Notices	Office of the Respective Area Manager
3.	2 nd Inspection	Chief: Fire Services or delegate
4.	Issue summons on owner to appear in court in case of non-compliance	Additional Court /Law Enforcement
Procedures for remedial action		
1.	Appointment of contractors through the Supply Chain channels	Chief : Fire Services
2.	Instruction to private contractor	Chief : Fire Services
3.	Inspection with certification of clearing done	Chief : Fire Services
4.	Invoice for payment of contractor	Finance
5.	Payment of contractor	Finance
6.	Billing of owner	Finance

Chapter 10 Schedule of Categories

1 The methods or techniques used for clearing properties are defined in the following categories:

Privately Owned Land Within and Bordering the Urban Edge				
Category	Type of Vegetation	Area	Method of Clearing	Required Municipal Standard
A1	Size – Up to 1ha Mixed invasive alien and indigenous vegetation - Acacia's Hakea spp, Gum spp- , dense grasses etc.	No Conservation Status	Manual or Mechanical at the discretion of the land owner	Eradication and removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed. Trees and shrubs taller than 1.5 metres must be cleared of growth from ground up to a minimum of 1m for up to 1.5m and 1.2m from 1.5m upward. Grasses shall not exceed a height of 500mm.
A2	Size – Up to 1ha Indigenous vegetation – Fynbos etc.	No Conservation Status	Manual or Mechanical at the discretion of the land owner	TREES AND SHRUBS Reduce fynbos fire loading by a minimum of 50% or 5kg per square metre whichever is applicable. Trees and shrubs taller than 1.5 metres must be cleared of growth from ground up to a minimum of 1m for up to 1.5m and 1.2m from 1.5m upward. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed.
A3	Size – Up to 1ha Majority of invasive alien vegetation Acacia's Hakea spp, Gum spp- , dense grasses etc.	Protected Areas/ Conservancy	Manual or Mechanical at the discretion of the land owner	Eradication and removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed. Retention of desired trees and shrubs taller than 1.5 metres is subject to being cleared of growth from ground up to a minimum of 1m for up to 1.5m and 1.2m from 1.5m upward together with growth being reduced to a minimum of 50% of the entire area. Grass shall not exceed a height of 500mm. Maintain safe distance between possible/ future fire hazards and structures.
A4	Size – Up to 1ha Mixed invasive alien and indigenous vegetation – Acacia's, Hakea spp., Gum spp, dense grasses etc	Protected Areas/ Conservancy	Manual or at the discretion of the land owner	Eradication or cutting down of and, removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire hazards shall be removed. Grasses shall not exceed a height of 30cm 500mm. Maintain safe distance between possible/ future fire hazards and structures
A5	Size - Larger than 1ha / Small Holding Majority of invasive alien vegetation Acacia's Hakea spp, Gum spp- , dense grasses etc.	No Conservation status	Manual or at the discretion of the land owner	To be administered by the Department of Agriculture and Fisheries in terms of CARA. Complaints will be referred to the relevant department for action. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer

A6	Larger than 1ha / Small Holding Mixed invasive alien and indigenous vegetation – Acacia's, Hakea spp., Gum spp and/or dense grasses and fynbos	No Conservation Status	Manual or at the discretion of the land owner	To be administered by the Department of Agriculture and Fisheries in terms of CARA. Complaints will be referred to the relevant department for action. Retention of desired trees and shrubs taller than 1.5 metres is subject to being cleared of growth from ground up to a minimum of 1m for up to 1.5m and 1.2m from 1.5m upward together with growth being reduced to a minimum of 50% of the entire area. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer
A7	Larger than 1 ha / Small Holding Majority of invasive alien vegetation Acacia's Hakea spp, Gum spp-, dense grasses etc.	Protected Areas/ Conservancy	Manual or at the discretion of the land owner	To be administered by the Department of Agriculture and Fisheries in terms of CARA. Complaints will be referred to the relevant department for action. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer
A8	Larger than 1 ha / Small Holding Mixed invasive alien and indigenous vegetation – Acacia's, Hakea spp., Gum spp and/or dense grasses and fynbos.	Protected Area/ Conservancy	Manual or at the discretion of the land owner	To be administered by the Department of Agriculture and Fisheries in terms of CARA. Complaints will be referred to the relevant department for action. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer

