



Western Cape  
Government

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# Provincial Coastal Access Strategy and Plan

**Summary**

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**Lead Authors:**

Errol Cerff; Erik Botha

**Acknowledgements:**

leptieshaam Bekko; Marlene Laros

**Contact:**

Western Cape Government Environmental Affairs & Development Planning

Directorate: Biodiversity and Coastal Management

Email: [coastal.enquiries@westerncape.gov.za](mailto:coastal.enquiries@westerncape.gov.za) and Tel: 021 483 3370

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## Abbreviations

CAPE	Cape Action for People and the Environment
CMA	Catchment Management Agency
DAFF	Department of Agriculture Forestry and Fisheries
DEA	National Department of Environmental Affairs
DEADP	Western Cape Provincial Department of Environmental Affairs and Development Planning
DWS	National Department of Water and Sanitation
EMP	Estuary Management Plan
EMF EAF	Estuary Management Forum/ Estuary Advisory Forum
IDP	Integrated Development Plan
MCC	Municipal Coastal Committee
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NGO	Non-Governmental Organisation
NPO	Non-Profit Organisation
PCC	Provincial Coastal Committee
WCPCMP	Provincial Coastal Management Programme
SDF	Spatial Development Framework
SALGA	South African Local Government Association

## The Background

Section 18 of the National Environmental Management: Integrated Coastal Management Act, 2008 (ICMA; Act. No. 24 of 2008) requires each metro and district municipality, (unless assigned to local municipalities by agreement) whose area includes coastal public property to, within four years of the commencement of the Act, promulgate a by-law that designates coastal access land in order to secure public access to coastal public property. To date, this has not been universally achieved.

Access to the coastal zone and its assets has historically been inequitable. There are currently large tracts of private land through which the public may not traverse and even may not approach along the seashore. This has resulted in restrictions to access to the coast and its resources in conflict with the South African Constitution in addition to being in conflict with the ICMA.

The National Department of Environmental Affairs (DEA) has published a National Strategy for the Facilitation of Coastal Access (2014)(NCAS). The NCAS aims to provide guidance on achieving sustainable and equitable access to coastal resources but at the same time acknowledging the complexity of the issues at individual municipal levels and recognising that there is no single solution that may be universally applied.

The Western Cape Government has embarked on the development of a provincial coastal access strategy and plan, in line with the national strategy. This strategy reflects the situation in the Western Cape with specific reference to concerns, conflicts and opportunities which prevail in the Western Cape as well as respond to the specific amendments to ICMA affecting coastal access that came into effect in October 2014, after finalisation of the NCAS.

## What is Coastal Access?

The ICMA does not provide a clear definition of "coastal access"; nor does it detail the minimum requirements for such access except where it is formally designated. The National Strategy for the Facilitation of Coastal Access in South Africa (2014) however, states the goal of coastal access is to ensure, protect and manage, in perpetuity, public right of physical access to and along the coastal zone. Access types are described in the literature as being either more or less 'perpendicular' to or 'parallel' to the high water mark. Access routes on the other hand are either longshore or cross-cutting (perpendicular to the shoreline).

Means of accessing the coast include walking, differently-abled persons (wheel-chairs, aged, special needs), off road vehicles (ORVs), public launch sites, cycling, horse-riding, and skateboards etc.

Coastal access can be:

- Existing access to the coast;
  - with facilities provided by the local municipality;
  - informal access provided over private land; or
  - may be indicated in zoning schemes of municipality as “public open space” or similar;
  - Public launch sites (Western Cape public launch sites listed in the provincial gazette (P.N. 193/2015) dated 26 June 2015); and
  - Refer to tables 4 to 6 for typologies and minimum requirements recommended per typology
- Seasonal coastal access; i.e. popular camping spots along the coast over festive periods;
- Coastal access land designated under section 18 of the ICMA by a municipality; and
- Coastal public property declared under sections 8 and 9 of the ICMA by the national Minister
  - Private land may be acquired for the purpose of declaring as coastal public property to improve public access by
    - purchasing the land;
    - exchanging that land;
    - if no agreement, by expropriation.

Clearly the goal of the ICMA, as articulated in the National Strategy is to provide physical access in **perpetuity** which is why the use of a by-law is required. This mechanism then provides for formal designation of certain portions of land for public access irrespective of change in land ownership- in perpetuity.

The minimum requirements for coastal access so designated is described in section 20 of the ICMA:

- (a) signpost entry points to that coastal access land;
- (b) control the use of, and activities on, that land;
- (c) protect and enforce the rights of the public to use that land to gain access to coastal public property;
- (d) maintain that land so as to ensure that the public has access to the relevant coastal public property;
- (e) where appropriate and within its available resources, provide facilities that promote access to coastal public property, including parking areas, toilets, boardwalks and other amenities, taking into account the needs of physically disabled persons;
- (f) ensure that the provision and use of coastal access land and associated infrastructure do not cause adverse effects to the environment;

- (g) remove any public access servitude that is causing or contributing to adverse effects that the municipality is unable to prevent or to mitigate adequately; and
- (h) describe or otherwise indicate all coastal access land in any municipal coastal management programme and in any municipal spatial development framework prepared in terms of the Municipal Systems Act.

Section 18 requires all metropolitan and district municipalities (unless assigned to local municipalities by agreement) whose area includes coastal public property to, within four years of the commencement of the ICMA, make a by-law that designates strips of land as coastal access in order to secure public access to that coastal public property. The ICMA does not however, provide any guidance on how many of what type of access should be provided. The National Strategy is once again used as a benchmark that states the following two objectives:

- **Objective 1:** Opportunities for public access must be provided at appropriate coastal locations in context of the environmental, financial and social opportunities and constraints.
- **Objective 2:** Public access must be maintained, managed and monitored to minimize adverse impacts on the environment and public safety and to resolve incompatible uses.

The ICMA does not seem to recognize existing, non-designated coastal access sites/routes that are already functional. However, since the ultimate aim of section 18 of ICMA is to ensure that people have access to the coast, it is unlikely that the MEC or Minister would use his/her powers in subsections (8) and (9), where the municipality already provides sufficient access via other mechanisms. The Western Cape Government, through this Coastal Access Strategy, aims to provide a clear understanding of "coastal access" for its own province and define the minimum requirements for compliance to section 18 of ICMA that are locally contextual and achievable within the province. Further background that informs the debate is provided in the main body of this document.

Having access to a nation's coastline, to obtain seafood, and/or to control the import and export of people and cargoes, has been an important aim over the centuries. Nowadays the coastline, specifically coastal public property is vested in the citizens of the Republic and must be held in trust by the State/Government in power on behalf of the citizens of the Republic in various ways to promote access (section 11(1) ICMA). Access to the shore is essential for subsistence or commercial fishing, water-dependent businesses or for tourism, heritage, cultural and recreation.

Popular access to the coast from the land becomes an issue mainly when ownership and/or development of land above the high water mark block or restrict direct access between the land and the sea. Affected groups are typically subsistence and recreational fishers, recreational users and tourists.

The notion of access includes physical/structural and social/relational factors that operate in parallel to legal rights (property rights, permits and laws) to influence access patterns within a particular context.

In considering the provision of coastal access, it is useful to envisage the various reasons for land access to the coast. Some of these are depicted in Figure 1 below:



As the figure depicts, there are a wide range of reasons for access but to complicate the issue further, there are a wide range of user needs within each of the groupings – some of which may be in conflict in specific areas. Coastal access must also be designed with the biophysical attributes of the location as well as planning provision in mind.

### Formal designation of access routes

Coastal access routes (strips/ points/ areas) must be designated in land use plans and zoning schemes, on title deeds etc. A typical first step in the process of formal designation of access routes is for the municipality to identify access points and / routes through an official process such as the Integrated Development Plan (IDP), Spatial Development Framework (SDF) or a municipal coastal planning process, where communities identify current and/or historic coastal access points and routes. Given that most access points and routes are on private land, the municipality then initiates a rezoning process for the identified access points and/or routes, and typically gives the rezoned points and/or routes a zoning of public open space and/or transport

which is then published in the local press and the Provincial Gazette. In this way coastal access routes are brought into a municipal zoning scheme. The draft Model/Standard Coastal Access By-law being developed in parallel to this strategy recommends that as a first step, municipalities should first conduct coastal access audit. This will also allow the municipality to also prioritise coastal access points for designation.

### **Restricted access areas**

Restrictions may be imposed on public walking access to, along, or adjacent to the coast to protect areas of special value, to prohibit access to areas of military importance, or to avoid conflict between public uses of the coastal marine area<sup>1</sup>. Restricting access to some parts of a port may be necessary to protect public health and safety, or to ensure a level of security consistent with port activities. Where restriction is necessary, it may be practicable for alternative routes to be provided.

