

**AGENDA of the
Portfolio Committee : Protection Services
6 September 2022
(Also the agenda for the Mayoral Committee Meeting : 26 September 2022)**

**2.
POLICY FOR CREATING AND MAINTAINING FIRE WISE VACANT ERVEN IN
URBAN AND SUBURBAN AREAS OF THE OVERSTRAND MUNICIPALITY**

17/8/B

NJ Michaels

Director: Protection Services

8 August 2022

(028) 313 8054

1. Executive Summary

The purpose of this 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 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)
Relevant By-laws of the Overstrand Municipality

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6. Background/Discussion/Evaluation/Conclusion

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 Creating and Maintaining Fire-Wise vacant erven in urban and suburban areas of the Overstrand Municipality focuses on preventing or reducing the risk of urban and wildfires, mitigating the severity of damages caused by veld and bush fires, ensuring co-operating 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 approval of this policy will enable an understanding of all role players and facilitate better co-ordination of the 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 in the Municipality in improving our emergency preparedness and creating peace of mind for all communities.

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

7. Financial Implications

In accordance with approved budget as might be relevant.

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

See Annexure B

10. Annexures

- Annexure A: Policy for Creating and Maintaining Fire-Wise vacant erven in urban and suburban areas of the Overstrand Municipality
Annexure B: Comments from the public

RECOMMENDATION TO THE COUNCIL :

that the Policy for Creating and Maintaining Fire-Wise vacant erven in urban and suburban areas of the Overstrand Municipality, previously known as Policy for the Clearing and Maintenance of Vegetation Creating Fire Hazards, **be adopted**.

RESPONSIBLE OFFICIAL :

L SMITH

TARGET DATE FOR IMPLEMENTATION :

1 OCTOBER 2022

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**THIS MATTER SERVED BEFORE THE PORTFOLIO COMMITTEE ON
6 SEPTEMBER 2022, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE COUNCIL :

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OVERSTRAND MUNICIPALITY



POLICY FOR:

CREATING AND MAINTAINING FIRE - WISE VACANT ERVEN IN URBAN AND SUBURBAN AREAS OF THE OVERSTRAND MUNICIPALITY

September 2021

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Preamble

The Overstrand municipal region has over the years experienced many devastating fires. The presence of highly combustible vegetation, alien and endemic, combined with a rapidly increasing population and continuing urban and suburban development, pose a heightened risk of fires occurring. The Overstrand Municipality has a responsibility in terms of the Constitution to provide a safe and healthy environment by managing and reducing the risks of fires in and around urban and suburban areas. This is a responsibility which landowners share.

Fires result in the destruction of property, cause socio-economic hardship and have a negative impact on the welfare of communities. For this reason, strategies are needed to protect against the ravages of fire. Such strategies are an important part in developing a sustainable economy and in creating safe living conditions.

If the devastation that results from vegetation fires is to be mitigated, it is important to acknowledge that the condition of vacant erven in urban and suburban areas has to be managed and maintained in collaboration with communities in a manner that instils an awareness to be fire-wise.

Definitions and Abbreviations

Administration Fee	Means a tariff as approved by Council and provided for in the tariffs list of the Overstrand Municipality
Appeal Process	Means the process made provision for in section 62 of the Local Government: Municipal Systems Act, (Act 32 of 2000).
Biosphere	Biosphere reserves are 'learning places for sustainable development'. These are sites for testing interdisciplinary approaches to understanding and managing changes and interactions between social and ecological systems, including conflict prevention and management of biodiversity. They are places that provide local solutions to global challenges. Biosphere reserves include terrestrial, marine, and coastal ecosystems. Each site promotes solutions reconciling the conservation of biodiversity with its sustainable use.
Brush Cutter	Means a handheld mechanical tool, powered by an electrical or petrol motor, and used to cut down shrubs and small trees.
Bush-cutter (Bossiekapper)	Means a machine drawn behind a tractor, powered by a power take-off (PTO) from the tractor, and is used to cut down shrubs and large areas of vegetation
Chain Saw	Means a hand-held mechanical saw powered by an electrical or petrol motor and used to fell trees and cut logs and branches.
Combustible material	Means combustible refuse, combustible waste, or any other material capable of being ignited manually or spontaneously.
Community Fire Safety By-law	Means the Overstrand Municipality By-Law Relating to Community Fire Safety P.N. 6454 of 2007
Conservation Use	Means the use or maintenance of land in its natural state, or rehabilitation to its natural state, with the objective of preserving the biophysical and heritage characteristics of the land including flora and fauna on the land aligned with conservation use.
Contract	Means an agreement whether written or verbal entered into by and between 2 (two) or more parties which gives rise to certain rights and obligations and must require the performance or non-performance in the future by one or more of the parties to be legally binding.
Contractor	Means a person, natural or juristic, who undertakes to execute the provisions of a written contract to render a service that is awarded by the Overstrand Municipality under the terms and conditions stipulated therein.

Environmental management overlay Zone Regulation	Means the regulation of land use management in addition to existing statutory land use controls, whereby Council may give effect to specific guidelines in a spatial development framework or policy plan or address a specific management issue.
Erf (erven)	A plot(s) of land in urban and suburban areas zoned for the development of residential, commercial and industrial buildings.
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)	Means 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 or the accumulation of excess waste material
Herbicide	Means a chemical substance (weed killer) that is registered under relevant legislation to control or destroy specific plants in accordance with the directions for the use of such a weed killer.
Indigenous Vegetation	Means a species that occurs, or has historically occurred, naturally in a free state in nature, but excludes a species that has been introduced into South Africa as a result of human activity (as per the NEM:BA)
Invasive Alien Vegetation	Means vegetation declared invasive in terms of NEM:BA and CARA (Conservation of Agricultural Resources, Act) that landowners are legally required to remove from their property, and which is deemed to be a verified fire hazard in terms of this policy and NEMBA.
Land	For the purposes of this policy, means all undeveloped land, whether owned privately or by the state, province or municipality.
Land owner	Means any person, natural or juristic, including the State, in whose name land is registered,
Land reducing	Means actions required to ensure that fire hazard conditions are minimized on all land; that rubble, dead and dry vegetation and waste material are removed
Land user	Means any person, natural or juristic, including the State, who is the owner of the land, or who leases the land or who has any legal right to use the land or the vegetation or other organic material from the land, irrespective of whether that person resides on the property or not.

Manual reducing	Means the removal of vegetation and/or other material by hand or with hand-held tools.
Mechanical reducing	Means the removal of vegetation and/or other material by means of mechanical equipment such as tractor driven lawnmowers or bush-cutters ('bossiekappers').
Municipal service provider	Means a person, natural or juristic, who undertakes to execute a contract awarded by the Overstrand Municipality under the terms and conditions stipulated in such contract.
Municipality	Means the Overstrand Municipality, a local authority established in terms of the Local Government: Municipal Structures Act, No. 117 of 1998 and whose head office is situated at Magnolia Street, Hermanus, Western Cape.
Nature reserve	Means a national park, a national environment management protection area or an environmental conservation area declared or registered as a nature reserve in terms of legislation whether in public or private ownership, for the purpose of conserving and managing flora and fauna, in a natural habitat.
NEM:BA	Means the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004), and the Alien and Invasive Species Regulations, promulgated under NEM:BA (1 August 2014) for the management of invasive species.
Open Space Zone 1	Means land used primarily for Nature Reserve or Conservation use.
Park	Means land with or without trees and shrubs and lawn areas, used mainly for recreation purposes.
Playing Field	Means a privately, state or municipal owned facility where various sporting activities take place.
Procedure	Means a dedicated single process to complete a required task or tasks comprising certain steps or tasks , responsibilities, regulations or requirements, and involving any number of people as may be required.
Protected area	Means an area that has been declared a Protected Area in terms of the National Environmental Management: Protected Areas Act, No. 57 of 2003.
Public Garden	Means a garden that is open to the public for botanical and recreation purposes.
Public Open Space	Means land which is in public ownership, used primarily for outdoor play, recreation, or as a park area or nature area, and includes associated infrastructure and uses.