Municipal Reserves, Park Lands and Other Vacant Lands – Inside Urban Edge				Required Municipal Standard
B	Type of Vegetation	Area	Method of Clearing	
B1	Green Belts	Protected Areas/ Conservancy	Manual	Eradication and removal of all invasive alien vegetation. Remove excessive build up of deadwood. Complete removal of combustible refuse. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer
B2	Nature Reserves	Protected Areas/ Conservancy	Manual	Eradication and removal of all invasive alien vegetation. Remove excessive build up of deadwood. Complete removal of combustible refuse. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer
B3	Park Lands	No Conservation Status, Protected Areas/ Conservancy	Manual	Eradication and removal of all invasive alien vegetation. Scheduled grass cutting and maintenance of flower beds. All combustible deadwood and other verified fire hazards shall be removed. Complete removal of combustible refuse. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer
B4	Open lands (inside urban edge)	No Conservation Status, Protected Areas/ Conservancy	Mechanical or Manual Clearing -as determined by circumstances	Eradication and removal of all invasive alien vegetation. All combustible deadwood and other verified fire hazards shall be removed. Complete removal of combustible refuse. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer

A12/12

B5	Resorts	No Conservation Status, Biosphere / Conservancy	Mechanical or Manual Clearing -as determined by circumstances	Eradication and removal of all invasive alien vegetation. Scheduled grass cutting and maintenance of flower beds. All combustible deadwood and other verified fire hazards shall be removed. Complete removal of combustible refuse. Maintain a safe distance between fire hazards and structures as determined by the Chief Fire officer. Create and maintain adequate perimeter fire breaks as determined by the Chief Fire Officer.
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10. New amendments or updates will be added to the Amendments and Updates Listing below and it is the responsibility of the individual to regularly check the currency of their Policy copy.

Proposals for amendment or additions to the text of this policy must be forwarded to:-

The Chief: Fire and Disaster Management,
 CFO L. Smith
 Telephone: (028) 313 5041
 E-mail: lestersmith@overstrand.gov.za

POLICY SECTION:	CHIEF: FIRE & DISASTER
CURRENT UPDATE:	26 OCTOBER 2016
PREVIOUS REVIEW:	
APPROVAL BY COUNCIL:	26 OCTOBER 2016

Notice of Overstrand Municipal policy for the clearing and maintenance of vegetation on open land.



Notice 46/2016

Overstrand Municipality hereby notify and invite all community members to comment on the policy for the clearing and maintenance of vegetation on open land.

The mentioned draft policy is available on the Overstrand Municipal website, www.overstrand.gov.za, for public comments.

The Policy gives effect to the following legislation:

- Chapter 7 Section 152(d) of the Constitution of South Africa, Act 108 of 1996 - Promotion of a safe and healthy environment;
- Sections 4 and 34 of the Overstrand Municipality Community Fire Safety By-law, P.N. 6454/2007 – Prevention of fire hazards on properties;
- Fire Brigade Services Act, No. 99 of 1987 and amendments up to Act 14 of 2000 – Prevention of fires;
- National Veld and Forrest Fire Act 101 of 1998
- Local Government: Municipal Finance Management Act, No. 56 of 2003 – Prescribed regulations with regard to financial aspects of local government;
- Local Government: Municipal Systems Act, No. 32 of 2000 – Prescribed regulations with regards to the functions of a municipality

Fynbos covers the magnificent mountains, valleys and coastal plains of Overstrand municipality.

The major threat to fynbos is the spread of alien plants such as hakea, the Australian wattles *Acacia cyclops* commonly known as rooikrans and *Acacia saligna* commonly known as Port Jackson, and pine trees from Europe and too frequent fires or veld fires in the wrong season.

Other significant threats to communities are veld fires, within urban interfaces or within town allotments, open lands that are overgrown.

This policy aims to strike a balance between a healthy fynbos ecology and open land vegetation covering in respect to prevent/ limit the outbreak and spread of fires through sound ecological and firewise principles.