### **Access on reclaimed areas**

Permissions to reclaim a coastal marine area must include a specific requirement to provide public access to and along the coastal marine area at high tide where practicable, unless a restriction on public access is necessary (e.g. some harbours). For example, reclamations can provide walking access connections between shoreline public areas on either side of the reclamation.

## **National Coastal Access Strategy for South Africa (NCAS)**

While the methodology for designation and management of coastal access land is not well described in the ICMA, the Department of Environmental Affairs developed a National Coastal Access Strategy for South Africa (2014) (NCAS) as a framework for the implementation of this section of the Act, especially as it relates to equitable access.

Box 1: Strategic coastal issues of importance (DEA, 2014)

*The goals and objectives of the NCAS address the following key coastal issues (DEA, 2014):*

- *Improve pedestrian access above the high water mark;*
- *Improve infrastructure for access;*
- *Prevent exclusive use;*
- *Address conflicting rights between public interest, private property owners and communal and traditional users; and*
- *Minimise adverse impact on the environment.*

<sup>1</sup> <http://www.doc.govt.nz/Documents/conservation/marine-and-coastal/coastal-management/guidance/policy-19.pdf>

The NCAS affirms the intended roles of the three spheres of government on coastal access matters as contemplated in the ICMA, by highlighting that:

- All spheres of government must recognise the value of social and economic benefits offered by the coast and its resources and how this is enabled by access;
- As co-beneficiaries of these social and economic benefits, national and provincial government must contribute to the sustainable provision of coastal access;
- The importance of provinces to facilitate/ co-ordinate municipal action on a provincial scale; and
- Coastal access designation and management are most appropriately dealt with on a municipal level given the complex and diverse nature of the coast on a local scale. The ICMA blurs the responsibility of district and local municipalities. The ICMA must be read in relation to the constitution. As such it must be viewed that the district plays the oversight role and in line with the constitutional mandates, local municipalities should designate and manage coastal access land.

To give effect to the intents of the ICMA, the NCAS identified a management goal in relation to coastal access, namely *'to ensure, protect and manage, in perpetuity, public right of physical access to and along the coastal zone'* (DEA, 2014). Two related management objectives of the NCAS are (DEA, 2014):

- *Opportunities for public access must be provided at appropriate coastal locations in context of the environmental, financial and social opportunities and constraints.*
- *Public access must be maintained, managed and monitored to minimise adverse impacts on the environment and public safety and to resolve incompatible uses.*

A critical evaluation of the national and international practices of local coastal access planning (as at 2014) resulted in the identification of a desired model for coastal access management in South Africa. Three pillars underpin this model (DEA, 2014):

1. *the strategic, practical and technical strategy and tools for the local coastal manager*
2. *a comprehensive geo-spatial data and information base, which then forms the basis for*
3. *public coastal information tools*

The NCAS importantly establishes three principles (termed messages) that underpin the management approach being promoted in this strategy, namely:

**Box 2: Principles of Coastal Access**

- *The designation and management of coastal access is locally contextual and most appropriately assigned to municipalities which can effectively respond to the complexity of providing and maintaining access;*
- *Providing coastal access is a management issue that influences the state of the natural environment on the coast and concomitantly enables many of the potential social and economic benefits offered by the coast and its resources;*
- *The social and economic value of appropriate coastal access makes it imperative that both national and provincial governments, as co-beneficiaries, also contribute to the sustainable provision of coastal access. Provinces, in particular, have an important role to play by undertaking or facilitating (by co-ordinating municipal action) a provincial scale assessment of existing coastal access.*

While these three principles relate strongly to governance in the coastal zone, the underpinning motivation and overall imperative for doing so is stated as being:

*“Our coast must be retained as a national asset for the benefit of all South Africans”.*

In order to give effect to this in a sustainable manner, cognizance must be taken of the potential implications of affording public access to 1) what are generally a sensitive environment, and 2) what is explicitly an unstable and changing environment.

Central to this is the need to balance the imperatives of securing the public's inalienable right to coastal access vs the need to prevent or avoid environmental degradation through uncontrolled access. This must be done whilst ensuring the safety of the public and infrastructure, and long-term access to the coast, specifically in areas prone to erosion and/or flooding.

Similarly, there is a need to address any potential or existing conflicts of rights. Such conflicts often centre on the rights of private property owners versus those of the public.

NCAS offers the following on these two topics:

*“Existing rights, including private-property and traditional-user rights, and public health, safety and security will need to be considered when providing physical access. Measures will need to be implemented to prevent public access from causing degradation of coastal ecosystems.”*

## **Guide for the Designation and Management of Coastal Access in South Africa 2014. Guide 2 to the Implementation of the ICM Act, March 2014**

The guide (echoing ICMA) assigns coastal access planning to the spatial planning sphere at local government level. It places strong emphasis on the need to integrate coastal access management with other spatial planning initiatives and priorities and seeks to entrench the provision of coastal access as a priority for coastal municipalities.

“Coastal access is a coastal management issue at various levels of spatial scale:

- At a strategic level, coastal access must be addressed in the spatial development framework and ultimately in the integrated development plan of municipalities. Part of this strategic planning also involves the inclusion of the management objectives relating to access in the municipalities' Coastal Management Programme (CMP). The CMP needs to identify and create a database of the access points in order to provide for proper management of coastal access and addressing issues on the ground.
- Every municipality must also have a land-use management system which must include at least a scheme recording the rights and restrictions applicable to erven within the municipal area. Coastal access is also an important aspect of municipal zoning schemes.
- At the lowest scale, the intent of the ICMA is to provide coastal access that is inalienable and therefore provides for the creation of public access servitudes and the endorsement of coastal access property by the Registrar of Deeds.”

“Providing access to coastal resources is a strategic issue best dealt with in the spatial development frameworks of municipalities.”

The Guide further offers the following guidance regarding the integration of coastal access planning into spatial planning thinking on municipal level:

“Coastal managers must understand the role and potential of coastal access and accessibility to ensure that the spatial development framework informs:

- The extent and directions of growth and development;
- Vehicular and pedestrian routes;
- Special development areas to address racial imbalances;
- Conservation of both the built and natural environment;
- Management of particular types of land use; and
- Intensity of land development.

Critical strategic issues relating to coastal access include:

- The identification of coastal areas as growth points for local economic development;
- The provision of sufficient shoreline access for recreational use;
- The use of the coast for special events e.g. surfing or fishing competitions, film making;
- The appropriate placement of access to promote coast and ocean specific business e.g. scuba diving operators, whale and dolphin watching;
- Provision of boat launch sites for recreational and commercial use;
- Provision and maintenance of existing recreational structures and facilities;
- Provision of access for historically disadvantaged and displaced communities;
- Provision of universal access for differently abled persons;
- Management and control of access to prevent habitat fragmentation;
- Management and control of access in coastal and ocean protected areas;
- Determining and demarcating the boundaries of state owned land, the coastal public property and the coastal protection zone; and
- The management and control of access in coastal areas for historical and cultural purpose."

Lastly, the Guide re-iterates the need for (and obligation to) develop CMPs at municipal level. It does so by contextualizing CMPs in terms of strategic planning processes around coastal management as a whole.

"The ICMA provides a clear mechanism through which coastal access can be addressed as strategic issues. Each coastal municipality in South Africa must develop Coastal Management Programmes (ICMA Section 48). A CMP is a policy directive on integrated coastal management that provides for a coordinated, integrated and uniform approach by government departments, NGO's, the private sector and local communities (ICMA Section 49). The municipal CMP must include the coastal management objectives for the coastal zone within the jurisdiction of the municipality, including the sustainable use of coastal resources. The CMP of any coastal municipality must be consistent with the national and provincial CMPs, and also with the National Estuarine Management Protocol (ICMA Section 33). One of the key objectives of the municipal CMP is to deal with coastal access issues (ICMA Section 49(2) (vi)). One of the more pragmatic ways to include coastal access strategies in the CMP is as a specific priority area, management objective and resultant action."

## **2016 Western Cape Province Coastal Management Programme**

The 2016 Western Cape Province Coastal Management Programme (WCPCMP) lists the following guiding principles for the management of the Western Cape Coast:

“Coastal specific guiding principles for the management of the WC coast, which emanate from the national environmental management principles set out in Section 2 of the NEMA, are proposed to guide planning, management and decision making in the coastal zone. Applicable principles, as included in the National CMP, are therefore defined in Table 1. These coastal specific principles must be applied in a balanced manner that complements the application of the NEMA environmental management principles. Implementation should best promote the conservation, protection or sustainable development of the coastal environment. The complexity of decision making in the coastal environment does however, need to be acknowledged and therefore, only those principles or objectives relevant to the decision or action contemplated must be applied.