Responsible fire safety official	Means an official of the Overstrand Municipal Fire Brigade Service who is responsible for ensuring compliance with fire prevention standards.
Roadside Verge	Means that portion of a road, street, or thoroughfare, including a sidewalk, which is not the roadway or shoulder
Vacant Land	Means undeveloped land with insignificant or no vegetation cover
Sidewalk	Means that portion of a verge intended for the exclusive use of pedestrians
Suburban area	Means development areas situated on the outskirts of a city or town.
Urban area	Means an area situated within a city or town
Urban edge	Means areas situated as demarcated in the Overstrand Urban Conservation EMOS
Vacant Erven	Vacant land is land that has no buildings on it and is not being used. It can be zoned for either residential, industrial, or commercial usage depending on the area.
Waste material	Means superfluous, discarded or unstable matter: combustible or non-combustible rubble, rubbish, or debris accumulated on a property.

Chapter 2

Purpose and Objectives of the Policy

- 2.1 This policy is specific to municipal and privately owned vacant land within residential areas and bordering urban edges.
- 2.2 The Community Fire Safety By-law, pertaining to overgrown vegetation, does not distinguish between alien and endemic/indigenous vegetation and as such it is the main objective of this his policy to provide the Municipality and private land owners with the minimum standards and guidelines for managing and controlling fire hazards presented by overgrown erven and includes mechanisms to combat the proliferation of combustible vegetation on vacant erven, in order to mitigate or remove the threat and danger of fires in residential areas.
- 2.3 This policy gives effect to the following legislation:
- 2.3.1 Section 152(1)(d) of the Constitution of the Republic of South Africa, 1996 - the promotion of a safe and healthy environment;
 - 2.3.2 Sections 4 and 34 of the Overstrand Municipality Standard By-law relating to Community Fire Safety P.N. 342/2006 (Provincial Gazette 6454, 27 July 2007) – Prevention of fire hazards on properties;
 - 2.3.3 Fire Brigade Services Act, No. 99 of 1987 and amendments up to and including Act No. 14 of 2000 – Prevention of fires.
 - 2.3.4 Local Government: Municipal Finance Management Act, No. 56 of 2003 – Prescribed regulations with regard to financial aspects of local government,

- 2.3.5 Local Government: Municipal Systems Act, No. 32 of 2000 – Prescribed regulations with regard to the functions of a municipality.
 - 2.3.6 The National Veld and Forest Fire Act, No. 1998 101 of 1998 – Duty to prepare and maintain fire breaks.
 - 2.3.7 The National Forests Act of 1998 (Act No. 84 of 1998) – Protection of certain tree species declared as protected under the Act.
- 2.4 The objectives of the policy are:
- 2.4.1 To prevent the outbreak and spread of fire by the removing and reducing fire hazards presented by an overgrowth of combustible vegetation on erven irrespective of the type of vegetation.
 - 2.4.2 To provide for the identification of fire hazards on all vacant erven within the urban areas of the Overstrand Municipality, including, Open Spaces 1 and 2 that are managed by the Municipal Environmental Management Services Department and Area Management described in the Environmental Management Overlay Zone Regulations as areas of conservation concern.
 - 2.4.3 To enable the process of notifying owners of the fire hazards presented by overgrown erven and of their obligations to comply with the relevant legislation to prevent such situations from arising.
 - 2.4.4 To ensure that fire hazards are controlled and reduced in accordance with prescribed standards.
 - 2.4.5 To ensure that all privately and publicly owned vacant erven, including public open spaces within urban borders, continuously conform to the minimum standards.
 - 2.4.6 To enable and enforce the reduction of vegetation cover as stipulated in Chapter 8

Chapter 3

Principles of the Policy

- 3.1 All officials and contractors of the Overstrand Municipality, and all residents, landowners and appointed agents shall be subject to the provisions of this policy and shall be required to follow the procedures and any processes as prescribed.
- 3.2 All landowners are obligated in terms of sections 34 of the Community Fire Safety By-law to maintain their vacant erven in such a manner that the land is in a satisfactory condition, as determined by the Chief Fire Officer, in that it does not present a fire hazard to the surrounding environment and community.
- 3.3 Landowners must comply with the standards determined by the Municipality.
- 3.4 Only manual methods shall be used for reducing fire hazards in areas proclaimed as protected. Mechanical reducing shall be permitted in areas that are not proclaimed as protected in accordance with the relevant legislation. No machines that may disturb the soil such as bulldozers shall be used.
- 3.5 Manual methods for reducing fire hazards includes using hand tools such as bow-saws, pruning scissors, motor operated handheld chain saws or motor operated hand held brush cutters.

- 3.6 Mechanical methods for reducing fire hazards may include industrial driven motorised lawnmowers or tractor drawn bush cutters ('bossiekappers').
- 3.7 Fire Breaks free of combustible material shall be created on urban perimeters where necessary, as determined by the Chief Fire Officer in order to assist in preventing fires from spreading and to provide the necessary access for firefighting vehicles of all types to control fires.
- 3.8 Where permitted, driven motorised lawnmowers or tractor drawn bush cutters ('bossiekappers') may be used at the discretion of a landowner, who is encouraged to consider the protection of animals and natural vegetation in the process.
- 3.9 Areas such as roadside verges, public gardens, parks, fire breaks or sports/playing fields where continuous maintenance takes place, are subject to compliance with the minimum standards of this policy.

Chapter 4

Responsibilities, procedures and rights of the Municipality

- 4.1 Any delegated official of the Overstrand Fire, Rescue and Disaster Management Service is empowered, in terms of section 4 of the Community Fire Safety By-law and section 19 of the Fire Brigade Services Act, to enter upon any erf to ensure compliance with the requirements of the Community Fire Safety By-law and to order the removal of any hazard if it is found that there is a violation of any regulated Fire Safety standard. Non-compliance will result in the municipality exercising its statutory powers of enforcement.
- 4.2 In accordance with the Municipality's by-laws, policies and directives as to when and how an erf shall be cleared, officials with delegated authority for the identification of fire hazards shall have the final decision on the standard of reducing of an erf. If an erf is not identified as a fire hazard, but is in breach of other municipal legislation, the matter will be referred to the relevant department(s) for further action.
- 4.3 Compliance notices will be served on landowners by pre-paid registered mail through the South African Post Office in terms of section 6(2) of the Community Fire Safety By-law and **will only be served by e-mail as a courtesy where accurate contact information is provided to the Municipality and captured (held) in its data base. Despatch of the Notice by pre-paid registered post to the address of the owner together with proof that it reached the correct post office nearest to where the owner resides will constitute sufficient proof that the Notice had come to the attention of the landowner.**
- 4.4 A reducing compliance notice period of 28 working days in the case of owners who reside in South Africa and 40 working days in the case of owners who reside beyond the borders of South Africa, shall apply in respect of the removal of hazardous conditions prescribed by this policy.
- 4.5 The minimum standards for the reducing of vacant erven are determined by the controlling authority - (the municipality), as reflected in this policy.