Enquiries:

Chief Fire Officer & Disaster Management	L. Smith	(Tel) 028 313 5042
lestersmith@overstrand.gov.za		
Divisional Commander: Fire Safety	J. Schoeman	(Tel) 028 313 8980
jschoeman@overstrand.gov.za		
Div. Commander: Disaster Management	M. Rust	(Tel) 028 313 8980
mrust@overstrand.gov.za		

Kennisgewing van Overstrand Munisipaliteit Beleid vir die skoonmaak en instandhouding van plantegroei op oop grond



Kennisgewing 46/2016

Overstrand Munisipaliteit stel in kennis en nooi alle lede van die gemeenskap om kommentaar te lewer op beleid vir die skoonmaak en instandhouding van plantegroei op oop grond.

Die genoemde konsepbeleid is op die Overstrand Munisipale webwerf beskikbaar, www.overstrand.gov.za , vir openbare kommentaar

Die beleid gee die volgende wetgewing:

- Hoofstuk 7 Artikel 152 (d) van die Grondwet van Suid-Afrika, Wet 108 van 1996 - Bevordering van 'n veilige en gesonde omgewing;
- Artikels 4 en 34 van die Overstrand Munisipaliteit ' Gemeenskapsbrandveiligheid - wet PK 6454/2007 - Voorkoming van brandgevaar op eiendomme
- Wet op Brandweerdienste , No 99 van 1987 en wysigings tot Wet 14 van 2000 - Voorkoming van brande ;
- Nasionale Veld- en Bosbrande Wet 101 van 1998 ;
- Plaaslike Regering: Munisipale Finansiële Wet No. 56 van 2003 - Voorgeskrewe regulasies met betrekking tot finansiële aspekte van plaaslike regering;
- Plaaslike Regering: Wet op Munisipale Stelsels , No 32 van 2000 - Voorgeskrewe regulasies met betrekking tot die funksies van 'n munisipaliteit

Fynbos dek die manjifieke berge , valleie en kusvlaktes van Overstrand Munisipaliteit.

Die groot bedreiging vir fynbos is die verspreiding van uitheemse plantegroei soos hakea , die Australiese wattels Acacia cyclops algemeen bekend as rooikrans, en Acacia saligna meer bekend as Port Jackson, en dennebome uit Europa asook gereelde vure of veldbrande in die verkeerde seisoen.

Ander kenmerkende bedreigings vir gemeenskappe is veldbrande met stedelike koppelvlakke of binne dorps tuine met oop gronde wat oorgroei is .

Die doel van hierdie beleid is om 'n gesonde balans tussen die fynbos, ekologie en oop gronde plantegroei te bevorder en die uitbreek en verspreiding van brande te verhoed, deur middel van goeie ekologiese en brandveiligheids beginsels.

Navrae:

Hoof: Brandweerdienste & Rampbestuur L. Smith (Tel) 028 313 5042
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Divisie Bevelvoeder: Brandveiligheid J. Schoeman (Tel) 028 313 8980
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mrust@overstrand.gov.za



Isaziso somGaqo-nkqubo kaMasipala iOverstrand ongokususwa nokunakekelwa kwezityalo emathafeni.

Isaziso 46/2016

UMasipala iOverstrand wazisa kwaye umema wonke amalungu oluntu ukuba ahlomle kumgaqo-nkqubo ongokususwa nokunakekelwa kwezityalo emathafeni.

Lo mgaqo-nkqubo usayilwayo ukho kwiwebhusayithi kaMasipala iOverstrand www.overstrand.gov.za khona ukuze uluntu luhlomle.

Lo mGaqo-nkqubo uthi unike imfezeko kule mithetho ilandelayo:

- Isahluko 7 seCandelo 152(d) lomGaqo-siseko woMzantsi Afrika, umThetho 108 wango-1996 – Ukhuthaza indalo esingqongileyo ephilileyo nekhuselekileyo;
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I-Fynbos zizihlahla ezigqume iintaba, iintlambo namanxweme amahle kuMasipala iOverstrand.

Eyona nto yoyikisa kakhulu ngezihlahla ze-Fynbos kukunwenwa kwezityalo ezingezozalapha ezifana ne-*hakea*, eyi-*Australian wattles Acacia cyclops* eyaziwa njenge-*rooikrans* ne-*Acacia saligna* eyaziwa njenge-*Port Jackson*, kunye nemithi yepayini evela eYurophu nemililo egqogqisayo okanye imililo yamadlelo egqogqisa ngesizini engalunganga.

