

Planning Fish Hoek's Future (FHF)

1. Municipal Planning By-law:
 - Context
2. FH Local Area Overlay
 - Motivation
3. Fish Hoek Future
 - Background
 - Initiatives
 - Partnering

Ossie Gonsalves

FHVRRA (27 Feb 2025)



Ossie Gonsalves

- ▶ Family Background
(Since 1960)
- ▶ Retired CCT official -
D.M. Southern District
- ▶ Land Survey, Building
Development & Planning
Consultant
- ▶ Member of the FHVRRA
- ▶ Member of Fish Hoek Future
- ▶ Partner in enabling a desirable
place to live, work and play
for future generations.



2025

Municipal Planning By-Law & Context:

- Development Management Controls
- Relevant City Policies
- Land Use Management Laws and Regulations
- Review Process
- Incentive Overlay Zones

Local Area Overlay (LAO)

- Context
- Specialist sub-committee 2024
- Proposed LAO for FH
- Proactive forward planning initiatives

FHF: Initiatives and Partnering

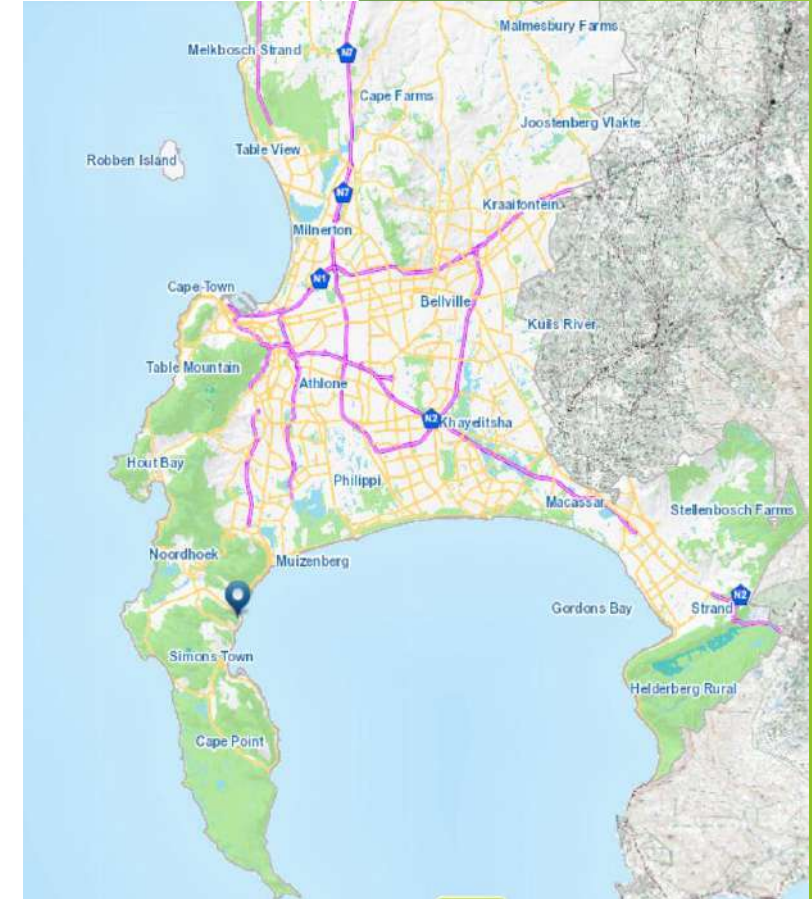
- Road Infrastructure
- Local Area Spatial Planning
- Collaborative partnering
- The Blue Corridor
- Progress
- Business Development
- Funding

City of Cape Town's Integrated Development Plan (IDP)

► Strategic Framework of

- Vision
- Strategies
- Programmes
- Action plans

- IDP + Budget = Objectives to be Achieved
- Agreed with the communities of Cape Town