- 4.6 This policy may be reviewed from time to time and any amendments shall be subject to council approval after public participation and council work-shopping.
- 4.7 The process for the acquisition of municipal reducing contractors shall be in accordance with the Municipality's Supply Chain Management Policy.
- 4.8 The appointed contractor(s) will be provided with specific instructions, including plot numbers and time frames for the reducing of erven.
- 4.9 The contractors shall be paid for work done only after their submitted invoices have been verified and cleared erven have been inspected to ensure that the work has been completed according to the prescribed standards of this policy and the specifications of the tender contract.
- 4.10 **The responsibility of the Municipality in terms of Chapter 4 of the Veld and Forest Fires Act is to ensure that fire breaks are prepared and maintained and in view of this the Municipality has prepared a fire management plan in accordance with NEMBA. The Municipality has also developed the EMOS which categorizes areas of conservation concern from this document and in compliance with said document the Evasive Alien Management Plan has been developed.**

Chapter 5

Obligations of Landowners

- 5.1 Landowners must comply with the provisions of section 34 of the Overstrand Municipality's Community Fire Safety By-law, P.N 6454 of 2007 and Categories 1,2 and 3 of NEM:BA.
- 5.2 Reducing of property shall be in compliance with the norms and standards as prescribed by this policy.
- 5.3 Failure to comply with the requirements of a reducing notice will result in the institution of legal proceedings in terms of section 58 of the said By-law.

Chapter 6

Recovery of Costs

- 6.1 Should it be necessary for the Municipality to institute legal proceedings as contemplated in section 5.3 of this Policy all costs and interest pertaining thereto shall be recoverable from the landowner which shall include the cost of the contractor's service and the administrative fee as determined in the municipal tariff structure, and shall the said cost be billed against the defaulting owner's municipal account as provided for in section 4(4) of the Community Fire Safety By-law.

Chapter 7

Appeal Process

- 7.1 Section 62(1) of the Local Government: Municipal Systems Act No. 32 2000 provides that a person whose rights are affected by a decision taken by a staff member of the municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the staff member may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 (twenty one) days of the date of the notification of the decision.

Chapter 8

Prescribed Standards for Reducing Vegetation

- 8.1 Contractors appointed by the Municipality for the fire risk reduction of erven are not permitted to use any herbicides on private erven, unless specified by the landowner, but may, under direction of the relevant municipal departmental manager, use suitable herbicides and application methods to control invasive species on municipal property.
- 8.2 The reducing of vegetation that constitutes a fire hazard shall be in compliance with the following prescribed standards:
- 8.2.1 All erven shall be cleared of all deadwood and any other combustible material not associated with the growth of vegetation.
- 8.2.2 All invasive alien vegetation shall be eradicated (cut down) and removed from the erven. In accordance with National Legislation: CARA and NEM:BA, stumps not uprooted, shall be treated with suitable herbicides and application methods under the direction of the landowner or appointed supervisor to prevent re-growth.
- 8.2.3 Grass and indigenous ground-covering plant species must be maintained at a maximum height of 500mm (0.5m); Ground cover provides protection of the topsoil from erosion and drought.
- 8.2.4 The area around trees shall be cleared of growth to a minimum height of 1.5m on the underside of the canopy with all ground level deadwood removed from the said area.
- 8.2.5 On erven that are surrounded by 1.8m or higher boundary walls the density of indigenous vegetation must be reduced by a minimum of 50% and vegetation must be cut down to at least 50mm below the top level of the walls.
- 8.2.6 On properties larger in extent than the standard single residential erven, adequate fire breaks must be provided as determined by the Chief Fire Officer.
- 8.2.7 Erven that are located within 50m of thatched roof structures shall be cleared of vegetation to the minimum standard at all times, irrespective of vegetation species and location, with the exception of trees, which must be trimmed in accordance with section 8.2.4 of this chapter.
- 8.2.8 The reducing of erven shall be done in a manner that does not contribute to soil erosion.
- 8.2.9 All vegetation refuse produced by the reducing action of erven **must be removed from the cleared erf and may not be left on an erf or on the verge for a period exceeding 3 (three) days.**
- 8.2.10 Cuttings may be chipped into pieces not larger than 100 x 100mm in size, which may either be removed or spread uniformly over the total area of the cleared erf but may not be left as heaps that will give rise to spontaneous combustion.
- 8.2.11 Garden refuse, cuttings and excess combustible material (including that produced during the reducing process) shall be removed from the property and disposed of at the relevant municipal refuse transfer station.

- 8.2.12 For purposes of removal of garden refuse, cuttings, and combustible material it is recommended 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 they are aware of the minimum requirements and terrain.
- 8.2.13 **Landowners shall ensure that a safe distance between the vegetation and any structures abutting erven is maintained by ensuring that vegetation does not encroach over the standard 2m building or other scheme lines.**
- 8.2.14 The reducing of erven shall be done in a manner that does not contribute to soil erosion.

Chapter 9

Prescribed Procedures of the Plot Reducing Management Process

NO.	ACTION	RESPONSIBLE DEPT
Standard procedures		
1.	1 st Compliance inspection	Chief: Fire Services or delegate
2.	Controlling Authority for the administration and Issue of Compliance Notices.	Offices of the Respective Area Managers
3.	2 nd Compliance Inspection	Chief: Fire Services
4.	Issue summons on owner to appear in court in case of non-compliance as determined by the relevant controlling authority.	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 – Hermanus Area Managers – Hangklip/Kleinmond & Gansbaai
3.	Inspection with certification of reducing done	Chief : Fire Services
4.	Invoice for payment of contractor	Finance
5.	Payment of contractor	Finance
6.	Billing of owner	Finance

Chapter 10

Milkwood Trees and other Protected / Protected Species (Also see DAFF information document appended hereto)

Protective species trees such as the White Milkwood (*Siderxylon inerme*) are protected in terms of the National Forests Act, No. 84 of 1998. Pruning of the canopy of these trees is permitted to a maximum of 25% only, as provided by exemption published in Government Notice No. 773 (Government Gazette 30183 of 24 August 2007), but topping is not permitted. No topping or excessive pruning for sea views is permitted.

Pruning of milkwood trees from ground level to a maximum height of 1.5m shall be considered to meet the allowable 25% beneath the crown and may be necessary where the trees provide potential cover for illegal activities if they are located on erven within the urban and suburban areas, but no pruning shall take place where these trees are part of a natural forest, i.e. along the coast line, in green belts and proclaimed reserve areas.

Destruction of protected trees and/or natural forest and/or any other protected/endangered plant species without a permit obtained from the relevant controlling authority is a criminal offence.

