VERSION: 9b Nov 2019

ROOIELS CONSERVATION TASK GROUP

SUBGROUP: CONSERVATION OF THE CHARACTER OF RE BY TITLE DEED CONDITIONS AND LEGISLATION

MISSION: INCORPORATION OF ADDITIONAL PROTECTION IN THE DRAFT RE HERITAGE PROTECTION OVERLAY ZONE

MEMORANDUM E – DRAFT ROOIELS HERITAGE PROTECTION OVERLAY ZONE

13. ROOIELS HERITAGE PROTECTION OVERLAY ZONE (“HPOZ”)

**13.1 SPATIAL DELINEATION: Refer to Plan 4 (To be amended to include all Rooiels) – The whole of RE should logically be delineated as a Heritage Protection Overlay Zone, in view of its small area and ‘Kogelberg Biosphere Reserve corridor character’**.

13.2 PURPOSE: PROTECTING THE NATURAL PHYSICAL CHARACTER OF ROOIELS:

13.2.1

The character of Rooiels can be described as follows:

Rooiels is a conservation community, situated directly between the core section of the Kogelberg Biosphere (KBR) and the buffer zone to the Biosphere.

Rooiels advocates, as communicated to property owners through the Rooiels Vision, and as published on the Rooiels website [https://rooiels.weebly.com](https://rooiels.weebly.com/)/, a document approved by all the community organisations of Rooiels, to conserve conservation of its natural eco-heritage, which has been established and maintained over decades. The Rooiels Vision emphasises that, only through a strong community spirit and by putting the Vision for Rooiels into action, can the natural splendour of Rooiels as the gateway to the KBR be maintained and conserved.

Rooiels strives to conserve its natural character by:

* Protecting and maintaining local landmark features such as Klein Hangklip Mountain, the Koppie and the green edge facing the wetland areas, the Rooiels River estuary and the coastal open zone.
* Protecting and maintaining the Rooiels Nature Reserve and natural street reserves. These serve as green linkages between the mountains and the coastal open zone and contribute to the rural and eco-character of Rooiels.
* Ensuring that the natural green fynbos context remains the dominant element and that the built environment remains subsidiary to the landscape, rather than dominating it.
* Ensuring that the title deed conditions, which preserve the character of Rooiels, are complied with.
* Ensuring that the spatial residential use of owners may continue with limited commercial use, does not detract from the character of Rooiels and is compatible with the surroundings.
* Promoting and encouraging research of flora and fauna on land and sea surrounding Rooiels. Cultivating research on archaeologic sites of interest, such as the middens and fish-trap, with a view to protecting them.
* Protecting natural and indigenous fauna and flora “refuge” in Rooiels through respect and harmonious co-existence.
* Be a Fire-wise community by being cognisant of the high flammability of the fynbos and act in a responsible manner to prevent risk to life and property
* Working with the Overstrand Municipality to ensure that regulations enhance the character of Rooiels.

13.3 LAND USE APPLICATIONS AND APPLICATIONS FOR REMOVAL OF TITLE DEED RESTRICTIONS:

13.3.1 Land use applications and applications for removal of title deed restrictions shall only be approved if they are for the positive advantage of the Rooiels community. To that end all property owners in Rooiels shall receive notice of land use applications and applications for removal of title deed restrictions, except where otherwise indicated.

13.4 BUILDING PLAN APPLICATIONS:

13.4.1 Building plans shall, prior to approval, be made available for scrutiny at the offices of the Municipality to a nominee of an approved Rooiels community organisation, such as the Rooiels Ratepayers’ Association. (RERA)

13.4.2 Applicants for building plans shall be required to declare with their signature on the building plans that the building plans comply with the title deed conditions of the erf and with the terms of the HPOZ.

13.4.3 Septic-tank-soakaway-systems may be utilized instead of conservancy tanks in most parts of Rooiels where they do not pose any environmental risk or ground water contamination, subject to approval by the Municipality. Owners with existing conservancy tanks may be allowed where appropriate, to convert to septic-tank-soakaway systems, subject to Municipality approval.

13.5 STREET RESERVES (STREET VERGES):

In order to protect and maintain the street reserves, which serve as green linkages between the mountains and the coastline and which contribute to the character of Rooiels, the following natural features will be maintained:

13.5.1 Streets and roads will not be widened and will be brick-paved where necessary.

13.5.2. Streets and roads already serve as firebreaks. *Fuel-breaks* will not be constructed next to streets and roads, unless specifically required and motivated for in terms of the Overstrand Municipality approved Fire/Rescue & Disaster Management Plan in agreement with the Rooiels Rate Payers Association.

