



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

DRAFT POLICY

CLEARING AND MAINTENANCE OF

VACANT ERVEN

14 OCTOBER 2021

Resolution 214/2021

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

Contents

1. DEFINITIONS AND ABBREVIATIONS.....	3
2. INTRODUCTION	8
3. POLICY OBJECTIVES	10
4. PRINCIPLES OF THE POLICY	11
5. RECOVERY OF COSTS	12
6. APPEAL PROCESS	12
7. PRESCRIBED STANDARDS FOR CLEARING VEGETATION	12
8. PRESCRIBED PROCEDURES OF THE PLOT CLEARING MANAGEMENT PROCESS	16
9. PROTECTED SPECIES	16
10. RESPONSIBILITIES AND RIGHTS OF THE MUNICIPALITY.....	17
11. RESPONSIBILITIES AND RIGHTS OF THE LAND OWNERS.....	18
12. APPROVAL AND REVIEW	18

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

1. DEFINITIONS AND ABBREVIATIONS

Administration Fee	Means a tariff approved by the Municipal Council and provided for in the annual Budget tariff list.
Appeal Process	Provisions of section 62 of the Local Government: Municipal Systems Act, (Act 32 of 2000) which inter alia provides that a person, who feels that his/her rights have been affected by a decision taken by a staff member in terms of a power or duty delegated, may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
Bossiekapper	A machine drawn behind a tractor, powered by a power take off from the tractor, and is used to cut down shrubs and large areas of vegetation
Brush Cutter	A hand held mechanical tool, powered by an electrical or petrol motor, and used to cut down shrubs and small trees.
CARA	The Conservation of Agricultural Resources Act, Act 43 of 1983 and Regulations promulgated in terms thereof.
Chain Saw	A hand held mechanical saw powered by an electrical or petrol motor, and used to cut down trees and logs
Combustible Material	Means combustible refuse, combustible waste or any other material capable of being ignited manually or spontaneously.
Conservation Use	Means the use or maintenance of land in its natural state, or rehabilitation to its natural state, with the objective of preserving the biophysical and heritage characteristics of the land including flora and fauna on the land.
Contract	Means a formal written agreement between parties to provide for the execution of a specific task under specific conditions as set out in the contract document

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

Contractor	Means a person, natural or juristic, who undertakes to execute a contract to render a service that is awarded by the Cape Agulhas Municipality under the terms and conditions stipulated therein.
Erf (Erven)	A plot(s) of land in urban and suburban areas zoned for the development of residential, commercial and industrial buildings.
Fire hazard	Means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire and which poses a threat to life or property.
Green Belt (s)	A land use designation for areas set aside as undeveloped natural areas surrounding or within urban areas.
Hazard	Means any physical situation with the potential to cause a fire hazard or the accumulation of excess waste material.
Herbicide	Means a chemical substance (weed killer) that is registered under relevant legislation to control or destroy specific plants in accordance with the directions for the use of such a weed killer.
Indigenous Vegetation	Means a species that occurs, or has historically occurred, naturally in a free state in nature occurring naturally in an area, but excludes a species that has been introduced into South Africa as a result of human activity (as per the NEM:BA).
Invasive Alien Vegetation	Vegetation, that is declared invasive in terms of NEM:BA and CARA, that landowners are legally required to remove from their property and which are deemed to be a verified fire hazard in terms of this policy.
Land clearing	All actions required to ensure that fire hazard conditions are minimized on all land; that rubble, dead and dry vegetation and waste material are removed.
Land owner	Any person (including a company, close corporation or trust) in whose name the land is registered, or if such land has been purchased but not yet registered, such a purchaser. Also a person who has the right of ownership even though the land has not yet

