

**OVERSTRAND MUNICIPALITY**

**DRAFT HERITAGE PROTECTION 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 Heritage Protection Overlay Zone Regulations in terms of Section 156(2) of the Constitution.



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**OVERSTRAND MUNICIPALITY**  
**DRAFT HERITAGE PROTECTION OVERLAY ZONE REGULATIONS**

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

**1 Definitions**

- 1.1 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:
- 1.1.1 the Overstrand Municipality By-Law on Municipal Planning, 2013
  - 1.1.2 the National Heritage Resources Act, 1999 (Act 25 of 1999)
  - 1.1.3 the National Environmental Management Act, 1998 (Act 107 of 1998)
  - 1.1.4 the National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008)
  - 1.1.5 the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004)
  - 1.1.6 the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003)
  - 1.1.7 the National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
  - 1.1.8 the National Water Act, 1998 (Act 36 of 1998)
- 1.2 "Base level" means the mean point between the highest point on the site and the lowest point as defined in the Zoning Scheme.



- 1.3 "HPOZ" means an Heritage Protection Overlay Zone as contemplated in the Overstrand Municipality By-Law on Municipal Planning, 2013
- 1.4 "HWC" means Heritage Western Cape;
- 1.5 "infrastructure" means any temporary or permanent structure made by humans;
- 1.6 "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);
- 1.7 "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;
- 1.8 "NHRA" means the National Heritage Resources Act, 1999;
- 1.9 "Overstrand Municipal Area" means the geographical area over which the Overstrand Municipality has jurisdiction;
- 1.10 "permissible activity" means an activity or use that is permissible within a particular HPOZ only with the Council's written consent;
- 1.11 "prohibited activity" means an activity or use that is prohibited within a particular HPOZ;
- 1.12 "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;
- 1.13 "Scenic Corridor" means the properties immediately abutting scenic drives which are routes traversing natural and cultural historical landscapes of considerable significance and which are located outside approved urban edges.
- 1.14 "Scenic Drives" means those routes which link scenic corridors, which are primarily located within approved urban edges and which thus contribute to the continuity of a scenic route network.



1.15 "SAHRA" means the South African Heritage Resources Agency;

1.16 "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);

1.17 "municipality" means the Council of the Municipality and includes a councillor, the Municipal Manager, a committee, or official where delegated authority is granted to decide a matter on behalf of the Municipality;

1.18 "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 .

## **2 Object of Regulations:**

2.1 The object of these regulations is –

2.1.1 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.

## **3 Application of Regulations:**

3.1 These regulations apply, in addition to any other laws that may apply, to the Heritage Protection Overlay Zones within the area of jurisdiction of the Overstrand Municipality and bind all persons and organs of state within this area of jurisdiction.

3.2 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: GENERAL PROVISIONS FOR OVERSTRAND'S HERITAGE PROTECTION OVERLAY ZONES:**

4 The Council may apply the general provisions stipulated in this section in respect of all Heritage Protection Overlay Zones and the specific provisions to the HPOZ'S identified in Chapter 3.



- 5 It should be noted that while the Municipality will make its own decisions in respect of proposed development inside the identified HPOZ's under the Municipal Planning By-Law, 2013 it will be further constrained by these regulations.
- 6 HWC will still be required to assess all applications falling under the NHRA. The approval of any alterations or additions to structures identified as having Grade 3A, 3B or 3C heritage status will thus still have to be managed by HWC until the Municipality is deemed to be competent under the NHRA to conduct heritage related regulatory functions in accordance with Sections 30, 31, 34 and/or 38 of the NHRA.
- 7 Any land use, planning, building plan or related application pertaining to a property or activity located within a Heritage Overlay Zone must be referred to the Overstrand Heritage and Aesthetics Committee for comment prior to a decision being taken for the approval or refusal of such an application by the Municipality. The following activities are included:
  - 7.1 Removal, felling, lopping, topping or otherwise damaging any tree that contributes to the cultural landscape that is either more than 6 meters in height or more than 500mm in diameter other than for the removal of dangerous branches or bona fide pruning. Alien invasive vegetation is excluded.
  - 7.2 Alteration to or removal of any historical landscape or landscape feature including boundary hedges and mature plantings; or addition or removal of or alteration to hard landscape surfaces, street furniture or signage.
- 8 Such activities will only be permitted following comment from the Overstrand Heritage and Aesthetics Committee and Municipal approval.

### **CHAPTER 3: SPECIFIC HERITAGE PROTECTION OVERLAY ZONE REGULATIONS:**

- 9 **SCENIC CORRIDOR HERITAGE PROTECTION OVERLAY ZONE ("Scenic Corridor HPOZ"):**
  - 9.1 **Spatial delineation:** Refer to Plans A, B & C.
  - 9.2 **Purpose:**



- 9.2..1 To maintain and enhance the scenic drive network in the Overstrand which is a heritage resource of considerable environmental, historic and aesthetic significance and which contributes substantially to the economic base of the region.
- 9.2..2 To promote the tourism, environmental and amenity potential of the Overstrand scenic route network by enhancing the user's experience and understanding.
- 9.2..3 To ensure that the actual route is embedded within the landscape rather than imposed upon it.
- 9.2..4 The regulations refer only to scenic corridors which fall outside demarcated urban areas unless otherwise demarcated on the relevant plans for the scenic corridors HPOZs.
- 9.2..5 Maps A, B, and C also identify regional and local routes of scenic significance. These routes are identified as they play an important linkage role in the overall scenic route network. Only the regulations relating to edge treatments below and the strict adherence to the Municipality's signage bye-law apply.
- 9.2..6 **Protection of Scenic Corridors:**
- 9.2..6.1 New buildings must be sited to avoid blocking views from scenic routes, particularly views towards the mountains and the coastline, and towards places/sites identified as having visual or heritage significance, where possible.
- 9.2..6.2 Comment must be obtained from the Overstrand Heritage and Aesthetics Committee on potential visual impacts before the Municipality approves any applications within this HPOZ.
- 9.2..6.3 Development on ridge lines and on steep slopes greater than 1:4 must be avoided in this zone.
- 9.2..6.4 New interventions must be modest and restrained in scale and limited in height, recessive in character and appropriate to the natural and cultural landscape.