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Imibuzo:

IGosa eliyiNtloko kwezemiLilo uL. Smith (iFowuni) 028 313 5042
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**Notice of Overstrand Municipal policy for the clearing and maintenance of vegetation on open land.
Notice 46/2016**

Overstrand Municipality hereby notify and invite all community members to comment on the policy for the clearing and maintenance of vegetation on open land.
The mentioned draft policy is available on the Overstrand Municipal website, www.overstrand.gov.za, for public comments.

The Policy gives effect to the following legislation:

- Chapter 7 Section 152(d) of the Constitution of South Africa, Act 108 of 1996 - Promotion of a safe and healthy environment;
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Fynbos covers the magnificent mountains, valleys and coastal plains of Overstrand municipality.
The major threat to fynbos is the spread of alien plants such as hakea, the Australian wattles *Acacia cyclops* commonly known as rookkrans and *Acacia saligna* commonly known as Port Jackson, and pine trees from Europe and too frequent fires or veld fires in the wrong season. Other significant threats to communities are veld fires, within urban interfaces or within town allotments, open lands that are overgrown. This policy aims to strike a balance between a healthy fynbos ecology and open land vegetation covering in respect to prevent/ limit the outbreak and spread of fires through sound ecological and firewise principles.

Enquiries:
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Divisional Commander: Fire Safety J. Schoeman (Tel) 028 313 8980 jschoeman@overstrand.gov.za
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**Kennisgewing van Overstrand Munisipaliteit Beleid vir die skoonmaak en instandhouding van plantegroei op oop grond
Kennisgewing 46/2016**

Overstrand Munisipaliteit stel in kennis en nooi alle lede van die gemeenskap om kommentaar te lewer op beleid vir die skoonmaak en instandhouding van plantegroei op oop grond.
Die genoemde konsepbeleid is op die Overstrand Munisipale webwerf beskikbaar, www.overstrand.gov.za, vir openbare kommentaar

Die beleid gee die volgende wetgewing:

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Die doel van hierdie beleid is om 'n gesonde balans tussen die fynbos, ekologie en oop gronde plantegroei te bevorder en die uitbreek en verspreiding van brande te verhoed, deur middel van goeie ekologiese en brandveiligheids beginsels.

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Divisie Bevelvoeder: Rampbestuur M. Rust (Tel) 028 313 8980 mrust@overstrand.gov.za

**Isaziso somGaqo-nkqubo kaMasipala iOverstrand ongokususwa nokunakekelwa kwezityalo emathafeni.
Isaziso 46/2016**

UMasipala iOverstrand wazisa kwaye umema wonke amalungu oluntu ukuba ahlomle kumgaqo-nkqubo ongokususwa nokunakekelwa kwezityalo emathafeni.
Lo mgaqo-nkqubo usayilwayo ukho kwiwebhusayithi kaMasipala iOverstrand www.overstrand.gov.za khona ukuze uluntu luhlomle.

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Kennisgewing van Overstrand Munisipaliteit Beleid vir die skoonmaak en instandhouding van plantegroei op oop grond



Kennisgewing 46/2016

Overstrand Munisipaliteit stel in kennis en nooi alle lede van die gemeenskap om kommentaar te lewer op beleid vir die skoonmaak en instandhouding van plantegroei op oop grond.

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Isaziso 46/2016

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Comments

D1/8



MEMORANDUM

Date: 15 June 2016

To: Chief Fire Officer Smith

From: Div. Commander J Schoeman

Subject: **Public Participation Comments – Plot Clearing Policy Review**

Dear Mr Smith

There have been several letters and verbal concerns from private persons and organisations such as rate payers associations, ward committees and area managers which have all been discussed and thoughtfully considered. The various inputs are diverse in their ideals of which some were considered to be relevant and others not however, all valid concerns have been addressed and included in the draft policy.

The goals of this policy is solely to provide acceptable standards in addressing fire hazards created by vegetation synonymous with our region and not bio-diversity which many would like to be addressed in the policy. The role of bio-diversity can only be a function of suitably competent persons and not that of fire personnel therefore, this expertise falls within the mandate of Environmental Affairs with whom the Fire Service work closely hand in hand in efforts to promote vegetation management.