13.5.3 Trimming may be done of vegetation that overhangs streets and road verges in accordance with the management plan mentioned in 13.5.2.

13.5.4 Indigenous vegetation is preferable and encouraged as verges to retain the character of Rooiels and, for the purpose of reducing the fuel load, only dead wood, alien vegetation and identified flammable species (e.g. mature blombos/*Metalasia muricata*) will be removed.

13.6 SINGLE RESIDENTIAL DWELLINGS:

13.6.1. Erven currently zoned as Single Residential 1 shall be used for residential purposes only and no building other than one dwelling together with such outbuildings as per individual Title Deeds, shall be erected thereon. Outbuilding may be used to accommodate family members, guests or a caregiver (assisted living) but may not be used for rental purposes.

13.6.1.1. A dwelling shall house no more than a single family, as defined in the Overstrand Municipality Zoning Scheme Regulations, but including family and friends of the single family.

13.6.2. Densification (two dwellings per erf) shall not apply to Rooiels and no deviation from the Title Deeds will be allowed.

13.6.3. Subdivision of erven is not allowed, except when the subdivision will be to the positive advantage to Rooiels erf owners in general. All erf owners of Rooiels will be included in the public participation process prescribed by law.

13.6.4. The maximum total coverage for all buildings on the erf shall be as per Title Deeds.

13.7 SHORT-TERM AND LONG-TERM HOME RENTAL.

13.7 1 The letting of dwellings other than as a guest house or guest room for fewer than 30 consecutive days shall constitute *short-term home rental*.

13.7.2 *Long-term home rental* is the letting of a dwelling for 30 or more consecutive days and the letting shall only be for the housing of a single family, as defined in the Overstrand Municipality Zoning Scheme Regulations.

13.7.3 Utilisation for renting shall be restricted to two adults per bedroom, with a maximum of ten adults per dwelling.

13.7.4.1 The short-term home rental of dwellings is a consent use valid for five years, subject to the appointment of a manager, who occupies a dwelling in Rooiels, should the owner not be present / resident in Rooiels. Short-term home rental consent use is renewable on expiry.

13.7.4.2 The standard terms and conditions for consent use applies and contact details of the manager shall be recorded and as per Overstrand Municipal Regulations.

13.7.5 Notices of applications for short-term home rental consent use shall be given to all property owners who, at the discretion of the Municipality, are immediate and affected neighbours of the applicant

13.8 GUEST HOUSE AND GUEST ROOM CONSENT USE:

13.8.1 Guest room consent use for the purpose of this overlay zone shall be as for guest accommodation as per paragraph 5.1.6 of the Overstrand Municipality Zoning Scheme Regulations.

* + - 1. Two guest rooms may be rented out in keeping with the Overstrand Municipal Zoning Regulation.
      2. Guest rooms of 3 to a maximum of 5 rooms will require consent use.
      3. Guest rooms consent use is renewable on application for periods of five years as per Overstrand Municipal Zoning Regulations.
      4. A guest house shall not be allowed on single residential erven. Existing guest house consent uses shall revert to two guest rooms, on expiry of consent use.

13.8.2 Utilisation for letting shall be restricted to two adults per bedroom, with a maximum of ten adults per dwelling.

13.8.3 Notices of applications for guest room consent use shall be given to all property owners who are, at the discretion of the municipality, immediate or affected neighbours of the applicant. The neighbours shall be required to give their written consent, which consent shall not be withheld unreasonably.

13.8.4. The owner, and during his temporary absence, a manager, must, when guest rooms are rented out, occupy the property, in keeping with the residential character of Rooiels.

13.8.5. The consent use and contact details of the manager shall be recorded in the register as referred to in the definitions to the Overstrand Municipality Zoning Scheme Regulations.

13.8.6 Subject to 13.8.7, if a guest room consent use is approved, consent use does not pass on to new owners with a sale of the property and the wording of the title deed restrictions shall be appropriately amended to provide for fallback to single residential purpose on change of ownership, or majority shareholding or majority of trusteeships to provide for periodical consent use application.

13.8.7 In view of the costs involved and in view of the limitation of the number of guest rooms imposed to the advantage of the other Rooiels property owners, compliance with paragraph 13.8.6 can be deferred for an indefinite time at the discretion of the Municipality.

13.8.8 No indulgence, leniency or extension of time granted by the Municipality in terms of paragraph 13.8.7 shall constitute a waiver of any of the rights of the other property owners of Rooiels under these terms, or constitute a basis for a legitimate expectation by the applicant and, accordingly, the Municipality and any other Rooiels property owner shall not be precluded as a consequence of having granted such indulgence, from exercising any rights against the applicant which may have arisen in the past or which might arise in the future.