- 9.2..6.5 New developments must be associated and linked with existing settlements, rather than on isolated sites on undeveloped land.
- 9.2..6.6 Buildings must be aligned parallel to the contours. Hard and soft landscaping must be used to tie the buildings into the landscape.
- 9.2..6.7 Building platforms on sloping sites must be kept to a minimum. Buildings on high stilts in excess of 2.4 m as measured from the base level as defined in the Zoning Scheme must be avoided. New levels must be designed to fit into the surrounding land form. Mitigation measures must be identified to limit visual impacts.
- 9.2..6.8 Outdoor spaces must be designed so that the landscape appears to flow throughout the site. *Extensions on coverage will be discouraged.*
- 9.2..6.9 The layout and design of new buildings must respect local traditions and settlement patterns in terms of the placement and alignment of buildings on sites.
- 9.2..6.10 Access roads and pathways must be designed to avoid excessive cutting and filling and to ensure harmonious adaptation to the existing topography.
- 9.2..7 **Setback lines in wilderness, rural and agricultural contexts:**
- 9.2..7.1 No departure from the 30m building line applicable to Agricultural Zones will be considered without the comment from the Overstrand Heritage and Aesthetics Committee. Mitigation measures must be identified for any departure from this provision.
- 9.2..8 **The control of edge treatments along scenic routes:**
- 9.2..8.1 Visually intrusive structures, such as billboards are prohibited adjacent to scenic routes.
- 9.2..8.2 Precast concrete, "vibracrete" walls, unpainted cement block walls and razor wire treatment are prohibited along scenic routes.



9.2..8.3 Appropriate road edge and storm-water channel treatments, must be designed to fit in with the rural context.

9.2..8.4 Gateways must be recessive in character and limited in scale.

9.2..8.5 Entrance gateways must step back from the boundary line and must not exceed 10m in width.

9.2..8.6 Visually impermeable walls or fencing, substations or electrical infrastructure, kiosks, trees and hedges, which block significant mountain and coastal views and sites of heritage significance will not be permitted.

9.2..9 **The control of signage along scenic routes:**

9.2..9.1 Signage must be in accordance with the Overstrand Signage By-Law.

9.2..9.2 Signage should be located against a backdrop to avoid silhouette effects on the skyline. Low signs are less visually obtrusive. Signs should be fixed to buildings where possible to avoid the proliferation of poles.

9.2..10 **The control of invasive vegetation adjacent to scenic routes:**

9.2..10.1 Exotic trees may be permitted only if they contribute to place character. No alien invasive vegetation will be permitted.

10 **COASTAL STRIP HERITAGE PROTECTION OVERLAY ZONE ("COASTAL STRIP HPOZ")**

10.1 **Spatial delineation:** refer to Plans A, B & C.

10.2 **Purpose:**

10.2..1 To protect and enhance the nature of the transition zone between the built fabric along the coastal strip including the first line of erven facing the coast, the coastal walkway and the coastline;

10.2..2 To protect the natural, environmental and scenic qualities along the coastal strip;



10.2..3 To protect lateral views between the mountain and coastline by ensuring the continuation of existing view lines and by controlling the massing and form of buildings adjacent to the coastal strip;

10.2..4 To ensure the retention of the relatively fine grain form of development characteristic of the Overstrand holiday home vernacular evident along the coastal strip.

10.2..5 To ensure the retention of the existing structures identified as having intrinsic and contextual significance.

10.2..6 **Land use and building plan applications:**

10.2..6.1 All planning or building plan applications must be submitted to the Overstrand Heritage and Aesthetics Committee for comment.

10.2..7 **Grain and texture:**

10.2..7.1 The grain and texture of the existing built form, characterized by relatively low building to plot ratios, limited building footprints, the predominance of single storey structures and fragmented rather than monolithic building forms must be adhered to.

10.2..8 **Additions:**

10.2..8.1 Where new additions are to be built onto structures identified as being conservation worthy, such additions must occur behind the front façade of the main dwelling and must not in any way overwhelm the original structure in terms of massing and height.

10.2..8.2 Such additions must be sensitive and appropriate to the context.

10.2..9 **Building heights:**

10.2..9.1 Building heights are restricted to 8m as measured from the top of the structure to base level.



10.2..9.2 The wall plates of buildings facing onto public areas are restricted to 5.5m above finished floor level.

10.2..10 **Interface between public and private realms:**

10.2..10.1 A positive interface between the private site and public realm must be established.

10.2..10.2 Visually impermeable boundary walls higher than the permitted 2.1m will not be permitted.

10.2..10.3 No prefabricated materials, including “vibracrete” walls and false stone walls will be permitted in this zone.

10.2..11 **Roof treatment:**

10.2..11.1 Flat roofs must only be permitted on lean-to additions and must not constitute the majority of the roof space.

10.2..11.2 Similarly dormers must not constitute more than one third of the roof space facing onto the coastline.

10.2..12 **Building massing and solid to void relationship:**

10.2..12.1 Large monolithic structures with a horizontal emphasis should be discouraged.

10.2..12.2 Buildings should be fragmented and disaggregated in form, and apertures must have a vertical emphasis.

10.2..12.3 Large glazed surfaces must be located at least 0.5m behind the front façade of the building.