Hereunder a summary of the comments and considerations regarding public participation feedback received during the policy review process:

1 Stanford Conservation Trust:

The recommendation was that the name of the proposed policy is confusing as it should only reflect its intended purpose of addressing Fire Hazard only therefore, this was done and the name was changed to – **Policy for the Clearing and Maintenance of Vegetation Creating Fire Hazards.**

2 Jakob I Swart (Gansbaai):

a) Mr Swart is of the opinion that the banning of the use of tractor drawn 'Bossiekappers' is economically detrimental and unreasonable and that the

clearing procedures of all privately owned erven in areas zoned for development must be subject to the discretion of individual property owners.

- b) Also that if it is acceptable for the Municipality to use these machines for vegetation maintenance then it should be acceptable for private contractors dependent on the requirements of land owners.
- c) The use of such machinery is more cost effective for property owners as it is less labour intensive, eliminates the need to remove loads of cut down refuse and obviates the hire of chipping machines.

These concerns were considered after discussions with Mr. Swart and a number of plot clearing contractors who also expressed their solidarity with these sentiments therefore, this was included in the Category Table in Chapter 10 of the policy as - Manual or Mechanical at the discretion of the land owner

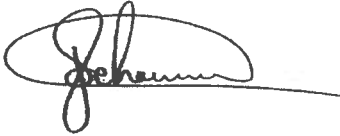
3 Kleinmond Ratepayers Association:

- a) Dissatisfaction regarding the maintenance of vegetation on Municipal property including sidewalks. – **The responsibility of the Municipality is included in the policy dictated by Article 54 of the Community Fire Safety By-law P.N. 6454 of 2007**
- b) Lengthy plot clearing process related to private erven and issuing of clearing notices. – **The timeframe for issuing notices is subject to the inspection and administration process and clearing time limits have been included in the policy as – 28 working days for South African residents and 40 days for International residents. All notices must by law be delivered per registered mail however, due to the unreliability of the postal service the use of email delivery where appropriate it is also included in the policy.**
- c) The responsibility of Municipal contractors in clearing processes on private erven – **All contractors are appointed by the tender process and their responsibility is dictated by signed contract whereby each contractor is monitored and evaluated in the Performance process.**
- d) Fines to be imposed on property owners not complying with the requirements of the By-law and clearing notices – **The current Administration fee of R1100-00 included in the tariff structure together with the collection of all clearing costs from property owners is included in the policy with the use of the additional court as an enforcement option.**
- e) Concerns that the requirement of a maximum growth height of 300mm for grass on open land is too restrictive and detrimental to wildlife and should be replaced with a maximum of 500mm – **This concern has been a factor throughout the most areas and therefore the policy requirement has been changed accordingly.**

4 Ward 10 – Committee for Conservation & Environmental Matters:

- a) **Herbicides not being used effectively to control alien vegetation – Formal meeting discussion it was made clear that the imposition of the use of herbicides during the plot clearing process on privately owned erven is not possible as it is subject to the environmental health and safety requirements and obtaining permission of individual property owners of whom many own property on a speculation basis and are not concerned with preservation of the environment.**
- b) **Site inspections and recommendations regarding development of erven – This cannot be included in the policy as it only concerns fire hazards and must be addressed via Environmental Affairs and Building Control.**
- c) **Vegetation maintenance on agricultural and smallholdings outside the urban edge – The control and maintenance of vegetation on such properties is the jurisdiction of Department of Agriculture and Fisheries (DAFF) under the Veld & Forestry Fire Act as well as the jurisdiction of the Department of Environmental Affairs under the CARA act. The policy refers to such areas in that concerns will be reported to these departments where necessary.**

I trust that this information is adequate for the review and approval process.



J. Schoeman



KLEINMOND BELASTINGBETALERSVERENIGING
KLEINMOND RATEPAYERS ASSOCIATION

Posbus 134, Kleinmond, 7195.
 Voorsitter: Jan-Willem van Staden. 028 271 4281 / 082 887 6466
 Vonkpos: staden@kingsley.co.za
 Sekretaris: Jannie Viljoen. 028 271 5958 / 084 589 7444
 Vonkpos: jannie100@gmail.com

VOORKEUR KORRESPONDENSIE WYSE is 'n Skrywe na BEIDE bostaende Epos-adresse.

