

**OVERSTRAND MUNICIPALITY**  
**DRAFT ENVIRONMENTAL MANAGEMENT OVERLAY ZONE**  
**REGULATIONS**

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**PREAMBLE**

WHEREAS section 156(1) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) confers on municipalities the executive authority and right to administer local government matters listed in Schedules 4B and 5B to the Constitution; and

WHEREAS Part B of Schedule 4 to the Constitution of the Republic of South Africa lists municipal planning as a local government matter; and

WHEREAS section 152(1) of the Constitution sets out the objects of local government which include to promote a safe and healthy environment; and

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer; and

WHEREAS Chapter 15 of the Overstrand Municipality's Zoning Scheme Regulations empowers municipalities to prepare, approve, amend or delete overlay zones for specific areas;

NOW THEREFORE the Overstrand Municipality gives notice of its intention to adopt these Environmental Management Overlay Zone Regulations in terms of Section 156(2) of the Constitution.



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**CHAPTER 1: INTERPRETATION, OBJECTS AND APPLICATION OF THE REGULATIONS:**

**17 Definitions**

- 17.1 In these Regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in any of the undermentioned laws has the meaning assigned to it in that law:
- 17.1..1 the Overstrand Municipality By-Law on Municipal Planning, 2013
  - 17.1..2 the National Environmental Management Act, 1998 (Act 107 of 1998)
  - 17.1..3 the National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008)
  - 17.1..4 the National Environmental Management Air Quality Act, 2005 (Act 39 of 2004)
  - 17.1..5 the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)
  - 17.1..6 the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003)
  - 17.1..7 the National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
  - 17.1..8 the National Water Act, 1998 (Act 36 of 1998)
- 17.2 “access point” means an officially signposted terminal point whereby a member of the public enters or exits an EMOZ, by means of a vehicle, conveyance or on foot;
- 17.3 “access route” means streets, public lanes, footpaths, hiking trails or cycle trails;



- 17.4 "access infrastructure" means buildings such as ablutions, structures such as pathways, signs, refuse bins, benches, viewing platforms, bridges and so forth that the Overstrand Municipality has constructed / erected to facilitate access to Municipal properties and the coastal public property;
- 17.5 "coastal access land" means strips of municipal Open Space properties between the residential cadastral boundary and the high water mark of the sea, including the natural environment, access infrastructure and development nodes and where applicable to areas beyond such strips of municipal Open Space, refers to categories of land defined in the National Environmental Management: Integrated Coastal Management Act, 2008;
- 17.6 "development node" means public parking areas, commercial / retail / trading / tourism nodes, public resorts, blue flag beaches, swimming beaches, dog friendly beaches, public ablutions and other amenities, public boat launching sites, parks and recreation facilities, cultural / heritage buildings, utility areas supporting access or services or proclaimed harbours;
- 17.7 "EMOZ" means an Environmental Management Overlay Zone as contemplated in the Overstrand Municipality By-Law on Municipal Planning, 2013;
- 17.8 "EMP" means an Environmental Management Plan or Environmental Management Programme as listed in the National Environmental Management Act, 1998 (Act 107 of 1998) Environmental Impact Assessment (EIA) Regulations;
- 17.9 "disaster" means a progressive or sudden, widespread or localised, natural or human caused occurrence which (a) caused or threatens to cause: (i) death, injury or disease; (ii) damage to property, infrastructure or the environment; or (iii) disruption of the life of a community; and (b) is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources;
- 17.10 "ICMA" means the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);
- 17.11 "infrastructure" means any temporary or permanent structure made by humans;



- 17.12 "integrated development plan" means the integrated development plan (including the spatial development framework) prepared by the Municipality in accordance with the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
- 17.13 "land use authorisation" means any authorisation, consent, permit or exemption granted under the Land Use Planning Ordinance 15 of 1985, Land Use Planning Act, 2015; Overstrand Municipality By-Law on Municipal Planning, 2013 or any other legislation that governs the use of land within the municipal coastal zone;
- 17.14 "NEMA" means the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- 17.15 "NEM:AQA" means the National Environmental Management Air Quality Act, 2005 (Act 39 of 2004);
- 17.16 "NEMBA" means the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004);
- 17.17 "NEMPAA" means the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003);
- 17.18 "NEMWA" means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008);
- 17.19 "NWA" means the National Water Act, 1998 (Act 36 of 1998);
- 17.20 "Overstrand Municipal Area" means the geographical area over which the Overstrand Municipality has jurisdiction;
- 17.21 "permissible activity" means an activity listed in Schedule B to these regulations that is permissible within a particular EMOZ only with the Council's written consent;
- 17.22 "prohibited activity" means an activity listed in Schedule A to these regulations that is prohibited within a particular EMOZ;
- 17.23 "Provincial Department" means the Department of Environmental Affairs and Development Planning or any other department within the Provincial Government of the Western Cape to which responsibility for coastal management may be transferred;



- 17.24 "spatial development framework" means a spatial development framework referred to in section 26 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
- 17.25 "littering" means the act of discarding waste in public areas, other than in a public litter container;
- 17.26 "maintenance" means actions performed to keep a structure or system functioning or in service on the same location, capacity and footprint;
- 17.27 "maintenance management plan" means a management plan for maintenance purposes defined or adopted by the competent authority;
- 17.28 "pathway" means an area that has been planned and signposted by the Municipality to facilitate pedestrian or bicycle traffic, where vegetation has been cleared to facilitate public access and where a sandy, gravel covered or concrete surface exists;
- 17.29 "staying overnight" means sleeping or otherwise taking shelter in any building, informal structure, infrastructure or vegetation on Municipal open space properties between the hours of 20:00 and 06:00;
- 17.30 "utility services" means the provision by the Municipality of basic services in the discharge of its constitutional responsibilities including water, electricity, waste removal, storm water management, municipal public transport and municipal public works.

## **18 Object of Regulations:**

18.1 The object of these regulations is –

- 18.1..1 To provide a mechanism for land use management, additional 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.

## **19 Application of Regulations:**

- 19.1 These regulations apply, in addition to any other laws that may apply, to the Environmental Management Overlay Zones within the area of jurisdiction of the

Overstrand Municipality and bind all persons and organs of state within this area of jurisdiction.

- 19.2 These regulations do not invalidate any land use rights or authorisations that existed when these regulations came into effect but may place additional constraints on existing rights.

## **CHAPTER 2: SPECIFIC ENVIRONMENTAL MANAGEMENT OVERLAY ZONE REGULATIONS:**

### **20 COASTAL PROTECTION ENVIRONMENTAL MANAGEMENT OVERLAY ZONE ("COASTAL PROTECTION EMOZ"):**

- 20.1 **Spatial delineation:** Refer to Plan 1.
- 20.2 Activities that are prohibited within the Coastal Protection EMOZ are listed in Schedule "A" to these Regulations.
- 20.3 Activities that may be permitted only with Council's written consent within the Coastal Protection EMOZ are listed in Schedule "B" to these Regulations.
- 20.4 General regulations applicable to the Environmental Management Overlay Zones (EMOZs) of the Overstrand Municipality are listed in Schedule "C" to these regulations.
- 20.5 **Purpose 1:** Managing the integrity of coastal ecosystems, ecosystem services, coastal dynamic processes and biodiversity within Coastal Reserves:
- 20.5..1 **Limitation of Access and Regulation of Behaviour in Coastal Reserves:**
- 20.5..1.1 Council or the delegated management authority may close any access point or route that has or will have an adverse impact on the environment or that is deemed to be an unlawful or unauthorised access point or route;
- 20.5..1.2 Council or the delegated authority management authority may order the removal of structures in unauthorised access points or routes and the rehabilitation of such sites at the expense of the responsible party;





20.5..1.3 Council may from time to time promulgate bylaws prohibiting specific actions and behaviour within coastal reserves and impose penalties for transgression of such bylaws;

20.5..2 **Co-Management Agreements:**

20.5..2.1 The Municipality may enter into co-management agreements with third parties for the management of Coastal Reserves.