13.8.9 No advertising sign shall be displayed without the written approval of Council other than a single un-illuminated sign or notice affixed to the building or boundary wall or fence, and such sign must be in line with the Overstrand Signage By-Law.

13.9 ARCHITECTURAL GUIDELINES.

13.9.1 Character and Aesthetics:

13.9.1.1 New building interventions must respect the character of the existing built environment, in terms of relatively low buildings and buildings which are integrated into the surrounding landscape and which are stepped down slopes rather than being perched on stilts above the slopes.

13.9.1.2 Double-storey buildings must be fragmented and disaggregated on elevations and not be monolithic.

13.9.2 Building on stilts:

Stilts for building platforms may not exceed 2,4 meters in height above the base level. The height of stilts forms part of the total height of the structure. Mitigation must be applied to limit visual impacts.

13.9.3 Coverage and height of structures:

13.9.3.1 The 8m height restriction, as measured form base level, applies.

13.9.3.2 Wall plates heights on any facades facing onto public areas are restricted to 5,5m above the finished floor level.

13.9.3.3 The definition of basements as contained in the Overstrand Zoning Scheme Regulations must be strictly applied to ensure that no three storey structures present themselves.

13.9.3.3 No structure may exceed two storeys. The space below pitched roof structures may however be utilised as a loft providing the height restriction is not exceeded.

13.9.4 Use of material and colours:

Architectural design and finishes should consider the environmental domain and blend with the natural surroundings

13.9.5 Boundary treatment:

13.9.5.1 No solid, visually impermeable boundary treatments above 2,1m will be permitted.

13.9.5.2 The use of prefabricated concrete walls, vibracrete, un-plastered cement block walls and razor wire is prohibited.

13.9.5.3 To conserve the spatial natural corridor character of Rooiels, should owners require screen walls to kitchen yards or private patios, they are encouraged to build them suitably closer to their dwellings, rather than on their boundaries.

13.9.6 No mature indigenous vegetation exceeding 1,5m in height can be removed without the special consent of the Municipality.

13.10 STREET LIGHTS AND LIGHTING.

13.10.1 Street lights shall not be erected in Rooiels and light pollution is discouraged.

13.10.2 External lights of residential buildings shall face downwards to avoid spillage over boundaries.

13.10.3 In place of static lights, the use of sensor-operated external lights (that are switched off when the lights are not activated) is encouraged.

13.11 OPEN SPACE ZONE 1: NATURE RESERVE (OS1)

The primary uses of erven zoned Nature Reserve (OS1) shall be nature reserve and conservation use and the declared Nature Reserves shall retain their status as indicated on the zoning map. Consent uses shall not be approved.

13.12 FIRE-WISE

13.12.1 As a fire-wise community, owners need to have a ready supply of water. To relieve pressure on the water supply system, rainwater harvesting, and storage is encouraged. Owners are encouraged to investigate coatings / claddings / materials that incorporate flame retardants. In the event of fires, wind carried embers are a great risk to structures. Compliance to Overstrand Municipality Building codes and regulations is obligatory. Non-compliance places the residents at risk and may have insurance claim implications.

13.13. GREEN LIVING

13.13.1 Greywater treatment for the use in ablutions as well as gardening further relieves pressure on the available water supply system.

13.13.2. Untreated Black water spillage and runoff into the water table, estuary / river system and ocean will contaminate the water table and is not allowed.

13.13.3. Alternative water heating, photovoltaic and alternative power storage systems for domestic use is encouraged so reducing household energy use and carbon footprint. Placement of structures needs consideration as they do tend to dominate the skyline. Erection of masts for wind power harvesting or other purposes on a residential property is prohibited.

13.14 BUILDING LINES

13.14.1 The erection of buildings and structures are prohibited within the building lines as described in paragraph 13.14.2

13.14.2 The most restrictive of the building lines according either to the title deed conditions of erven currently zoned as Single Residential 1 or the following building lines apply:

(i) The street building line is 4,0 m;

(ii) The side building line is 2,0 m;

(iii) The rear building line is 2,0 m.

13.14.3 The following development rules apply with regard to garages within building lines:

13.14.3.1 The Council may permit with consent, the erection of a garage over a street building line, if in the Council’s opinion, the garage cannot reasonably be sited at the prescribed distance due to the slope of the land unit, or for other reasons, provided;

(i) The height of such garage from the natural ground level to the top of its roof

(ii) The garage may not be closer than 5,0 m to the road kerb/surface.

13.14.3.2 Garages shall not be allowed within the side and rear building lines.