2016-03-07

Die Burgemeester
 Die Munisipale bestuurder
 Overstrand Munisipaliteit
 Hermanus

FILE NO:	16/8
SCAN NO:	VH VILJOEN 02
COLLABORATION NO:	882692

DIE ONBEVREDIGENDE SKOONHOU VAN ERWE EN SYPAADJIES.

Oorgroeide erwe wat 'n brandgevaar inhou, 'n skuilplek vir misdadigers word, sowel as beboude erwe en sypaadjies wat ons dorp oneer aandoen, sowel as die tydsverloop tussen aanmelding en skoonmaak van erwe, het op die Kleinmond Belastingbetalersvereniging ter sprake gekom.

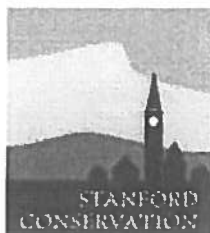
Na bespreking wil ons graag die volgende aan die hand doen:

Dat wanneer die munisipaliteit take uitkontrakeer, dit slegs die taak en nie die verantwoordelikheid vir die taak sal wees nie. Tenders moet sodanig gestruktureer word dat betaling slegs vir afgehandelde take sal wees en dat daar altyd 'n tydsbeperking sal wees wat, mits dit oorskrei word, 'n boeteheffing tot gevolg sal hê. Kortom, dat meer aandag aan tenders se inhoud en onbedoelde gevolge bestee word.

Verder wil ons die bestaande beleid uitbrei met die volgende voorstel.

Dat wanneer brandweer of wetstoepassing oordeel dat 'n erf, skoongemaak moet word, die eienaar onmiddellik in kennis gestel sal word dat vir elke maand wat die erf na een kalendermaand vanaf die die brief se posdatum, nog nie skoongemaak is nie, 'n boete gehef sal word totdat die erf na behore herstel is. Voorgenoemde moet geld vir beboude sowel as onbeboude en half geboude erwe.

VOORKEUR KORRESPONDENSIE WYSE in 'n skrywe (PDF-Lêer) na BEIDE
staden@kingsley.co.za en jannie100@gmail.com



PO Box 539
Stanford 7210

2016-04-21

Overstrand Municipality
PO Box 20
7200 Hermanus

Dear Mr Myburgh

Draft Policy for the Clearing and Maintenance of Vegetation on Open Land

Thank you for opportunity to provide the municipality with our proposals with regard to the Overstrand Municipality's above-mentioned draft policy. The notice in the newspaper unfortunately does not provide the contact details of whom to send the comments too, and also does not provide a deadline for comments. Therefore, apologies for sending this to you, but I am sure you will be able to send it to the correct municipal official.

Stanford Conservation supports the policy, but would like to draw your attention to the name of the Draft Policy which conveys the incorrect message:

Calling it a **Draft Policy for the Clearing and Maintenance of Vegetation on Open Land** is confusing if one reads the contents of the policy. The contents all indicate the reason why and how land should be cleared because of ONLY the fire hazard it creates. The name of the policy should therefore reflect this exclusive focus of the policy.

Our recommendation is to change the name of the policy to the following:

Draft Policy for the Clearing and Maintenance of Vegetation WHICH POSE A FIRE HAZARD on Open Land (or something to that effect). This will prevent the public from thinking that it is a policy for clearing (invasive) vegetation on open land – quite a different aspect and approach.