20.5..3 **Management of Indigenous Coastal Vegetation:**

20.5..3.1 The Municipality may trim or order the trimming of vegetation within the Coastal Reserve which overhangs the boundaries of residential properties.

20.5..3.2 The Municipality may implement measures to manage vegetation within a Coastal Reserve by burning (with the consent of the Chief Fire Protection Officer), thinning, pruning, brush-cutting, chipping and removing vegetation where appropriate, according to the management plan for each Coastal Reserve.

20.5..4 **Management of Coastal Forests:**

20.5..4.1 The Municipality may categorise, designate and manage specific coastal forest areas as Coastal Forest Reserve / Recreational Area / Special Management Area, depending on the existing state of transformation of such ecosystems and in accordance with the provisions of management plans for such areas as approved.

20.5..5 **Reinstatement of Coastal Corridors:**



20.5..5.1 Council may terminate or reduce the validity period or decline the renewal / extension of encroachment agreements, coastal leases or any other management agreement with any third party where it would be to the benefit of the ecology within the Coastal Protection EMOZ and/or in the public interest.

20.5..6 **Management of Locally Problematic Alien Invasive Species & Emerging Weeds:**

20.5..6.1 Council may consider and approve a list of locally problematic alien invasive species and emerging weeds which pose a risk to the environment within the Coastal Reserve or that present budgetary and costs implications for the Municipality in order to manage.

20.5..6.2 The Management Authority may issue removal notices for locally listed alien invasive species and emerging weeds which are found on properties within or adjacent to coastal reserves including on state owned land.

20.5..6.3 All organs of state that own land within the Rural Coastal Protection EMOZ must compile an IAS monitoring, control and eradication plan for land under their control. Copies of these plans and an annual report on implementation status must be submitted to the municipality. Should they fail to do so, the municipality may report the matter to the Department of Environmental Affairs' Biosecurity Directorate.

20.6 **Purpose 2: Managing public access for the enhancement of social, economic and recreational opportunities within the coastal environment:**

20.6..1 **Development Nodes & Arterial Routes in Existing Urban Areas:**

20.6..1.1 **Public access to the coastal environment:**

20.6..1.1.1 Public access to the coastal environment is provided by means of development nodes and arterial routes which may be located within



Coastal Reserves or exist as separate cadastral units within the Coastal Protection Zone.

20.6..1.2                    **Reasonable and equitable access to the coast**

20.6..1.2.1                    The Municipality may limit access within the Coastal Reserves to the use of designated development nodes and arterial routes (above the high water mark of the sea) only;

20.6..1.2.2                    The Municipality may designate existing development nodes and arterial routes on spatial plans per suburb in the Municipal area, signpost such areas and provide for their operational management in maintenance management plans.

20.6..1.3                    **Primary Uses of Arterial Routes:**

20.6..1.3.1                    The following primary uses of arterial routes will be permitted:

- Municipal streets,
- public lanes,
- footpaths,
- hiking trails,
- cycle trails, and associated structures or services such as water pipelines, sewage lines, park benches, refuse bins, viewing platforms and bridges.

20.6..1.4                    **Primary Uses of Development Nodes:**

20.6..1.4.1                    The following primary uses will be permitted in development nodes:

- Public Parking Areas



- Commercial / Retail / Trading / Tourism Nodes
- Public Resorts
- Blue Flag Beaches
- Swimming Beaches
- Dog Friendly Beaches
- Public Ablutions & Other Amenities
- Public Boat Launching Sites
- Parks & Recreation Facilities
- Cultural / Heritage Buildings
- Utility areas supporting access or services
- Proclaimed Harbours.

#### 20.6..1.5

#### **Environmental Management Plans & Audits**

##### 20.6..1.5.1

Council may at its' own discretion require the submission of Environmental Impact Assessments and Environmental Management Plans for activities, buildings and infrastructure within development nodes, which require the Council's written consent.

##### 20.6..1.5.2

Council may at its own discretion require the submission of independent environmental audit reports in respect of activities that are managed in terms of environmental management plans.

#### 20.6..1.6

#### **Public Protection:**



- 20.6..1.6.1 Access to coastal public property via municipal approved development nodes and arterial routes is subject to the following conditions:
- 20.6..1.6.1..1 Council may prescribe appropriate and inappropriate behaviour on coastal access land and publish bylaws for the regulation of public behaviour on coastal access land.
- 20.6..1.6.1..2 Council may install monitoring and surveillance equipment in order to safeguard public access to coastal property and to curb criminal activity.
- 20.6..1.6.1..3 Council may specify appropriate hours of access to coastal access land and regulate such access where required.
- 20.6..1.6.1..4 Council may designate certain areas as smoking free zones.
- 20.7 **Purpose 3: Managing the character, sense of place and aesthetic value of coastal property:**
- 20.7..1 **Management of Encroachment**
- 20.7..1.1 Council may institute measures to safeguard coastal reserves against encroachment from private properties and to prosecute persons that cause such encroachments.
- 20.7..1.2 Council may approve procedures for the removal of infrastructure that is placed in coastal reserves without the written consent of the council or the delegated authority.
- 20.7..1.3 Council may authorize procedures for the recovery of costs from persons that are responsible for encroachments, dumping or the modification of coastal vegetation.
- 20.7..2 **Development Nodes:**



- 20.7..2.1 Design and development of new buildings, infrastructure and utilities within development nodes must complement the natural character of the coastal reserves or improve the sense of place when existing development is replaced.
- 20.7..2.2 Applications for new development nodes within coastal reserves must be accompanied by environmental impact assessments and environmental management plans.
- 20.7..2.3 Transmission infrastructure should be limited to rooftop base stations unless authorized by an environmental authorization and consent use application.
- 20.7..3 **Arterial Routes:**
- 20.7..3.1 Infrastructure located on arterial routes must as far as possible be constructed of natural materials and blend into the landscape.
- 20.7..3.2 Infrastructure must take cognizance of natural /cultural / historical features and be constructed in accordance with any specific management plan for such sites.
- 20.7..4 **Coastal Buffer Areas:**
- 20.7..4.1 Where natural coastal corridors have been destroyed by residential development, Council may issue notices for the reinstatement / rehabilitation of vegetated coastal corridors.
- 20.7..4.2 Residential properties, gardens and infrastructure may not encroach on coastal public open space and the Municipality may issue notices for the restoration/rehabilitation of any such encroachment in coastal public open space;



20.7..4.3 Council may prohibit the relaxation of building lines or the placement of buildings, structures and infrastructure within building lines on properties located adjacent to coastal reserves or coastal development nodes.

20.7..5 **Urban Infill Development Areas/ Subdivisions / Private Development Areas within the [CPEMOZ]:**

20.7..5.1 All new development proposals within these areas must comply with the following requirements to the satisfaction of the municipality:

20.7..5.1.1 contain design standards for optimum number of access points per property cluster in order to provide access to coastal public property;

20.7..5.1.2 reserve coastal public access servitudes in favour of the general public;

20.7..5.1.3 include a coastal public access management plan that will address but not be limited to the provision of public amenities, access infrastructure, demarcation, signage, control of activities and waste management;

20.7..5.1.4 include a maintenance management plan for coastal public access infrastructure and make provision for different types of access points including, but not limited to:

20.7..5.1.4..1 surfaced vehicular roads within the road reserve and for parking areas;

20.7..5.1.4..2 pedestrian paths, walkways, boardwalks, bridges and / or hiking trails;

20.7..5.1.4..3 disability friendly access buildings & infrastructure.