10.2..13 **Architectural Styles:**

10.2..13.1 Architectural styles at variance with the local indigenous Overstrand vernacular will not be permitted.



10.2..13.2 Buildings must be predominantly orthogonal in form and placed parallel to the street edge.

10.2..14 **Vegetation:**

10.2..14.1 The felling of mature trees which contribute to area character (the Norfolk pines and flowering gums (*Corymbia ficifolia*) in Northcliff and Eastcliff) will not be permitted without the written consent of the Municipality which may only be granted once comment from the Overstrand Heritage and Aesthetics Committee has been obtained.

10.2..14.2 Local indigenous plant material must be used along the interface between the private dwelling and the public realm.

10.2..15 **Road edge treatment:**

10.2..15.1 Alternatives to conventional channel treatment must be used such as grass swales to bind the roadway into the adjacent landscape.

10.2..16 **Building massing and solid to void relationship:**

10.2..16.1 Large monolithic structures with a horizontal emphasis will not be permitted.

**11 BETTY'S BAY VLEI AREA HERITAGE PROTECTION OVERLAY ZONE (*Rondevlei, Groot wit vlei, Malkopsvlei and the drainage system associated with Davidskraal, between the Harold Porter Gardens and the coastline.* ("BETTY'S BAY VLEI AREA HPOZ")):**

11.1 **Spatial Delineation:** Refer to Plans 1 & 2.

11.2 **Purpose:**

11.2..1 To protect and enhance the role of the vlei system as an integral component of the ecological seepage system between mountain and sea and to maintain and enhance the distinctive visual spatial quality of the system, particularly the edge conditions.



11.2..2 To ensure appropriate building forms and ecologically sensitive building practices along this sensitive interface zone.

11.2..3 **Control of land uses:**

11.2..3.1 No planning and building plan applications in the HPOZ will be considered without comment from the Overstrand Heritage and Aesthetics Committee.

11.2..3.2 No land uses, or deviations from the Town Planning Scheme, which threaten the ecological integrity of the vlei and associated seepage system will be permitted.

11.2..3.3 Building interventions which do not adhere to sustainable environmental building practices, particularly water management systems, will not be permitted.

11.2..3.4 The creation of access ways to the water's edge, across public land and through the reed systems will not be permitted.

11.2..3.5 Strip foundations which interfere with the natural water drainage adjacent to the wetland areas will not be permitted.

11.2..4 **The inappropriate massing, scale, form, architectural character, materials and colours:**

11.2..4.1 New structures must be limited in scale and disaggregated in form.

11.2..4.2 Building heights must not exceed 8m as measured from the base level.

11.2..4.3 Wall plate heights on any facades facing onto the public zone (vlei area and coastal zone) must not exceed 5.5m above the finished floor level.

11.2..4.4 The use of materials and colours, especially on roofs, must be earth-toned and blend into the natural landscape rather than contrast with it.

11.2..4.5 Bright colours and reflecting materials will not be permitted.



11.2..4.6 A wall-dominated recessive architectural treatment must be adopted. Any large glazed surfaces, in excess of 1.5m<sup>2</sup>, must be placed at least 0.5m from the front façade of the building.

11.2..5 **Boundary treatments:**

11.2..5.1 Boundary treatments comprising precast concrete, "vibracrete" walls, unpainted cement block walls, high security fencing (higher than 2.1m) and razor wire treatment will not be permitted at the interface between private erven and the vlei areas.

11.2..5.2 Visually impermeable boundary treatments higher than 2.1m will not be permitted.

11.2..6 **The extent of vegetation clearance:**

11.2..6.1 The extent of vegetation clearance around residential units must be kept to a minimum and must be determined primarily with regard to fire safety and fire prevention parameters.

11.2..6.2 A demarcated area, approximately 10m beyond the building footprint, must be marked off and staked to ensure fire prevention and that the surrounding fynbos and reed bed area remains undisturbed.

11.2..6.3 During the construction period, storage areas for building materials, rubble and a work platform must be designated in areas that will remain disturbed after completion, such as future garages and drive ways.

11.2..6.4 No interventions in the reed bed areas surrounding the vleis will be permitted.

12 **HANGKLIP SMALLHOLDING AREA HERITAGE PROTECTION OVERLAY ZONE ("HANGKLIP SMALLHOLDING HPOZ"):**

12.1 **Spatial Delineation:** Refer to Plans 3 and 4.

12.2 **Purpose:**



- 12.2..1 To protect and enhance the high visual and natural environmental quality of the small holdings area at the strategic interface with the Kogelberg Biosphere Reserve.
- 12.2..2 To protect and enhance the green linkages between mountain and coastline.
- 12.2..3 To ensure that the natural green context remains the dominant element and that the built environment remains subsidiary.
- 12.2..4 To protect the sense of openness and the sense of fit between the built form and environmental context.
- 12.3 **Control of land uses:**
  - 12.3..1 All land use planning and building applications must be referred to the Overstrand Heritage and Aesthetics Committee for comment.
  - 12.3..2 Land uses which are not of an agricultural or rural nature (apart from the residential land uses permitted in terms of the zoning scheme) will be discouraged in the smallholding area.
- 12.4 **The location of new development:**
  - 12.4..1 New structures must be sited to avoid visually sensitive, steep slopes (greater than 1:4) or elevated slopes, ridgelines and hill crests.
- 12.5 **The scale and massing of new development:**
  - 12.5..1 New structures must be integrated into the landscape and must be recessive in form and character.
  - 12.5..2 Building on slopes must be stepped down the slope, and not be built on stilts higher than 2.4m above the base level. Mitigation measures must be applied to minimize visual impact.
  - 12.5..3 Residential buildings must not exceed 8m above the base level.



12.5..4 Wall plates on sea facing facades are restricted to 5.5m above the finished floor level.