GN 773: THE EXEMPTION READS: '*3. Pruning or de-limbing of trees on private property in established urban areas and around any homesteads. Up to a maximum of 25% trimming of the crown, without mutilating the tree. Topping of tree crowns i.e. obstructing views, and trees growing in a natural forest ecosystem, are excluded from this exemption.*'

No	Authority Comment	Response
0	OVERSTRAND MUNICIPALITY	
0	1. Use of Post Office is defunct	1. We will still make use of the post office and also make use of emails.
0	2. Overstrand Municipality to issue fines for cutting of Milkwood trees.	2. OM is able to issue fines under the tree policy and bylaw and streets and public places bylaw for trees on municipal property. Trees on private property are governed by the Nation Forest Act, Department of Forestry, Fisheries and Environment (DFFE).
No	Authority Comment	Response
1	CAPE NATURE	
	Chapter 1	
1	1. Compliance with all other relevant legislation should be included into the Policy to inform Landowners of their responsibility.	1. Agreed, changes will reflect.
1	2. Permits required for the removal, pruning, and or destruction of several trees species.	2. Agreed, changes will reflect.
1	3. No other reference made to Environmental Management Overlay Zone Regulations (EMOZ) and should be included into it's entirety.	3. The EMOZ will be referred to in the Policy in more detail.
1	4. CapeNature recommends that a Ecological Fire Management Plan is instated iwithin the Urban Conservation EMOZ.	4. This plan is already developed and on the Overstrand Municipal (OM) GIS database system.
1	5. To change indigenous definition from "within border of South Africa"to occurring naturally in an area".	5. Agreed, changes will reflect.
1	6. Include NEMBA and CARA by the Invasive Alien Vegetation Definition.	6. Included.
1	7. Include NEMPA at Nature Rserve and Protected Areas.	7. Included.
1	8. Include Conservation Use	8. Included.
1	9. Reference should be made to the Municipal Zoning Scheme	9. Will leave the status under Open Space definition
1	10. Policy to be applicable within the urban edge.	10. Agreed, changes will reflect.
1	11. Biosphere Reserves, include core, transition and buffer zones definition.	11. Agreed, changes will reflect.
	Chapter 2	
1	12. Point 2.1 replace "within residential areas and bordering urban edges"with "within the urban edge". CN does not support this Policy outside of the urban edge.	12. Agreed, changes will reflect.
	13. Point 2.3.6 CN recommends that landowners cooperate with Fire Protection Association .	13. Agreed, changes will reflect.
	Chapter 3	
1	14. Point 3.4 To include manual clearing in areas where endangered or critically endangered ecosystems is listed in NEMBA.	14. Agreed, changes will reflect.
1	15. Point 3.7 Replace "on urban perimeters" with "within the urban edge".	15. Agreed, changes will reflect.
	Chapter 8	
1	16. Alien clearing not noted in 8.3	16. Agreed and will reflect 8.2 and 8.3 will be combined. All duplicates will be deleted.
1	17. Defined standard size ERF	17. Agreed standard size defined as 10000m2
1	18. Point 8.2.11 No discernible difference between vegetation refuse and garden refuse.	18. From experience working with fire safety there is a different between garden refuse and vegetation refuse found in urban areas.
1	19. Point 8.2.12 Registered contractors may also be used in Biosphere Reserves and Protected Areas	19. Agreed.
1	20. Point 8.2.3 The term "ground covering plant species" is indeterminate.	20. Will be defined clearer.
1	21. To add: Trees > 3m height may be trimmed if they are at risk of combusting adjacent infrastructure.	21. Agreed, changes will reflect.
1	22. Point 8.2.5 and Point 8.3.3 CN does not support the removal indigenous vegetation > 50%.	22. The fuel load on the property is not related to the veld type of the property and should therefore not be compared. Further consultation with the OM Environmental Department in this regard.
1	23. Point 8.2.7 OM should consider prohibiting thatch roof from being developed in fire-prone areas in urban areas.	23. OM cannot enforce but can recommend.
	Chapter 10	
1	24. Rename Chapter 10 to "Protected species"to include all other tree species.	24. Agreed, changes will reflect.
	Conclusion	

1	25. CN recommends that alien invasive plant clearing, deadwood, combustible vegetation be prioritised above indigenous vegetation.	25. The fuel load on the property is not related to the veld type of the property and should therefore not be compared. Further consultation with the OM Environmental Department in this regard.
No	Authority Comment	Response
2	PEARLY BEACH CONSERVANCY	
2	1. All properties need to be alien free and a distinction needs to be made between indigenous and endemic vegetation types.	25. The fuel load on the property is not related to the veld type of the property and should therefore not be compared. Further consultation with the OM Environmental Department in this regard.
2	2. All the vegetation is being removed by contractor.	2. The Policy does not state that all vegetation needs to be cleared on a property but rather that at least 50 % needs to be removed to reduce the fuel load on the property.
No	Authority Comment	Response
3	KOGELBERG BIOSPHERE	
3	1. Chapter 8.3 Should be "prescribed standards" as per 8.2 heading	Corrected under Cape Natures comments
3	2. Chapter 8.3.3 Inappropriate would make it legal to totally clear the plot, retention of minimum cover of 40%	Agreed - in undeveloped erven a minimum of 40% of indigenous vegetation must be maintained in accordance with the prescribed standards of this document
3	3. Chapter 8.3.4 Vegetation does not encroach on structure, such vegetation must be trimmed back	Agreed - policy will reflect
3	4. Chapter 8.3.5 Not appropriate, many of the characteristically and ecologically important fynbos species in this area are neither ground covering plants or trees, they are shrubs	Noted - will include "shrubs"
3	5. Chapter 8.3.7 Remove reference to thatch roofs in Fire Policy	Noted - unfortunately reference to thatch roofs cannot be removed as the material of the roof is highly flammable
3	6. Chapter 8.3.9 Ecologists say no to chipping and spreading or removing from erf	Noted - no reason given for statement
No	Authority Comment	Response
4	FRIENDS OF ROOIELS (Piet van Rensburg)	
4	1. Request that the policy be redrafted to include the minimum ration, streets as firebreaks and road reserves as biodiversity banks.	1. The fire behaviour in this area is completely different than that of the City of Cape Town. Certain areas will not have fire breaks and therefore the implementation of 50% removal of fuel load will be the requirement (example private erven).
4	2. Chapter 8.2.3 A ration of 1:2,5 should be implemented rather than a standard height of 500mm	The ration of 1:2,5 is used to determine the width of a fire break, this is only applicable to erven of 1 hectare or more
4	3. Proposition of Rooiels Conservation Overlay Zone	Noted - OM has an approved EMOZ
4	4. Request and motivation for the three Hangklip conservancies to be exempted from this document / policy	Noted - Overstrand Municipal Fire & Rescue Services have an obligation to create a safe and healthy environment for all citizens in our jurisdiction. If excluded from this document / policy, Overstrand Fire Services will not take any responsibilities for any loss of life or damage to properties. The insurance companies will be informed accordingly
4	5. General comments	Noted - the intent of the policy is to reduce the fire risk and intensity for when a fire enters the urban area
No	Authority Comment	Response
5	Kogelberg Biosphere Reserve Company (KRBC) (Jan Briers)	
5	1. The promised process to amend the Policy, nor the minimum standards for public participation process were followed	Noted, due processes were followed, this round of public participation is part of the initial process followed as it was not yet concluded.
5	2. The policy now includes indigenous vegetation (including numerous threatened plant species), which is alarming	Noted, in order to have well managed indigenous vegetation, we need to actively manage and mitigate the associated risks by reducing the vegetation, not clearing all vegetation.
5	3. The presence of highly combustible vegetation, alien and endemic, Is bias and incorrect	Noted, please refer to Fire Brigade Services Act--- and National Veld and Forest Fire Act-----