20.7..6 **New Rural Coastal Developments / 'Development Islands':**



- 20.7..6.1 New development is to be located, designed and operated in a manner that retains or enhances existing public access to the coastline or where loss of public access cannot practicably be avoided development must provide the same or a greater amount of new access opportunities in, or in close proximity to, the site.
- 20.7..6.2 Public access to the coastline must be protected through appropriate zoning of land (for example to Public Open Space Zone III) and the designation of such land as Public Places under the municipal zoning scheme and/or the registration of public access servitudes against the title deeds of private land.
- 20.7..6.3 The maintenance and/or enhancement and regulation of access as well as public recreational use is to be regulated by means of:
- 20.7..6.3.1 signposting coastal access entry points to coastal public property;
- 20.7..6.3.2 maintaining that land so as to ensure that the public has access to the coastal public property, including parking areas, toilets, boardwalks and other amenities, taking into account the needs of physically disabled persons.
- 20.7..7 **Management of New Informal Settlements:**
- 20.7..7.1 Council may approve procedures and assign authority for the issuing of first respondent removal notices in the case of informal settlements which arise in any portion of the Coastal Protection Zone.
- 20.7..7.2 The Municipality shall, within 24 hours of issuing a notice, inform an organ of state with jurisdiction over the land on which the structure has been erected and hand the matter over to the organ of state for further action.
- 20.8 **Purpose 4: Instituting appropriate controls for the protection of people, property, and economic activities within the coastal environment:**





20.8..1                    **Management Plans for Coastal Reserves affected by Natural Hazards, Climate Change and Sea Level Rise:**

20.8..1.1                    Council may prepare management plans for coastal reserves affected by natural hazards, climate change and sea level rise and may enter into Memoranda of Agreement with third parties for the co-management of such hazards;

20.8..1.2                    The following development restrictions are to be imposed in the areas that are identified and mapped in high, medium, low, general risk and estuarine zones depicted by Provincial Coastal Management Lines. **Note that where buildings lie partly in two coastal risk overlay zones, the higher risk zone will apply:**

Urban High Risk Zone	
Zone intention	<ul style="list-style-type: none"><li>• Limit public and private liability</li><li>• Increase public awareness of the potential risks to property and human life</li><li>• Prevent intensification of development in high risk zone, but allow exercising of existing rights albeit with the knowledge of the associated risks</li><li>• Maintain coastal quality</li><li>• Prevent encroachment that will impact on the integrity of the shoreline ecology and exacerbate negative impacts</li><li>• Enable safe evacuation in an emergency</li></ul>



<b>Primary use</b>	As per base land use controls
<b>Not supported</b>	Schools, Libraries, Health facilities
<b>With special consent</b>	Public Resorts, WWTW.

<b>Urban Medium Risk Zone</b>	
<b>Zone intention</b>	<ul style="list-style-type: none"> <li>• Reduce public and private liability</li> <li>• Minimise risk to human life.</li> </ul>
<b>Primary use</b>	As per base land use controls
<b>Not supported</b>	Schools, Libraries, Health facilities
<b>With special consent</b>	Infill-subdivisions, Public Resorts, WWTW.

<b>Urban Low Risk Zone</b>	
<b>Zone intention</b>	<ul style="list-style-type: none"> <li>• Reduce public and private liability</li> <li>• Avoid reasonable risk to human life.</li> <li>• Prevent intensification of development in low risk zone, but allow exercising existing rights in terms of the scheme.</li> </ul>
<b>Primary use</b>	As per base land use controls
<b>Not supported</b>	Schools, Libraries, Health facilities
<b>With special consent</b>	Infill-subdivisions, Public Resorts, WWTW.

<b>General Risk Zone (Rural Areas)</b>	
<b>Zone intention</b>	<ul style="list-style-type: none"> <li>• Maintain coastal quality</li> <li>• Allow exercising of existing rights in respect of single residential dwelling on agricultural land, in terms of the Zoning Scheme and</li> </ul>

	Overstrand Integrated Development Framework (IDF).
<b>Primary use</b>	As per base land use controls
<b>Not supported</b>	General residential (urbanisation), Commercial, Industry, School
<b>With special consent</b>	Intensification of development within development islands, Agricultural support functions, Public resorts

<b>General Estuarine Risk Zone</b>	
<b>Zone intention</b>	<ul style="list-style-type: none"> <li>• Maintain coastal quality</li> <li>• Reduce public liability</li> <li>• Reduce risk to human life</li> <li>• Prevent intensification of development in general risk zone, but allow exercising of existing rights</li> <li>• Prevent encroachment that will impact on the integrity of the shoreline ecology</li> <li>• Enable safe evacuation in an emergency</li> </ul>
<b>Primary use</b>	As per base land use controls
<b>Not supported</b>	WWTW, Industry
<b>With special consent</b>	Infill-subdivisions, Public Resorts

## 20.8..2 Development Management Parameters applicable to Risk Zones:

### 20.8..2.1 The following development management parameters apply to High Risk Urban Areas:



- 20.8..2.1.1 Structures must preferably be elevated on pilings, posts, piers-and-joists, column or similar foundations.
- 20.8..2.1.2 All structures on properties larger than 400m<sup>2</sup> in the high risk zone require approval from a professionally registered engineer. Structures on smaller properties may obtain similar design approval based on predetermined standard conditions.
- 20.8..2.1.3 Structures must preferably be elevated on pilings, posts, piers-and-joists, column or similar foundations – with the lowest floor of habitable structures/buildings constructed above a pre-determined risk level.
- 20.8..2.1.4 Lower uninhabitable floors (i.e. garages, basements) of structures/buildings must be permeable – i.e. have openings to allow for the entry and exist of flood waters – to allow effective interior and exterior hydrostatic pressure equalisation during and post inundation.
- 20.8..2.1.5 Habitable basements or rooms will only be permitted if an engineer has made the necessary design arrangements to ensure that coastal risk is addressed and reduced by implementing responsible mitigation measures to the satisfaction of the Municipality.
- 20.8..2.1.6 Consideration during conceptual building design must be given to issues of privacy, overshadowing and visual impact and the apportionment and positioning of higher risk site areas for parking, open space and recreational areas.
- 20.8..2.1.7 Any new development must be designed and positioned within reason to limit potential flood damage and risk to human life, including but not limited to positioning buildings in suitably acceptable elevated portions of properties.
- 20.8..2.1.8 Building design must demonstrate reasonable risk reduction measures and should include innovative solutions (adaptable buildings, re-locatable buildings, flood-proofed buildings, flood resistant and



resilient construction etc.) without increasing and transferring risks to adjacent properties.

- 20.8..2.1.9 After construction, any exposed ground area must be stabilised by the use of ground covering plants or mulches to minimise the risk of erosion.
- 20.8..2.1.10 On request from the municipality, a storm water management plan might be required to be submitted along with building plans.
- 20.8..2.1.11 Hardened surfaces to be minimised and suitable permeable alternative utilised to maximise natural infiltration and reduce overland flow and associated velocities with concomitant risk of erosion and damage.
- 20.8..2.1.12 Only fully enclosed / self-contained effluent storage and treatment systems will be permitted if links to sewer mains are not possible. These must be located either on the landward side of structures or either side of structures, and recommended by Registered Engineer to ensure suitable sealing and safety.
- 20.8..2.1.13 Where possible, development should be sited to minimise the removal of trees and endemic vegetation.
- 20.8..2.1.14 Existing coastal processes, including dune migration and littoral drift should not be impeded and indigenous vegetation must be maintained.
- 20.8..2.1.15 Dunes must be protected and rehabilitated where necessary to reinforce and strengthen natural barriers.
- 20.8..2.1.16 Fencing or other barriers must preferably be permeable to accommodate storm events and limit structural damage and associated negative impacts on the environment.

