

## **PROPOSED ROOIELS CONSERVANCY OVERLAY ZONE (RECOZ)**

ADDITIONS have been made to the ORIGINAL RECOZ DRAFT PRESENTED AT A PUBLIC MEETING AND APPROVED by the Rooiels Community in November 2019. These additions take on the provisions of the 2020 EMOZ, the 2020 CHANGES TO THE MUNICIPAL LAND USE PLANNING BYE-LAW, and the SCHEME REGULATIONS. The RECOZ IS BASED on the 2020 ROOIELS HERITAGE PROTECTION OVERLAY ZONE REGULATIONS. The changes were inserted as far as possible within EXISTING PARAGRAPH NUMBERINGS OF THE REHPOZ.

**Version 4, here below, as at 1 February 2022**, consists of: Version 9a Nov 2019 for Cascades meeting updated with the rest of the EMOZ overlays as Version 2 as at 21 January 2021 and is substantively the same as Version 3 as at 22 January 2021.

### **13. ROOIELS CONSERVATION OVERLAY ZONE (“RECOZ”)**

13.1 SPATIAL DELINEATION: Refer to Plan 4 (To be amended) – 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/>, 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 archaeological 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 a registered conservation body, such as the Rooiels Conservancy.”

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.

### 13.5 STREET RESERVES (STREET VERGES):

In order to protect and maintain the street reserves, which serve as green linkages between the mountains and the coastline, which are essential to biodiversity in the village, 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 an Overstrand Municipality approved Fire / Rescue & Disaster Management Plan presented by an approved Rooiels community organization, such as 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.

13.5.5 Road edge and storm water channel treatments must be designed as far as practicable as water features to fit in with the rural context.

### 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, guest room or tourist accommodation 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 short-term home 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, TOURIST ACCOMMODATION AND GUEST ROOM CONSENT USES:

13.8.1 BnB, Self-catering and Guest room consent uses:

13.8.1.1 The renting out of one or two rooms to one or two companies of persons on a short-term basis (BnB, Self-catering, Guest rooms) is a consent use for five years, subject to public participation with the application.

13.8.1.2 Consent use is renewable on application, and subject to public participation, for periods of five years.

13.8.1.3 If a consent use in terms of 13.8.1 is approved, the wording of the title deed restrictions will be appropriately amended to provide for fallback to exclusively single residential on change of ownership, majority shareholding or majority of trusteeships and to provide for periodical consent use application.

13.8.2 The consent uses of Guest House and Tourist Accommodation (three or more rooms) is not allowed, as the renting out of three or more rooms to three or more companies of persons on a commercial basis is not in keeping with the residential character of Rooiels.

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 from 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. and residents are encouraged not to put up impermeable walls and to leave part of the property unfenced to encourage free movement of wildlife.

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, and allow for the free movement of wildlife, should owners require screen walls to kitchen yards or private patios, or fenced areas for dogs, 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.

13.9.7 Visually intrusive structures such as billboards are prohibited.

## 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)

13.11.1 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.

13.11.2 Where natural coastal corridors have been destroyed by residential development, the Municipality may issue notices for the reinstatement / rehabilitation of vegetated coastal corridors.

13.11.3 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;

13.11.4 Private property within priority conservation-worthy ecological corridors from mountain to coast and/or across priority conservation-worthy areas may be identified in accordance with the Overstrand Environmental Management Framework.

13.11.5 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.

### 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.

13.12.2 Property owners are encouraged to limit the extent of vegetation clear-cutting of erven for building purposes.

13.12.3 Property owners are encouraged to limit the clear-cutting of vegetation with regard to fire safety and instead to apply vegetation trimming around residential units to a minimum ratio of one meter height of vegetation to each two-and-a-half meter distance from the residential unit.

### 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 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.

#### 13.15 ROOIELS RIVER ENVIRONMENTAL MANAGEMENT.

13.15.1. The Overstrand Municipality Riverine EMOZ, as delineated in Plan 4, covers an extent of the Rooiels River estuary on the sea side of the R44 road, zoned Nature Reserve, and which falls within the Rooiels boundary. The estuary on the mountain side of the road that falls within the Rooiels boundary as a Nature Reserve is not covered by the EMOZ.

The provisions of this paragraph and of the Overstrand Municipality Riverine EMOZ, shall apply to the areas described above.

13.15.2. Activities that are prohibited within the Riverine EMOZ are listed in Schedule "A" to these Regulations, provided that the following shall not be prohibited:

Development above the 120m geographical contour line.  
Development on the crest of a mountain, ridge or hill  
Dog walking / exercising of dogs in non- designated zones

13.15.3. Activities that may be permitted only with the Municipality's written consent within the Riverine EMOZ are listed in Schedule "B" to these Regulations, provided that the following shall not be permitted:

Encroachment of private buildings, structures, infrastructure, access routes  
Commercial Harvesting/collection and removal of any natural resource.  
Construction or placement of any permanent object, building, shelter, structure, or pathway (other than by natural materials only).

13.15.4 Purpose: to protect and conserve the ecological functioning of the Rooiels River course and associated wetland by:

13.15.4.1. 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

13.15.4.2 Protecting the natural character, sense of place and aesthetic value of riverine environments;

13.15.5 No land use application in terms of the land use scheme which threaten the ecological integrity of the Rooiels River course and associated wetland will be considered without comment from the Overstrand Environmental Services.

13.15.6 The creation of access ways to the water's edge, across public land and through the associated wetlands will not be permitted without comment from the Overstrand Environmental Services.

13.15.7 Strip foundations which interfere with the natural water drainage adjacent to the wetland areas will not be permitted without the prior approval from the Overstrand Environmental Services.

#### 13.16 CONFLICT WITH OTHER REGULATIONS

In the event of a conflict between the provisions of the RECOZ and any other regulation of the Overstrand Municipality, in particular the OVERSTRAND MUNICIPALITY ENVIRONMENTAL MANAGEMENT OVERLAY ZONE REGULATIONS 2020 (EMOZ), as amended from time to time, the stricter provision shall apply.

#### 13.17 APPLICATION AND APPROVAL PROCEDURES

The Overstrand Municipality By-Law on Municipal Planning, 2015 will apply in respect of all applications, processes and decisions contemplated in these Regulations.

#### 13.18 ENFORCEMENT:

The provisions contained in the Overstrand Municipality By-Law on Municipal Planning, 2015, as they relate to enforcement, offences, penalties and notices will apply to these Regulations.

#### 13.19 INCORPORATION OF ROOIELS INTO THE BUFFER ZONE OF THE KOGELBERG BIOSPHERE RESERVE (KBR).

13.19.1 Rooiels, as a conservation community, situated directly between the core section of the Kogelberg Biosphere Reserve (KBR) and the buffer zone to the Biosphere, will apply for incorporation into the buffer zone..



13.19 Pending incorporation of Rooiels into the buffer zone, all changes to any of the land use legislation of the Overstrand Municipality will be investigated and reviewed and where required additional constraints will be imposed in the RECOZ imposed in line with the Overstrand Municipal EMOZ applicable to Protected Area Buffer Zones, inclusive of Schedules A and B.

13.20 The boundaries of the Rooiels township as per the Overstrand Municipal Spatial Delineation: Plan 4 will not be altered to include the incorporation or inclusion or assumption, by any means or description, of neighbouring smallholdings.

13.21 The RECOZ will from time to time be amended with a view to, and to the extent of, any requirements, additional to the existing provisions of the RECOZ, to meet with an incorporation into the buffer zone.