

Chapter 7: City Of Cape Town Zoning Scheme draft General Coastal Overlay Zone

1. General Coastal Overlay Zone

- a. This general coastal overlay zone provides specific land use provisions and regulations for the coastal area between the High Water Mark (HWM) as defined in the Integrated Coastal Management Act (ICMA)(Act 24 of 2008) and the Coastal Urban Edge as defined in the City of Cape Town's Spatial Development Framework (CT:SDF) and delineated as the City's draft coastal set-back line as per the ICMA.
- b. The City will apply the general provisions and regulations stipulated in this General Coastal Overlay Zone to all land use activities between the HWM and the Coastal Urban Edge as defined in the CT:SDF and delineated as the draft coastal setback line as per the ICMA.
- c. The City may develop further local area overlay zones and provisions to specific defined areas as well as areas landward of the Coastal Urban Edge as defined in the CT:SDF and delineated as the draft Coastal Setback Line as per the ICMA where risk to coastal hazards has been identified.

2. General Provisions

2.1. Unless otherwise stated, a Site Development Plan (SDP) is required as per the requirements of the City of Cape Town Zoning Scheme Regulations. In addition to the requirements defined in the Zoning Scheme Regulations, an SDP will be required if there is:

- a. Any change in land use;
- b. Any sub-division;
- c. Any construction activity where building plan approval is required;
- d. The addition of any new structure, designed with the intent to act as a defence mechanism against wave action, erosion, wind-blown sand or any other coastal process affecting property abutting the coastal environment or coastal public open space;
- e. The addition of any new structure with the intent to enclose property or to demarcate the boundary of property;
- f. Any excavations below the ground or existing land-level greater than 5m² in extent as a cumulative total for the property;
- g. Any building or construction activity that may lead to increased run-off into the coastal environment, and
- h. Any alteration that affects the appearance of existing walls abutting the coastal environment or coastal public open space.

2.2. Unless otherwise stated a formal Environmental Authorisation will be required from the City's District Environmental and Heritage Office for any:

- a. Removal of vegetation, site clearing or felling of trees,
- b. Any activity that in the opinion of the City may significantly alter the landscape or the coastal environment.

The Environmental Authorisation may be granted subject to requirements, including the preparation of an Environmental Management Plan and the appointment of an Environmental Control Officer.

2.3. When building plans are submitted by an applicant for any new structure that has the intent to act as a coastal defence mechanism against wave action or erosion, a report must also be submitted to the District Environmental and Heritage Office for review and approval. This report must be submitted in terms of the Coastal and Sea Defence Protocol as established in the City's Coastal Management Programme.

2.4. Unless otherwise stated, formal Heritage Authorisation from the relevant heritage resources authority i.e. Heritage Western Cape, will be required for:

- a. Any activity which may damage, destroy or alter any heritage resource, including archaeological sites, and

2.5 Unless otherwise stated, formal Heritage Authorisation from the City's District and Heritage Office, will be required for:

- a. Any activity that may impact on a scenic drive

The Heritage Authorisation may include a requirement for a Heritage Management Plan.

2.5. Unless otherwise stated, the installation of any new signage must be authorised by the District Environmental and Heritage Office in terms of:\

- a. Location, alignment and height, and
- b. Conformance and compliance to the City's Coastal Signage Guidelines and Format as per the Coastal Signage protocol in the City's Coastal Management Programme.

2.6. Activities exempt from approval, unless otherwise specifically required:

- a. Any activity that promotes rehabilitation and or maintenance of natural coastal ecosystems.

3. Coastal Hazard Provisions

3.1. The City may apply specific provisions to a coastal hazard area in terms of the General Coastal Overlay Zone, which may be in addition to, or alternate to the General Provisions.

3.2. Before applying specific provisions to a coastal hazard area in terms of the General Coastal Overlay Zone, as provided for in subsection (1) the City must:

- a. Inform the owner or owners of the hazard area of their intention to so apply. Such notice must set out the nature and purpose of the proposed application of the specific provisions, and
- b. Provide the owner or owners with a reasonable opportunity to make representations in regard thereto.

3.3. The City must take into account any representations received before it makes a decision in regard to the application of specific provisions in terms of the General Coastal Overlay Zone.

3.4. In considering an application for approval for an activity within a known coastal hazard area and to which the General Coastal Overlay Zone applies, the City may require the applicant to submit the following information in addition to the requirement of an SDP:

- a. A statement of significance for the hazard area for which the application is being made;

- b. Environmental studies, oceanographic studies or other audits or research;
- c. Photographs;
- d. Impact assessments;
- e. Comment from interested and affected parties, and
- f. Any other information it deems necessary in order to make informed decisions regarding such an application.

3.5. In accordance with the procedures defined in the General Provisions of Section 1, the City may require additional studies and interventions to be undertaken for the reduction of risk within hazard areas and the enhancement of the aesthetic, recreational, amenity and ecological value of the coastal zone. These may include but are not limited to:

- a. Coastal modelling assessments and reports;
- b. Requirements for landscaping;
- c. Requirements for building codes and structural design;
- d. Use of materials and finishes;
- e. Management plans;
- f. Requirements for financial guarantees or deposits;
- g. Restrictions and/or enhancements;
- h. Liability clauses;
- i. Implementation timeframes for all work approved;
- j. Mitigation measures against hazards posed by the coastal environment, including storm surges, sea-level rise and wind-blown sand, and
- k. Method statements.

4. General

4.1. Approval in terms of the General Coastal Overlay Zone does not exempt an applicant from attaining other required approvals in terms of any other legislation.

4.2. Any materials that may be used for the protection of property against coastal processes such as erosion, storm surges or wind-blown sand; or material used for landscaping, enclosure of private property or any other alteration of property which abuts coastal Public Open Space or Coastal Public Property must obtain City approval prior to the installation of such structures or materials.

4.3. The City shall not give its approval in respect of the General Coastal Overlay Zone if such activity, development, demolition, erection or alteration may, in the opinion of the City place the landowner, any other resident or the City:

- a. at increased exposure to coastal hazards; or
- b. may compromise the cultural, ecological, recreational or amenity value of the coast in which such activity, development, demolition, erection or alteration is proposed.