12.5..5 A wall-dominated architectural treatment should be adopted.

12.5..6 Any large glazed surfaces, in excess of 1.5m<sup>2</sup>, must be placed at least 0.5m from the front façade of the building.

12.5..7 The use of materials and colours, especially on roofs, must be earth-toned and blend into the landscape rather than contrast with it. Bright colours and reflecting materials will not be permitted.

## 12.6 **Inappropriate boundary treatments:**

12.6..1 Boundary treatments comprising precast concrete, "vibracrete" walls, unpainted cement block walls, high security fencing (higher than 2.1m) and razor wire treatment are prohibited in the small holding area. Visually impermeable boundary treatments higher than 2.1m will not be permitted.

12.6..2 Appropriate road edge and stormwater channel treatment must be designed to fit in with the rural context.

12.6..3 Gateways and entrances must be recessive in character and limited in scale.

12.6..4 Solid masonry entrance gateways must step back from the boundary line and must not exceed 5m on either side of the gate opening.

12.6..5 Where security fencing is unavoidable such fencing must be visually permeable.

## 12.7 **The treatment of access ways:**

12.7..1 The alignment and the use of materials for access ways must minimize visual impact particularly from public routes and the beach area.

12.7..2 Where access ways have to cross wetland areas, every attempt must be made to enable access ways to be shared.



12.8 **Inappropriate signage:**

12.8..1 All signage must comply with the Overstrand Signage By Law.

12.9 **The extent of vegetation clearance:**

12.9..1 The extent of vegetation clearance around residential units must be kept to a minimum and must be determined primarily around fire prevention parameters.

12.9..2 A demarcated area, approximately 10m beyond a building footprint, must be marked off and staked to ensure that the surrounding fynbos remains undisturbed.

12.9..3 Storage areas for building materials, rubble and a work platform for ground work must be designated in areas that will remain disturbed after completion, such as future garages and drive ways.

12.10 **The management of development in the small holding area:**

12.10..1 Any new subdivision, permitted in terms of the zoning scheme, must be subject to a Site Development Plan (SDP) which specifies siting, massing, scale, materials, colours and the treatment of access ways in terms of the regulations stipulated above.

13 **ROOI ELS HERITAGE PROTECTION OVERLAY ZONE ("ROOI ELS HPOZ"):**

13.1 **Spatial Delineation:** Refer to Plan 4.

13.2 **Purpose:**

13.2..1 To protect and enhance the visual spatial threshold at the point of entry to the Overstrand Municipality and adjacent to the Kogelberg Biosphere Reserve.



13.2..2 To protect and enhance local natural landmark features such as the koppies and the green edge facing onto the vlei area and the coastline.

13.2..3 To protect and enhance the green linkages between the mountain and coastline.

13.2..4 To ensure that the natural green context remains the dominant element and that the built environment remains subsidiary to the landscape, rather than dominating it.

### 13.3 **Land use and building plan applications:**

13.3..1 All land use planning and building applications must be submitted to the Overstrand Heritage and Aesthetics Committee for comment.

### 13.4 **Grain and texture:**

13.4..1 New building interventions must respect the grain and texture of the existing built form, in terms of relatively low building footprints and buildings which are integrated into the surrounding landscape and which are stepped down slopes rather than being perched on stilts above the slopes.

13.4..2 Buildings must be fragmented and disaggregated and not monolithic in form.

13.4..3 The footprint of residential buildings may not exceed 50% of the site area.

### 13.5 **Building on stilts:**

13.5..1 Stilts for building platforms must not exceed 2.4m in height above the base level. Mitigation must be applied to limit visual impacts.

### 13.6 **Height of structures:**

13.6..1 The 8m height restriction, as measured from the base level, applies.

13.6..2 Wall plate heights on any facades facing onto public areas are restricted to 5.5m above the finished floor level.



13.6..3 The definition of basements as contained in the new integrated town planning scheme must be strictly applied to ensure that no three storey structures present themselves to the scenic drive.

13.7 **Use of materials and colours:**

13.7..1 The use of materials and colours, especially on roofs, must blend into the landscape rather than contrast with it. Bright colours and reflecting materials will not be permitted.

13.8 **Boundary treatment:**

13.8..1 No solid, visually impermeable boundary treatments above 2.1m will be permitted.

13.9 **Vegetation:**

13.9..1 No mature vegetation exceeding 1.5m in height, can be removed without the special consent of the Municipality.

14 **GANSBAAI HERITAGE CORE HERITAGE PROTECTION ZONE ("GANSBAAI CORE HPOZ")**

14.1 **Spatial Delineation:** Refer to Plan 5.

14.2 **Purpose:**

14.2..1 To protect and enhance the relationship between the historical core area and the harbour.

14.2..2 To protect the number of graded heritage sites and significant streetscapes in the area.

14.2..3 To promote a positive public space environment and the retention of views towards the harbour and across the town.

14.3 **Land use and building plan applications:**



14.3..1 All land use planning and building plan applications must be submitted to the Overstrand Heritage and Aesthetics Committee for comment.

14.4 **Additions:**

14.4..1 Where new additions are to be built onto structures identified as being conservation worthy, such additions must occur behind the front façade of the main building and must not in any way overwhelm the original structure in terms of massing and height.

14.5 **Interface between public and private realms:**

14.5..1 A positive interface between the private erf and public realm must be established in the residential areas.

14.5..2 No prefabricated materials, including “vibracrete” walls and false stone walls will be permitted in this zone. Boundary walls above 2.1m must be visually permeable.

14.6 **Building massing and solid to void relationship:**

14.6..1 Large monolithic structures with a horizontal emphasis should be discouraged in the residential zones. Within business and general residential zones any development above the third floor must be set back at least 1.5m from the front façade of the building and roofs must have a 45 degree roof pitch.