20.8..2.2 **The following development management parameters apply to Medium Risk Urban Areas:**



- 20.8..2.2.1 Structures must preferably be elevated on pilings, posts, piers-and-joists, column or similar foundations.
- 20.8..2.2.2 Lower floors of structures/buildings must be permeable – i.e. have openings to allow for the entry and exist of flood waters – to allow effective interior and exterior hydrostatic pressure equalisation during and post inundation.
- 20.8..2.2.3 Consideration during conceptual building design must be given to issues of privacy, overshadowing and visual impact and the apportionment and positioning of higher risk site areas for parking, open space and recreational areas.
- 20.8..2.2.4 Any new development must be designed and positioned within reason to limit potential flood damage and risk to human life, including but not limited to positioning buildings in suitably acceptable elevated portions of properties.
- 20.8..2.2.5 Development must be designed and constructed, within the framework of applicable building controls, in such a way that buildings and structures are positioned furthest from the foreshore whether limited by rear space, side space or the building line (up to the maximum allowed in the applicable scheme).
- 20.8..2.2.6 Building design must demonstrate reasonable risk reduction measures and should include innovative solutions (adaptable buildings, re-locatable buildings, flood-proofed buildings, flood resistant and resilient construction etc.) without increasing and transferring risks to adjacent properties.
- 20.8..2.2.7 After construction, any exposed ground area must be stabilised by the use of ground covering plants or mulches to minimise the risk of erosion.
- 20.8..2.2.8 On request from the municipality, a storm water management plan might be required to be submitted along with building plans.



- 20.8..2.2.9 Hardened surfaces to be minimised and suitable permeable alternative utilised to maximise natural infiltration and reduce overland flow and associated velocities with concomitant risk of erosion and damage.
- 20.8..2.2.10 Only fully enclosed / self-contained effluent storage and treatment systems will be permitted if links to sewer mains are not possible. These must be located either on the landward side of structures or either side of structures, and recommended by Registered Engineer to ensure suitable sealing and safety.
- 20.8..2.2.11 Where possible development should be sited to minimise the removal of trees and endemic vegetation.
- 20.8..2.2.12 Existing coastal processes, including dune migration and littoral drift should not be impeded and indigenous vegetation must be maintained.
- 20.8..2.2.13 Fencing or other barriers must preferably be permeable to accommodate storm events and limit structural damage and associated negative impacts on the environment.
- 20.8..2.3 **The following development management parameters apply to Low Risk Urban Areas:**
- 20.8..2.3.1 Structures must preferably be elevated on pilings, posts, piers-and-joists, column or similar foundations.
- 20.8..2.3.2 Lower floors of structures/buildings must be permeable – i.e. have openings to allow for the entry and exist of flood waters – to allow effective interior and exterior hydrostatic pressure equalisation during and post inundation.
- 20.8..2.3.3 Consideration during conceptual building design must be given to issues of privacy, overshadowing and visual impact and the apportionment and positioning of higher risk site areas for parking, open space and recreational areas.



- 20.8..2.3.4 Building design must demonstrate reasonable risk reduction measures and should include innovative solutions (adaptable buildings, re-locatable buildings, flood-proofed buildings, flood resistant and resilient construction etc.) without increasing and transferring risks to adjacent properties.
- 20.8..2.3.5 After construction, any exposed ground area must be stabilised by the use of ground covering plants or mulches to minimise the risk of erosion.
- 20.8..2.3.6 On request from the municipality, a storm water management plan may be required to be submitted along with building plans.
- 20.8..2.3.7 Hardened surfaces to be minimised and suitable permeable alternative utilised to maximise natural infiltration and reduce overland flow and associated velocities with concomitant risk of erosion and damage.
- 20.8..2.3.8 Only fully enclosed / self-contained effluent storage and treatment systems will be permitted if links to sewer mains are not possible. These must be located either on the landward side of structures or either side of structures, and recommended by Registered Engineer to ensure suitable sealing and safety
- 20.8..2.4 **The following development management parameters apply to General Rural Risk and Estuarine Risk Areas:**
- 20.8..2.4.1 Structures must preferably be elevated on pilings, posts, piers-and-joists, column or similar foundations in a manner that does not impede the lateral flow of water and that does not increase the opportunity for the accumulation of flood related debris – with the lowest floor of the structure to be above a pre-determined risk level.
- 20.8..2.4.2 Lower floors of structures/buildings must be permeable – i.e. have openings to allow for the entry and exist of flood waters – to allow effective interior and exterior hydrostatic pressure equalisation during and post inundation.





- 20.8..2.4.3 Building design must demonstrate reasonable risk reduction measures and should include innovative solutions (adaptable buildings, re-locatable buildings, flood-proofed buildings, flood resistant and resilient construction etc.) without increasing and transferring risks to adjacent properties.
- 20.8..2.4.4 Any new development must be designed and positioned within reason to limit potential flood damage and risk to human life, including but not limited to positioning buildings in suitably acceptable elevated portions of properties.
- 20.8..2.4.5 Any new development must be set as far back from the estuarine functional zone as possible. Either rear space or building line, whichever furthest away from the estuary, will be relaxed (up to the maximum allowed in the applicable scheme).
- 20.8..2.4.6 After construction, any exposed ground area must be stabilised by the use of ground covering plants or mulches to minimise the risk of erosion.
- 20.8..2.4.7 On request from the municipality, a storm water management plan might be required to be submitted along with building plans.
- 20.8..2.4.8 Hardened surfaces to be minimised and suitable permeable alternative utilised to maximise natural infiltration and reduce overland flow and associated velocities with concomitant risk of erosion and damage.
- 20.8..2.4.9 Only fully enclosed / self-contained effluent storage and treatment systems will be permitted if links to sewer mains are not possible. These must be located either on the landward side of structures or either side of structures, and recommended by Registered Engineer to ensure suitable sealing and safety.
- 20.8..2.4.10 Where possible development should be sited to minimise the removal of trees and endemic vegetation.



20.8..2.4.11 Fencing or other barriers must preferably be permeable to accommodate storm events and limit structural damage and associated negative impacts on the environment.

20.8..2.4.12 Existing coastal processes and indigenous vegetation within the estuarine functional zone must be maintained

21 **MOUNTAIN CATCHMENT ENVIRONMENTAL MANAGEMENT OVERLAY ZONE**  
**("MOUNTAIN CATCHMENT EMOZ"):**

21.1 **Spatial delineation:** Refer to Plan 2.

21.2 Activities that are prohibited within the Mountain Catchment EMOZ are listed in Schedule "A" to these Regulations.

21.3 Activities that may be permitted only with Council's written consent within the Mountain Catchment EMOZ are listed in Schedule "B" to these Regulations.

21.4 General regulations applicable to the Environmental Management Overlay Zones (EMOZs) of the Overstrand Municipality are listed in Schedule "C" to these regulations.

21.5 **Purpose:** To protect and conserve the ecology and water provision functions of priority unprotected mountain catchments, to ensure optimal water security for the Overstrand communities and to preserve the significant eco-cultural tourism value of the Overstrand's natural mountain landscape character.

21.5..1 In the light of the serious threat that Invasive Alien Species presents to the environment and the risks it poses to the municipality, its ratepayers and to present and future generations, the municipality will promulgate overarching Regulations in this regard for the entire Overstrand area.

21.5..2 The municipality may prioritise and facilitate areas of a Mountain Catchment EMOZ for focussed, priority Invasive Alien vegetation control programmes where necessary.

- 21.5..3 The municipality may prioritise and facilitate areas for proactive and/or urgent Fire Control Management in collaboration with the landowners - where the fire risk to the mountain catchment natural environment as well as life and property are attaining extreme levels.