**Table 1: Applicable principles**

<b>National Asset</b>	<i>The coast must be retained as a national asset, with public rights to access and benefit from the opportunities provided by coastal resources.</i>
<b>Economic Development</b>	<i>Coastal economic development opportunities must be optimised to meet society's needs and to promote the wellbeing of coastal communities.</i>
<b>Social Equity</b>	<i>Coastal management efforts must ensure that all people, including future generations, enjoy the rights of human dignity, equality and freedom.</i>
<b>Ecological Integrity</b>	<i>The diversity, health and productivity of coastal ecosystems must be maintained and, where appropriate, rehabilitated.</i>
<b>Holism</b>	<i>The coast must be treated as a distinctive and indivisible system, recognising the interrelationships between coastal users and ecosystems, and between the land, sea and air.</i>
<b>Risk Aversion &amp; Precaution</b>	<i>Coastal management efforts must adopt a risk averse and precautionary approach under conditions of uncertainty.</i>
<b>Accountability &amp; Responsibility</b>	<i>Coastal management is a shared responsibility. All people must be held responsible for the consequence of their actions, including financial responsibility for negative impacts.</i>
<b>Duty of Care</b>	<i>All people and organisations must act with due care to avoid negative impacts on the coastal environment and coastal resources.</i>
<b>Integration &amp; Participation</b>	<i>A dedicated, co-ordinated and integrated coastal management approach must be developed and conducted in a participatory, inclusive and transparent manner.</i>
<b>Co-operative Governance</b>	<i>Partnerships between government, the private sector and civil society must be built in order to ensure co-responsibility for coastal management and to empower stakeholders to participate effectively.</i>
<b>Differentiated Approach</b>	<i>Recognising that the implementation of integrated coastal management is contextual. While a generic standardised) management framework is important, mechanisms of implementation cannot be rigid ("fit-for-all").</i>

<b>Adaptive Management Approach</b>	<i>Incrementally adjusting practices based on learning through common sense, experience, experimenting, and monitoring ("learning-by-doing").</i>
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Source: Adapted from DEA 2014 (3)"

The WCPCMP is divided into nine priority areas with accompanying goals and coastal management objectives. Facilitation of Coastal Access is Priority Area 3 with specific goals and objectives. The Western Cape Government is a key role-player in building commitment and providing guidance and support to municipalities to allow them to effectively implement, maintain and monitor coastal access. This priority area includes ensuring that the public has an equitable and reasonable right of access to the coast and its resources as well as the appropriate management of such access. The goals and objectives for coastal access within the 5-year programme of work is depicted in the table below:

**Table 2: WCCMP: Priority Area 3: Facilitation of Coastal Access**

<b>GOAL: Promote coastal access and accessibility that is both equitable and sustainable</b>		
1. Coastal Management Objective: Enable physical public access to the sea, and along the seashore, on a managed basis		
<b>Implementation Strategy</b>	<b>Output Indicators</b>	<b>Time Frame</b>
1.1 Develop a Western Cape Coastal Access Strategy and Plan (This strategy proposes to ensure provincial consistency, entrenches the municipal responsibility and supports municipal implementation)	1.1.1 Audit methodology developed and piloted for identified area	2016/17
	1.1.2 Audit of existing and historical access and cultural resources and activities along the coast	2017/18
	1.1.3 Audit of admiralty reserves and state land adjacent to the coast conducted per District Municipality	2017/18
	1.1.4 Western Cape Access Strategy and Plan developed	2017/18
1.2 Assist Local Government in implementing the Western Cape Coastal Access Strategy	1.2.1 Coastal access land designated by Local Governments in reviewed SDFs	2020/21
	1.2.2 Consolidated report on status of coastal access land designation and management	2017/18 and biennially
	1.2.3 Framework operational plan for each listed Public Launch Site (PLS).	2016/17
	1.2.4 Monitor the implementation of operational plans for PLS	2017/18 and annually

## Implications of the Municipal Systems Act

The Municipal Systems Act (MSA; Act No. 32 of 2000) provides a legislative framework for municipalities to provide and ensure universal access to essential services, and facilitate social and economic development of the communities within the municipalities.

In pursuance of this legislative mandate, a municipality has prescribed rights and duties.

The following duties of municipalities, as articulated in provisions and prescriptions of the Municipal Systems Act, make it incumbent on a municipality to ensure coastal access:

- Municipalities must align and comply with National legislation with due support provided.
- "Municipalities must exercise their executive and legislative authority within the constitutional system of co-operative government envisaged in section 41 of the Constitution."
- "The council of a municipality, within the municipality's financial and administrative capacity and having regard to practical considerations, has the duty to -...
  - Exercise the municipality's executive and legislative authority and use the resources of the municipality in the best interests of the local community;
  - Give members of the local community equitable access to the municipal services to which they are entitled;"

## General Principles for Providing Coastal Access

A number of principles recur throughout the international literature. These have been distilled here (in no particular order of priority) and will serve to inform proposals around potential solutions and interventions required to facilitate coastal access.

- Choose areas where people clearly prefer going, provided that they are physically stable or safe areas that can be serviced adequately by a municipality.
- Link access routes to a reasonable purpose, such as the need to reach a heritage venue or a boat launching site for example, for use in plans and by-laws.
- Provide obvious and logical public access to the coast which directs people away from sensitive or unsafe areas and towards desired locations such as safe swimming beaches or surfing spots.
- Ensure connectivity and linkages with adjacent uses such as public open space, existing roads and or public transport, urban areas and amenities.

- Provide a level of public access and facilities consistent with the function of the coastal location and level of demand, and provide a range of universal access options.

## **Priority issues to be overcome in providing coastal access worldwide**

Certain common issues and problems occur in the majority of instances where coastal access management has been formalised. These include:

- Overcrowding and conflict from increasing numbers of people and user groups wanting to recreate at given spots on the coast;
- Health and aesthetic problems from increasing levels of land-derived pollution reaching the coast;
- Reduction in publically available coastal open space as a consequence of increasing private development on land adjoining the sea;
- Accelerating levels of flooding and coastal erosion, owing to climate change, reducing areas of public beach available;
- Lack of provision of well-connected public transport and sufficient low-cost parking which are essential and under-emphasized components of promoting access to the coast.
- A lack of clarity about respective responsibilities of different levels and sectors of government.

## **Status Quo, Issues and Problem Statements Relating to Coastal Access in the Western Cape**

### **Typical Impediments and Issues relating to Coastal Access**

Following is a brief discussion of some typical impediments and issues relating to coastal access. These have been identified during the research done on both local and international coastal access management.

#### **Property ownership**

Property owners may exert exclusionary rights to prevent the general public from crossing over their land to reach the coast. Public servitudes can however be established to grant certain rights in favour of the public over private properties. The implication of this is that property rights are not absolute in this instance and owners cannot act to the detriment of general public interest on their property. This was demonstrated in the outcome of a court case regarding a servitude right of way from a car-park, along a strip road, to municipal steps down to the Noetzie beach that is

required over a portion of a private residential estate. This access will be registered against the title deeds of relevant properties. Key facts emphasised in this case are that:

- the existence of a public servitude can be asserted by proving that a public right has been exercised by the members of the public from time immemorial, even though there is no written proof of the validity of the title.
- public servitudes in favour of a municipality are under the control of the municipality which must therefore protect and enforce the rights of the local community arising from those servitudes<sup>2</sup>.

## **Conservation priorities of areas**

Coastal areas are biologically diverse and sensitive environments that are highly susceptible to impacts resulting from natural processes as well as anthropological interventions (such as provision of access for various coastal use activities). Conservation-worthy areas (determined by national, provincial and local conservation priorities) must therefore be protected from such impacts to prevent continued degradation and/or loss of these habitats and ecological services provided by such environments. It is important that conservation priorities are taken into account in municipal coastal access considerations to ensure that conservation is favoured in lieu of access (or restricted access), where appropriate.

## **Carrying Capacity of Coastal Environments**

Carrying capacity refers to the physical capacity of the receiving portion of the coast to accommodate visitor numbers but also includes the capacity of the managing agency to deal with services required as a result of the access.

Different parts of a province/ state/ country can have distinctly different coastal environmental attributes. Variations occur in formation, population, use, history, and concomitantly the visitors these areas attract. The measures employed to facilitate/control public access should therefore be appropriate to the unique environmental character of an area. Coastal access planning must also account for coastal uses/values that are under threat or at significant risks from adverse cumulative effects.