14.6..2 Buildings should be fragmented in form, and apertures must have a vertical emphasis.

14.6..3 Large glazed surfaces in excess of 1.5m<sup>2</sup> must be located at least 0.5m behind the front façade of the building.

14.7 **Architectural Styles:**

14.7..1 Architectural styles at variance with the local indigenous Overstrand vernacular will not be permitted and contemporary interpretations will be encouraged.



14.7..2 Buildings must be predominantly orthogonal in form and placed parallel to the street edge.

14.8 **Vegetation:**

Local indigenous plant material must be used along the interface between the private dwelling and the public realm.

14.9 **Road edge treatment:**

14.9..1 Alternatives to conventional kerb and channel treatment must be used to minimise severance impact and to bind the roadway into the adjacent landscape.

15 **HAWSTON HERITAGE CORE HERITAGE PROTECTION OVERLAY ZONE ("HAWSTON HERITAGE CORE HPOZ"):**

15.1 **Spatial Delineation:** Refer to Plan 6.

15.2 **Purpose:**

15.2..1 To protect the banks of the central watercourse and Paddavlei area, the associated milkwood forest and the adjacent cemetery. The area has high social and historical and visual significance.

15.2..2 To protect the few remaining vernacular cottages in the older part of the village between Vlei Street and Harbour Road and the associated streetscapes.

15.3 **Control of land uses and activities:**

15.3..1 All land use planning and building applications must be submitted to the Overstrand Heritage and Aesthetics Committee for comment.

15.3..2 Official public access must be in terms of the EMOZ.



15.3..3 Land uses and activities (e.g. tree felling) which would in any way impact negatively on public access to the area and its amenity value, and the appreciation of its historical, social and visual significance will not be permitted.

15.4 **Boundary treatments:**

15.4..1 No boundary treatment/fencing which would impact on the unhindered public access as established by the Municipality to the central watercourse and Paddavlei, and associated milkwood forest and cemetery will be permitted.

16 **BAARDSKEERDERSBOS HERITAGE PROTECTION OVERLAY ZONE  
("BAARDSKEERDERSBOS HPOZ"):**

16.1 **Spatial Delineation:** Refer to Plan 7.

16.2 **Purpose:**

16.2..1 To protect the number of vernacular dwellings in the village which are relatively intact, although under threat, both from natural deterioration and inappropriate development.

16.2..2 To retain the low density rural quality of the village in its agricultural setting.

16.2..3 To maintain existing house-street relationships, particularly the contribution of private gardens to the public realm.

16.2..4 To ensure that infrastructural developments, particularly road and stormwater treatments, are appropriate to the rural quality of the area.

16.2..5 To ensure appropriate new alterations and additions, particularly in terms of height and massing and the use of materials.

16.2..6 To ensure the retention of the 'leiwater' system which contributes to the rural character of the area.

16.3 **Land use and building plan applications:**



16.3..1 All land use planning and building plan applications must be submitted to the Overstrand Heritage and Aesthetics Committee for comment.

16.4 **Grain and texture:**

16.4..1 The grain and texture of the existing built form, characterized by relatively low building to plot ratios, limited building footprints, the predominance of single storey structures and fragmented, disaggregated rather than monolithic building forms must be adhered to.

16.5 **Building heights:**

16.5..1 Building heights are restricted to 8m from the top of the structure to the base level.

16.5..2 Wall plate heights on facades facing onto public spaces are restricted to 5.5m above the finished floor level.

16.6 **Additions:**

16.6..1 Where new additions are to be built onto structures identified as being conservation worthy, such additions must occur behind the front façade of the main building and must not in any way overwhelm the original structure in terms of massing and height.

16.7 **Interface between public and private realms:**

16.7..1 A positive interface between the private erf and public realm must be established.

16.7..2 Boundary walls facing public streets must be a maximum of 2.1m.

16.7..3 No prefabricated materials, including "vibracrete" walls and false stone walls will be permitted in this zone.

16.8 **Roof treatment:**



16.8..1 Similarly dormer windows must not constitute more than one third of the roof space.

16.8..2 Roof colours must be earth toned. Strong contrasting colours must be avoided.

16.9 **Building massing and solid to void relationship:**

16.9..1 Large monolithic structures with a horizontal emphasis will be discouraged.

16.9..2 Buildings must be fragmented and disaggregated in form, and openings must have a vertical emphasis.

16.9..3 Large glazed surfaces in excess of 1.5m<sup>2</sup> must be located at least 0.5m behind the front façade of the building.

16.10 **Architectural styles/ colours:**

16.10..1 Architectural styles at variance with the local indigenous Overstrand vernacular will not be permitted and contemporary interpretations of the local vernacular will be encouraged. Pastiche architecture or copies of the original architecture are discouraged.

16.10..2 Buildings must be predominantly orthogonal in form and placed parallel to the street edge.

16.10..3 Wall colours must be pastel coloured or earth-toned depending on precinct character.

16.11 **Vegetation:**

16.11..1 Local indigenous plant material must be used along the interface between the private dwelling and the public realm.

16.12 **Road edge treatment:**



16.12..1 Alternatives to conventional kerb and channel treatment, including grass swales, must be used to minimise severance impacts and to bind the roadway into the adjacent landscape.

## 17 **HISTORIC CORE OF HERMANUS HERITAGE PROTECTION OVERLAY ZONE ("HERMANUS HISTORIC CORE HPOZ"):**

17.1 **Spatial Delineation:** Refer to Plan 8.

17.2 **Purpose:**

17.2..1 To protect and enhance the context of the high concentration of heritage sites, the role of the old harbour, Bientangs cave, the high scenic quality of the coastline, the recreational facilities related to the coastal walkway and associated whale watching points and the relatively fine-grained, low rise nature of the building fabric and the integration of these place-making elements.