5	4. For the Fire Department to have a detailed Policy for vacant erven with a low fire risk and for material (vegetation) that is not listed as combustible materials, hazardous materials or fire risk in the community fire safety by-law No 6454 of 27 July 2007 is incomprehensible.	This policy focuses on the urban interface. Areas outside the urban interface will be dealt with in terms of the National Veld and Forest Fire Act
5	5. Various opinions 5.1 - 5.5 including recommendations	Thank you for your recommendations, this policy focuses on the urban interface. Areas outside the urban interface will be dealt with in terms of the National Veld and Forest Fire Act
5	6. The clearing of the indigenous vegetation from a plot covered with indigenous vegetation, results in alien invaders trees and/or grass and/or reeds established and eventually dominating vegetation cover and in so doing cause an increase in the fire risk on the sited... The indigenous vegetation in the area generally grows much smaller than most plants people establish in their gardens, once it is cleared of indigenous vegetation. Keeping plots covered with indigenous vegetation should rather be promoted.	Noted, the policy refers to vegetation and does not specify whether it is alien or indigenous. The word (prescribed standards for fire risk reduction). A new paragraph will be included in the objectives (the objective is not to cut everything down but reduce the risk)
5	7.1 The Policy, and its implementation of the policy are not legally compliant with NEMA and NEM:BA or the Forest Act	This policy is compliant with the National Veld and Forest Fire Act as well as the Fire Brigade Services Act (preventing the outbreak and spread of a fire)
5	7.2 "destruction of protected trees and/or other protected/endangered plant species without a permit obtained from the relevant controlling authority is a criminal offence"	The policy does not state that where there are protected species, endangered species or threatened species, the Environmental Department from the Overstrand Municipality will be consulted. The policy does not state that these species must be completely cleared.
5	7.3 The current or future conservation value of this land would be lost.	The vacant properties within the urban interface referred to or managed by this policy will be has been earmarked for further development in future and therefore does not have a conservation value
5	8. The statements and powers effectively award unlimited powers to these officials even if the norms and standards	According to the Fire Brigade Services Act the Chief Fire Officer has the final authority on what a property should look like
5	8.1 not a standard that any rate payer can follow	The standards are compliant with the requirements of the VFFA
5	8.2 it practically exempts the Municipality from compliance	The Municipality needs to comply with the NEMBA Regulations and all other ACTS relating the management of it's properties.
5	9. Leave too much discretion to the Fire Chief and most importantly it is not in accordance with the intent of the By-law of 2007 and therefore is not lawful	According to the Fire Brigade Services Act the Chief Fire Officer has the final authority on what a property should look like
5	9.1 Authorities (all of us) must accept the status of such indigenous vegetation as the reality which they must deal with....	The value of biodiversity is in the protected areas such as nature reserves, open spaces and contracted nature reserves. These areas will be protected for the future generations where vacant erven in residential areas will inevitably be developed. These areas do not play a long-term role in the protection of biodiversity conservation, only a short term role and that is why the protection against one of the highest risk areas in the western cape, in terms of fire, needs to be managed for it's fire risk and not its biodiversity value within the urban edge.
5	9.2 Section 8.2.3. Does not acknowledge the different purposes of land in any town and property rights of a landowner	This is correct. That is the purpose of this policy.
5	9.3 In practice vegetation clearing should focus only on the cutting down and removal alien invasive trees and deadwood	This is unfortunately not possible because fynbos, whether well managed, still needs to be thinned out to ensure that the fire risk in the urban area is minimised. If indigenous vegetation is not burnt every 10-15 years it becomes moribund and loses its biodiversity value.
5	10. The urban area (particularly the open erven and portions left natural after development) is rich in Rare and Critically Rare plants and animals.	Every landowner has the right to develop his or her property in the way they choose. NEMA has released its "commencement" statement which allows a landowner in any area where a township or village was established and surveyed by the surveyor general before NEMA came into effect in 1998, to build in any area without an EIA. The Biosphere Reserve does not have any regulations that stops development rights or minimises development in these areas. The EMF does however identify areas of biodiversity importance and these areas can be identified through the EMOZ and incorporated when the policy is implemented in a specific area.
5	11. Municipal land zoned as "road verges, municipal gardens, public commons and parklands" may act as firebreaks, but are not primarily firebreaks and can only be managed as if it is solely firebreaks if it is re-zoned as such.	Requirements for firebreaks, NATIONAL VELD AND FOREST FIRE ACT. 1998 section 13(c) it is reasonably free of inflammable material capable of carrying a veldfire across it.
5	11.1 Municipality will have to apply for the authorisations in terms of NEMA and NEMBA before clearing vegetation publicly owned vacant erven /public common areas in terms of this Policy	All conservation land, open space zone 1 and nature reserves are managed in accordance with the Municipal EMOZ, management plans and environmental legislation.
5	11.2 This "standards" are in contradiction to the 2007 By-law, does not acknowledge the different purposes of land in any town and seems to treat all land as if the sole purpose thereof is to control fire. This is not rational and point 3.9 should be removed and the standards amended	Agreed, changes will reflect.

5	11.3 The Municipal officials should take this responsibility and rather set the example to holistically manage land and sensitised others	All conservation land, open space zone 1 and nature reserves are managed in accordance with the Municipal EMOZ, management plans and environmental legislation.
5	11.4 This environmental degradation will change the profile of people moving to the area to people that focus on/and demand broad tarred roads, street lights and high fences and walls and such.	This comment has no relevance to the Policy.
5	12. Chapter 8: the type of vegetation is not specified or mentioned	The words vegetation refers to all vegetation, indigenous or invasive, trees or shrubs, fynbos or grass. All of these vegetation types are flammable in some form or another.
5	12.1 Chapter 8: "proliferation of combustible vegetation".	Combustible materials are solids or liquids that can burn. If a combustible material is exposed to fire or heat, it is likely to ignite or burn.
5	12.2 Chapter 8: This misguided new focus on indigenous vegetation and vacant erven therefore ignores and detracts from the more important work and fire risks that a Fire Safety Bylaw of the Fire Department should address	The purpose of the policy is to reduce and regularly monitor to ensure that no danger exists on such premises.
5	12.3 Chapter 8.1: Select (such as Garlon) is appropriate to stop alien invasive trees that were cut down from re-sprouting	There is a National Guideline document on the use of Herbicides, that identifies the use of registered herbicide on various different habitats. This document can be made available on the Municipal Website to educate all landowners.
5	12.4 Chapter 8.2 (a): The norms and standards as prescribed by this Policy are vague and ambiguous, illogic unreasonable, cannot be not applied equally to all landowners,	Everyone has a right to a safe and healthy environment. This is a constitutional right of all south African citizens. Each and every landowner is therefore responsible to ensure that his/her property does not pose a fire risk to his/her neighbor. Because most citizens are not aware how they should adhere to this responsibility, the fire department takes the lead in ensuring that norms, standards and guidelines are drafted to guide landowners.
5	12.5 Chapter 8.2 (b): Implementing the requirement of this Policy to cut down well managed indigenous veldt	The future biodiversity value of these properties are low in comparison to the current fire risk of these properties to the entire community and the adjacent conservation properties if not managed in an effective, controlled manner.
5	13 Section 8.2.3: NEMA, NEM:BA and NFA processes to clear protected and endangered plant and kill- or ruin the habitat of animal species if this standard is not removed..	NEMA is not applicable in urban areas established before 1998.
5	13.1 Current or future conservation value of this land would be lost	Vacant erven are not properties that has constituted conservation value. The effort and budget must therefore be concentrated on land with conservation status, nature reserves and corridors that are within the EMF and EMOZ.
5	13.2 The value and contribution of the habitat, the indigenous vegetation and associated animals which is growing on all open plots and its associated animals to Biodiversity Conservation and the System Functioning must be acknowledged.	The value of these species are not certain as vacant erven can be developed on at any point. The importance of the current threat to the community, fire, should therefore be mitigated and eliminated where possible. The community should be educated and sensitized to see it in that light.
5	13.3 Section 8.2.3 is in contradiction to the 2007 By-law, does not acknowledge the different purposes of land in any town and property rights of a landowner and seems to treat all land as if the sole purpose thereof is to control fire., must be removed.	This Policy is about fire hazard and therefore the sole purpose of the Policy is to control fire.
5	13.4 Once the regular clearing has transformed the vegetation to grass or reeds dominated veldt, grass and reeds may easily grow back to heights more than 500 mm in less 3 months.	This will only happen if all the vegetation is removed at once. This is not the objective of the Policy. The objective of the Policy is to minimize the fire risk by reducing the fire risk with the selective clearing of vegetation on the property.
5	13.5 Prime habitat of the Critically endangered Micro frog that has been permanently degraded as result of plot clearing and creating a site that is a much greater fire risk.	If this property is identified to the fire department, who will then discuss it with the Environmental Department, a special arrangement can be made to treat the property differently and rather look at the management of the surrounding areas.
5	13.6 The clearing of plots in the manner required in this Policy leaves numerous short sharp stems of dead and dying bush (all species that do not re-sprout).	The Policy does not state that all vegetation must be removed, nor that large amounts of topsoil should be removed. The Policy requires the LO to minimise the fire risk on his/her property by decreasing the density of the vegetation on the property. This can be done by removing a certain amount of plants or by cutting down, or clearing under (in the case of large shrubs or trees) to reduce the density of the canopy
5	13.7 Clearing of "trees" is not consistent to how natural vegetation in the area is or should be managed nor the way how the Municipality manage the trees in their parks.	Protea's, Leucospermum's and Leucadendron's are not classified as trees but Protea caffra can grow into a small tree. Mainly these species are classified as shrubs. Please see the National Classification of Trees of South Africa. The nature reserves and open space areas of the Municipality are managed in accordance with its Management Plans. Trees in the Parks Department on Open Space 2/3 areas are managed by cutting trees from the ground up.