Important aspects to consider when determining carrying capacity include:

- Condition and size of the road to the access point,
- available parking,
- nature of the coastal resource (i.e. its sensitive to disturbance/ over-use),
- nature of existing access route over the dunes,

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<sup>2</sup> <http://www.noetzie.co.za/wp-content/uploads/2012/08/Legal-Opinion-RE-closure-of-steps-at-Noetzie-Beach1.pdf>

- size of the beach,
- adjacent land uses,
- number of ablution facilities,
- availability of e.g. braai facilities,
- size of tidal pools,
- availability of lifeguards.

## **Exclusion of Previously Marginalised and Disadvantaged Communities**

There is a dearth of information on the direct and indirect impact that limited or denied access to the coast and coastal resources has on coastal communities in South Africa in general, and the Western Cape in specific. Whilst the dispossession and displacement that characterized much of South African history, during the precolonial, colonial and Apartheid eras, are well documented, the impact of the loss of property and access rights to natural resources (including coastal resources), by indigenous people, historic land owners and the poor have not been adequately researched. Global studies illustrate that these three population segments, tend to be the most dependent on the direct and indirect use of coastal resources, with much of their economic activity and livelihood strategies dependent on coastal access.

There is a plethora of information on coastal poverty, land restitution / claims, and indigenous populations in the Western Cape. However, there is a lack of information on the dynamics between livelihood strategies, poverty levels, economic development of indigenous populations, land restitution, and coastal resource access.

Certain types of developments in the coastal zone reinforce social segregation and social inequity (and can undermine South Africa's efforts to promote transformation).

It is therefore essential that any assessment of coastal access needs incorporates an assessment of the needs of previously disadvantaged communities.

## **Universal Access**

The most difficult feature in providing coastal access is to accommodate persons with disabilities such as those with impaired movement, sight, hearing etc. Specific and special provisions must be provided in these cases.

The South African White Paper on the Rights of Persons with Disabilities was approved by Cabinet on 9 December 2015. This was accompanied by the Implementation Matrix 2015 – 2030 which details an action plan for implementing policies, procedures and legislation to support persons with disabilities.

The National Department of Tourism has issued a Framework for Universal Accessibility in Tourism City Destination. It responds to article 2.2 of the UNWTO's Global Code of

Ethics for Tourism, which states: “Tourism activities should respect the equality of men and women in that they should promote human rights and, more particularly, the individual rights of the most vulnerable groups, notably children, the elderly, the handicapped, ethnic minorities and indigenous people.” It further articulates that: “Accessible Tourism enables people with access requirements, including mobility, vision, hearing and cognitive dimensions of access, to function independently and with equity and dignity through the delivery of universally designed tourism products, services and environments. This definition is inclusive of all people including those travelling with children in prams, people with disabilities and senior citizens”.

As an outgrowth of the Cape Town Declaration of 2002 on Responsible Tourism a Universal Access in Tourism Stakeholder Forum was established in 2010 to develop an Action Plan for South Africa. Preliminary criteria ranging from signage and advertising to staff training requirement have been developed for further refinement.

Provision of Universal Access is not part of any coastal management planning in the Western Cape except in the City of Cape Town. The City of Cape Town defines Universal Access in its Universal Access Policy for the City of Cape Town (Policy No. 17958, approved by Council 239 May 2014, C 38/05/14) as “the recognition of human diversity as opposed to the concept of the ‘average man’”. The definitions of Universal Design clearly articulate this premise “Universal Design is the design of products and environments to be usable by all people to the greatest extent possible, without the need for adaptation or specialized design” (DoT, Implementation Strategy to Guide the Provision of Accessible Public Transport Systems in SA 2009)”. In his context the term is applied primarily to the transportation system.

In the context of providing Universal Access for the coastal zone, in order to meet the requirements of the White Paper Implementation Matrix, approaches and standards must be developed by 2019 for implementation from 2020 – 2030. It is appropriate therefore, that DEA&DP start reviewing current coastal access points. Probable future access points and define minimum requirements for persons with disabilities and how to assign them. In providing Universal Coastal Access sites the following alternatives can be considered:

- Permanent versus temporary Universal Access- i.e. Universal Access may be provided only on certain days of the month or of the week in possibly recognition of the limited need for such facilities and to limit costs;
- The costs of providing Universal Access which will be borne by the Municipality- staff costs as well as infrastructure and equipment costs.
- The risks and liabilities imposed on the municipality for provision of such access – consequences if a disabled person is injured etc.;
- Opportunities for the municipalities to provide facilities and opportunities for disabled persons that are not provided elsewhere- this will have a reputational as well as possibly a financial opportunity;

- Opportunities for entrepreneurs providing specialised assistance at cost.

This strategy will go some way towards achieving this task.

## Access to Funding

Coastal access planning as well as the provision and maintenance of the necessary access infrastructure can be costly. As coastal access is a municipal function, municipal budgets must make allowance for funds accordingly.

Funding concerns (such as access to various funding streams, timing limitations in the budgeting cycle, etc.) often hamper efforts to implement planned interventions.

Feedback from the provincial workshops are detailed below but in summary, many municipalities reported that provision of structures and management of sites within the coastal zone were regarded by municipal management as beyond the scope of fiscal responsibility in terms of the Municipal Finance Management Act. Furthermore, some municipal managers prohibited spending of municipal funds on land not owned by the municipality. This lack of funding did not only affect provision and maintenance of structures and facilities such as boardwalks or ablutions, but the numbers of enforcement officers to ensure that the structures and visitors are crime-free.

Municipalities regard coastal access functions in terms of the ICMA as an additional function that is unfunded. Municipalities also considers there to be discord in mandates and responsibilities between land-use planning functions and coastal access functions in terms of the ICMA. In terms of the Constitution and SPLUMA only local municipalities have land-use planning functions and are responsible for the management and maintenance of public areas. However, in terms of the ICMA the functions related to the designation and management of coastal access land is assigned to district municipalities with the opportunity for agreements to be entered into between local and district municipalities.

It must be noted that the functions related to coastal access in the ICMA must be read in conjunction with municipal constitutional mandates related to local tourism; local amenities; beaches; amusement facilities; public places; municipal parks and recreation; traffic and parking as well as any other municipal constitutional mandates that impact on public access to the coast. The ICMA merely provides a framework to municipalities to implement their constitutional mandates within the coastal zone. As such it is imperative that local authorities provide for the designation and management of coastal access in their local budgets.

This clarification of responsibilities and mandates must be reflected in the municipal Coastal Management Plans and IDP's to allow for the efficient implementation of coastal access and to allow municipalities to obtain the necessary funding through various available mechanisms. .

## Incorporating Heritage Sites in Coastal Access Planning

South Africa and the Western Cape has a long history of humans interacting and utilizing coastal environments – stretching back thousands of years and evidenced by the Earlier, Middle and Later Stone Age archaeology that occurs along the Western Cape coastline. Historical processes have over time limited access to the coast. This is reflected in socio-economic patterns of land dispossession and ownership in the present.

The international heritage community has recognised the important relationship between overcoming sustainable development challenges and the redress of past inequalities. The Oaxaca declaration (1993) Mexican National Commission for UNESCO “emphasizes the importance of recognition and inclusion of indigenous peoples in solving the principal problems facing human society. It does not relate directly to the conservation of material culture; rather, the Declaration is concerned with cultural pluralism, environmental management, and protection of the natural resources of the Ibero-American world. It calls for both the developing and developed worlds to cooperate in the management and use of natural resources and for the relationship of indigenous people to nature to be respected. The Declaration supports initiatives of UNESCO and indigenous movements including the Universal Declaration of Rights of the World's Indigenous People.”