17.2..2 These heritage features all contribute to an area of particular character, reflecting many of the heritage themes identified in the Overstrand area and worthy of the status of a HPOZ in terms of the Overstrand Zoning Scheme.

17.3 **Land use and building plan applications:**

17.3..1 All land use planning and building plan applications must be submitted to the Overstrand Heritage and Aesthetics Committee for comment.

17.4 **Height, massing and orientation:**

17.4..1 No building within the heritage area to exceed 14m. The upper storey must be set back a minimum of 1.5m from the main façade, have a roof pitch of 45 degrees, and use light-weight materials used to reduce visual impact.

17.4..2 The relatively fine grain nature of the building fabric must be respected in any new development.



## 18 **ONRUST PENINSULA, LAGOON AND CAMP SITE AREA HERITAGE PROTECTION OVERLAY ZONE (“ONRUST HPOZ”):**

18.1 **Spatial Delineation:** Refer to Plan 9.

### 18.2 **Purpose:**

18.2..1 To protect the views from the main access road to the beach area and sea.

18.2..2 To protect the green natural environmental frame of the lagoon area.

18.2..3 To protect the public space environment of the Point area, particularly the natural flow between the public and private realms, the lack of boundary walls and formalised kerb and channel treatment, the preponderance of milkwood trees, and the relatively fine grain nature of the residential fabric.

18.2..4 To protect the framed sea views on the Point area to the south of Beach Road.

18.2..5 To protect the natural interface between the camping ground and the coastline and the context of the coastal walkway.

### 18.3 **Land Use Planning and Building plan applications:**

18.3..1 All land use planning and building plan applications must be submitted to the Overstrand Heritage and Aesthetics Committee for comment.

### 18.4 **Grain and texture:**

18.4..1 The grain and texture of the existing built form, characterized by relatively low building to plot ratios, limited building footprints, the predominance of single and double storey structures and fragmented rather than monolithic building forms must be adhered to.

### 18.5 **Building heights:**

18.5..1 Building heights are restricted to 8m from the base level.



18.5..2 Wall plate heights on any facades facing onto public areas are restricted to 5.5m above the finished floor level.

18.6 **Additions:**

18.6..1 Where new additions are to be built onto structures identified as being conservation worthy, such additions must occur behind the front façade of the main building and must not in any way overwhelm the original structure in terms of massing and height.

18.7 **Interface between public and private realms:**

18.7..1 A positive interface between the private erf and public realm must be established.

18.7..2 High, visually impermeable boundary walls must not be permitted.

18.7..3 Boundary walls facing the coastline must be a maximum of 2.1m.

18.7..4 No prefabricated materials, including "vibracrete" walls and false stone walls will be permitted in this zone.

18.7..5 Garages and carports must be located behind the front façade of the building.

18.8 **Roof treatment:**

18.8..1 Similarly dormer windows must not constitute more than one third of the roof space facing onto the coastline.

18.9 **Building massing and solid to void relationship:**

18.9..1 Large monolithic structures with a horizontal emphasis will be discouraged.

18.9..2 Buildings must be fragmented and disaggregated in form, and apertures must have a vertical emphasis.



18.9..3 Large glazed surfaces in excess of 1.5m<sup>2</sup> must be located at least 0.5m behind the front façade of the building.

18.10 **Architectural Styles:**

18.10..1 Architectural styles at variance with the local indigenous Overstrand vernacular will not be permitted and contemporary interpretations will be encouraged.

18.10..2 Buildings must be predominantly orthogonal in form and placed parallel to the street edge.

18.11 **Vegetation:**

18.11..1 Local indigenous plant material must be used along the interface between the private dwelling and the public realm.

18.11..2 The removal or excessive pruning of mature trees in excess of 1.8m in height which contribute to the public realm will not be permitted. Comment from the Overstrand Heritage and Aesthetics Committee is required.

18.12 **Road edge treatment:**

18.12..1 Alternatives to conventional kerb and channel treatment, including grass swales, must be used to minimise severance impacts and to bind the roadway into the adjacent landscape.

19 **STANFORD HERITAGE PROTECTION OVERLAY ZONE ("STANFORD HPOZ"):**

19.1 **Spatial Delineation:** Refer to Plan 10.

19.2 **Purpose:**

19.2..1 To protect and enhance the wide range of heritage sites and streetscapes of considerable heritage significance and which contribute to the unique townscape character.



- 19.2..2 To protect and enhance the role of Market Square and Queen Victoria Street as major structuring elements within the historic core of Stanford and which reflect a number of architectural and historical features which establish the character and sense of place in Stanford.
- 19.2..3 To enable adjustments in the standard provisions of the town planning scheme, especially related to the provision of parking and the implementation of set-back lines to ensure the enhancement of identified streetscapes of heritage and architectural value.
- 19.2..4 To protect and enhance the relationship of the village to the Klein River and the natural spring to the south-east, "Die Oog" which underpins the role of water in the origins and evolution of the place.
- 19.2..5 To protect and enhance the character of the historical built environment (established by street, subdivision and building patterns including building setbacks, orientation, scale, massing and form, street interface and access) avoiding negative impacts on townscape and streetscape character in general and on architecturally and historically significant buildings in particular. This applies to new development, alterations to existing structures, road engineering interventions, boundary treatments including security fencing, signage and landscaping.
- 19.2..6 To protect and enhance historical building typologies. Typologies inappropriate in the historical core of Stanford with its significant spatial character must be avoided. The historical present, streetscape and street block character and the role of buildings as landmarks, street liners or corner buildings in contributing to this character must be respected.
- 19.2..7 To protect and enhance the 'leiwater' system which contributes substantially to area character.