22 **PROTECTED AREA BUFFER ENVIRONMENTAL MANAGEMENT OVERLAY ZONE ("PROTECTED AREA BUFFER EMOZ")**

- 22.1 **Spatial delineation:** Refer to Plan 3.
- 22.2 Activities that are prohibited within the Protected Area Buffer EMOZ are listed in Schedule "A" to these Regulations.
- 22.3 Activities that may be permitted only with Council's written consent within the Protected Area Buffer EMOZ are listed in Schedule "B" to these Regulations.
- 22.4 General regulations applicable to the Environmental Management Overlay Zones (EMOZs) of the Overstrand Municipality are listed in Schedule "C" to these regulations.
- 22.5 **Purpose:** to protect the integrity of National, Provincial and Municipal Nature Reserves from negative external pressures/impacts while reducing pressure on core areas and to assist in preserving their value to the eco-cultural tourism economy of the Overstrand through alignment of appropriate land use and regulation.
- 22.5..1 **Minimising negative impacts on the integrity of National, Provincial and Municipal Nature Reserves in the Overstrand:**
- 22.5..1.1 In the light of the serious threat that Invasive Alien Species presents to the environment and the risks it poses to the municipality, its ratepayers and to present and future generations, the municipality will promulgate overarching Regulations in this regard for the entire Overstrand area.
- 22.5..1.2 The municipality may prioritise and facilitate areas of a Protected Area Buffer EMOZ for focussed, priority Invasive Alien vegetation control programmes where necessary.



- 22.5..1.3                    The municipality may prioritise and facilitate areas for proactive and/or urgent Fire Control Management in collaboration with the landowners - where the fire risk to the natural environment as well as life and property are attaining extreme levels.
- 22.5..2                    **Limiting and/or prohibiting inappropriate land uses in the buffer zone of National, Provincial and /or Municipal Nature Reserves in the Overstrand:**
- 22.5..2.1                    A list of activities that are prohibited or permissible only with the consent of the Council are set out in Schedules A and B.
- 22.5..2.2                    In deserving cases, where there is no NEMA requirement for an Environmental Impact Assessment ("EIA") process and Environmental Management Plan ("EMP"), the Municipality may impose the need for an EIA and/or EMP in terms of the duties of care under section 28 of NEMA and/or the NWA, for approval by the Municipality prior to granting its written consent and/or approving building plans.
- 22.5..2.3                    The implementation of the EMP during the construction and decommissioning phases of the identified activities/uses is to be monitored and enforced by an Environmental Control Officer ("ECO") and to be audited annually during the operational phase.
- 22.5..2.4                    Zoning and inappropriate land use of undeveloped properties in the buffer zone of National, Provincial and /or Municipal Nature Reserves to be investigated and where required additional constraints to be imposed on uses and inappropriate land use.
- 22.5..2.5                    The zoning of all developed properties within the buffer zones of National, Provincial and /or Municipal Nature Reserve to be investigated and reviewed and where required additional constraints to be imposed on uses and inappropriate land use.

## 23 **RIVERINE ENVIRONMENTAL MANAGEMENT OVERLAY ZONE ("RIVERINE EMOZ")**

- 23.1 **Spatial delineation:** Refer to Plan 4.
- 23.2 Activities that are prohibited within the Riverine EMOZ are listed in Schedule "A" to these Regulations.
- 23.3 Activities that may be permitted only with Council's written consent within the Riverine EMOZ are listed in Schedule "B" to these Regulations.
- 23.4 General regulations applicable to the Environmental Management Overlay Zones (EMOZs) of the Overstrand Municipality are listed in Schedule "C" to these regulations.
- 23.5 **Purpose:** to protect and conserve the ecological functioning of the Overstrand's main river courses and associated wetlands by:
- 23.5..1 **Protecting and maintaining healthy river and wetland environments that are capable of natural flood detention, that support ecological processes and promote functioning natural river corridors and wetland systems; and**
- 23.5..2 **Protecting the natural character, sense of place and aesthetic value of riverine environments;**
- 23.5..2.1 In the light of the serious threat that Invasive Alien Species presents to the environment and the risks it poses to the municipality, its ratepayers and to present and future generations, the municipality will promulgate overarching Regulations in this regard for the entire Overstrand area.
- 23.5..2.2 The municipality may prioritise and facilitate areas within a Riverine EMOZ for focussed, priority Invasive Alien vegetation control programmes where necessary.
- 23.5..2.3 A list of activities that are prohibited or permissible only with the consent of the Council are set out in Schedules A and B.
- 23.5..2.4 In deserving cases, where there is no NEMA requirement for an Environmental Impact Assessment ("EIA") process and Environmental



Management Plan ("EMP"), the Municipality may impose the need for an EIA and/or EMP in terms of the duties of care under section 28 of NEMA and the NWA, for approval by the Municipality prior to granting its written consent and/or approving building plans.

- 23.5..2.5 The implementation of the EMP during the construction and decommissioning phases of the identified activities/uses is to be monitored and enforced by an Environmental Control Officer ("ECO") and to be audited annually during the operational phase.
- 23.5..2.6 Zoning and inappropriate land use of undeveloped properties in the Riverine EMOZ to be investigated and where required additional constraints to be imposed on uses and inappropriate land use.
- 23.5..2.7 The zoning of all developed properties within the Riverine EMOZ to be investigated and reviewed and where required additional constraints to be imposed on uses and inappropriate land use.
- 23.5..2.8 New Sewage Conservancy Sewage Tanks and Biological Processing Sewage Plants:
  - 23.4..2.8.1 Where a municipal sewage reticulation system is not available, new conservancy sewage tanks or approved biological sewage processing plants must be located beyond the 100-year flood line and/or a minimum of 50 m from the wetland edge unless there is no proven practical alternative whereupon it should be at the furthest distance possible from the wetland edge.

24 **URBAN CONSERVATION ENVIRONMENTAL MANAGEMENT OVERLAY ZONE ("URBAN CONSERVATION EMOZ"):**

- 24.1 **Spatial delineation:** Refer to Plan 5 and Plans 5.1 – 5.16.
- 24.2 Activities that are prohibited within the urban Conservation EMOZ are listed in Schedule "A" to these Regulations.



- 24.3 Activities that may be permitted only with Council's written consent within the Urban Conservation EMOZ are listed in Schedule "B" to these Regulations.
- 24.4 General regulations applicable to the Environmental Management Overlay Zones (EMOZs) of the Overstrand Municipality are listed in Schedule "C" to these regulations.
- 24.5 **Purpose:** to protect and manage undeveloped conservation-worthy land within the Overstrand's urban edge and adjacent buffer areas, while promoting the retention of viable priority ecological corridors in areas that are to be developed, to ensure an integrated 'conservation and development' approach that will enhance living conditions for the communities of the Overstrand.
- 24.5..1 **Designation of categories for undeveloped conservation worthy land and adjacent buffer areas:**
- 24.5..1.1 Overstrand Municipality may develop an operational management plan for priority Urban Conservation EMOZ properties per residential area, according to the following categories:
- 24.5..1.1.1 Category A: (eg. Milkwood Forest, Franskraal)
- Pristine ecosystems to be protected and managed as wilderness, nature reserve or special management areas with very low impact development and environmental education and appreciation activities only.
  - The operational management plan for Category A properties within the Urban Conservation EMOZ will address, *inter alia*, the following:
- 24.5..1.1.1.1 IAV Management
- 24.5..1.1.1.2 Fire Management
- 24.5..1.1.1.3 Vegetation Management
- 24.5..1.1.1.4 Hiking trails/Biking trails



24.5..1.1.1..5 Bird watching/Bird hides

24.5..1.1.1..6 Public amenities

24.5..1.1.1..7 Environmental Facilities

24.5..1.1.2 Category B: (eg. Willem-Appel Dam)