## Status quo of the Western Cape Municipalities

An assessment of the provincial status quo (as at March 2014) and identification of management priorities yielded the following results for the Western Cape (DEA, 2014):

Area	Status Quo	Priorities
Western Cape	<p>Good access and accessibility. Urban areas have good access and accessibility. Accessibility is controlled in protected areas in the province. Some rural areas may have limited accessibility to the coast by virtue of the lack of road infrastructure. The Western Cape also hosts a number of small-harbours that provide direct access to the ocean. Poorly managed and controlled access points associated with illegal activities due to the private land ownership.</p> <ul style="list-style-type: none"> <li>• West Coast: Physical access to the West Coast is restricted by private land holdings, private development and nature conservation areas;</li> <li>• West Coast: There is controversy over access to marine resources and how the benefits could be more equitably distributed</li> <li>• West Coast: Conflict between industrial development, nature conservation and tourism activities, particularly in the Saldanha-Langebaan area</li> <li>• West Coast: Uncontrolled ribbon-development is taking place.</li> <li>• Cape Town: Access to certain beaches is restricted</li> <li>• Cape Town: Highly urbanised requiring intensive management</li> <li>• Agulhas Coast: Pedestrian access above the HWM must be ensured</li> <li>• Agulhas Coast: Privatisation of state land on the coast limits public access</li> <li>• Agulhas Coast: Appropriately designed or controlled access to beaches is needed to protect the sensitive environment, and</li> <li>• Garden route: Public access is limited by private development, privatisation of beaches and nature reserves.</li> </ul>	<ul style="list-style-type: none"> <li>• Undertake a provincial-level assessment and stakeholder validation of the state of coastal access.</li> <li>• Increase the accessibility to the coast in rural areas and formalise access to the shoreline;</li> <li>• Equitable and reasonable access to the coast;</li> <li>• Development of amenities and infrastructure to accompany the provision of public access;</li> <li>• Maintain and promote existing public access to the coast;</li> <li>• Ensure that infrastructure does not degrade the coastal environment;</li> <li>• Maintain or reduce the number of access points in urbanised areas.</li> </ul>

From the above, it can be seen that although all municipalities have experienced successes and disappointments, by-and-large the biggest single impediment to providing coastal access is the lack of clarity on mandate at district and local level which has ramifications in funding and other resource allocation.

While the need for Universal Access was acknowledged and endorsed few local municipalities had the resources to implement such plans.

The municipalities are noticeably focussed on existing coastal access points. In most cases reported there are already sufficient access points without looking for or planning new ones. Indeed, in Knysna there are too many informal ones – some of which may need to be closed as a consequence of damage to the coastal dunes. The challenges of maintaining these existing access points include large numbers of visitors in season and the difficulty in managing the numbers and behaviour and maintaining infrastructure. The delegates did not see much advantage to formally designating sites in terms of section 18 of ICMA unless it could facilitate access to funds for management and infrastructure provision.

## **Best Practice Guidelines and Principles**

### **Legal compliance and local legal frameworks**

- Local municipalities with jurisdiction over coastal areas must have a firm understanding of the national and provincial legislative framework that governs coastal access matters so as to ensure compliance with requirements and alignment of the local access planning with such legislation.
- Developing or adopting a local legal framework (By-law) would support the municipal functions in relation to coastal access. By-laws can make provision for numerous access management aspects, such as the rights of municipalities to:
  - Reserve / restrict coastal areas or sections of areas for exclusive activities, either on a temporary basis (e.g. in the event of unsafe conditions) or a permanent basis
  - Authorise certain activities under special circumstances (e.g. motor-vehicle / boat entry at or on the beach, access to animals for ritual slaughter, guide dogs etc.), noting that the provisions in all other laws must be observed
  - Take required action in the interest of protection of the natural environment
  - Issue penalties for offences committed against the by-law

The explicit and detailed inclusion these management aspects in by-laws provide a solid legal framework to support the required enforcement actions.

## Governance

All aspects of governance in relation to coastal access management must be strategically planned for access provision and management efforts to be successful. In this regard, the following is important:

- **Consolidation and integration with existing coastal initiatives (at all levels of government).**
  - Coastal access initiatives at all levels of government must be identified and assessed on municipal level. Build on existing initiatives and past successes and recognise what current projects are not aligned with the strategy and cease them (this would free up budget and capacity). This could also entail withdrawing inappropriate coastal access land.
  - Identify and encourage active membership and participation on Coastal Initiatives / committees (Coastcare initiatives, Western Cape Coastal Committee, CCT Coastal Zone Technical Coordinating Committee).
- **Clear definition of roles and responsibilities**
  - Careful consideration must be given to ensure that the appropriate Municipal Department takes ownership and act as custodian / driver for coastal access management (e.g. Department of Community Facilities).
  - Local government must facilitate platforms for active participation by all other relevant municipal departments (policing / enforcement, environmental management, land use planning, emergency services, waste management, economic development and tourism, etc.).
  - Delegation of powers, functions or duties conferred on municipal agents where required must be considered and provided for, noting the provisions of the system of delegation adopted by the Council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act. All delegations must be recorded in the Register of Delegations.

- **Integration with other municipal functions and timeframes.**
  - Capacity building (specifically around enforcement) within municipalities is key to the successful implementation of a coastal access strategy.
  - Coastal access planning must be integrated with municipal IDP updates and alignment of coastal access management with future planning of the area (as documented in the SDF) ensured.
  - Distinguish between coastal facilities management and coastal activity management in determining implementing parties.
  - Actions included in implementation plans / programmes should give effect to the strategic objectives and goals for coastal access in the jurisdictional area.
- **Strategic coastal access objectives must be developed for the jurisdictional area and must guide planning and implementation actions.**
  - Objectives must be linked to specific implementation / management plans to achieve the goals and targets.
  - Actions included in implementation plans / programmes should give effect to the identified strategic objectives for the area in question.
- **Management plans and programmes must be specific to the local scale complexities in the area**
  - Coastal access management plans / programmes should be customised to the specific impediments, concerns and issues facing coastal access in the given area.
  - As a minimum, management plans / programmes should document the location, description, signage, control measures, facilities and amenities that promote access (and different access types) and any removals of access.
  - Coastal access procedures and actions plans must be developed in terms of a programme.

## Partnerships (intragovernmental and private / public)

Numerous opportunities exist for municipalities to form strategic partnerships. Benefits of such partnerships could include ease access to an existing knowledge base, assistance with implementation actions and additional funding opportunities. The following should be considered:

- Opportunities for intragovernmental partnerships exist on both vertical (various tiers of government) and horizontal (interdepartmental) levels.

- Identify possible partnerships with agents managing national parks / marine protected areas abutting the coastline, Working for the Coast Programme, Ports Authority, academic and research institutions, conservation bodies, NGOs, Marine and Coastal Educators Network, public (Coastare Adopt-a-Beach programme).
- Take cognizance of other initiatives and institutional imperatives such as Estuarine Management Plans, Operation Phakisa.

## Funding

Monetary resources are required for implementation of coastal access plans and programmes. Various sources and opportunities for funding must be explored to ensure sufficient resources are available to ensure coastal access provision is successful:

- Identify all possible sources of governmental funding. Budget motivation can be facilitated via the Medium Term Revenue Framework (MTRF). DEA made additional funding available via the Environmental Protection and Infrastructure Programmes (EPIP), specifically the Working for the Coast Programme (EPWP funding).
- Incorporate coastal access matters in the municipality's business planning exercise to ensure coastal management is included in the budgets for relevant municipal line departments in order to ensure it is reflected in the IDP.
- Consider private sponsorships, where appropriate.
- Allow for an implementation plan that is flexible and can adapt to various financial circumstances - i.e. provision for less or more management actions depending on the availability of funds. For example, the introduction of another level in the management structure responsible for implementation of the strategy, when external funds can be secured.

## Stakeholder involvement / inclusion

Involvement of stakeholders and the public is key to the success of coastal access planning and management. In this regard, the following should be considered:

- The principle of transparency must guide access management and planning.
- Stakeholders and the public must have reasonable opportunity to participate in planning and decisions that involves coastal access.

- When designating coastal access land, the public participation process prescribed in terms of S53 of the ICMA must be adhered to.

## **Incorporating Previously Disadvantaged Communities in Coast Access Planning**

Coastal access management and planning must provide equitable access to all and redress past inequalities. It is therefore critical to incorporate such considerations into planning by considering the following:

- Coastal access management and planning must empower and cater for the needs of marginalized or previously disadvantaged communities.
- Social and economic profiles of coastal wards must be developed and targeted interventions can be planned accordingly.
- Coastal access management and planning must provide equitable and reasonable access to all and redress past inequalities.

## **Control and Restriction of Access and Activities**

- Central to the application of access restrictions is a full understanding of the various reasons that demands access to the coast. Key reasons for wanting access include recreational activities (swimming, diving, water sports, walking, walking dogs, etc.), cultural / religious activities (ritual slaughtering, baptisms, collection of traditional medicines), subsistence fishing / collection of seafood, training exercises (military and other), law enforcement, conducting research, filming, competitions, camping, coastal education, conservation, coastal engineering (e.g. stormwater outfall structures, dune management), commercial, ports, emergency response, maintenance and monitoring of coastal structures and public facilities.
- Once the reasons for access for the given area are fully understood, consideration can be given to any restrictions may be required in order to protect the resource. Criteria to consider in this regard include:
  - Land use rights;
  - Environmental considerations, conservation priorities and sustainability measures;
  - Safety and risk considerations;
  - Nuisances associated with engaging in certain activities;
  - Indecent or offensive behaviour;
  - Restricting access to military bases / ports;
  - Behaviour and actions that can endanger others;
  - Availability of amenities; and
  - Carrying capacity

- Tariffs, permits, or charges may be considered to control access, where appropriate.
- The system of managing and controlling public access to coastal public property must be effective (i.e. include measures to control and regulate access to public property and related public amenities).