19.3 **Land use and building plan applications:**

- 19.3..1 All land use planning and building plan applications must be submitted to the Stanford Heritage and Aesthetics Committee for comment.



#### 19.4 **Height, massing and orientation:**

- 19.4..1 No new building in the Stanford HPOZ to exceed 6.8m in height, except in the commercial core in Queen Victoria Street between Daneel St and Church Street where a maximum height of 8m is permitted.
- 19.4..2 Buildings within the single residential zone must be restricted to 6.8m. No point of any building on any portion thereof shall exceed the maximum height prescribed, measured from base level.
- 19.4..3 The maximum height in the SR zone, shall be as follows:
  - 19.4..3.1 From the finished floor level to the top of the wall plate: 4.5m.
  - 19.4..3.2 From base level to the top of the structure: 6.8m.
- 19.4..4 Dormer windows visible from the street must be carefully scaled and must not exceed one third of the roof space. Skylight type windows, flush with the roof surface are permitted.
- 19.4..5 Building forms must be orthogonal in nature and must be positioned parallel to the street boundary.

#### 19.5 **Parking provision:**

- 19.5..1 Parking provision standards/ratios may be relaxed when, in the opinion of Council, the imposition of obligatory parking ratios will have a negative impact on building-street relationships and the continuity of the streetscape where such streetscapes are considered to have heritage significance.  
A minimum parking ratio of 4 bays per 100 m<sup>2</sup> GLA will apply in the commercial zone.
- 19.5..2 Shared parking between properties or owners should be encouraged in commercial zones to avoid excessive parking areas, which fragment the streetscape.
- 19.5..3 Relaxation of parking provisions will be subject to the alternative parking arrangements provided for in the Zoning Scheme.



19.5..4 Parking to be located to the rear of the buildings where possible to avoid gaps in building frontages, particularly in commercial area.

19.5..5 Standard application processes for offsite parking will be required with comment from the Stanford Heritage and Aesthetics Committee.

19.6 **Building setback lines:**

19.6..1 In the case of an existing building which is being altered/extended, the existing building line shall be maintained, except where the existing condition deviates from the pattern and rhythm of the street, subject to such exceptions that the Council may specially approve.

19.6..2 In the case of new building construction work to be undertaken on a vacant site or portion of a vacant site, or alterations to an existing building, a building line must be prescribed by the Council to protect the building line generally observed in the immediate context.

19.6..3 Garages must be set back 4.0m from the street boundary.

19.7 **Disaggregation of buildings and the need to prevent monolithic structures:**

19.7..1 Scaling devices such as lower walls should be used to disaggregate building massing and large monolithic building forms.

19.7..2 Large buildings should be disaggregated to form smaller scaled structures.

19.8 **Roof pitches and materials:**

19.8..1 Roof pitches must be within the range minimum 30° and maximum 45°. Parapet and lean-to roofs must have a maximum 15° pitch.

19.8..2 Any mono-pitched roofs, excluding verandahs, must be hidden behind front and side parapet walls.



19.8..3 Roof cover materials must be either Victorian profile corrugated metal sheeting or thatch with cement capping. No fibre cement products are permitted. Roof colours must be: Cape Victorian Green, dark green, brick red, black or grey.

19.9 **Solid / opening relationships:**

19.9..1 Doors, windows and openings must not exceed 30% of any facade facing the street and must be vertically proportioned.

19.9..2 Any horizontal opening must be set back from the primary facade in vertically proportioned panels.

19.10 **External walls:**

19.10..1 The following materials are permitted:

19.10..1.1 Dressed or semi-dressed local stone.

19.10..1.2 Painted plastered masonry (smooth or traditional sponged or stippled plaster).

19.10..1.3 Aluminium doors, windows or frames must be powder coated. Steel and plastic doors, windows and frames are not permitted on buildings which have a heritage grading.

19.10..1.4 Paint colours must be white or pastel shades. Accent colours are permitted to emphasize architectural features and on recessed walls set back from the street boundary. Striped verandah roofs are permitted.

19.10..1.5 Alternatively colours must be compatible with the overall street architecture.

19.10..2 The following materials are not permitted:

19.10..2.1 Un-plastered brick or concrete.

19.10..2.2 External Bagged finishes.



- 19.10..2.3 External Face brick.
- 19.10..2.4 Fibre-cement roof sheeting.
- 19.10..2.5 IBR roofs.
- 19.10..2.6 Pre-cast concrete.
- 19.10..2.7 Artificial stone or slate wall finishes of all kinds except on plinths.

19.11 **Boundary Walls:**

- 19.11..1 The maximum height of boundary walls and fences or hedges on street boundaries must be 1,2m measured from pavement level. For security reasons palisade fencing, with openings at least 20mm, will be permitted up to a height of 1.8m. The solid vertical components must not exceed 20mm in width.
- 19.11..2 The maximum height of walls and fences or hedges other than on street boundaries must be a maximum of 1.8m, reducing to 1.2m at the street building line with the proviso established above.
- 19.11..3 Building plans of walls or fences must be submitted to Council for written permission, with comment from the Stanford Heritage and Aesthetics Committee, prior to any construction work.
- 19.11..4 Walls and fences on boundaries shall only be constructed with the following materials:
  - 19.11..4.1 Plastered and painted brick or block work;
  - 19.11..4.2 natural stone;
  - 19.11..4.3 uncoated or plastic coated wire mesh;
  - 19.11..4.4 wrought iron;
  - 19.11..4.5 cast iron;



19.11..4.6 wood; or

19.11..4.7 hedging.

19.12 **Verandas:**

19.12..1 Verandas parallel to and facing the street must not be enclosed by more than one third on the street side.

