

PORTFOLIO COMMITTEE :

COMMUNITY SERVICES

Chairperson :

Cllr A Komani

Committee Members :

**Ald N Botha-Guthrie, Cllrs L Ntsabo,
V Pungupungu & S Kalolo**

PORTEFEULJEKOMITEE :

GEMEENSKAPSDIENSTE

Voorsitter :

Rdl A Komani

Komiteelede :

**Rdh N Botha-Guthrie, Rdle L Ntsabo,
V Pungupungu & S Kalolo**

COMMUNITY SERVICES PORTFOLIO COMMITTEE

GEMEENSKAPSDIENSTE PORTEFEULJEKOMITEE

14 FEBRUARY 2017

I N D E X

ITEM

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**AGENDA of the
Portfolio Committee: Community Services
14 February 2017
(Also the agenda for the Mayoral Committee Meeting: 22 February 2017)**

**1.
STATUS OF PUBLIC LAUNCHING SITES (PLS): OVERSTRAND MUNICIPAL AREA**

17/16/3

**M Bartman
23 January 2017**

028 313 8972

Corporate Head Office

1. Executive Summary

The purpose of this report is to inform Council of the status of Public Launching Sites (PLS) registered for management by Overstrand Municipality and to obtain approval in order to recommend to the Provincial Minister (MEC) of Local Government, Environmental Affairs and Development Planning to consider the de-registration of particular PLS.

2. Service Delivery and Budget Implementation Plan - IGNITE

Directorate: Community Services
Operation Services

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Provision and maintenance of municipal services
Creation and maintenance of a safe and healthy environment

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Constitution of SA, 1996
National Environmental Management: Integrated Coastal Management Act, 2008 (Act 24 of 2008)(ICMA).

6. Background/Discussion/Evaluation/Conclusion

Background

The Minister of Environmental Affairs has, in terms of section 83(1) (d) (i) and (o) of the ICMA, made regulations regarding the Management of Public Launch Sites in the Coastal Zone. These regulations provide for the listing of and management of public launch sites and were published in Government Gazette No. 37761 on 27 June 2014. The intention of the regulations is to manage public launch sites in the Coastal Zone as indicated in section 83(1)(d)(i) and (o)

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of the National Environmental Management Integrated Coastal Management Act (Act No. 24 of 2008), as amended. The regulations require from the local MEC in terms of section 2(1) of the regulations to list PLS within a period of 12 months from the date of promulgation of the regulations. The listing process was completed during May 2015.

The MEC identified the Overstrand Municipality as the designated Management Body for the following PLS as published in Provincial Gazette No 7410 dated 26 June 2015 (PN 193/2015).

- a) Rooiels Coastal Slipway
- b) Maanschynbaai Slipway (Hangklip)
- c) Kleinmond Coastal Slipway
- d) Fisherhaven Slipway A (public)
- e) Fisherhaven Slipway B (Lake Marina)
- f) Harderbaai Slipway
- g) Prawn Flats Slipway
- h) Maanschynbaai Slipway (Klein River)
- i) Du Toit Street Slipway (Stanford)
- j) King Street Slipway (Stanford)
- k) Kleinbaai Boat Launching Site
- l) Franskraal Coastal Slipway (Blousloep)
- m) Blue Water Bay (Pearly Beach)
- n) Buffeljachtsbaai
- o) Die Damme (Cape Agulhas)
- p) Rietfontein (Cape Agulhas)

A status quo report on the condition and compliance to relevant legislation was compiled by CSM Consulting Engineers on the 14 public boat launch sites in the Overstrand Municipal area. Field investigations were conducted to compile the inventory of facilities and installations and to determine the condition of installations and facilities. Each site was evaluated and was allocated a compliance score (percentage) as well as an estimated rand value to upgrade the facilities to the required standard (see annexure A)

Discussion

The goal for coastal access is “*to ensure and protect, in perpetuity, public right of physical access to the sea, and to and along the sea shore, on a managed basis*” (DEA, 2013). By accepting the responsibilities as set out in section 83(1) (d) (i) and (o) of the ICMA, as amended, the Overstrand Municipality by implication also accepts its responsibilities in terms of the following legislation –

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- ✓ Section 18 of ICMA obliges each coastal municipality to develop bylaws that designate strips of land as coastal access land in order to secure public access to these coastal public properties and also allows for the establishment of public access servitudes.
- ✓ Section 19 sets out the process for designating and withdrawing designation of coastal access land.
- ✓ Section 20 of ICMA also sets out the requirements for access provision, stipulating that each municipality in whose area coastal access falls must:
 - Signpost entrances to coastal access land
 - Control of use of activities on that land
 - Protect and enforce the rights of the public to use such access
 - Maintain the land to ensure continued public access
 - Promote access via the provision of appropriate amenities such as parking, toilets, boardwalks, etc.
 - Remove inappropriate access that is causing adverse environmental effects that cannot be prevented or mitigated
 - Ensure that coastal access land does not cause adverse environmental effects
 - Describe coastal access land in municipal coastal management programmes and in any spatial development framework
 - Report progress, to the MEC, on the measures to implement this section within two years of the ICMA coming into force, and
 - Perform any other actions that may be prescribed.