5	13.8 For most indigenous trees and shrubs growing in the area it is irrational to clear up to any specific height as they grow wide with a large number of stems at the bottom with only a few stems higher than 2m	Trees need to be cut from below and shrubs need to be thinned out. If small trees are present on the site, it will need to be thinned out or it can be pruned to grow as a single stem.
5	13.9 a Protea plant is 1.6m high, must all other stems then be removed and if all stems are shorter than 1.5m the tree must be cut down to 0,5m? Suggestion: Remove.	Correct.
5	13.10 What number of vacant erven are there with 1.8m boundary walls around it? Such standard cannot be a standard as (i) a clear consistent density is not defined, (ii) the state/density on the property is not taken (iii) a % as standard is impossible to measure and a moving target (why not reduce it another 50% the next month). The relation with % cover and wall height in one condition seems to be unnecessary and irrational. Suggestion: Remove.	Chief, this is not a bad suggestion.
5	13.11 Remove and/or give a size of a plot so that it can be clear and open for discussion.	Standard size erven in different towns are different.
5	13.12 Why should a Municipality effectively promote thatch roofs in an area with such high winds?	The Municipality does discourage this practice but unfortunately some of the buildings have been in existence since the early 1900 and therefore need to be managed accordingly.
5	13.13 Suggestion: Remove all the requirements that effectively compel the landowner to remove all vegetation; i.e. Points 8.2.4 and 8.2.5 and 8.2.7.	The plots below are being cleared for building not for managing fire risk on the property. These are two completely different aspects and should not be confused. This Policy does not advocate the clearing of all vegetation from the property or the removal of topsoil.
5	13.14 Search and rescue should be done and suitable habitat for release be sought for threatened animals (micro frogs, lizards, chameleon's	If these sensitive areas can be identified to the fire department, a unique way to manage the clearing can be discussed at a case by case scenario.
5	13.15 Suggestion: That all chips be removed.	If wood chips are left in a large enough pile for a long period of time, it can ignite spontaneously, by spreading it it can be a good mulch resource that can add nutrients to your soil.
5	13.16 None of the more than six contractors that I have spoken to had any idea of the intricacies of the approved Policy.	The contractors employed by the municipality have an information session to workshop the content of the policy
5	13.17 The standards for properties located in proclaimed biosphere must be Removed as it omitted the requirement to eradicate alien invasive trees (8.2.2) and added to additional destructive activities that is not required in other erven. See points 8.3.3 and 8.3.4 below. Both these 3 additional requirements are all destructive, illogical and impractical.	Maybe you want to comment Chief, I dont understand his statement and have no problem with this section in the Policy.
5	13.18 Short-lived trees and shrubs that have started to die off (i.e. more than 50% of plant is dry) could be cut and removed.	This is a good suggestion but it will not work because most general members of our population will not know what species is referring to.
5	13.19 The associated flowers, sedges, renosterbos, proteas and pincushions and fynbos should be left unharmed.	What is the reasoning behind leaving this vegetation from a fire point of view?
5	13.20 The alien invasive vegetation in the road verges needs to be cut and removed and is the responsibility of the Municipality	Road verges act as important attack areas from where fires can be fought.
No	Authority Comment	Response
6	BETTYS BAY CONSERVANCY (LIEZEL BOHDANOWICZ)	
6	1. Add a section for wetland	Agreed - policy will reflect (under milkwood)
6	2. The word plot clearing be replaced with a less ambiguous title.	Agreed - policy will reflect (replace with fire wise and include definition)
No	Authority Comment	Response
7	BETTYS BAY CONSERVANCY (Carol Clark)	
7	1. Notice sent to property owners not in line with policy	Agreed - notice will reflect
7	2. 2013 guidelines did not focus on destroying indigenous vegetation	Agreed and corrected
7	3. Policy is linked to the sale of an erf with specific focus on "plot clearing"	Agreed, the term plot clearing will be corrected. The policy is not linked to the sale of an erf but rather to all erven posing an increased risk of fire spread within the urban edge
7	4. Open space 2 not in definitions	Noted - will reflect in the policy
7	5. The perception of "overgrown" is not standardised or measurable.	Noted - this is a subjective test based on the experience of fire officer doing the inspection. The document is a guideline to reduce the fire risk, not remove it all together.
7	6. What is section 58 of the Community Fire Safety Bylaw (3.2 and 5.3)	Thank you very much - This will be reviewed and reflect.