19.13 **Ancillary elements:**

19.13..1 Solar panels must be secured flat against the roof if visible from the street.

19.13..2 Air conditioners must consist of split units with the motor unit placed not higher than 1.0m from the ground.

19.13..3 Water tanks and exterior elements must not be visible from the street, nor protrude above the eaves or ridge line.

19.13..4 No freestanding transmission tower of renewable energy structure will be allowed within the HPOZ.

19.14 **Trees and hedge rows:**

19.14..1 No person shall fell, uproot or cause to destroy a mature tree more than 50mm in diameter, or hedge row taller than 1.8m on private land without the permission of the Municipality.

19.14..2 No street trees or vegetation in public spaces may be cut without written permission from the Municipality and comment from the Stanford Heritage and Aesthetics Committee.

19.15 **The 'leiwater' system:**

19.15..1 No alteration or covering of the 'leiwater' system will be permitted without the permission of the Municipality with comment from the Stanford Heritage and Aesthetics Committee.



19.16 **Signage:**

19.16..1 All signage must comply with the Overstrand Signage By Law.

19.16..2 Signage must respond positively to the architecture of the building to which it is attached. It must not cover any architectural or historical features.

19.17 **Public works:**

19.17..1 All road works, (including verges, sidewalks, kerbs, storm water channels, culverts and street lighting), as well as pump stations, substations and electrical kiosks, to be in sympathy with the heritage townscape, and to be submitted to the Stanford Heritage and Aesthetics Committee (or equivalent body) for comment before finalisation of the design.

20 **LANDSCAPES OF VERY HIGH NATURAL, SCENIC AND HERITAGE SIGNIFICANCE  
HERITAGE PROTECTION OVERLAY ZONE ("LANDSCAPES HPOZ"):**

20.1 **Spatial Delineation:** Refer to Plans A, B & C.

20.2 **Purpose:**

20.2..1 To protect and enhance landscapes identified as having high natural, scenic and heritage significance and which contribute to the character and sense of place in the Overstrand and its economic base.

20.2..2 To promote the cultural tourism, environmental and amenity potential of significant Overstrand landscapes.

20.3 **Land use planning and building plan applications:**

~~20.3..1~~ 20.3..1 All land use planning and building plan applications must be submitted to the Overstrand Heritage and Aesthetics Committee for comment.

~~20.3..1~~ 20.3..2 If any intervention in landscapes identified as having high significance could have an impact on the visual and cultural landscape the Municipality may



require a Visual Impact Assessment, or an equivalent, to assess the nature and scale of such impacts and to identify mitigation measures.

#### **CHAPTER 4: APPLICATION AND APPROVAL PROCEDURES:**

- 21 The Overstrand Municipality By-Law on Municipal Planning, 2013 will apply in respect of all applications, processes and decisions contemplated in these Regulations.
- 22 In considering an application for written consent in order to undertake an activity in terms of the Heritage Protection Overlay Zone the Municipality may require from an applicant whatever information it deems necessary in order for an informed decision to be made regarding the application.
- 23 This could include, *inter alia*:
  - 23.1 Statements of significance;
  - 23.2 Heritage research;
  - 23.3 Photographs, including contextual photographs;
  - 23.4 Results of public consultation;
  - 23.5 Impact Assessments; and
  - 23.6 Comment from affected and interested bodies.
- 24 In approving an application the Municipality may put in place any additional conditions it believes appropriate for the protection and enhancement of the heritage place.
- 25 This may include, *inter alia*:
  - 25.1 Requirements for landscaping;
  - 25.2 Use of materials and finishes;
  - 25.3 Management plans;
  - 25.4 Requirements for financial guarantees or deposits;



- 25.5 Recycling or reuse of materials through a materials bank;
- 25.6 Implementation timeframes for all work approval to;
- 25.7 Mitigation measures; and
- 25.8 Method statements.
- 25.9 The need for the work to be supervised by an appropriately qualified SACAP registered professional.
- 26 Written approval may take the form of a permit or stamped plan, or permit in combination with a stamped plan.
- 27 Approval in terms of the Heritage Protection Overlay Zone does not exempt an applicant from obtaining any other approvals required in law.
- 28 Additional requirements may include further constraints or conditions in respect of, *inter alia*:
  - 28.1 The maintenance of buildings;
  - 28.2 Changes/restrictions on:
    - 28.3 Coverage;
    - 28.4 Height;
    - 28.5 Floor area ratios;
    - 28.6 Building lines;
    - 28.7 Parking ratios;
    - 28.8 The display of advertisements and the erection of advertising boards and signage;
    - 28.9 Irrigation furrows;
    - 28.10 Historic garden walls and fences;



28.11 Any other aspect which the Municipality may deem necessary in a particular case.

29 The Municipality shall not give its approval to any development activity or land use if such activity or use, which may include, *inter alia*, construction, demolition, alteration, expansion, defacing, felling or uprooting, is deemed to be detrimental to the protection and/or maintenance of the significance of the heritage place or heritage area in which such activity is proposed.

30 Appeals:

30.1 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 5: ENFORCEMENT:**

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

32 Offences:

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

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

33 Penalties:

33.1 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.

34 Powers of the court:

34.1 In addition to imposing a fine or imprisonment, a court may order any person convicted of an offence under these Regulations –



- 34.1..1 to remedy any harm to the environment or private property that occurred as consequence of the commission of the offence;
  - 34.1..2 to compensate any person for any damage or loss suffered by that person as a consequence of the commission of the offence;
  - 34.1..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;
  - 34.1..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.
- 34.2 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 6: MISCELLANEOUS**

### 35 Delegation by Council/Municipal manager:

- 35.1 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.

### 36 Short title:

These regulations are called the Overstrand Heritage Protection Overlay Zone Regulations, 2016.

### 37 Commencement:

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