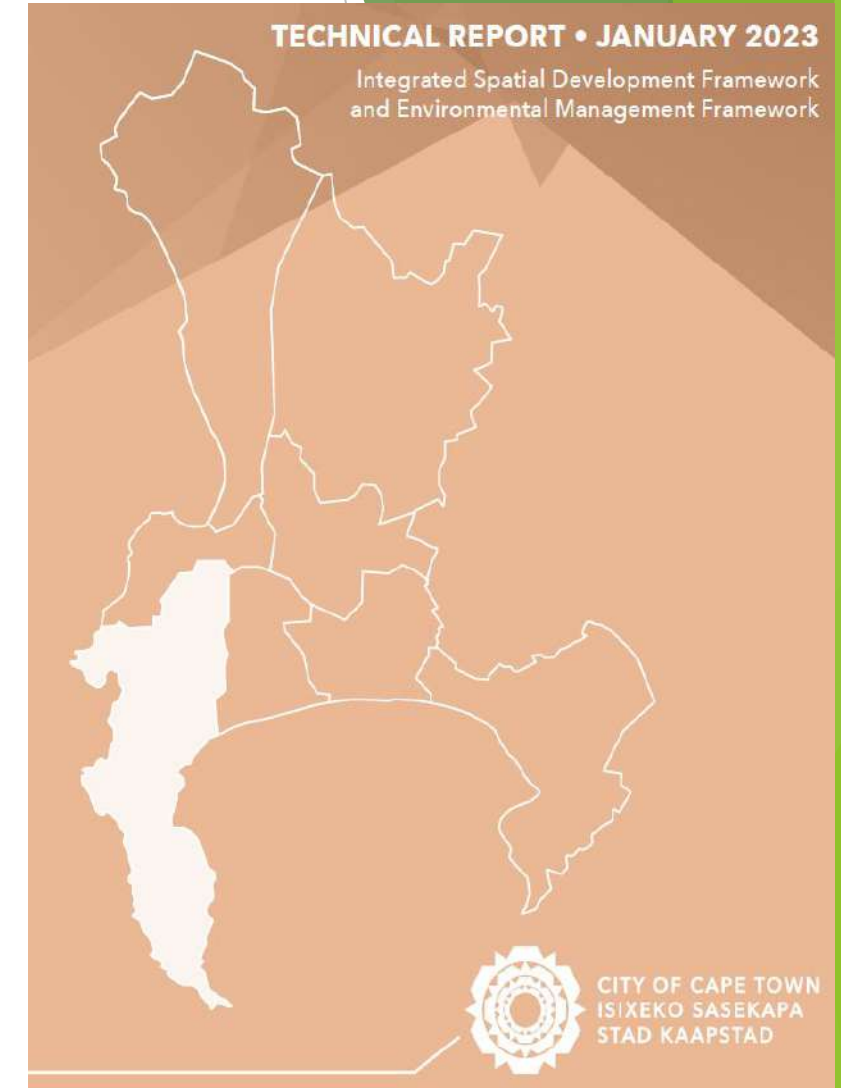


Development Management Controls:

City of Cape Town

Spatial Development Frameworks (MSDF)

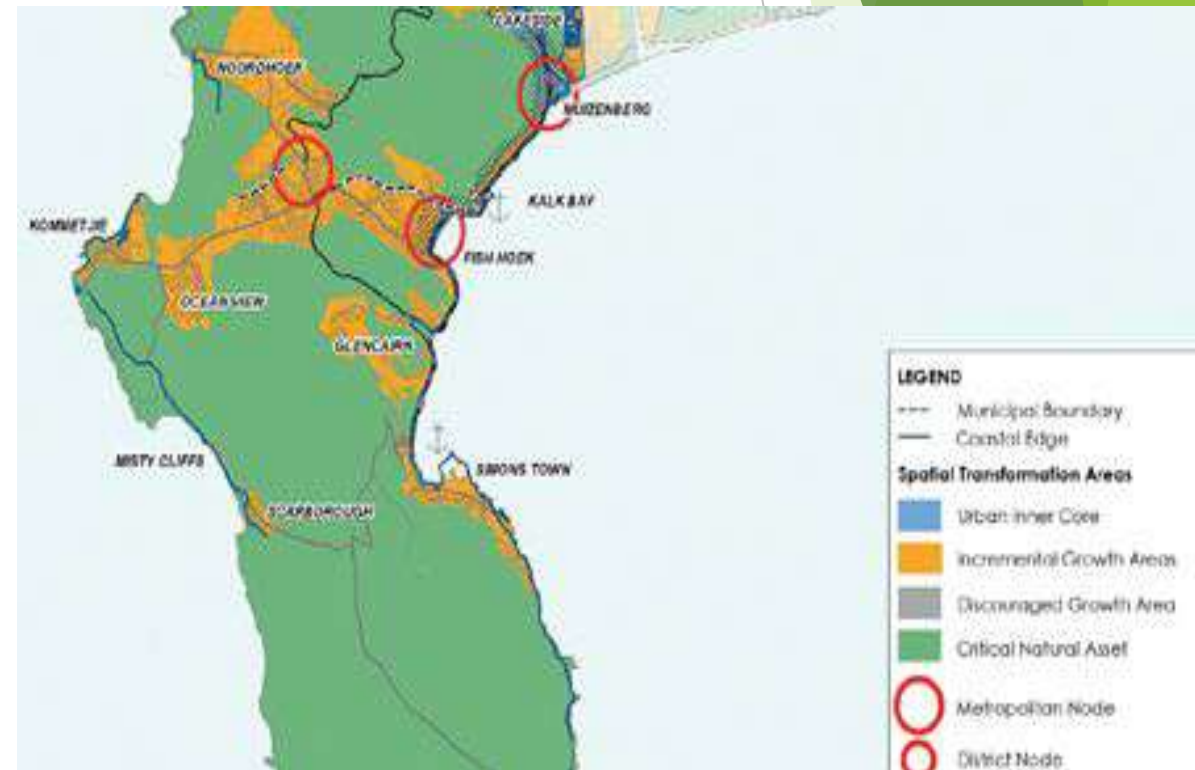
- ▶ Future public and private development
- ▶ General land use and infrastructure investment guidelines
- **MSDF: broad, general principles and guidelines**
- **The District and Sub-District Plans: more detailed**
- **Guidelines do not detract from development rights**



Southern District Plan: Sub-District Plan - Far South: New Development Areas - Sub District 4

How does the City develop for future local needs?

- ▶ Forward Planning: (More detailed)
- ▶ Land use controls and guidelines
- ▶ Infrastructure and services capacity
- ▶ Investment guidelines
- ▶ 5 Year Review (Last approved in 2023)
- ▶ Structure plan
 - Don't give or take away rights.