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

	<p>been registered, the purchaser. If the owner does not reside in South Africa or cannot be found, a representative will be regarded as the owner.</p>
Land user	<p>Any person (including a company, closed corporation or trust) who is the owner of the land, or who leases the land or who has any legal right to use the land or the plants or other organic matter from the land, irrespective of whether that person lives on the property or not.</p>
Land	<p>For the purposes of this policy, means all undeveloped land, whether owned privately or by the state, province or municipality.</p>
Manual Clearing	<p>The removal of plant and other material by hand, with hand-held tools.</p>
Mechanical	<p>The removal of plant and other material with mechanical equipment.</p>
Municipal Service Provider	<p>A person, natural or juristic, who undertakes to execute a contract awarded by the Cape Agulhas Municipality under the terms and conditions stipulated in such contract.</p>
Municipality	<p>The Cape Agulhas Municipality, which is established in terms of the Local Government: Municipal Structures Act, No. 117 of 1998.</p>
Nature reserve	<p>A national park or environmental conservation areas declared or registered as a nature reserve in terms of legislation whether in public or private ownership, for the purpose of conserving and managing wildlife, flora and fauna, in a natural habitat.</p>
NEM:BA	<p>National Environmental Management: Biodiversity Act No. 10 of 2004, and the Alien and Invasive Species Regulations, promulgated under NEM:BA (1 August 2014) for the management of invasive species.</p>
Open Lands	<p>Undeveloped land with insignificant or no vegetation cover</p>

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

Park	Land with trees, shrubs and lawn areas, used mainly for recreation purposes.
Playing Field	A privately, state or municipal owned facility where various sporting activities take place.
Procedure	A dedicated single process to complete a required task, with as many steps or tasks, responsibilities, regulations or requirements, involving a number of people as required.
Protected area	An area that has been declared a Protected Area in terms of the National Environmental Management: Protected Areas Act, No. 57 of 2003.
Public Garden	A garden that is open to the public for botanical and recreation purposes.
Public Nuisance	Means any act, omission or condition which is offensive, which is injurious or dangerous to health, which materially interferes with the ordinary comfort, convenience, peace or quiet of the public or which adversely affects the safety of the public.
Public Open Space	Land which is in public ownership, used primarily for outdoor play, recreation, or as a park area or nature area, and includes associated infrastructure and uses. Reference is drawn to the Cape Agulhas Municipality's Zoning Scheme Regulations.
Responsible Fire Safety Official	An official of the Overberg District Municipal Fire Brigade Service who is responsible for ensuring fire prevention standards or an official of the Cape Agulhas Local Municipality who has been delegated to act on behalf of the Overberg District Municipal Fire Brigade Service.
Roadside Verge	A strip of grass or plants, and sometimes also trees, located between a roadway and the boundaries of properties that are the domain of the state, province or municipality.
Urban area	An area which is situated within a city or town

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

Waste

Superfluous, discarded, or unstable matter: combustible or non-combustible material rubble, rubbish, or debris accumulated on a property.

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

2. INTRODUCTION

- 2.1. The Cape Agulhas Municipality acknowledges its responsibility and role insofar as ensuring that the Environmental Right which is entrenched in Section 24¹ of the Constitution of the Republic of South Africa (RSA) 1996 as well its responsibility to promoting a safe and healthy environment², are met. This responsibility placed on the municipality includes and also applies to putting in place reasonable legislative and other administrative measures, which are needed to ensure that the management of municipal and privately owned vacant land located within the urban edge does not infringe on Constitutional Environmental Right of all.
- 2.2. A structured approach is required to combat poor land management, specifically relating to the maintenance of vacant erven. This not only encompasses actively managing the fuel load on vacant erven, by means of eradicating of alien invasive vegetation, but also entails preventing excessive clearing of indigenous vegetation and pruning trees (excluding alien invasive species) which are unlikely to contribute significantly to the accumulation of fuel on the vacant erven.
- 2.3. To this end, a policy document is needed which clearly sets out an approach with regards to the management of vacant erven, and which clearly outlines the responsibilities of all parties which are required to ensure that the risks associated with such properties are adequately addressed. Furthermore, this document therefore also aims to lay down procedures and processes which are required to specifically manage and control the clearing of overgrown privately and municipal owned erven which, to the discretion of the municipality, poses a fire, health and environmental risks, owing to the excessive vegetation and combustible material.
- 2.4. The changing natural environment in relation to the anticipated impacts of climate change, which includes increases in extreme weather events, veld fires, wind speeds and droughts, poses additional climate-related risks associated with unmanaged / poorly managed vacant erven / plots.