7	7. Only manual clearing in protected areas should be in bold (3.4)	Agreed - will reflect in the policy
7	8. "Motorised lawnmowers and tractor drawn brushcutters are NOT permitted in protected areas (3.8)	Noted - this is for the cutting of road verges and municipal firebreaks (permitted)
7	9. Replace the work "Clearing "with "Reduce the fire Hazard"(3.4)	Agreed - will reflect in the policy
7	10. Manual Clearing (3.5) vs Mechanical Clearing (3.6)	Described in 3.5 and 3.6
7	11. Manual Clearing (3.5) vs Mechanical Clearing (3.6)	Described in 3.5 and 3.6 - also see 7.8 of this document
7	12. "Fire Breaks free from combustible material ..." - Rewording	Noted - Will remain as is
7	13. Areas such as roadside verges, public gardens, parks, firebreaks or sports/ playing fields where continuous maintenance takes place, are subject to compliance with the minimum standards (3.9)	Noted - Will remain as is
7	14. What happened to the clause on dispute from the April 2019 version (Chapter 4)	Working with latest additon
7	15. Is supposed to be 40 WORKING days	Agreed - will reflect in the policy
7	16. Clarify the "Specific instructions "to contractor	This is reflected in the policy
7	17. 8.2 and 8.3 are duplications	Agreed and will reflect 8.2 and 8.3 will be combined. All duplicates will be deleted.
7	18. "Clearing" to be replaced with "the fire risk reduction" (8.1)	Agreed - will reflect in the policy
7		
No	Authority Comment	Response
8	Botanical Society: Kogelberg Branch (Jan Joubert)	
8	The policy not only spells out what, and how to be done but what progress is to be made, not only by the public, but also on public land by the Municipality/ state. This is lacking in the policy	The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies and policies that deals with the conservation purpose for the Municipality suc as the EMOZ and EMF.
8	The total area must be uniformly cleared. As the only mentionof clearing by the municipality mentions parks, resorts and road verges, the conclusion is reached that this policy excludes municipal and other state land	The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies and policies that deals with the conservation purpose for the Municipality suc as the EMOZ and EMF.
8	In more than one place it is mentioned that it is applicable to vacant properties, or erven. Developed (built-up) properties are thus excluded	A developed property is dealt in accordance with the By-law relating to Community Fire Safety - Prevention of fire hazards on properties.
8	All the municipal land is surrounded , especially close to the mountains, by either dense growth of fynbos (and in some cases with heavy growth of IAP trees) , which the municipality has no mandate over. It is thefore even more important to have a uniform policy applied within the area where IAP's can be controlled.	IAP's on non municipal land gets reported to the DEA - compliance officers.
8	The draft seems to struggle with the naming of various types of vegetation of or areas. This makes it extremley difficult to understand the aims of the policy.	Protea's and Leucospermum's are not classified as trees but Protea caffra can grow into a small tree. Usually these species are classified as shrubs. Please see the National Classification of Trees of South Africa. The following will be added to the Policy. if a desired tree is less than 2m in height, the tree can be left as long as the rest of the surrounding vegetation on the property is reduced in accordance with the standards in the Policy.
8	The policy only makes metion of vacant properties/ erven. This means that owners of built-up land and not subjected to this policy. As the policy holds penalties for non-compliance, the landowners are not treated equily. this is contrary to the constitution.	A developed property is dealt in accordance with the By-law relating to Community Fire Safety - Prevention of fire hazards on properties.
8	In practice the inspectors appointed in terms of the policy have no kwnoledge of plants, and will only approve of a cleared plot if it takes on the appearance of a tennis court, including totally destroying the fynbos and protected and endangered plants	The Policy does not state that all vegetation needs to be cleared on a property but rather that at least 50 % needs to be removed to reduce the fuel load on the property. Undeveloped erven a minimum of 40% of indigenous vegetation must be maintained in accordance with the prescribed standards of this document
8	The Policy states that contractors appointed by OM are not permitted to use herbicides without approval, and land owners may use it.	The Policy states in Chapter 8, sections 8.2.2 "in accordance with National Legislation , IAP's shall be treated wiht suitable herbicides and application methods under the direction of the landowner or appointed supervisor to prevent re-growth".

8	Implications of mechanical clearing is severe and should not be used. Too difficult to herbicide the cut stumps.	This technique has been used successfully in the past and requires immediate cutstump treatment of alien plants
8	Nowhere is it stated that a botanical survey must be done in case of mechanical clearing as required by NEMBA as the total area cleared far exceeds 300 sq m.	Clearance of more than 300 sq m is NEMA Regulation. The Policy does not state that all vegetation needs to be cleared on a property but rather that at least 50% needs to be removed to reduce the fuel load on the property. Undeveloped even a minimum of 40% of indigenous vegetation must be maintained in accordance with the prescribed standards of this document
8	Chief Fire Officer has stated that he does not know Botany and therefore the statement of "clearance satisfaction" carries no legal weight.	If a site requires the input of a Conservationist, then the Chief Fire Officer can consult the Environmental Department.
8	The definition of IAPI's refers to ACT43 of 1998 (CARA) This act has been replaced by Act 10 of 2004 (NEMBA)	NEMBA did not replace the entire CARA but only the section referring to IAPI's which is now covered under NEMBA.
8	What is urgently required is a definition of vegetation such as protected trees and plants	This section has been updated.
8	"Land Owner" and "Land User" is defined in Policy under definitions but "Property Owner" is used in Policy.	"Land Owner" also refers to "Property Owner" as stated in the Policy. Definition in Policy reviewed.
8	Why both definitions used, CARA contains definition for this purpose.	Thank you, the Policy will use the definitions as provided.
8	Chainsaw and Waste Material do not appear in the text of the Policy but in the definitions.	Both these appear in the text.
8	Mechanical and manual clearing is contained in definitions and repeated word for word in document.	These explain the methods to be used and how it should be used. Will remain.
8	Term "Controlling Authority" is not defined in Policy.	Corrected in Policy to define in document.
8	Ch 7 par 2.1.11 is repeat of 2.1.9	The reference to the Chapter in the Policy is unclear.
8	Ch 7 removal of vegetative refuse after clearing a property.	The reference to the Chapter in the Policy is unclear.
8	Ch 7 removal of 50% is not rational requirement.	The reference to the Chapter in the Policy is unclear.
8	Policy in its present form be scrapped and a coherent, legally sound and ecologically informed policy be drawn up by a team of people comprising officials of the Fire Department, Environmental and experts in sustainable veld management.	The review of the document was drawn up by a team consisting of the Fire Department, Environmental and Legal Department.
8	Municipality consider appointing a suitable member of staff as a Competent Authority in terms of Section 42 of NEMA	The Municipality does have EMI's appointed in its Environmental Department.
No	Authority Comment	Response
9	PRINGLE BAY RATEPAYERS ASSOCIATION (Bertie Voster) A more applicable standard should be adopted taking cognisance of the characteristics of our indigenous fynbos flora as well as the fact that Pringle Bay is indeed a declared Conservancy.	If there is a registered Conservancy within the urban edge, then the approved Management Plan needs to be submitted to the Fire Department who will review the requirements of the Management Plan in order to make an informed decision.
9	Redrafting the policy such that appropriate standards for the Overberg Area be drafted to be in harmony with our unique Fynbos Flora.	The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies and policies that deal with the conservation purpose for the Municipality such as the EMOZ and EMF.
9	Unique characteristics of our Fynbos must be taken into consideration and appropriate height and density measure should be devised. 500mm restrictions is inappropriate.	The Policy does not state that all vegetation needs to be cleared on a property but rather that at least 50% needs to be removed to reduce the fuel load on the property.
9	The general occurrence of species in an area should assist in determining the height restriction on a plot, example Protea's that are trimmed down to 500mm	Protea's and Leucospermum's are not classified as trees but Protea caffra can grow into a small tree. Usually these species are classified as shrubs. Please see the National Classification of Trees of South Africa. The following will be added to the Policy. If a desired tree is less than 2m in height, the tree can be left as long as the rest of the surrounding vegetation on the property is reduced in accordance with the standards in the Policy.
9	Redrafted standards must be reissued for comment. OM to acknowledge the status of Conservancies.	All comments with the standards are taken into consideration with this final review. If there is a registered Conservancy within the urban edge, then the approved Management Plan needs to be submitted to the Fire Department who will review the requirements of the Management Plan in order to make an informed decision.