- Semi-modified ecosystems with intact biodiversity corridor function to be managed as conservation areas with low to medium impact recreational uses.
- The operational management plan for Category B properties within the Urban Conservation EMOZ will address, *inter alia*, the following:

24.5..1.1.2..1 IAV Management

24.5..1.1.2..2 Fire Management

24.5..1.1.2..3 Vegetation Management

24.5..1.1.2..4 Hiking trails/Biking trails

24.5..1.1.2..5 Bird watching/Bird hides

24.5..1.1.2..6 Public amenities

24.5..1.1.2..7 Environmental Facilities

24.5..1.1.2..8 Day Camps

24.5..1.1.2..9 Braai facilities/Picnic facilities

24.5..1.1.3 Category C: (eg. Paddavlei)



- Modified ecosystems with a limited biodiversity function to be managed as recreational areas with medium to high impact.
- The operational management plan for Category C properties within the Urban Conservation EMOZ will address, *inter alia*, the following:

24.5..1.1.3..1	IAV Management
24.5..1.1.3..2	Fire Management
24.5..1.1.3..3	Vegetation Management
24.5..1.1.3..4	Hiking trails/Biking trails
24.5..1.1.3..5	Bird watching/Bird hides
24.5..1.1.3..6	Public amenities
24.5..1.1.3..7	Environmental Facilities
24.5..1.1.3..8	Day Camps
24.5..1.1.3..9	Braai facilities/Picnic facilities
24.5..1.1.3..10	Play parks

#### 24.5..1.1.4 Category D: (Private Property)

- Private property within priority conservation-worthy ecological corridors from mountain to coast and/or across priority conservation-worthy areas identified in accordance with the Overstrand Environmental Management Framework.
- In the face of development pressure, the Municipality may, if it deems it necessary, upon receipt of a development proposal or application that does not involve any activities identified under

the NEMA listing notices, require that specialist biodiversity and/or other relevant studies be undertaken by the developer/owner in order to inform development planning and retain priority ecological corridors and habitats.

24.5..2                    **Management of undeveloped conservation worthy land and adjacent buffer areas:**

24.5..2.1                    **Vegetation Management:**

24.5..2.1.1                    In the light of the serious threat that Invasive Alien Species presents to the environment and the risks it poses to the municipality, its ratepayers and to present and future generations, the municipality will promulgate overarching Regulations in this regard for the entire Overstrand area.

24.5..2.1.2                    The municipality may prioritise and facilitate areas within Urban Conservation EMOZ for focussed, priority Invasive Alien vegetation control programmes where necessary.

24.5..2.1.3                    The municipality may inspect properties adjacent to the Urban Conservation EMOZ in cases where alien invasive vegetation (or, once promulgated, locally problematic alien invasive species and emerging weeds which pose a risk to the municipality) are visibly spreading into the Urban Conservation EMOZ from adjacent properties and may direct the owner of such properties to take appropriate action, alternatively the municipality may take the necessary action and recover the costs of doing so from the owner.

24.5..2.1.4                    Management of Indigenous Vegetation

- The Municipality may trim indigenous vegetation which overhangs the boundaries of residential properties or order the trimming of vegetation that encroaches on the Urban Conservation EMOZ from adjacent properties. The Municipality may implement measures to reduce the amount of vegetation by thinning, pruning, brush-cutting, chipping and removing material



where appropriate, according to the management plan for each urban area.

24.5..2.2                    **Fire Management within Urban edge:**

24.5..2.2.1                    The municipality may prioritise and facilitate areas for proactive and/or urgent Fire Control Management in collaboration with the landowners - where the fire risk to the natural environment as well as life and property are attaining extreme levels.

24.5..2.2.2                    The municipality may development an Ecological Fire Management Plan in coordination with the Fire and Rescue department of the Municipality for the ecological management of undeveloped conservation worthy land within the urban edge. Properties subject to the fire management plan shall be exempt from the general Overstrand Fire Management Policy and will be burned according to correct fire management cycles.

24.5..2.2.3                    The municipality may prepare fuel breaks and fire breaks on and along the boundaries of residential properties to provide access for fire-fighting teams and to reduce the risk of the spread of fires across boundaries.

24.5..2.2.4                    The municipality may restrict the placement of high fire risk structures and buildings within building lines on the boundary of the Urban Conservation EMOZ and order the removal of structures where such structures constitute a fire hazard and/or threaten life / other property.

24.5..2.2.5                    The municipality may order the installation of sprinkler systems / fire protection systems on buildings with thatched roofs, which are located adjacent to UC EMOZ properties.

24.5..2.3                    **Access:**



- 24.5..2.3.1 Right of access: Undeveloped conservation worthy land shall be regarded as a Public Place whereby the right of access for the general public is guaranteed, unless such access will result in pollution or environmental degradation or where such access will constitute a public nuisance.
- 24.5..2.3.2 No access: (entrances, pathways, structures) will be allowed from private properties to open spaces without the necessary written consent of the municipality.
- 24.5..2.4 **Activities/Uses:**
- 24.5..2.4.1 The following primary uses will be permitted within the Urban Conservation EMOZ:
- Recreation;
  - ecosystem management; and
  - heritage conservation.
- 24.5..2.4.2 The following uses will be permitted within the Urban Conservation EMOZ with the municipality's consent:
- Environmental Facilities;
  - Catering Enterprises.
- 24.5..2.5 **Infrastructure:**
- 24.5..2.5.1 The design and development of new buildings, infrastructure and utilities within the Urban Conservation EMOZ must complement the natural character and sense of place of the ecological corridor and existing development in such areas.

24.5..2.5.2 The erection of religious symbols, memorabilia and the defacement of municipal infrastructure or natural features will be prohibited and managed by means of removal / repair / rehabilitation measures.

24.5..2.6 **Encroachment:**

24.5..2.6.1 Prohibition, limitation and restoration / rehabilitation of encroachment from residential properties, gardens and infrastructure in the Urban conservation EMOZ will be enforced by means of removal and repair notices and may include rehabilitation measures.

24.5..2.7 **Management Agreements:**

24.5..2.7.1 The Municipality may enter into Co-Management Agreements with third parties for the funding / operational management of the Urban Conservation EMOZ.

24.5..2.8 **Protecting, managing and enhancing priority conservation-worthy ecological corridors from mountain to coast and / or across priority conservation-worthy areas, in accordance with the Overstrand Environmental Management Framework - in the face of development pressure:**

24.5..2.8.1 In the face of development pressure, the municipality may, if it deems it necessary, upon receipt of a development proposal or application that does not involve any activities identified under the NEMA listing notices, require that specialist biodiversity and/or other relevant studies be undertaken by the developer/owner in order to inform development planning and retain priority ecological corridors and habitats.

24.5..2.8.2 Based on the NEMA 'Precautionary' and 'Duty of Care' principles, the municipality may also direct the developer/owner/applicant to prepare and submit Construction and Operational Environmental management Plans to prevent, mitigate and manage any adverse impacts in the



Urban Conservation EMOZ, for consideration and approval by the municipality.

### **CHAPTER 3: APPLICATION AND APPROVAL PROCEDURES:**

25 The Overstrand Municipality By-Law on Municipal Planning, 2013 will apply in respect of all applications, processes and decisions contemplated in these Regulations.

26 Appeals:

26.1 Any person who is dissatisfied by a decision taken by the Council or by delegated authority in terms of these Regulations may appeal in writing to the municipal appeal authority in accordance with the Overstrand Municipality By-Law on Municipal Planning, 2013.

### **CHAPTER 4: ENFORCEMENT:**

27 The provisions contained in the Overstrand Municipality By-Law on Municipal Planning, 2013 as they relate to enforcement notices will apply to these Regulations.

28 Offences:

28.1 A person who undertakes any development or activity within an EMOZ, other than a permissible activity or an activity with the Council's consent, is guilty of an offence.