## **Conflict resolution**

A conflict resolution procedure should be developed to address incompatible uses and / or to resolve disputes in relation to boundary positions, land ownerships etc.

## **Enforcement, offenses and penalties**

Enforcement of the Coastal Access By-law is key to effective coastal access provision and as such, the following must receive adequate attention in the development of coastal access plans / programmes:

- Identify all the resource requirements in relation to enforcement actions. This must include training requirements for enforcement officers.
- Penalties must be determined in respect of offences. Penalties should be concomitant to the significance of the potential impact of offenses.
- Should monetary penalties be appropriate, how will this be received, managed and used.

## **Communication, Education and Awareness**

Efforts in communication, education and awareness on coastal access aspects must be done with a view to instil a sense of pride / ownership in this public asset.

- Recognise the need for communication with the broader public on coastal access management issues.
- Designated access points, allowable activities, code of conduct and restrictions must be communicated to the public in addition to warnings or instructions relating to non-conformances / offenses.
- Effective coastal education and awareness must be incorporated into planning and implementation of coastal access with a view to instil a sense of pride / ownership in the public asset.

## Questions to be Considered during the Planning of Coastal Access Provision

The sorts of issues to be considered are depicted in Box 3 below:

**Box 3: Criteria for coastal access**

**Extent of Access**

- 1) What is the total area to which new access would be granted?
- 2) What would its geographical distribution be?
- 3) Is there a need to exclude specific areas or types of site from greater access on a temporary or permanent basis?
- 4) Does the new access fill a specific need in existing access provision, i.e. will it provide access opportunities where there is currently a lack of access, or where people would benefit from more access or which is relevant to specific use or interest groups?

**Quality of Access**

- 1) What are considered reasonable timing restrictions on when land would not be open to public access? Would these vary from case to case, or between different types of coastal land and their ownership? If so, how?
- 2) Would there be restrictions on numbers of people using a given area, for example, through the use of daily or other permits?
- 3) What would be the impact of restrictions on the anticipated benefits of the proposals?
- 4) Would codes of conduct or bylaws be applied to those using coastal land? If so, what would these cover, and what sanctions would be available in the event of any breach?
- 5) How wide ranging would the access be – e.g. would it include horse riders, cyclists, etc.?

**Permanency of Access arrangements**

- 1) Would the improvements in access to coastal land be permanent?
- 2) Would arrangements be subject to periodic review or be capable of being revoked?
- 3) What would happen when the ownership of the land or the policy of the owner changed?

**Clarity and certainty of access arrangements**

- 1) What arrangements would be made to ensure that people readily understand which areas of coastal land are subject to access, for example by a nationally consistent approach, including the provision of clear maps?
- 2) How would information relating to access to coastal land be publicized?
- 3) Would it be made available nationally, regionally and locally? If so, how and in what form?

**Cost effectiveness**

- 1) What are the economic, social and environmental costs of the proposals?
- 2) What are the economic, social and environmental benefits of proposals, including benefits to local areas, of the proposals?
- 3) What are the potential risks associated with the different options?

**Monitoring and enforcement**

- 1) How would the policy be evaluated?
- 2) Who should be responsible for monitoring and evaluating the policy?

**Ensuring everyone should have good opportunities to enjoy the natural environment**

- 1) What are the distributional impacts of the policy?

**Coastal wildlife, landscape, and quality of enjoyment benefits**

- 1) What opportunities do the different options provide or allow for managing access/the land to protect nationally or internationally important species, habitats and geological and historical features and the landscapes in which they are set?

- 2) What opportunities do the different options provide or allow for managing access/the land to encourage a more diverse and wildlife rich coastal environment?
- 3) What opportunities do the different options provide or allow for managing access/the land, and using interpretation, to enhance the quality of the visitor experience, both physically and by improving understanding and appreciation of the special qualities of the coast, including its wildlife, geology, history and landscape?
- UK Department of Environment, Food and Rural Affairs (DEFRA)*

## Strategy toolbox for the facilitation of access

In providing coastal access, there are a number of different strategies that can be employed as depicted in Table 3 below.

**Table 3: Strategies to facilitate public access**

Acquisition	A formal strategy by a government or an organization to use money or other methods available to them to acquire land to be used for public coastal access (e.g. Purchasing, Regulatory Functions - Subdivision, Easements).
Public Outreach	A programme of public outreach can be comprised of large strategies such as educational programs for schools, shoreline rights doctrines, or it can be a series of smaller activities or information sources such as public access guides and public access fact sheets (e.g. Access Guides, Shoreline Rights Doctrines, Fact Sheets).
Public-Private Alliances	A group of public and private sector organizations that use entrepreneurial techniques to purchase, protect, restore, and enhance coastal resources, and to provide access to the shore (e.g. Coastal Conservancies).
Regulatory Tools	A formal strategy by a government to utilize the regulatory functions available to them to obtain, protect and preserve public coastal access (e.g. Permitting, Coastal Management Manuals, Coastal Site Plan Reviews, Liability Waivers).
Planning	A formal strategy by a government to use all of the planning tools available to them for public access. In accordance with beachfront management acts, policies, or plans having all local governments required to develop a local comprehensive beach management plan; which is a planning tool which identifies local beach management issues, erosion rates, beach profiles, and sets out policies and action items regarding how local governments will address and manage the beach (e.g. Public Access Plans, Beach Management Plans).

- Masters Thesis 2011 Joshua Kelly Mackintosh

## Municipalities Approach to Provision of Coastal Access

In general, the feedback from municipalities in the Western Cape was that their attention was focussed on managing and possibly upgrading existing coastal access sites rather than investigating new or additional sites. However, they acknowledged that although the existing sites are currently sufficient in most instances, pressure for

new sites or upgrades of existing sites will increase. Their priorities in this regard are summarised in the figure below.

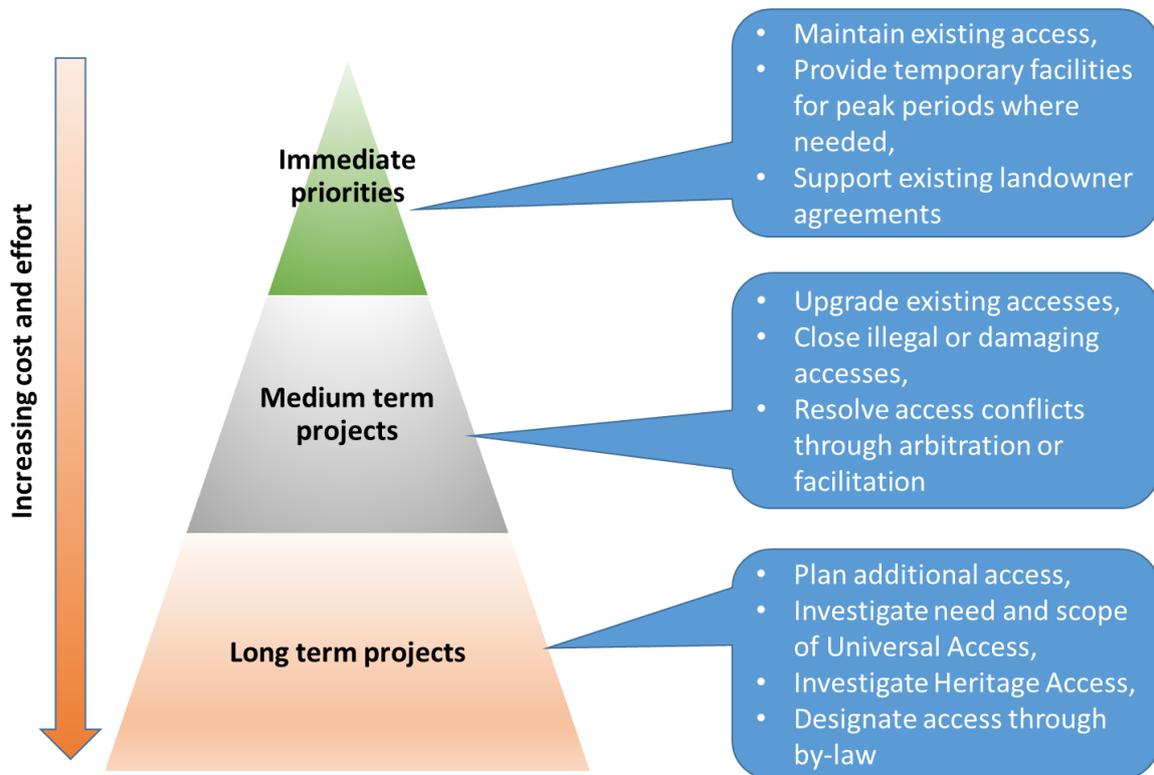


Figure 2: Schematic depicting priorities for provision of coastal access at local municipal level

For this reason, audits of existing sites are regarded as important tools for planning and management.