New Development Areas (Sub-District 4)

Fish Hoek, Clovelly, Sun Valley

- ▶ Plan to close railway from Fish Hoek, southwards to Simon's Town
- ▶ Connect CBD with beachfront
 - Local Area Plan
- ▶ Support Tram + Non-motorised Transport (NMT) Clovelly to Simonstown
- ▶ Mixed Use intensification of Commercial Node
 - ▶ Redevelop Civic Precinct Node
 - ▶ Medium density Residential (Main Rd)
 - ▶ Redevelop / Improve the character of central Fish hoek



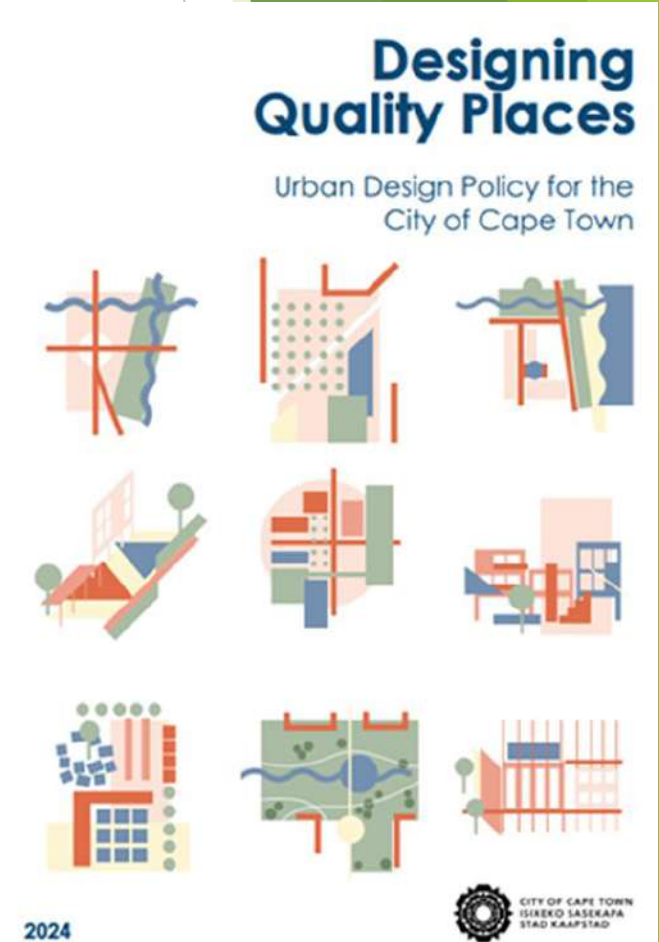
Relevant City Policies -

To guide land use activities, form of development, procedures to be followed.

Urban Design Policy

9 Objectives

1. Ensure legible spatial structure
2. Create good quality open space through place making
3. Contribute to the creation of healthy and safe communities
4. Design streets as positive public spaces
5. Promote intensity, diversity and adaptability of uses
6. Ensure positive interfaces onto the public realm
7. Provide support to sites of informality
8. Value and enhance green open spaces
9. Respond to the character and identity of an area



Densification Policy

- improve sustainability
- enhance quality of built environment

9 Objectives

- ▶ Efficient use of infrastructure
- ▶ Support Viable public transport systems
- ▶ Protect natural and built environment
- ▶ Framework for assessing development application
- ▶ Provide a level of certainty
- ▶ Ensure the scale and character is appropriate to immediate context
- ▶ Support mixed land uses
- ▶ Cater for trend of decreasing household sizes
- ▶ Contribute to place making, attractive and safe urban environments



LAND USE MANAGEMENT LAWS AND REGULATIONS

Law/regulations

Constitution of the Republic of South Africa, 1996

Spatial Planning and Land Use Management Act 16 of 2013

Western Cape Land Use Planning Act 3 of 2014

City of Cape Town Municipal Planning By-law, 2015

National Building Regulations 103 of 1977

Restrictive Title Deed conditions 33 of 1934



Development Management Scheme (DMS)

Land use or zoning rights for a specific zone:

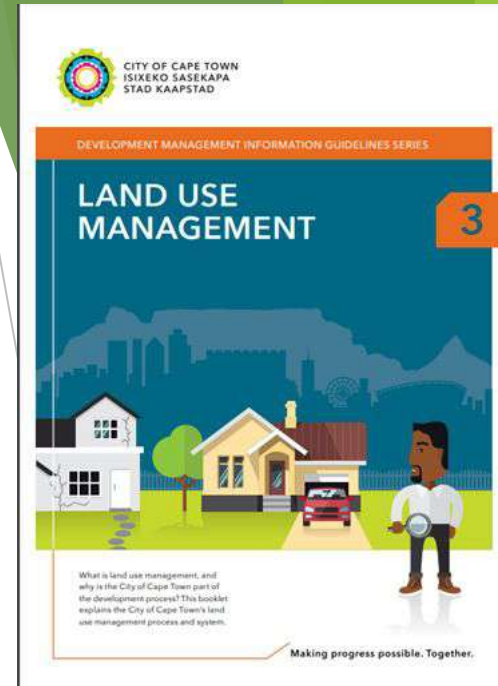
- ▶ **Primary land use**
The main purposes for which a property may be used
- ▶ **Additional uses**
Other uses that may also be allowed if they meet certain criteria
- ▶ **Consent uses**
Other uses which the City may give permission upon application

Land Use applications - Municipal Planning By-Law

- ▶ **Rezoning**
- ▶ **Subdivision** (Erf/ Farm, Servitude or Lease)
- ▶ **Consolidation**
- ▶ **Departures** (Permanent or Temporary)

Note: Electronically recorded on DAMS)

Note: Sectional Title not dealt with or approved by the City.