¹ **Constitution of the Republic of South Africa, 1996 - Chapter 2: Bill of Rights**

Section 24 - Everyone has the right -

- a. to an environment that is not harmful to their health or well-being; and
- b. to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that -
 - i. prevent pollution and ecological degradation;
 - ii. promote conservation; and
 - iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

² **Constitution of the Republic of South Africa, 1996 - Chapter 7: Local Government**

Section 152(1)(d) - The objects of local government are (d) to promote a safe and healthy environment

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

- 2.5. The “UBK Besluit BK162/2018 Skoonmaak van erwe binne Kaap Agulhas Area (alle wyke)” dated 20 September 2018, laid the groundwork for and necessitated the development of a comprehensive policy which gives clear guidance and specifications regarding the clearing of vacant properties / erven.
- 2.6. The policy gives effect to the following legislation and regulations:
- 2.6.1. The Constitution of the Republic of South Africa, 1996 - Chapter 7: Local Government, Section 152(1)(d) - The objects of local government are (d) to promote a safe and healthy environment;
- 2.6.2. Constitution of the Republic of South Africa, 1996 - Chapter 2: Bill of Rights, Section 24 - Everyone has the right -
- a) to an environment that is not harmful to their health or well-being; and
 - b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that -
 - i. prevent pollution and ecological degradation;
 - ii. promote conservation; and
 - iii. secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.
- 2.6.3. National Health Act No. 61 of 2003, Section 83 – Environmental Health Investigations;
- 2.6.4. Annexure A, Section 21 of the National Environmental Health Norms and Standards for Premises and Acceptable Monitoring Standards for Environmental Health Practitioners – Standards for Vacant Land;
- 2.6.5. Fire Brigade Services Act No. 99 of 1987 (as amended);
- 2.6.6. Fire Brigade Services Amendment Act No. 14 of 2000;
- 2.6.7. Local Government: Municipal Systems Act No. 32 of 2000 – Prescribed regulations with regard to the functions of a municipality.
- 2.6.8. Local Government: Municipal Finance Management Act No. 56 of 2003 – Prescribed regulations with regard to financial aspects of local government;
- 2.6.9. National Veld and Forest Fire Act No. 101 of 1998 – Duty to prepare and maintain fire breaks;
- 2.6.10. National Forest Act No. 84 of 1998 – Protection of certain tree species declared as protected under the Act.

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

2.6.11. Permits are required for the removal, pruning, and / or destruction of several species:

- National Forest Act No. 84 of 1998 for which permits may be obtained from the Department of Agriculture;
- Nature Conservation Ordinance No. 19 of 1974 for which permits may be obtained from Cape Nature;
- National Environmental Management: Biodiversity Act No. 10 of 2004, Threatened or Protected Species Regulations (Notice 388 of 2013), for which permits are not yet administered, but must still be accommodated for once it is implemented.

2.6.12. Cape Agulhas Local Municipality South Africa, Public Nuisances By-law, 2005, Published in Western Cape Provincial Gazette no. 6303 on 3 October 2005

3. POLICY OBJECTIVES

- 3.1. To prevent the intentional / unintentional damage of indigenous vegetation and protected species found within the perimeters of vacant erven / plots so as to maintain the biodiversity integrity, aesthetic character and sense of place associated with the surrounding area.
- 3.2. To set clear principles with regards to best practice which is deemed acceptable by the Cape Agulhas Local Municipality concerning the clearing of vegetation, so as to reduce conditions which are favourable for the materialisation of fire, health and environmental risks in addition to compromising advancements which have been made by the municipality with regards to biodiversity preservation and conservation.
- 3.3. To ensure that all privately and municipal owned vacant erven conform to the standards which are prescribed in this Policy.
- 3.4. To inform landowners and residents of fire, health and environmental risks associated with the management of vacant erven.
- 3.5. To co-ordinate and ensure the reduction of fire, health and environmental risks associated with the management of vacant erven.
- 3.6. To provide for the identification and verification of fire, health and environmental risks at all privately and municipal owned vacant erven in the Cape Agulhas Local Municipal area.