9	Maintenance of road verges	The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies and policies that deals with the conservation purpose for the Municipality such as the EMOZ and EMF.
9	Appointment and expertise of contractor.	The Fire Department has Plot Clearing Inspectors that engage with the contractor before and after an areas has been reduced of the fire risk.
9	Implementation process for fire reduction on a erf.	We agree that this is the logical process to follow.
9	The policy only speaks to open residential erf, will another set of complimentary standards be devised for developed erf.	A developed property is dealt in accordance with the By-law relating to Community Fire Safety - Prevention of fire hazards on properties.
No	Authority Comment	Response
10	Botanical Society : Kogelberg Branch (Barbara Jenman)	
10	1. Add Endemic definition	Agreed. Will reflect.
10	2. Process for Fire Safety notices to be captured in a software system accessible to relevant departments.	The process for Fire Safety notices are captured on the UNITY system which is a software system developed for this purpose. It is also captured manually on the Municipal Filing system, there are thus duplicate capturing processes.
10	Proteas and leucospermum and some other are classified as trees in SA tree books. The trimming of the latter need to be understood before pruning/cutting takes place.	Protea's and Leucospermum's are not classified as trees but Protea caffra can grow into a small tree. Usually these species are classified as shrubs. Please see the National Classification of Trees of South Africa. The following will be added to the Policy. If a desired tree is less than 2m in height, the tree can be left as long as the rest of the surrounding vegetation on the property is reduced in accordance with the standards in the Policy.
10	Removing plants and roots on an entire wet plot could create a water problems for the surrounding properties.	2. The Policy does not state that all vegetation needs to be cleared on a property but rather that at least 50 % needs to be removed to reduce the fuel load on the property.
10	Green corridors to preserve biodiversity for both animal and plan life.	The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies and policies that deals with the conservation purpose for the Municipality such as the EMOZ and EMF.
No	Private Comment	Response
11	ROOIELS CONSERVANCY	
11	1. Policy does not distinguish between alien and endemic/Indegenous vegetation.	The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies that deals with the conservation of biodiversity.
11	2. Requests that villages with conservancies be exempt from this general policy and that a new provision be inserted stating that clearing of vegetation in conservancies be in accordance to the management plan of the conservancy.	If there is a registered Conservancy within the urban edge, then the approved Management Plan needs to be submitted to the Fire Department who will review the requirements of the Management Plan in order to make an informed decision.
No	Authority Comment	Response
12	ROOIELS RATEPAYERS ASSOCIATION (Dr KA Leresche)	
12	1. Clause 2.4.1 Remove "irrespective of the type of vegetation" and replace that with "in particular alien vegetation"	The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies that deals with the conservation of biodiversity. Please refer to POPI Act wrt private information.
12	2. Notify the conservancy's aswell when notices gets issued to the land owners.	
12	3. Section 2.4.5 those statndard should be set specifically and seperately for the villages within the KBR in accordance with 8.3	The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies that deals with the conservation purpose for the Municipality.
12	4. Add in declared biosphere areas to 3.4	The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies that deals with the conservation purpose for the Municipality.
12	5. Registered conservancy and rate payers association wants to be part of the process when appointing a contractor.	The appointment of contractors are in line with the Supply Chain Management Policy and Municipal Financial Management Act.
12	5a. If they cant be part they would like to engage with the contractor before he or she clears the property.	The Fire Department has Plot Clearing Inspectors that engage with the contractor before and after an areas has been reduced of the fire risk.
12	6. The conservancy is requesting to work closely with the contractor appointed for areas in the KBR transition or buffer zones.	The Fire Department has Plot Clearing Inspectors that engage with the contractor before and after an areas has been reduced of the fire risk.

12	7. section 8.3.3 500mm is too low to cut certain species and a change is suggested.		If this is the case then the area should be thinned out in accordance with the Policy standards.
12	8. section 8.3.8 clearing of Erven be done sensitively to retain the biodiversity.		Agreed
No	Authority Comment		Response
13	PRINGLE BAY REWILDING (Cornelia Stoop email 04 March 2022)		
13	Policy should be named Plot maintenance policy		Thank you - will remain as is
13	Document too cumbersome, include summary with annexure etc.		Will review the document.
13	Add another paragraph dealing with plot clearing of vacant plot before construction.		The objective of this Policy is to reduce the risk of fire in the entire Overstrand and not to be dependant on when a landowner wants to build on their property.
13	Document must take conservation into account.		The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies that deals with the conservation purpose for the Municipality.
13	The municipality has a responsibility to have the environment protected according to the bill of rights section 24.		The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies that deals with the conservation purpose for the Municipality.
13	There is no emphasis on the protection of our native flora in 2.2		The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies that deals with the conservation of biodiversity.
13	With reference to 2.4.1 the type of vegetation should be considered.		The objective of this Policy is to reduce the risk of fire in the entire Overstrand. There are Municipal strategies that deals with the conservation of biodiversity.
13	May residents maintain the verge in their private capacity. 3.9		With the landowners permission.
13	Can notices be sent via couriers at the landowners expense?		We will still make use of the post office and also make use of emails.
13	Only certain vegetation may be removed by preference.		The Plot Clearing Policy's objective is to reduce the fire risk in a whole of the Overstrand. If it is noted that an identified site has rare and protected species on the site then it must be made known and evidence submitted to the Fire Department and Environmental Services in order to investigate.
13	Remove second sentence of 8.2.7		Noted - unfortunately reference to that roofs cannot be removed as the material of the roof is highly flammable
13	natural vegetation should be replaced by native indigenous vegetation		The Plot Clearing Policy's objective is to reduce the fire risk in a whole of the Overstrand and not to distinguish between indigenous and invasive plant species.
13	Combine 8.2 and 8.3		Agreed. Will reflect and duplications will be removed.
13	Remove second sentence of 8.3.7		Agreed. Will reflect and duplications will be removed.
No			
14	Prof. BRIAN W van WILGEN (email 21 February 2022)		
14	Minimum standards for retaining indigenous vegetation.		The Plot Clearing Policy's objective is to reduce the fire risk in a whole of the Overstrand. If it is noted that an identified site has rare and protected species on the site then it must be made known and evidence submitted to the Fire Department and Environmental Services in order to investigate.
14	Vacant Erven not defined in policy		Agreed. Changes will reflect.
14	Two properties adjacent to each other owned by one owner with one being an open plot and the other having a house on be exempt from this policy when the open plot is used for gardening.		The policy refers to the standards in chapter 2 sub section 2.4.5 and cannot exempt certain properties.
14	5. Section 8.2 and 8.3 is duplicates		Agreed. Section 8.2 and 8.3 will be combined and all duplicates will be removed.
14	6. Need to define category 1,2 and 3 IAP in the Policy for removal purposes.		Will include definition for NEM:BA Category 1, 2 and 3 in the Policy and define which may remain if a permit is submitted to the Fire Department.
14	7. Replace "soil erosion" with "substantial disturbance to the soil".		Agreed, will reflect in document. Will include that no bulldozers or scrapers that damage or disturb the soil will be allowed for the reduction of vegetation, for the purpose of this Policy.
14	7a. What kind of methods may not be used for clearing of erven		As above comment.
14	8.Explain the appointment of contractors for the plot clearing process.		In accordance with the Fire Safety By-law and the Fire Safety Notice, the Municipality may advise on the contractors that can be used but the OM may not impel landowners to use those contractors.
14	9.The use of registered mail for issuing notices.		We will still make use of the post office and also make use of emails.
No	Private Comment		Response
15	mail 23 February 2022) Ward 9 (Speaker Cohen)		

15	Each area should get their own plot clearing contractor	This will have to be incorporated in the Supply Chain Process when a tender is drawn up and then awarded. This will be investigated.
No	Private Comment	Response
16	mail 23 February 2022) (Liz and Jorika)	Agreed. Will reflect.
16	Open space 1 and 2 as seen in Chapter 2.4.2	It is not necessary to include such a clause as the Policy refers to the Fire Management Plan that identifies the fire breaks for all open spaces and protected areas and it also refers to the EMOZ document which reflect the Buffer Zones for Protected Areas.
16	Specific clause which mentions a buffer zone at the woodland-urban interface where a reasonable fire break could be maintained.	
No	Private Comment	Response
17	Eldie Brink	Comments received has been summarised consider and comment from OM has been given and feedback will be given to the ward committees
17	Comments received in respect of both February 2020 and September 2021 be summarised together and responses submitted to ward committees.	

END