28.2 A holder of a municipal consent/permit who fails to comply with the terms or conditions is guilty of an offence.

29 Penalties:

29.1 The municipality may prescribe penalties in respect of any offences and categories of offences carried out in contravention of these Regulations and may also issue spot fines.

30 Powers of the court:



- 30.1 In addition to imposing a fine or imprisonment, a court may order any person convicted of an offence under these Regulations –
- 30.1..1 to remedy any harm to the environment or private property that occurred as consequence of the commission of the offence;
  - 30.1..2 to compensate any person for any damage or loss suffered by that person as a consequence of the commission of the offence;
  - 30.1..3 to reimburse any organ of state or person for the reasonable costs incurred by it in investigating and prosecuting the person convicted or in taking action to prevent further harm, or to remedy harm arising from the commission of the offence;
  - 30.1..4 to pay an amount equivalent to the costs that an organ of state or other person is reasonably like to incur in future in taking action to prevent further harm, or to remedy harm arising from the commission of the offence.
- 30.2 If the court, in the exercise of its powers under subsection (1), orders a convicted person to pay a sum of money to an organ of state or any other person, that order shall have the same effect and be executable in the same manner as if it had been given in a civil action duly instituted before a competent court.

## **CHAPTER 5: MISCELLANEOUS**

### **31 Delegation by Council/Municipal manager:**

- 31.1 The Council and/or Municipal Manager may delegate any of the powers granted to it/him/her under these regulations to any other municipal official.

### **32 Short title:**

These regulations are called the Overstrand Environmental Management Overlay Zone Regulations, 2016.

### **33 Commencement:**

These regulations commence on the date on which they are published in the Provincial Gazette.



**SCHEDULE A**  
**PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT**  
**OVERLAY ZONES**

PROHIBITED ACTIVITY	Applicable Environmental Management Overlay Zone (EMOZ)				
	Coastal	Mountain Catchment	Protected Area Buffer	Riverine	Urban Conservation
Agricultural practices within this EMOZ which may cause water logging and salination.	x	x		x	
Planting or harbouring of declared alien invasive plant species on properties located within and adjacent to this EMOZ.	x	x	x	x	x
Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	x	x	x	x	x
Planting or harbouring of locally important emerging weed species within and adjacent to this EMOZ.	x	x	x	x	x
Development or agriculture on slopes steeper than 1:4 .	x	x	x	x	x
Development above the 120m geographical contour line.		x	x		
Development on the crest of a mountain, ridge or hill.		x			
Establishment of Informal settlements or Temporary Relocation Areas.	x			x	x
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	x	x	x	x	x
Placement of religious symbols or memorabilia.	x				x
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	x		x		
Harvesting, collection, moving, loading drying of kelp /seaweed without a MLRA licence.	x		x		x
Stockpiling, drying, processing or loading of marine resources beyond areas designated, demarcated and signposted by the Municipal Council for such purposes.	x		x		x





PROHIBITED ACTIVITY	Applicable Environmental Management Overlay Zone (EMOZ)				
	Coastal	Mountain Catchment	Protected Area Buffer	Riverine	Urban Conservation
Modification of the littoral active zone / functional dune systems in absence of approved management plans.	x		x		x
Feeding, disturbing / pursuit of fauna.	x		x		x
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	x				x
Defacing / damaging / removing of any notice, sign, barrier building or other infrastructure.	x	x	x	x	x
Playing or tampering with any rope, float, buoy, marine vessel, shelter or similar life - saving device.	x				
Staying overnight.	x				x
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas.	x		x		x
The discharging of domestic effluent / grey water into EMOZ Zones.	x		x	x	x
Tampering with security / surveillance infrastructure.	x		x		x
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	x				x
Graffiti, vandalism or damaging of municipal infrastructure.	x				x
Littering.	x		x		x
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items.	x	x	x	x	x
Dog walking / exercising in non- designated zones.	x	x	x	x	x



**SCHEDULE B**  
**ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND**  
**ENVIRONMENTAL OVERLAY ZONES**

<b>ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT</b>	<b>Applicable Environmental Management Overlay Zone (EMOZ)</b>				
	<b>Coastal</b>	<b>Mountain Catchment</b>	<b>Protected Area Buffer</b>	<b>Riverine</b>	<b>Urban Conservation</b>
<b>A) WITH WRITTEN PERMISSION BY DELEGATED AUTHORITY</b>					
Permission for the utilization of access routes to permitted kelp / seaweed harvesting sites.	x				
Removal or destruction of protected tree species.	x	x	x	x	x
Dune maintenance on private land in Betty's Bay and Pringle Bay, as per approved Overstrand dune maintenance management plans.	x				
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	x	x	x	x	x
Discharging of pool backwashing or untreated grey water or the channelling of storm water into open spaces without the necessary approval from the Municipality.	x		x	x	x
<b>B) PERMIT UPON APPROVAL BY DELEGATED AUTHORITY AND / RECEIPT OF TARIFF</b>	<b>Coastal</b>	<b>Mountain Catchment</b>	<b>Protected Area Buffer</b>	<b>Riverine</b>	<b>Urban Conservation</b>
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.				x	
Access from private properties to open spaces, including the removal of vegetation and the establishment of structures and infrastructure.	x		x		x
Commercial filming.	x		x		x
Construction or placement of any temporary object, building, shelter or structure.	x		x		x
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas.	x		x		x
Launching of vessels at registered launch sites.	x			x	



ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT	Applicable Environmental Management Overlay Zone (EMOZ)				
	Coastal	Mountain	Protected Area Buffer	Riverine	Urban Conservation
<b>C) COUNCIL AUTHORISATION</b> <b>PENDING Consent Use Application /</b> <b>Lease Agreement / Applicable Tariffs as</b> <b>applicable</b>					
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>	<b>x</b>
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	<b>x</b>		<b>x</b>		
Encroachment of private buildings, structures, infrastructure, access routes.	<b>x</b>		<b>x</b>		<b>x</b>
Commercial Harvesting/collection and removal of any natural resource;	<b>x</b>		<b>x</b>		<b>x</b>
Construction or placement of any permanent object, building, shelter or structure	<b>x</b>		<b>x</b>		<b>x</b>



**SCHEDULE C**  
**GENERAL REGULATIONS APPLICABLE TO THE ENVIRONMENTAL OVERLAY ZONES OF THE**  
**OVERSTRAND MUNICIPALITY**

GENERAL REGULATIONS APPLICABLE TO OVERLAY ZONES IN THE OVERSTRAND MUNICIPAL REGION	Applicable Environmental Management Overlay Zone (EMOZ)				
	Coastal	Mountain Catchment	Protected Area Buffer	Riverine	Urban Conservation
<b>Access</b> <ul style="list-style-type: none"> <li>• Municipal EMOZ open spaces shall be regarded as Public Places whereby the right of access for the general public is guaranteed, excluding where such access constitutes a negative environmental impact or where such access will constitute a public nuisance.</li> <li>• Members of the public shall at all times respect the right of other users of Municipal property in terms of access to natural areas within EMOZ Open Space Properties as well as the personal integrity, health, safety and wellbeing of other persons present.</li> <li>• Members of the public shall at all times respect the environment and natural resources within Municipal EMOZ properties and refrain from inflicting damage to natural resources, the ecology or landscape integrity in such areas.</li> <li>• Members of the public shall at all times respect Municipal infrastructure and refrain from damaging any building, structure , work, amenity, regulation sign or interpretive material present in these public places.</li> <li>• The Municipality may designate existing development nodes and access routes on spatial plans per suburb in the Municipal area, signpost such areas and provide for their operational management in maintenance management plans.</li> <li>• Members of the public shall not stray beyond designated nodes, access routes and associated infrastructure.</li> <li>• Council may from time to time promulgate bylaws prohibiting specific actions and behaviour within urban and coastal EMOZ properties and impose penalties for transgression of such bylaws.</li> </ul>	<b>X</b>				<b>X</b>