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

4. PRINCIPLES OF THE POLICY

- 4.1. All officials of the Cape Agulhas Municipality, residents, landowners and contractors appointed to manage and control erven clearing shall be subject to the contents of this policy and follow the procedures and prescribed processes.
- 4.2. All owners of vacant land, plots / erven and property owners are obligated to maintain their property in a state which is not conducive to the fire, health and environmental risks, hazards and nuisances.
- 4.3. Erven which are located adjacent to / in close proximity to sensitive, proclaimed or protected areas will only be clearing by means of manual non-mechanical methods. Manual mechanical methods will be permitted for the clearing of all other vacant erven.
- 4.4. Mechanical clearing as well as the use of “*bossiekappers*” /tractor driven lawnmowers will only be permitted at the discretion of the Cape Agulhas Local Municipality, in the event where the following circumstances apply:
 - The vacant erven / plots are not located adjacent to / bordering a Critical Biodiversity Area, Nature Reserve or Protected Area;
 - The erf / plot to be cleared is more than twice the size of a standard erf, as determined by the Cape Agulhas Local Municipality;
 - The vegetation types found within the perimeter of the erf / plot comprises of more than 80% invasive species; and
 - No protected plant / tree species are found within the perimeter of the erf / plot.
- 4.5. Manual clearing is done using hand tools such as bow-saws, pruning scissors, loppers and slashers.
- 4.6. Manual mechanical clearing is done using cutters and handheld chainsaws.
- 4.7. Vegetation growth adjacent to a public sidewalk / walkway should as a minimum be cut and trimmed so as to permit safe and unimpeded passage.
- 4.8. Areas such as road verges, municipal gardens, sports / playing fields where continuous maintenance occurs, and for which a maintenance or similar plan / policy has been put in place, are exempted from the requirements prescribed in this policy.

4.9. Fire breaks

An eight (8) meters firebreak will be cleared around the boundary lines of the towns in the municipal area.

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

5. RECOVERY OF COSTS

- 5.1. In the event where the land owner fails to take corrective action with regards to clearing overgrown the vacant land, plots / erven or property and following receipt of instruction by the Cape Agulhas Local Municipality to do so, and the Cape Agulhas Local Municipality is compelled to take remedial action on behalf the land owner, the full costs incurred by the Municipality will be recoverable from the land owner.
- 5.2. The recoverable costs shall include the following:
 - The actual cost of the appointed contractor's service; and
 - The administrative fee as determined in the municipal tariff structure.
- 5.3. The costs incurred by the Cape Agulhas Local Municipality will be billed against the land owner's municipal account.
- 5.4. The administrative costs associated with the clearing of vacant properties will be reviewed annually by the Cape Agulhas Local Municipality.

6. APPEAL PROCESS

- 6.1. Section 62 of the Local Government: Municipal Systems Act No. 32 of 2000 makes provision for any person, who feels that his / her rights have been affected by a decision that has been taken by a staff member in terms of a power or duty delegated, may appeal against that decision by giving written notice of the appeal reason to the Municipal Manager within 21 days of the date of the notification of the decision.

7. PRESCRIBED STANDARDS FOR CLEARING VEGETATION

- 7.1. The use of herbicide will only be permitted for the eradication of alien invasive species which are listed in National Environmental Management: Biodiversity Act No. 10 of 2004 Alien and Invasive Species List, 2020 (published in Government Notice No. 1003).
- 7.2. The control and eradication of a listed invasive species must be carried out using methods that are appropriate for the species concerned and the environment in which it occurs. Preference will be given to the use of "*selective herbicides*", which are specific to a particular group of plants.
- 7.3. Only herbicides which are registered for the targeted alien invasive species may be used.
- 7.4. Land owners are advised to make use of contractors who are suitably skilled and whom can demonstrate their capability and experience in vegetation clearing.

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

7.5. The destruction of any protected tree or natural forests is deemed a criminal offence, in the event where a permit has not been obtained from the Department of Forestry, Fisheries and the environment.

7.6. The clearing of vegetation that constitutes a fire hazard shall be in compliance with the following prescribed standards:

- All erven shall be cleared of all deadwood and any other combustible material not associated with the growth of vegetation.
- All invasive alien vegetation shall be eradicated (cut down) and removed from the erven. The remaining stumps may be treated with herbicide at the discretion of the land owner to prevent re-growth. According to national Legislation: CARA and NEM:BA
- Grass and indigenous ground-covering plant species must be maintained at a maximum height of 750mm (0.75m);
- The area around trees shall be cleared of growth to a minimum height of 1.5m on the underside of the canopy with all ground level deadwood removed from the area around trees.
- On erven that are surrounded by 1.8m or higher boundary walls the density of indigenous vegetation must be reduced by a minimum of 50% and vegetation must be cut down to at least 500mm below the top level of the walls, unless otherwise specified by an official of the Overberg District Municipality to whom authority for the identification of fire hazards have been delegated.
- Erven that are located within 50m of thatch roofed structures shall be cleared of vegetation to the minimum standard at all times, irrespective of vegetation species and location, with the exception of trees, which must be trimmed in accordance with Chapter 9.
- The clearing of erven shall be done in a manner that does not contribute to soil erosion.
- All vegetation waste produced in the clearing of erven must be removed from cleared erf and may not be left on an erf or on the verge for longer than 3 (three) days.
- Cuttings may be chipped into pieces not larger than 100 x 100mm in size, which may either be removed or distributed over the cleared erf but may not be left as a heap.
- Garden refuse, cuttings and excess combustible material (including that produced during the clearing process) shall be removed from the property and disposed of at the relevant municipal landfill site.