Municipal Planning By-Law/ Development Management Scheme: Review Process underway - implications on Fish Hoek Zoning Rights



**SAY YOUR SAY ON
THE REVISED MUNICIPAL
PLANNING BY-LAW**

The by-law regulates development and land use in Cape Town. We are proposing a provision that will enable the City to impound moveable property that is being used for illegal building work when an order to stop work is ignored.

Submit comments by 23 September 2024.



Proposed changes to MPBL / DMS (2024) (Added Deleted Comment) (Zonings applicable to Fish Hoek)

► ~~SINGLE~~ RESIDENTIAL ZONING 1: CONVENTIONAL HOUSING (~~SR~~1)

Dwelling house, private road, electric vehicle charging stations, micro wind turbine small-scale energy structure

► PRIMARY USES: ADDITIONAL USE RIGHTS:

Second dwelling; third dwelling; Home occupation or bed and breakfast establishment or home ~~child-care~~ childcare, filming (Proprietor does not need to live on the property and can have more than 3 employees), affordable rental flats (in 194 areas) supplementary dwelling unit (Family member and 50m²), small-scale wind turbine (only for land unit areas of equal or greater than 650m²), place of instruction (with not more than 34 children)

► CONSENT USES:

Utility services, place of instruction, place of worship, house shop, institution, guest house, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, halfway house, small-scale animal care centre, embassy or consulate, boarding house, medium-scale energy structure, commune, clinic, small-scale wind turbine (only for land unit areas less than 650m²), informal trading and veterinary practice

Comments received are currently being assessed before re-advertising for further comment.)

The following slides will show the changes being proposed in the amended MPBL/DMS

► Fish Hoek Zoning Rights: (cont)

► GENERAL RESIDENTIAL GR2

► PRIMARY USES

Dwelling house, second dwelling, **third dwelling**, group housing, boarding house, guest house, flats, private road, **filming, electric vehicle charging stations, micro wind turbine, small-scale energy structure** and open space.

► ADDITIONAL USE RIGHTS:

Home occupation and small-scale windturbine.

► CONSENT USES:

Utility service, place of instruction, place of worship, institution, hospital, place of assembly, home occupation, shop, hotel, conference facility, minor rooftop telecommunication station, rooftop base telecommunication station, **embassy or consulate, medium-scale energy structure, restaurant, informal trading** and veterinary practice

Development Rules: changes:

MAX Height above egl: **12.5m to top of building** (instead of 15m (GLM) to top of roof)

Building Lines:

Street boundary: 4,5m

Common boundary: **6,5m** (0,0 up to 15m height for 18m from street)

► Fish Hoek Zoning Rights: (cont)

► GENERAL BUSINESS SUBZONINGS (GB1- GB7)

► PRIMARY USES

- Business premises, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base Telecommunication station, multiple parking garage, private road, open space, veterinary practice, embassy or consulate, electric vehicle charging stations, micro wind turbine, small-scale energy structure and filming

► ADDITIONAL USE RIGHTS

- Small-scale wind turbine

► CONSENT USES

Adult shop, adult entertainment business, adult services, informal trading, expo-centre, motor repair garage, warehouse, freestanding base telecommunication station, wind turbine infrastructure, transport use, helicopter landing pad, medium scale energy structure, utility-scale energy structure, small-scale animal care centre, recycling centre and service station.

Subzoning	Maximum height above existing ground level to top of building roof	Floor factor
GB1	15,0 m	1,5
GB2	15,0 m	2,0
GB3	25,0 m	2,5
GB4	25,0 m	3,0
GB5	25,0 m	4,0
GB6	38,0 m	6,0
GB7	60,0 m	12,0

(h) Canopy or balcony projection Canopy or balcony projection

The City may require, and may approve, a canopy or balcony projection over the street boundary in accordance with the following conditions:

- The canopy or balcony shall not project nearer than 500 mm to a vertical plane through the kerb line or proposed kerb line;
- No portion of a canopy or balcony projection shall be less than 2,8 m above the pavement;
- The City may lay down more restrictive requirements relating to the dimensions, design and materials of the canopy or balcony; and
- The owner shall enter into an encroachment agreement with the City and register a servitude area in the case of a balcony projection.