## Coastal Access Assessment / Audit

The first series of coastal access audits focussed on the current situation and analysed existing coastal access sites and any sites in which there is conflict. This does not, however address communities which have been dispossessed unless they have raised the issue formally with the municipalities, in which case they are already being addressed as one of existing access sites with conflicts. It also does not address the need to increase support and provision for disabled persons.

A second round of coastal access audits will take place which look at needs and future coastal access sites.

### Round One Audits: Existing Sites

For all existing sites checklist in Box 4 below will be used for round one audits.

Box 4: Checklist for existing sites

- 1) Existing access points- for each point provide the following information:
  - a) Status Quo
    - i) Co-ordinates of landward access entry. and a Google Earth image.
    - ii) Describe the physical nature of the access (informal path/ boardwalk/concrete stairs/ path through primary vegetation/ across rocks, etc.).
    - iii) List the activities/uses/ needs met by the access (recreational fishing/ walking/ subsistence fishing etc.).
    - iv) Describe existing facilities provided (parking area/ ablutions/ fencing etc.).
    - v) List facilities/ provisions made for persons with disabilities.
    - vi) Estimate user numbers in an out of season (take particular note of public holidays) based on input from the local authority.
    - vii) Determine whether the access points are specifically included in the SDF and whether provision is made in the IDP (specifically funding allocated) for maintenance or upgrade as well.
    - viii) Determine the legal status of the access point- is it registered in the deeds office and declared in terms of a By-law,- does it have servitude over private land/ is it public land (coastal public property)/ is it private land with informal access allowed? – any other.
    - ix) Existing access control (access boom/ permit system/ fee structure/ across private land/ through estate etc.).
    - x) Detail any conflicts over access.
    - xi) Screen for triggers in terms of the EIA regulations / NEMWA / NEMBA / NWA and determine if EAs / WULs / permits / licenses are in place if required.
  - b) Analysis
    - i) Describe the current environmental condition of the pathway. Is there vertical erosion/ lateral erosion/ proliferation of paths?
    - ii) Describe the vegetation on either side. Is it stable/ does it show signs of encroachment- are there encroachments into it (e.g. for ablutions).
    - iii) Describe the current parking area (if none exists, noted where parking currently occurs) (is it congested- if so how often and by how much?)/ is there evidence of encroachment into the vegetation/ is there vegetation damage/ has any occurred that has recovered?
    - iv) Describe general road safety (does congestion occur- how often/ are there accidents during parking/ reversing etc.).
    - v) Describe the general environment – is there litter/ refuse in evidence- any other significant observations.
    - vi) Assess adequacy of provisions for persons with disabilities where appropriate (refer to Table 6 below for minimum requirements).
    - vii) Comment about the carrying capacity (ablutions, parking, behavior management) in and out of season- is it at the limit- are more facilities needed?
    - viii) Comment on existing access control (does it exclude any sectors of society (including persons with disabilities)? Is it adequate/ is it effective?).
    - ix) Assess adequacy of facilities / infrastructure provided (refer to Box 5, x) Table 4 to Table 6 for minimum requirements).
    - xi) Is there evidence of illegal activities taking place (e.g. poaching, fires, camping, events etc.)
  - c) Recommendations Based on the above assessment, make recommendations on the following as required:
    - i) The need for remediation of the path surface/ upgrade/ formalization of the access as a whole.

- ii) The need for vegetation remediation/ fencing repair etc.
- iii) The need for additional/ improved signage.
- iv) The need for repairs to or improved/ expanding parking or turning facilities.
- v) The need for additional facilities (permanent or temporary) (refuse bins/ ablutions etc.).
- vi) The need to limit numbers at certain times and how this can be achieved.
- vii) The need for additional access points to relieve congestion.
- viii) The need to close the existing access point as a consequence of environmental damage or to protect e.g. a heritage asset / S24G.
- ix) The need to close the existing access point if it is considered dangerous (e.g. steep / slippery rocky slopes / a high crime area (regular poaching, muggings etc.)).
- x) The need for access control or changes to existing access control.
- xi) The need for trained staff (permanent or temporary and the nature of the staff required).
- xii) The need to cater for or improve provisions for persons with disabilities.
- xiii) The need to prohibit specific activities (permanently, temporarily, seasonally).
- xiv) The need for a maintenance schedule in instances where ongoing maintenance is required.

The output of this audit will be a detailed list of all existing access sites and a prioritised list of actions or interventions that need to take place that can be included in planning tools such as the municipal IDP or SDF.

**Box 5: Minimum Requirements for Designated Coastal Access Sites/ Routes**

The following is required at coastal access sites in terms of ICMA section 20:

- (a) signpost entry points to that coastal access land;
- (b) control the use of, and activities on, that land;
- (c) protect and enforce the rights of the public to use that land to gain access to coastal public property;
- (d) maintain that land so as to ensure that the public has access to the relevant coastal public property;
- (e) where appropriate and within its available resources, provide facilities that promote access to coastal public property, including parking areas, toilets, boardwalks and other amenities, taking into account the needs of physically disabled persons;
- (f) ensure that the provision and use of coastal access land and associated infrastructure do not cause adverse effects to the environment.

**Table 4: Minimum Requirements for Coastal Access per Typology**

Typology	Minimum Requirements	Optional extras
Recreational fishing	<ul style="list-style-type: none"> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Access through dune vegetation to coastline</li> </ul>	<ul style="list-style-type: none"> <li>• Baboon proof refuse bins, or</li> <li>• Signs instructing users to carry out what they carried.</li> <li>• Disposal facilities for discarded hooks and lines (Eden example)</li> </ul>

Typology	Minimum Requirements	Optional extras
Bait collection	<ul style="list-style-type: none"> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Access through dune vegetation to coastline</li> </ul>	<ul style="list-style-type: none"> <li>• Baboon proof refuse bins, or</li> <li>• Signs instructing users to carry out what they carried.</li> </ul>
Subsistence fishing	<ul style="list-style-type: none"> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Access through dune vegetation to coastline</li> </ul>	<ul style="list-style-type: none"> <li>• Signs instructing users to carry out what they carried.</li> </ul>
Subsistence harvesting of inshore invertebrates and plants	<ul style="list-style-type: none"> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Access through dune vegetation to coastline</li> </ul>	<ul style="list-style-type: none"> <li>• Signs instructing users to carry out what they carried.</li> </ul>
Bathing	<ul style="list-style-type: none"> <li>• Signage</li> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Access through dune vegetation to coastline</li> </ul>	<ul style="list-style-type: none"> <li>• Shark spotters</li> <li>• Life guards</li> <li>• Baboon proof refuse bins, or</li> <li>• Signs instructing users to carry out what they carried</li> <li>• Ablutions</li> </ul>
Walking	<ul style="list-style-type: none"> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Access through dune vegetation to coastline</li> </ul>	<ul style="list-style-type: none"> <li>• Signs instructing users to carry out what they carried.</li> <li>• Dependent on distance...ablution facilities</li> </ul>
Bird watching	<ul style="list-style-type: none"> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Access through dune vegetation to coastline</li> </ul>	<ul style="list-style-type: none"> <li>• Hides</li> <li>• Signs instructing users to carry out what they carried.</li> </ul>
Surfing/ kite sailing/ wind surfing	<ul style="list-style-type: none"> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Access through dune vegetation to coastline</li> </ul>	<ul style="list-style-type: none"> <li>• Signs instructing users to carry out what they carried.</li> </ul>
Picnicking	<ul style="list-style-type: none"> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Access through dune vegetation to coastline</li> </ul>	<ul style="list-style-type: none"> <li>• Baboon proof refuse bins, or</li> <li>• Signs instructing users to carry out what they carried.</li> </ul>