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

7.7. The following minimum requirements are applicable to erven located in / adjacent to areas where threatened ecosystems are found, conservation areas and in protected areas (refer to Annexure B) in urban and suburban areas that are zoned for development, with the exception of erven within 50m of any thatched roof dwelling or structure:

- Remove all combustible deadwood, and any other ground level fire hazards.
- Retention of desired indigenous trees is subject to them being cleared of growth from ground level to a minimum height of 1.5m below the canopy.
- Reduce (thin out) the density of vegetation by a minimum of 50% across the area of the erf.
- Provide for a safe distance between the vegetation and any structures on abutting erven by making certain that that vegetation does not encroach over the standard 2m building or other scheme lines;
- Maintain grass and indigenous ground-covering plant species at a maximum height of 750mm (0.75m);
- All vegetation refuse produced in the course of clearing an erf must be removed from the cleared erf and may not be left on an erf or on the verge for longer than 3 (three) days;
- Erven that are located within 50m of thatch roofed structures shall be cleared of vegetation to the minimum standard at all times, irrespective of vegetation species and location, with the exception of trees, which must be trimmed in accordance with Section 7.4;
- The clearing of erven shall be done in a manner that does not contribute to soil erosion; and
- Cuttings may be chipped into pieces not larger than 100 x 100mm in size, which may either be removed or distributed over the cleared erf but may not be left as heaps.

7.8. The following methods and techniques are prescribed for the clearing of vacant properties / erven:

Table 1: Prescribed methods of vegetation clearing

Vegetation Type	Area	Method of clearing	Required Municipal Standards
Long grass	Areas not bordering Protected Areas or CBA's .	Manual	Grass shall not exceed a height of 750mm.
Mixed alien and invasive	No conservation status	Manual	<ul style="list-style-type: none"> • Eradication and removal of all invasive alien vegetation.

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

Vegetation Type	Area	Method of clearing	Required Municipal Standards
indigenous vegetation			<ul style="list-style-type: none"> • All combustible deadwoods, refuse, litter and other verified fire and health hazards shall be removed. • Grass shall not exceed a height of 750mm. • Maintain safe distance between possible / future fire hazards.
Indigenous vegetation	No conservation status	Manual	<ul style="list-style-type: none"> • Trees and shrubs to be trimmed from ground level to a minimum height of 1.5m below the canopy. • All combustible deadwood, refuse, litter and other verified fire and health hazards shall be removed.
Majority of invasive alien vegetation	Areas adjacent to Protected Areas or CBA's .	Manual	<ul style="list-style-type: none"> • Eradication and removal of all invasive alien vegetation. • All combustible deadwoods, refuse, litter and other verified fire and health hazards shall be removed. • Grass shall not exceed a height of 750mm. • Maintain safe distance between possible / future fire hazards. • Create and maintain adequate perimeter fire breaks as determined by the fire department.
Mixed invasive alien vegetation and indigenous vegetation	Areas adjacent to Protected Areas or CBA's .	Manual	<ul style="list-style-type: none"> • Eradication and removal of all invasive alien vegetation. • All combustible deadwoods, refuse, litter and other verified fire and health hazards shall be removed. • Grass shall not exceed a height of 750mm. • Maintain safe distance between possible / future fire hazards.
Majority of alien invasive vegetation	No conservation status	Manual	<ul style="list-style-type: none"> • Eradication and removal of all invasive alien vegetation. All combustible deadwoods, refuse, litter and other verified fire and health hazards shall be removed. • Grass shall not exceed a height of 750mm/ • Maintain safe distance between possible / future fire hazards.

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

Vegetation Type	Area	Method of clearing	Required Municipal Standards
All Private Vacant Land	No Conservation Status	Manual / Mechanical	The removal of all building rubble and waste, and safe disposal thereof at a licensed landfill site.