► Fish Hoek Zoning Rights: (cont)

► UTILITY ZONING (UT)

► PRIMARY USES:

Utility service, authority use, filming, electric vehicle charging stations, micro wind turbine, small-scale energy structure, medium-scale energy structure, rooftop base telecommunication station, freestanding base telecommunication station, minor freestanding base telecommunication station and minor rooftop base telecommunication station

► ADDITIONAL USE RIGHTS:

Small-scale wind turbine

► CONSENT USES:

Cemetery, informal trading, funeral parlour, crematorium, urban agriculture, airport, wind turbine infrastructure, urban agriculture, utility-scale energy structure and helicopter landing pad

► LIMITED USE ZONING (LU)

► PRIMARY USES

Only existing lawful uses

► CONSENT USES

None



Incentive Overlay Zones - proposed MPBL amendment



**PROPOSED INCENTIVE OVERLAY ZONES (IOZ)
FOR FIVE DEVELOPMENT FOCUS AREAS
IN ATHLONE, MAITLAND, PAROW/ELSIES RIVER;
DIEP RIVER; AND BELLVILLE**



CITY OF CAPE TOWN
ISINENI SASEKAPU
STAD KAPSTAD

Every property or erf within the metro's boundaries has a zoning that determines what it may be used for. This zoning is indicated in the Development Management Scheme that forms part of the Municipal Planning By-law. **This zoning is commonly known as the base zoning.**

Diagram illustrating the relationship between property zones. A house is shown with a green base zone and a yellow overlay zone. The base zone is labeled "BASE ZONE & ASSOCIATED RIGHTS" and the overlay zone is labeled "OVERLAY ZONE". The entire area is labeled "PROPERTY".

Thus, the IOZ eliminates the need for a land use application, provided that the proposed development complies with the rules proscribed in the IOZ.

Each IOZ area is divided into "subareas". Every subarea has its own additional or enhanced development rights for the properties falling in that subarea. In so doing, the City enables and incentivises appropriate developments specific to the local context. **The subareas and logic is depicted below.**



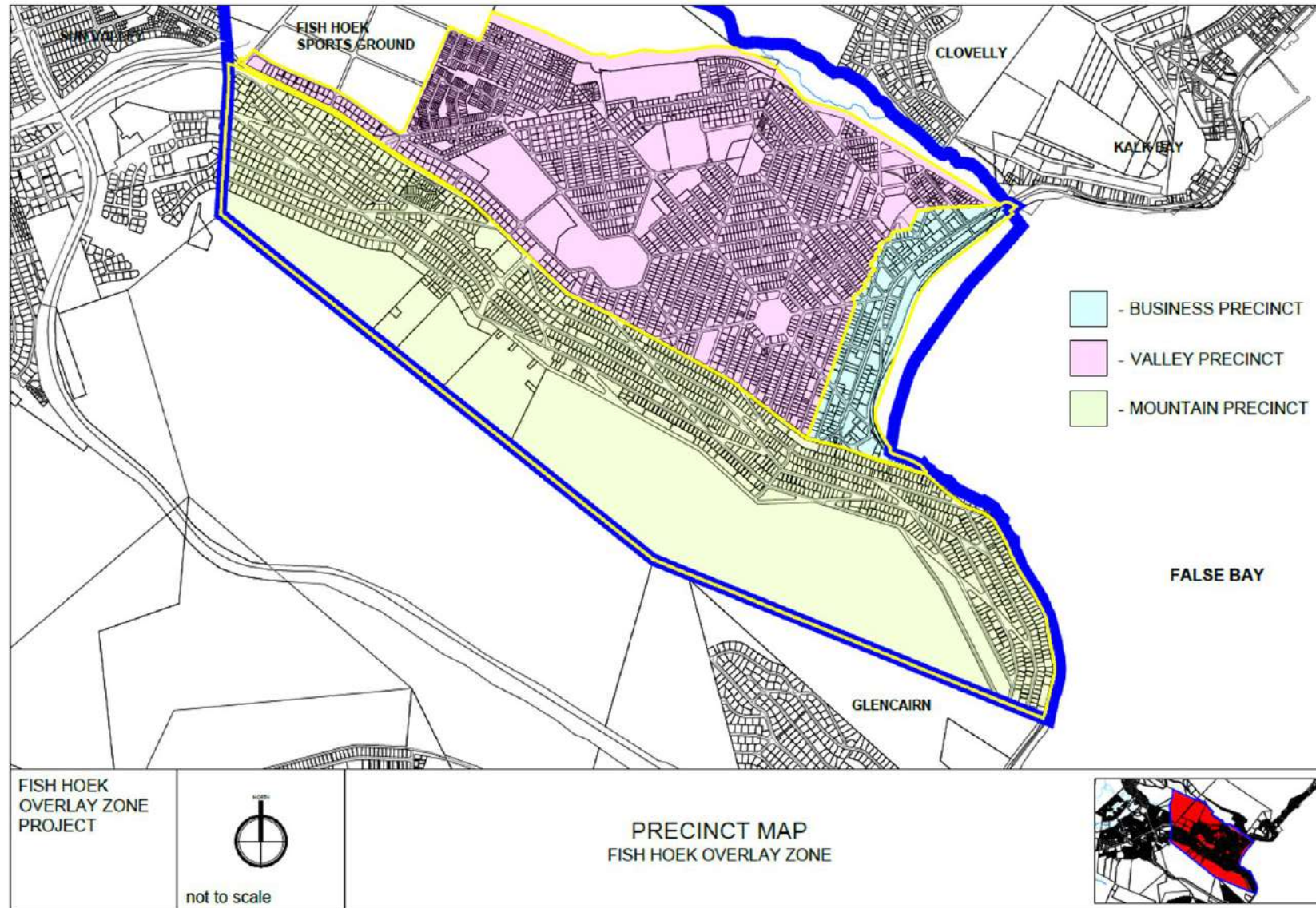
The City hopes that the IOZ will help achieve the type of development envisioned in planning and urban design policy for specific prioritised areas.