De-registration of particular sites

The legislative requirements set out above place a huge responsibility on the Overstrand Municipality as designated Management Body to comply with the requirements set out in the ICMA. It is therefore recommended that the following PLS be considered for de-registration based on the outcomes of the status quo report and reasons stated below. The possible de-registration of the PLS was discussed with the affected ward committees. **It should be noted that the de-registration of sites will render such sites to be sterile - meaning that the use of such sites by anybody will be unlawful.**

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- Rooi Els Slipway

Councillor F Krige reported at the Mayoral Committee meeting held on 2 December 2016 that the Ward Committee of ward 10, recommended that the Rooi Els slipway be de-registered

- Harderbaai Slipway (Onrus)

No access control facility exists at either the launch site or the entrance to the site. There is no dedicated parking area for both launch vehicle and trailers on the launch site. No public toilet facilities at the site. The site has also limited space for the development of mentioned facilities.

- King Street Slipway (Stanford)

This slipway does not comply with the definition of a boat launching slipway as per the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008). It is recommended that the Du Toit Street slipway (downstream) be upgraded to also provide for activities in respect of launching of canoes/kayaks.

- Franskraal Coastal Slipway (Blousloep)

No access road and access control facility exist at launch site. No dedicated parking area for both launch vehicle and trailers are available on the launch site. The site also has no public toilet facilities.

An historic lease agreement for the management of the site exists between the Overstrand Municipality and the Franskraal Boat Club which should also be cancelled, due to the financial implications to develop and maintain the site to the standards required for a PLS.

No access road and access control facility exist at launch site. No dedicated parking area for both launch vehicle and trailers are available on the launch site. The site also has no public toilet facilities.

An historic lease agreement for the management of the site exists between the Overstrand Municipality and the Pearly Beach Boat Club, which should also be cancelled, due to the financial implications to develop and maintain the site to the standards required for a PLS.

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- Die Damme

No access control facility exists at launch site. No dedicated parking area for both launch vehicle and trailers are available on the launch site. The site also has no public toilet facilities and is situated in a remote location from an operations perspective.

The Rietfontein PLS (Cape Agulhas) has been de-registered on 12 September 2016 (P.N. 370/2016) by the Provincial Minister of Local Government, Environmental Affairs and Development Planning (Annexure C).

Hawston Slipway

The site is under the management of the National Department of Forestry and Fisheries (DAFF) and is currently an unproclaimed harbour. It is envisaged that the site will continue to form a critical part of the economic development of the Hawston community and therefore need to be registered. The administration of the Overstrand Municipality is busy with negotiations with regard to the registration of the PLS and management of the site.

Operational plan

The public launching sites regulation 3(3) specifically obligates the Municipality, to manage a public launching site in terms of an Operational Plan. A generic Operational Plan was jointly developed by the MEC and the Municipality and will serve as the Operational Plan through which public launching sites will be managed in the Overstrand.

The Municipality foresee to manage the PLS directly or per agreement with a local public/private entity (e.g. NGO, CBO) on full-time basis and during peak seasons.

PLS to be directly managed by the Municipality on a full-time basis include:

- Kleinmond Coastal Slipway
- Kleinbaai Boat launching Site, and
- Hawston Public Launching Site (based on successful negotiations with affected provincial departments)

PLS to be managed by public/private entity:

- Fisherhaven Slipway B (Lake Marina)
- Maanschynbaai Slipway (Klein River) – based on envisaged future development

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- Prawn Flat Slipway (Klein River) – based on envisaged future development
- Blue Water Bay (Pearly Beach)

PLS to be managed during peak fishing and festive seasons

- Maanschynbaai Slipway (Hangklip)
- Kleinmond Coastal Slipway
- Fisherhaven Slipway A (public)
- Prawn Flats Slipway
- Maanschynbaai Slipway (Klein River)
- Du Toit Street Slipway (Stanford)
- Kleinbaai Boat Launching Site
- Blue Water Bay (Pearly Beach)
- Buffeljachtsbaai

7. Financial Implications

Capital expenditure

No provision for any capital works at slipways has been budgeted for in the 2016/17 financial year.