8. PRESCRIBED PROCEDURES OF THE PLOT CLEARING MANAGEMENT PROCESS

No.	Action	Responsible Department
Standard Procedures		
1.	Identification of overgrown erven / property / plot by inspection.	Public Services
2.	Administration of Compliance Notice	Public Services
3.	Issuing of first Compliance Notice to the owner. The owner will be permitted 21 working days to institute corrective measures, the lapsing of which may be extended with seven (7) additional working days.	Public Services
4.	Inspection of overgrown erven / property / plot following the lapsing of the 21 working days' notice period. In the case where an extension of (seven) 7 working days has been granted, the inspection will take place following the 28 working days' notice period.	Public Services
Procedures for remedial action		
1.	Appointment of contractors through the Supply Chain channels / procedures	Supply Chain and Public Services
2.	Induction of appointed contractor.	Public Services
3.	Inspection to verify that clearing has been done according to prescribed standards. Photographic evidence of plot to be cleared must be provided prior to commencement and conclusion of clearing activities.	Public Services
4.	Invoice for payment of contractor.	Finance Department
5.	Payment of contractor	Finance Department
6.	Billing of owner	Finance Department

9. PROTECTED SPECIES

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

Pruning of Millwood trees from ground level to a maximum height of 1.5m shall be considered to meet the allowable 25% beneath the crown and may be necessary where the trees provide

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

potential cover for illegal activities if they are located on erven within the urban and suburban areas, but no pruning shall take place where these trees are part of a natural forest, i.e. along the coast line, in green belts and proclaimed reserve areas.

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

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

10. RESPONSIBILITIES AND RIGHTS OF THE MUNICIPALITY

10.1. The minimum standards for the clearing of vacant erven are determined by this policy.

10.2. The process for the acquisition of municipal clearing contractors shall be in accordance with the Municipality's Supply Chain Management Policy.

10.3. A clearing compliance notice period of 21 working days, shall apply in respect of the removal of hazardous conditions prescribed by this policy. The clearing compliance notice period of 21 working days, may be extended by the municipality with seven (7) additional working days.

10.4. The appointed contractor(s) will be provided with specific instructions, including plot numbers and time frames for the clearing of erven.

10.5. The contractors shall be paid for work done only after their submitted invoices have been verified and cleared erven have been inspected to ensure that the work has been completed according to the prescribed standards of this policy and the specifications of the tender contract.

10.6. The final decision as to when and how a property shall be cleared will remain with the Cape Agulhas Municipal officials to who authority has been delegated subject to the Municipality's by-laws, policies and directives as well as (where deemed necessary) officials of the Overberg District Municipality to whom authority for the identification of fire hazards have been delegated.

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

- 10.7. If a property is found not to be a health or fire hazard but is in breach of other municipal or relevant legislation, the matter will be delegated to the relevant department(s) for further action.
- 10.8. The standards for land / plot clearing will be set by Council and amended when necessary.
- 10.9. The relevant owner's municipal account will be billed after it has been verified that the land / plot has been cleared by the Cape Agulhas Municipality.

11. RESPONSIBILITIES AND RIGHTS OF THE LAND OWNERS

- 11.1. Land owners are obligated to comply with the provisions of this policy as well as the Cape Agulhas Public Nuisances By-law, 2005 (Published in Western Cape Provincial Gazette no. 6303). Failure to comply with the provisions of this section or any notice lawfully given thereunder is an offence.
- 11.2. Clearing of property shall be in compliance with the norms and standards as prescribed by this policy.

12. APPROVAL AND REVIEW

STATUS	DATE	RESOLUTION NUMBER
First approval (draft)	14 October 2021	214/2021
Review		
Review		
Review		
Review		

RESOLUTION 214/2021

- (i) That the draft policy for the Clearing and Maintenance of Vacant Erven be approved in-principle.
- (ii) That the draft policy be advertised for public input.