The five Development Focus Areas that we have identified for the proposed IOZ do not fall within a Heritage Protection Overlay Zone (HPOZ).

Should the IOZs be included in the MPBL, we anticipate that the uptake will be gradual, given the current economic climate.

Alternatively, for specific queries or comments, send an email to: lums@capetown.gov.za

Proposed Local Area Overlay for Fish Hoek - 3 precincts



Local Area Overlay Zoning (LAO)

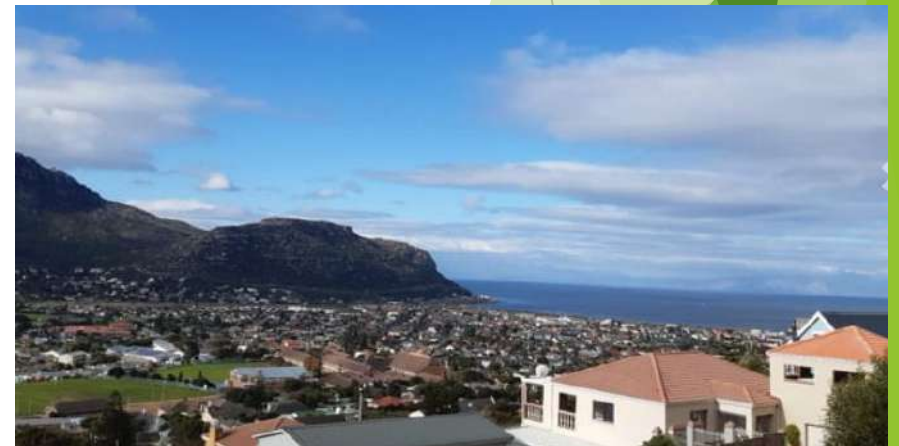
(items 173-191)

The LAO zoning provides opportunities for the City to apply specific local development rules that reflect local circumstances. The LAO zoning can provide the City with mechanisms to determine local provisions for encouraging development in support of the local economy, or special management provisions to encourage appropriate development in response to local, cultural, urban design or landscape circumstances. It is important to recognise that the LAO zoning is a tool to be applied by the City in the interests of the city, and local interests needs to be balanced against the interests of the general community.

- ▶ Fish Hoek has no Local Area Overlay provisions
- ▶ Clovelly - 178 Specific provisions:
 - St James - Clovelly (LAO/6)
- ▶ Sun Valley - 182 Specific provisions:
 - Noordhoek Local Area (LAO/12)

Motivation for Fish Hoek LAO:

- ▶ Prolonged physical and architectural decline with socio-economic challenges
- ▶ Fish Hoek a **thoroughfare** vs being a **destination with distinctive appeal**
- ▶ **Untapped potential, lagging neighbouring suburbs** of the Deep South
- ▶ **Main transport hub for the broader South Peninsula**
- ▶ **FH LAO informs development positively**
- ▶ Gives residents & developers **certainty and security** in the value of their investment.
- ▶ Facilitates **less conflict** between owner's in terms of privacy, views etc.
- ▶ Promotes **harmonious development / streetscape** from Muizenberg to Simon's Town
- ▶ Promotes suitable investment and development in business precinct.
- ▶ Compliment Fish Hoek's **natural assets** - beach, coastline, sea, mountain, sunlight etc



Mountainside Precinct: (130Ha)

Proposed LAO Provisions

1. SR1 4 m height restriction above road.
2. SR1 4 m height along common boundary.
3. Property bordered by a road on two or more sides
 - the City determines restrictions.

Backdrop to town

VIEWS: corridors and natural light obstruction



Valley Precinct (220Ha)

- ▶ The DMS allows SR1 & GRs properties built up to the boundary:
 - ▶ negatively impacts light, privacy, and views

Proposed provisions in LAO

- ▶ Buildings within 3.0m boundary setbacks, not to exceed 4m (H), from ground to rooftop.
- ▶ Buildings within building lines
 - ▶ restricted to two storeys
 - ▶ shall not exceed 8.0m in height.
 - ▶ Roof pitches between 15 and 30 degrees



Business Precinct: (15Ha)

Challenges of the declining CBD

- ▶ Absent, disinterested Trustee Owners
- ▶ Excessive signage, minimal appealing frontage
- ▶ Business mix unappealing - too many tech and foreign traders vs local business
- ▶ Lack of cohesive design aesthetic and appeal
- ▶ Risk of negative development (DMS)
 - ▶ done in isolation
 - ▶ disregards future design aesthetics
 - ▶ detrimental to precinct
 - ▶ devalue neighbouring properties
 - ▶ detract from appealing businesses.