Yours sincerely

Bea Whittaker
Stanford Conservation



Jl Swart
 Posbus 164
 GANSBAAI
 7220
 14 APRIL 2016

Overstrand Munisipaliteit
 Hoofweg
 Gansbaai
 7220

Wie dit mag aangaan,

POLICY FOR THE CLEARING AND MAINTENANCE OF VEGETATION ON OPEN LAND

Ek lewer die volgende insette met betrekking tot bogenoemde beleid en versoek dat hierdie argumente in aggeneem word tydens die openbare proses om sodoende deel uit te maak van die finale beleid indien die Raad so sou besluit:

- Erwe is gehersoneer vir bou – groen areas is vir natuurlewe
- Wanneer jy bou mag jy alles vernietig wat op die erf is byvoorbeeld in geval waar 'n huis reeds opgerig is.
- Die munisipaliteit mag direk langs 'n erf met 'n bossieslaner werk maar operateurs nie?
- 'n Trekker en bossieslaner is 'n duur artikel. Ek het dit aangeskaf vir 'n diens aan die munisipaliteit sowel as om 'n inkomste uit te genereer asook om die skoonmaak van erwe so bekostigbaar as moontlik vir grondeienaars te maak.
- Verder noem ek dat 'n bossieslaner oor 'n verstellings opsie beskik (hoër en laer) sodat jy NIE skilpaaie raak slaan nie maar binne die voorgestelde munisipaliteits beleid is van onder 500mm.
- Wanneer 'n erf gebossieslaan word, word die afval materiaal egalig versprei oor die erf wat dien as 'n dekkingslaag. Dus is dit nie nodig om enige afval materiaal agter te laat of te verwyder na 'n stortingsgebied waar dit weer verwerk moet word of in enkele gevalle waar eienaars dit verwyder en dit stort op die eerste oop erf wat hul teë kom.

- Ek is bereid om u te kom sien in hierdie verband, indien daar 'n moontlikheid is om 'n vergadering deur u belê by te kan woon, sal ek dit hoog op prys stel indien u my daarvan kan verwittig.

Indien u nie bereid is om 'n vergadering te belê en ook nie hierdie insette in ag gaan neem vereis ek 'n skriftelike verduideliking.

Die uwe


 JACOB IZAK SWART
 TEL 082 325 85 30

AGENDA

OVERSTRAND MUNICIPALITY PLOT CLEARING POLICY (DRAFT DATED MARCH 2016)

(Exploratory meeting to be held in the committee room, Kleinmond
municipal offices at 11h00 on 9 May 2016)

Introduction: Anuta Scholtz for Rooiels Conservancy as the Ward 10 Committee representative for conservancy/environmental matters in respect of Betty's Bay, Pringle Bay and Rooiels. Janette Yeats as secunde.

Discussions prior to this meeting were undertaken with the following:

- * Chair, Pringle Bay Ratepayers & Hack Group leaders (past & present)
- * RERA & Hack Group reps
- * Botanical Society Chair, Betty's Bay, including Hack Group members
- * Other Ward 10 community members with relevant/supporting professional skills

1) OM Draft Policy for the clearing & maintenance of vegetation on open land: exploring a more discerning/lenient approach to the method/extent of clearing properties with regard to the various indigenous vegetation types/belts occurring in Ward 10.

- **motivation:** aligning preservation of natural vegetation in support of the unique biodiversity of the Kogelberg Biosphere area.
 - * Herbicides: the use of herbicides is considered essential to achieving a more permanent solution to the eradication of invasives. It is recommended that foremen of plot clearing teams be fully trained for certification as Pest Control Officers (permits issued by Dept Agriculture)
 - * site inspection & recommendations if required re building plans, particularly foundations and drainage in sensitive areas would be advantageous cost-wise to both OM and property owners undertaking new construction in Ward 10

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2) Clearing of Invasives on land excluded from the Draft Policy: it is noted that, with few exceptions, smallholdings in Ward 10 (open land & developed) seemingly fall outside the limitations of the Municipal plot clearing policy but are nonetheless heavily infested with listed invasives in certain areas that, due to the high wind factor of the area, are a notable fire hazard to both the Biosphere Reserve and properties within the urban edges of the 3 villages.

More detailed discussion on inclusion of these properties into the Policy (or a further policy/by-law) is considered essential.

- motivation:

- * to ensure a robust buffer zone for the UNESCO Biosphere Reserve
- * to protect the National (SANBI) overlay of Critical Biodiversity Area (CBA) status placed over smallholdings and conservancy areas in the Ward 10 constituency
(It is noted that OM has given recognition to CBAs by way of re-zoning such properties to "Undetermined Zone" as per Gazette Extraordinary 7203 of 29 November 2013)
- * to support/maximize eco tourism for the Overstrand

MAY 2016