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

Annexure A: Plot / Erf Clearing Checklist

DETAILS OF ERF / PLOT TO BE CLEARED:		DETAILS OF APPOINTED CONTRACTOR:	
Erf Number:		Company / Contractor:	
Street Address:		Contact Person:	
Town:		Contact Number:	
Erf Size:		Signature:	
NOTE: The checklist item listed below must be read in conjunction with Section 7 of the Cape Agulhas Municipality (CAM) Policy for the clearing and maintenance of vacant erven (2021)			
1. Has induction on the CAM Policy for the clearing and maintenance of vacant erven (2021) been completed?	YES	NO	Comment:
	Induction provided by: (CAM Official)		
	Date of induction:		
2. Contractor understands all specifications and standards prescribed.	YES	NO	Comment:
3. Baseline photographic evidence compiled prior to commencing with clearing of the erf / plot.	YES	NO	Comment:
4. Determine whether any protected species are found on the erf / plot.	YES	NO	Comment:
5. Identify alien invasive species and corresponding registered herbicide to be used.	YES	NO	Comment:
6. (a) Have any protected species, including Milkwood trees been identified on site? (b) ³ Did the pruning of the canopy of the protected trees exceed 25%?	YES	NO	Comment:
	YES	NO	Comment:
7. Select the appropriate clearing method, in consultation with the CAM.	YES	NO	Comment:
8. Have all requirements with regards to the minimum grass height, pruning of trees, eradication of alien invasive species and vegetation coverage been met. Please specify in comments.	YES	NO	Comment:
9. Have all waste produced in the clearing of erven been removed from the cleared erf and disposed of at a licensed landfill site.	YES	NO	Comment:

³ Pruning of the canopy of these trees is permitted to maximum of 25% only, as provided by exemption published in Government Notice No. 773 (Government Gazette 30183 of 24 August 2007), but topping in not permitted.

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

DETAILS OF ERF / PLOT TO BE CLEARED:		DETAILS OF APPOINTED CONTRACTOR:		
Erf Number:		Company / Contractor:		
Street Address:		Contact Person:		
Town:		Contact Number:		
Erf Size:		Signature:		
10. Has photographic evidence been compiled and submitted to CAM, following the completion of the clearing activities?		YES	NO	Comment:
11. Has an inspection to verify that clearing has been done according to the prescribed standard specified in the Policy for the clearing and maintenance of vacant erven (2021) been conducted by the CAM?		YES	NO	Comment:
		Date of inspection:		
		Inspection conducted by: (CAM Official)		
CAPE AGULHAS MUNICIPALITY				
Checklist received by:	(CAM Official Name & Surname)			
Date of submission of checklist:				
Signature:				

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

Annexure A: Threatened Ecosystems & Conservation Areas in The Cape Agulhas Region

Terrestrial Ecosystem	2011 (NEMBA)	2018 (NBA)
Agulhas Limestone Fynbos	Vulnerable	Critically Endangered
Agulhas Sand Fynbos	Endangered	Critically Endangered
Albertinia Sand Fynbos	Vulnerable	Least Concern
Cape Seashore Vegetation	Least Concern	Least Concern
Central Rûens Shale Renosterveld	Critically Endangered	Critically Endangered
De Hoop Limestone Fynbos	Least Concern	Least Concern
Eastern Rûens Shale Renosterveld	Critically Endangered	Endangered
Elim Ferricrete Fynbos	Critically Endangered	Endangered
Overberg Dune Strandveld	Least Concern	Endangered
Overberg Sandstone Fynbos	Critically Endangered	Least Concern
Potberg Ferricrete Fynbos	Endangered	Vulnerable
Potberg Sandstone Fynbos	Least Concern	Least Concern
Robertson Granite	Least Concern	Least Concern
Rûens Silcrete Renosterveld	Critically Endangered	Endangered
Southern Afrotropical Forest	Least Concern	Least Concern
Southern Coastal Forest	Least Concern	Least Concern
Western Coastal Shale Band Vegetation	Least Concern	Least Concern
Western Rûens Shale Renosterveld	Critically Endangered	Critically Endangered

Conservation Area	Town/vicinity
Agulhas National Park	Agulhas
Waenhuiskrans Nature Reserve	Waenhuiskrans
De Mond Nature Reserve	Agulhas
Soetendalsvlei Nature Reserve	Agulhas
Sandies PNR	Napier
Jan Malherbe PNR	Napier
Brandfontein-Rietfontein PNR	Agulhas

CAPE AGULHAS MUNICIPALITY

DRAFT POLICY: CLEARING AND MAINTENANCE OF VACANT ERVEN

Conservation Area	Town/vicinity
Brian Mansergh PNR	Agulhas
Rhenosterkop PNR	Agulhas
The Lagoon 2 PNR	Agulhas
Freshwater Sands	Agulhas
Andrewsfield PNR	Agulhas
Heunings River PNR	Agulhas
Blinkwater Conservancy	Napier
Nuwejaars Wetland Special Management Area	Elim