Business Precinct (Cont)

Aim of provisions

Implement Colonnades

Encourage Permeable Windows

Transform Blank Walls

Promote Active Street Frontage

Promote Positive Development and Attract Investment

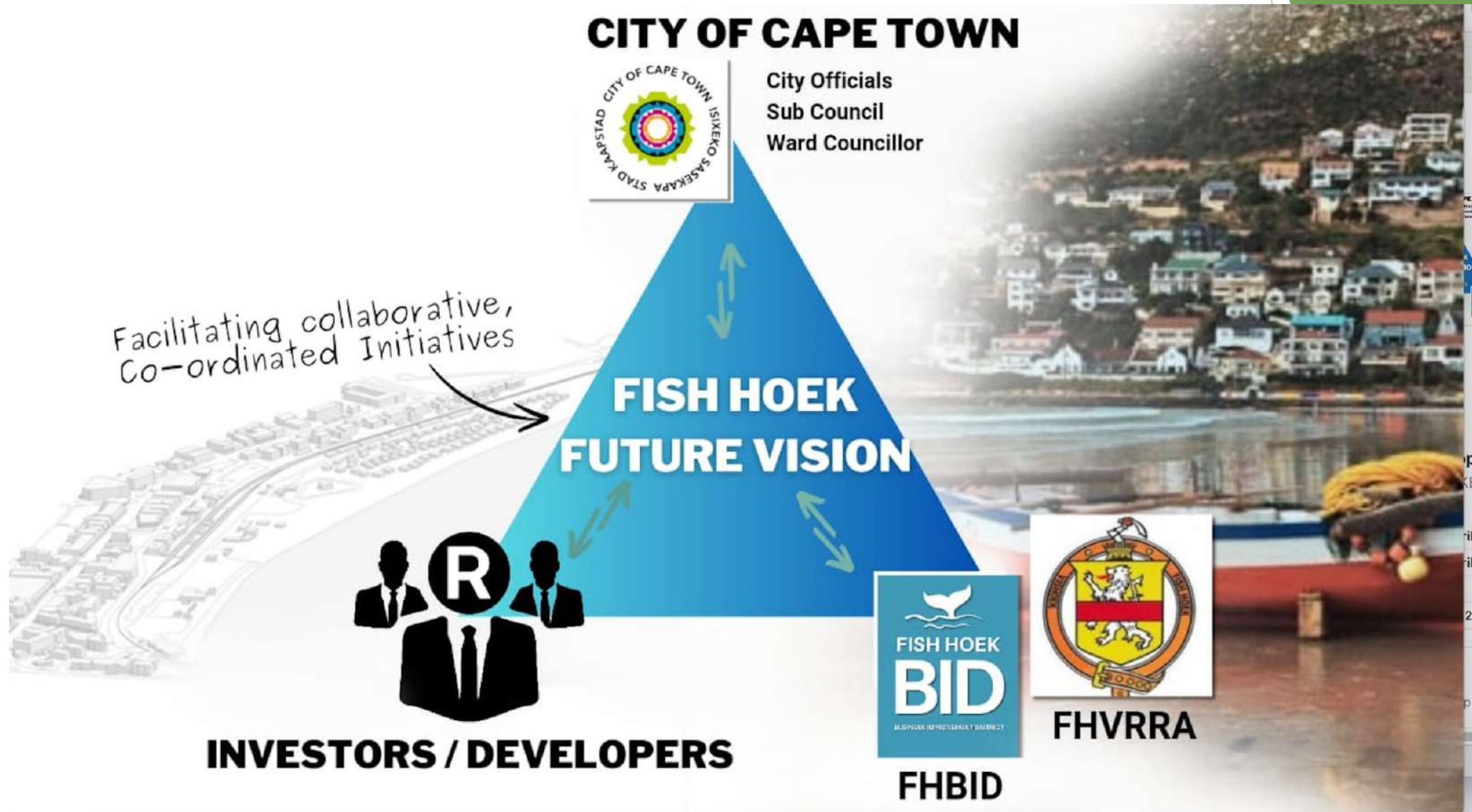


Proposed provisions in LAO

- ▶ New alteration must include colonnades in Main Rd
- ▶ New alterations minimum 50% transparent glass.
- ▶ Primary access from Main Rd or designated shopping streets.

*above restrictions apply only when more restrictive than development rules in the base zoning.

Fish Hoek Future (FHF) Origin & Current



Vision and Initiatives

(Collaborated proposals with CCT, PRASA, Owners and Residents)

- ▶ Holistic Main Road shop mix (shopping centre)
- ▶ Railway Precinct Upgrade
- ▶ Tram (Fish Hoek to Simonstown)
- ▶ Gautrain style carriages Fish Hoek to Cape Town (for commuting)
- ▶ Traffic flow re-engineering (incl. one way road access to Beach + parking)
- ▶ Beachfront investment and development*
- ▶ LAO providing security to property-owners and developers

**Public Private Partnership*

Vision and Initiatives

- ▶ Hospital Precinct development (Kingsbury style*)
- ▶ Police Station Revamp
- ▶ Tree planting - canopy planters - Main Road
 - ▶ Educational, artisan training and artist's hubs
- ▶ Fish Hoek homeless persons solution
- ▶ Centralised localised Informal & Craft Traders (eg Waterfront)
 - ▶ Aesthetic Appeal (eg: Murals, Bunting flags, Greenery)
 - ▶ Fish Hoek Events establishment (eg monthly market)
- ▶ Tunnel and/or redesign the proposed bypass road to enhance traffic flow to and from the Southern Peninsula

**Public Private Partnership*

FHF Collaboration: South Peninsula Partnership

The Vision:

To cultivate a unified, prosperous and resilient Southern Peninsula that celebrates its cultural and environmental heritage while embracing sustainable growth and urban development.