Typology	Minimum Requirements	Optional extras
Cultural	<ul style="list-style-type: none"> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Access through dune vegetation to coastline</li> </ul>	<ul style="list-style-type: none"> <li>• Baboon proof refuse bins, or</li> <li>• Signs instructing users to carry out what they carried.</li> </ul>
Heritage	<ul style="list-style-type: none"> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Access through dune vegetation to coastline</li> <li>• Access control and protection measures (fencing, signboards etc.)</li> </ul>	<ul style="list-style-type: none"> <li>• Signboards with information about the heritage resource</li> <li>• Baboon proof refuse bins, or</li> <li>• Signs instructing users to carry out what they carried</li> <li>• Ablutions</li> </ul>
Dog walking	<ul style="list-style-type: none"> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Access through dune vegetation to coastline</li> <li>• Signage stipulating the rules in respect of access for dogs (on a leash, pick up after the dog)</li> </ul>	<ul style="list-style-type: none"> <li>• Signs instructing users to carry out what they carried</li> </ul>
Horse riding	<ul style="list-style-type: none"> <li>• Access from public roads to the start of the coastal access point</li> <li>• Off-road parking</li> <li>• Stable access through dune vegetation to coastline that will not erode easily</li> <li>• Signage stipulating the rules in respect of horse access</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

**Table 5: Minimum Requirements for coastal access per Biophysical Setting**

Typology	Minimum Requirements	Additional Considerations
Sandy vegetated dune- primary vegetation	<ul style="list-style-type: none"> <li>• Limited numbers of access points where vegetation has been cleared</li> </ul>	<ul style="list-style-type: none"> <li>• Stabilization of the path surface (e.g. boardwalks, rubber matting, paving or other appropriate means) if vertical erosion is noted</li> <li>• Fencing on either side of the path if lateral expansion of the path into the dune vegetation is noted</li> <li>• Signage to instruct users to keep to the paths provided</li> <li>• Off-road parking and turning circles for road safety if the area has high visitor numbers to prevent ingress into vegetated areas</li> </ul>

Typology	Minimum Requirements	Additional Considerations
Rocky shore	<ul style="list-style-type: none"> <li>• Nil</li> </ul>	<ul style="list-style-type: none"> <li>• Handrails over steep or slippery sections</li> <li>• Signage to warn users of dangers of transiting rocky slopes</li> <li>• Off-road parking and turning circles for road safety if the area has high visitor numbers to prevent ingress into vegetated areas</li> </ul>
Formalised public recreation area	<ul style="list-style-type: none"> <li>• Formalised parking</li> <li>• Turning circles</li> <li>• Erosion control measures</li> <li>• Fencing to limit lateral visitor movement</li> <li>• Informative signage</li> <li>• Ablutions</li> <li>• Refuse bins</li> <li>• Access to the beach for mobility impaired visitors</li> <li>• First aid facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Shops/ kiosk</li> <li>• Hand rails</li> <li>• Stairs/ ramps</li> <li>• Trained personnel- especially if universal access is considered</li> <li>• Life guards may be required if the area is used extensively for swimming</li> <li>• Assisted access to the beach for other persons with disabilities</li> <li>• Assisted access to the sea itself for persons with disabilities</li> </ul>

**Table 6: Minimum Requirements with persons with Disabilities**

Disability	Minimum Requirements/ constraints
<p>Note: Pregnant women and single parents with babies are treated as mobility disabled in the table below and not given a separate category since their needs are similar.</p>	
Sight impaired	<ul style="list-style-type: none"> <li>• Audible information – i.e. lifeguards must have audible signals</li> <li>• Access for guide dogs</li> <li>• Braille information kiosks</li> <li>• Staff must be trained in risks to which sight impaired persons are exposed and how to deal with them</li> <li>• Ramps and guard rails at appropriate height for detection with walking sticks</li> </ul>
Mobility impaired	<ul style="list-style-type: none"> <li>• “Disabled” parking bays close to the amenities</li> <li>• Ramps and guard rails at appropriate height on all access points</li> <li>• Appropriate ablutions</li> <li>• Stabilised areas where the wheelchairs or crutches can be used so that they do not sink into the sand</li> <li>• Staff must be trained in risks to which mobility impaired persons are exposed and how to deal with them</li> </ul>
Hearing impaired	<ul style="list-style-type: none"> <li>• Visual information i.e. lifeguards must use visible signals</li> <li>• Any danger alerts must have a visual component</li> <li>• Staff must be trained in risks to which hearing impaired persons are exposed and how to deal with them</li> </ul>
Aged	<ul style="list-style-type: none"> <li>• Access to “disabled” parking bays close to the amenities</li> <li>• Ramps and guard rails on all access points</li> <li>• Staff must be trained in risks to which aged persons are exposed and how to deal with them</li> </ul>

Disability	Minimum Requirements/ constraints
Neurological impairment/ behavioural disorders	<ul style="list-style-type: none"> <li>• Staff must be trained in risks to which aged persons are expose and how to deal with them</li> </ul>

## Round Two Audits: Planned Sites

Since the population along the coast, both permanent and seasonal is growing, so too will the pressure on existing coastal access sites. There is therefore a need to identify possible new sites to cater for the increased demand. There is also a need to gradually include provisions for persons with disabilities and re-connect communities that have been relocated. The checklist for the second round of coastal access audits is detailed in Box 6.

### Box 6: Checklist for Round Two Coastal Access Audits

- 1) Historical Access Point by interview and research determine if any historic access points have been denied as a result of:
  - a) Relocated communities
  - b) Change in land ownership
- 2) Future Access Points by interview and research determine if there is a need for new/ additional access points as a consequence of:
  - a) Identified heritage sites/ assets
  - b) Restore cultural/ religious access
  - c) Increased demand for provisions for persons with disabilities
  - d) Provide for persons excluded as above (perhaps provide transport instead of physical access)
  - e) Carrying capacity at a particular site being reached or is approaching the limit
  - f) New areas for recreation/tourism (resort) / subsistence being identified

## Minimum Requirements for Assessing Coastal Access in EIAs

Ensuring that Coastal Access is

- i) not curtailed and
  - ii) provided in any new developments or changes to existing developments,
- is a function of the application for Environmental Authorisation. The application must in all cases provide the following information as a minimum.

**Box 7:** Checklist for environmental assessments

- 1) Existing access points- for each point provide the following information:
  - a) Description of proposed coastal access
    - i) Co-ordinates of landward access entry. and a Google Earth image.
    - ii) Describe the physical nature of the access (informal path/ boardwalk/concrete stairs/ path through primary vegetation/ across rocks, etc.).
    - iii) List the activities/uses/ needs met by the access (recreational fishing/ walking/ subsistence fishing etc.).
    - iv) Describe facilities provided (parking area/ ablutions/ fencing etc.).
    - v) List facilities/ provisions made for persons with disabilities.
    - vi) Estimate user numbers in an out of season (take particular note of public holidays) based on input from the local authority.
    - vii) Detail whether the access points are specifically included in the SDF and whether provision is made in the IDP (specifically funding allocated) for maintenance or upgrade as well.
    - viii) Detail the legal status of the access point- is it registered in the deeds office and declared in terms of a By-law,- does it have servitude over private land/ is it public land (coastal public property)/ is it private land with informal access allowed? – any other.
    - ix) Detail access control (access boom/ permit system/ fee structure/ across private land/ through estate etc.).
    - x) Detail any conflicts over access.
  - b) Management
    - i) Describe how vertical erosion/ lateral erosion/ proliferation of paths will be prevented and managed.
    - ii) Describe the vegetation on either side. Detail how it will be protected.
    - iii) Describe the current parking area, its carrying capacity and how visitor influx in holiday season will be managed.
    - iv) Describe provisions for general road safety.
    - v) Describe how the facilities will be maintained and managed.
    - vi) Detail provisions for persons with disabilities where appropriate (refer to Table 6 below for minimum requirements)

## Coastal Access Advocacy

The Coastal Management Sub-Directorate already facilitates and attends Provincial Coastal Management Committee meetings and is represented on a number of other intergovernmental bodies such as national working groups, Estuary Advisory Forums (EAF's) and SALGA committees. In this way they are alerted to coastal access problems at local or district municipality levels and provide information in return.

This has not been identified specifically as an implementation action in the WCPCMP but delegates requested the following to continue and be enhanced as part of an overall advocacy strategy by the sub-directorate.

- Conduct a "road-show" to disseminate information to municipal managers etc. who are not in the environmental field on coastal zone mandates and obligations especially in relation to coastal access and who need this assurance before committing resources.

- Establish a mechanism to facilitate development and maintenance of coastal access sites without have to conduct individual environmental assessments- perhaps through SDFs or other planning means.
- Provide guidance on identifying and planning new access sites and limiting or removing existing sites.
- Develop a provincial approach to planning and managing different access sites – minimum requirements. This would include a provincial definition of compliance to section 18 of ICMA and a definition of Coastal Access- what it does and doesn't include.
- Assist in identifying additional funding sources/ mechanisms (EPWP/ external partners etc.).

## Conclusion

The above strategy is the result of extensive stakeholder consultation and is now presented for submission to the MEC for comment.