GENERAL REGULATIONS APPLICABLE TO OVERLAY ZONES IN THE OVERSTRAND MUNICIPAL REGION	Applicable Environmental Management Overlay Zone (EMOZ)				
	Coastal	Mountain Catchment	Protected Area Buffer	Riverine	Urban Conservation
<b>Restriction of Access</b> <ul style="list-style-type: none"> <li>The right of access to EMOZ properties shall be restricted to hours between 06:00 – 20:00.</li> <li>Occupation of buildings, infrastructure and vegetation on Municipal EMOZ properties between 20:00 – 06:00, with the exception of Municipal Festivals and official events, shall be deemed as staying overnight.</li> <li>The right of access shall be restricted to formally designated, demarcated and signposted development nodes, pathways and trails.</li> <li>Council or the delegated management authority may close any access point, trail or encroachment that has or will have an adverse impact on the environment or that is deemed to be an unlawful or unauthorised access point or route.</li> <li>Objectors towards any closure or removal of any path, trail, route or encroachment will have to provide proof of Municipal authorisation or permission for the establishment of such means of access from private properties.</li> <li>Council or the delegated management authority may order the removal of structures in unauthorised access points or routes and the rehabilitation of such sites at the expense of the responsible party.</li> <li>Overstrand Municipality may publish Bylaws which manage the right of public access to - and recreational use of watercourses, wetlands and dams.</li> </ul>	X				X



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<b>Remedy of Breach of the Right of Access and Occupation of Municipal EMOZ Properties</b> <ul style="list-style-type: none"> <li>• Council may remove buildings, structures, pathways, vegetation, memorabilia or religious symbols which have been placed, erected, constructed, cleared or planted on Municipal EMOZ properties.</li> <li>• Council may issue repair / removal / rehabilitation notices where structures, vegetation, memorabilia or religious symbols encroach on Municipal property and where the ownership or custodianship of such items can be established.</li> <li>• Costs incurred in the removal of infrastructure as well as for the repair / rehabilitation of damaged ecosystems, shall be for the account of the responsible party.</li> </ul>	X				X
<b>Development Nodes</b> <ul style="list-style-type: none"> <li>• The design and development of new buildings, infrastructure and utilities within development nodes in EMOZ properties must complement the natural character and sense of place of the ecological corridor and existing development in such areas.</li> <li>• Council may require the submission of Environmental Impact Assessments and EMPs for activities, buildings and infrastructure within development nodes, for each application.</li> <li>• Council may require the submission of independent environmental audit reports for specified activities contained in environmental management plans for consent use activities.</li> <li>• Based on the NEMA 'Precautionary' and 'Duty of Care' principles, the Municipality may also direct the developer/owner/applicant to prepare and submit Construction and Operational EMPs to prevent, mitigate and manage any adverse impacts in sensitive EMOZ zones, for consideration and approval by the Municipality.</li> </ul>	X	X	X	x	x



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<b>Management Agreements</b> <ul style="list-style-type: none"> <li>The Municipality may enter into Co-Management Agreements with community organisations with locus standi for the funding / operational management of Municipal Open Spaces EMOZ zones.</li> <li>The Municipality may enter into Co-Management Agreements with public / community organisations for the management and funding of operational management activities in Buffer Zones.</li> </ul>	X	X	X	X	X
<b>Management of Locally Problematic Invasive Alien Species &amp; Emerging Weeds</b> <ul style="list-style-type: none"> <li>Council may, within any EMOZ, consider and approve a list of locally problematic alien invasive species and emerging weeds which pose a risk to the environment and which could have cost implications for the Municipality if such species had to be removed from Municipal land.</li> <li>Council may, through a system of delegations, issue removal notices for locally listed alien invasive species and emerging weeds which are found on properties within or adjacent to EMOZ properties, including those on State Owned land.</li> </ul>	X	X	X	X	X



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<b>Management Plans for NEM:BA Invasive Alien Species</b> <ul style="list-style-type: none"> <li>All organs of state that own land within Overstrand Environmental Management Zones must compile an IAS monitoring, control and eradication plan for land under their control (legally required in terms of NEMBA). Copies of these plans and an annual report on implementation status must be submitted to the municipality. Should they fail to do so, the municipality may report the matter to the Department Environmental Affairs Biosecurity Directorate.</li> <li>Overstrand Municipality may request access to Invasive Alien Species Management Plans from that are required for all State Land, from Government Departments responsible for land, where such State Land falls within an EMOZ.</li> <li>Overstrand Municipality may correspond with DEA: Biosecurity Directorate and request the serving of Directives for the clearing of Invasive Alien Species on Government Departments that have jurisdiction over State Land, if there are no IAV plans in place for such properties.</li> <li>Council may request access to Alien Invasive Species Clearing plans for private land, if such private land is found to contain listed NEM:BA or locally important Invasive Species and Emerging Weeds.</li> </ul>	x	x	x	x	x
<b>Management of Forests in Urban Areas</b> <ul style="list-style-type: none"> <li>The Municipality may categorise, designate and manage specific forest areas as Coastal Forest Reserve / Recreational Area / Special Management Area, depending on the existing state of transformation of such ecosystems and in accordance with the provisions of management plans for such areas, as approved by Council.</li> </ul>	x				x





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<b>Prioritisation of Areas for Fire Control Management</b> <ul style="list-style-type: none"><li>• The municipality may prioritise and facilitate areas for proactive and / or urgent Fire Control Management in collaboration with landowners - where the fire risk to natural environment as well as life and property is reaching extreme levels.</li><li>• The Municipality may call for the submission or development of co-operative fire protection and fire management plans for private properties within the Environmental Overlay Zones or within the buffer zones that abut Overstrand property.</li><li>• The Municipality may request the provision of fire protection and fire management plans from Government Departments that have jurisdiction over State Land that abuts or is part of an Environmental Overlay Zone and report the said Departments to the MEC for Agriculture, Forestry and Fisheries if such plans are not forthcoming from the relevant department.</li></ul>	X	X	X	X	X



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<b>Fire Management</b> <ul style="list-style-type: none"> <li>Overstrand Municipality may develop an Ecological Fire Management Plan in coordination with the Fire and Rescue department of the Municipality for the ecological management of open spaces within the urban edge.</li> <li>Properties subject to the fire management plan shall be exempt from the general Overstrand Fire Management Policy and will be burned according to correct fire management cycles.</li> <li>The Municipality may prepare fuel breaks and fire breaks on and along the boundaries of all residential properties to provide access for fire fighting teams and to reduce the risk of the spread of fires across boundaries.</li> <li>The Municipality may restrict the placement of high fire risk structures and buildings within building lines on the boundary of the EMOZ Open Spaces and order the removal of structures where such structures constitute a fire hazard and / threaten life / other property.</li> <li>The Municipality may order the installation of sprinkler systems / fire protection systems on buildings with thatched roofs, which are located adjacent to EMOZ open space properties.</li> </ul>	X	X	X	X	X
<b>Management of Encroachment</b> <ul style="list-style-type: none"> <li>Council may institute measures to safeguard coastal land against encroachment of private properties (gardens, garden refuse, structures, mown areas etc.) into EMOZ open spaces or to prosecute persons that cause such encroachments.</li> <li>Council may approve procedures for the removal of infrastructure that is placed in open spaces without authorization from the Municipal Manager or the delegated Authority.</li> <li>Council may authorize procedures for the recovery of costs from persons that are responsible for encroachments, dumping or the modification of vegetation in the EMOZ.</li> <li>Council may prohibit the installation of memorabilia, religious symbols, objects of art and culture or other structures in open spaces.</li> </ul>	X		X	X	X