Working Group:

Simon Roberts, Ossie Gonsalves,
Margy Nicol, James Rickets,
Alex Jongens, Mark Yates, Zac Jefferson,



TO
KALK BAY

1

TO
SIMONS TOWN

TO
KOMMETJIE

FHF

Road Safety - CoCT Urban Mobility - Call For Ideas

December 2023



► Positive Actions underway....

Beach - dune rehabilitation

Murals and buildings being painted along the main road

Renewed Lease of City Land -

Traffic calming and mobility proposal submitted



Thank You!

Resources: Online Information

Cadastral, Zoning, Land Use and Building Development Rights

<https://www.capetown.gov.za/Work%20and%20business/Planning-portal>

City Zoning Map and GIS Viewer

- ❖ uCadastral Information
- ❖ Aerial Photography
- ❖ Contours

Cape Farm Mapping

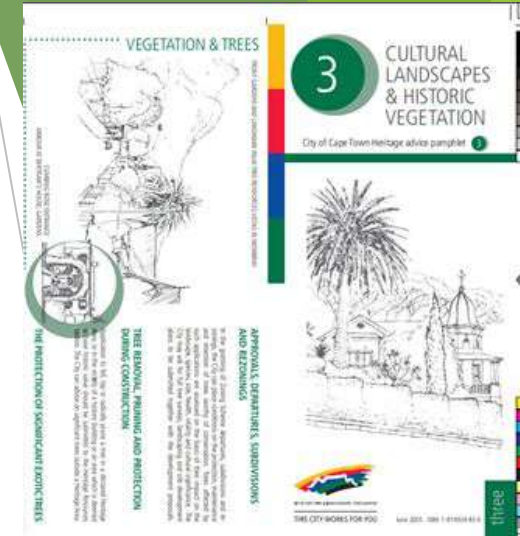
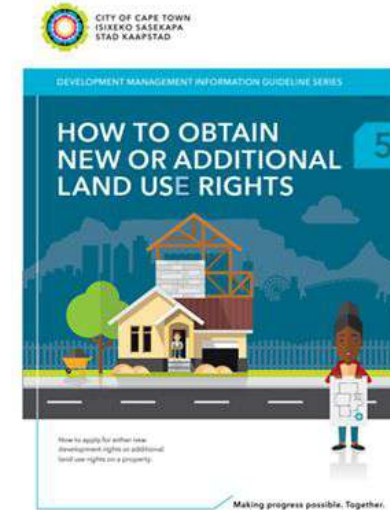
- ❖ Link to Surveyor General Diagrams and General Plans

City of Cape Town Planning Portal Website:

- ❖ Development Management Guidelines, Booklets, technical advisories
- ❖ Environment and heritage education resources, advice pamphlets

City Connect: A useful guide for:

- ❖ Required application forms, applicable laws and regulations, tariffs and fees, contact details for the relevant officials
- ❖ Request a pre-application consultation, apply for land use, report illegal land use, apply for copies of building plans, apply for a demolition permit, apply for a temporary structure, request a certificate of occupancy
- ❖ Appeal a building and planning decision.



Booklet 1: Building Development Management

Booklet 2: Building Plan Preparation and Submission

Booklet 3: Land Use Management

Booklet 4: Making a Planning Application

Booklet 5: How to Obtain New or Additional Land Use Rights

Booklet 6: Subdivision of Land

Booklet 7: Site Development Plans

Booklet 8: Landscape Plans

Booklet 9: Departures

Booklet 10: Pre-application Consultations

Booklet 11: Land Use and Building Contraventions, Complaints and Enforcement

Booklet 12: Removal, Suspension and Amendment of Restrictive Conditions and Traditional Servitudes

Development Management Department - Information

A **regular newsletter** is released, aimed at keeping applicants informed on processes, procedures and policies relating to making a building plan or land use application with the City, called – **Plan and Build it Right**.

Articles cover:

- Understanding SANS code requirements;
- Understanding the circulation process;
- Changes in legislation;
- Annual Tariff changes and
- Changes to requirements, processes and required documentation.



More recently with the relaunch of DAMS, our newsletters also provide important information around the changes to the system and the impact this may have on applications, including DAMS user manuals and guides.

Subscription is free.

Scan the QR code or copy and paste the link to subscribe to the newsletter.

- **Subscribe to Plan and Build It Right newsletters (evlink19.net)**

<https://cityofcapetown.evlink19.net/public/forms/h/YxdIRj8HHEB7heGA/ZDkxZDYwZDc2ODczNDNIYjE4MWM0Mjk4YTYzZTA2ZWQ2NzAxYTcyNw==>

- **DM contact details:**

[https://resource.capetown.gov.za/documentcentre/Documents/Forms%2c notices%2c tariffs and lists/TDA DM - Contacts.pdf](https://resource.capetown.gov.za/documentcentre/Documents/Forms%2c%20notices%2c%20tariffs%20and%20lists/TDA%20DM%20Contacts.pdf)

- **One number for all Development Management districts – 021 401 4702.**

QR Code link to Policies:

Urban Design Policy ----->



Densification policy ----->



PS. A more comprehensive list is available online.

FHVRRA - Local Area Overlay submission ----->

https://www.fhvrro.org.za/documents/ourwork/2024/motivation-fish_hoek-local_area_overlay.pdf