The Kleinbaai boat launching site resorts under the jurisdiction of the Department of Public Works and an application to upgrade this facility will be submitted to the department.

Operational expenditure

Provision for the operating and maintenance of the Kleinbaai and Kleinmond boat launching sites has been made on the 2016/17 operational budget.

No provision has been made on the 2016/17 operational budget for any of the other listed boat launching sites. Provision should be made on the 2017/18 operational budget for the maintenance of these sites.

8. Staff Implications

Sufficient provision has been made for the operating and maintenance of the Kleinbaai and Kleinmond boat launching sites.

Due to the seasonal use of the other boat launching sites, it is envisaged that only seasonal workers be employed to manage these sites (provision has been made on the 2016/17 budget for seasonal workers)

9. Comments from other Departments, Divisions and Administrations

None

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10. Annexures

- Annexure A: Notice (P.N. 193/2015) – Publication of Public Launch Sites and the identified Management Bodies for each listed site for the Western Cape.
- Annexure B: Evaluation of public launching sites.
- Annexure C: Amendment Notice (P.N. 370/2016) to the Publication of Public Launch Sites and the identified Management Bodies for each listed site for the Western Cape.

RECOMMENDATION:

1. that it be recommended to the Provincial Minister of Local Government, Environmental Affairs and Development Planning that the public launching sites at Rooi Els, Harderbaai (Onrus), King Street (Stanford), Blousloep (Franskraal), and Die Damme, **be de-registered**;
2. that the registration of Hawston slipway as public launching site **be recommended** to the Provincial Minister of Local Government, Environmental Affairs and Development Planning;
3. that the public launching sites at Kleinmond, Kleinbaai, and Hawston (based on successful negotiations with affected provincial departments) **be managed** on a fulltime basis;
4. that the public launching sites at Maanschynbaai (Hangklip) Fisherhaven A (public), Prawn Flats (Klein River) Maanschynbaai (Klein River), Du Toit Street (Stanford) Blue Water Bay (Pearly Beach) and Buffeljachtsbaai **be managed** during peak times; and
5. that, based on successful negotiations, the public launching sites at Fisherhaven Slipway B (Lake Marina), Maanschynbaai (Klein River), Prawn Flats (Klein River) and Blue Water Bay (Pearly Beach), **be managed** by public/private entities.

RESPONSIBLE OFFICIAL:

M BARTMAN

TARGET DATE FOR IMPLEMENTATION:

1 MARCH 2017

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**1.
STATUS OF PUBLIC LAUNCHING SITES (PLS): OVERSTRAND MUNICIPAL
AREA**

17/16/3

M Bartman

028 313 8972

Corporate Head Office

23 January 2017

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
14 FEBRUARY 2017, WHICH COMMITTEE SUPPORTED THE
RECOMMENDATION**

RESPONSIBLE OFFICIAL:

M BARTMAN

TARGET DATE FOR IMPLEMENTATION:

1 MARCH 2017

PROVINCE OF THE WESTERN CAPE
PROVINCIAL DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
MANAGEMENT OF PUBLIC LAUNCH SITES IN THE COASTAL ZONE REGULATIONS, 2014 (GN NO. R. 497
GOVERNMENT GAZETTE NO. 37761 OF 27 JUNE 2014)

NOTICE: PUBLICATION OF PUBLIC LAUNCH SITES AND THE IDENTIFIED MANAGEMENT BODIES FOR EACH LISTED SITE FOR THE WESTERN CAPE.

I, Anton Bredell, Provincial Minister of Local Government, Environmental Affairs and Development Planning in the Western Cape, hereby list the official Public Launch Sites for the Western Cape and identify the respective Management Bodies responsible for each of the listed sites as provided in the table below, in terms of section 2(1)(a)&(b) of the *Management of Public Launch Sites in the Coastal Zone Regulations, 2014* (GN No. R. 497 Government Gazette No. 37761 of 27 June 2014).

Signed at Cape Town this 24th day of June 2015.


A. BRÉDELL, MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

PROVINSIE WES-KAAP

KENNISGEWING: PUBLIKASIE VAN OPENBARE BOOTLANSEERPLEKKE EN DIE GEINDENTIFISEERDE BESTUURSLIG-GAME VIR ELKE GENOEMDE LIGGING VIR DIE WES-KAAP.

Ek, Anton Bredell, Provinsiale Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning van die Wes-Kaap, lys hiermee die amptelike Openbare Bootlanseerplekke vir die Wes-Kaap en identifiseer die onderskeie Bestuursliggame vir elke genoemde ligging, soos aangedui in die tabel hieronder, kragtens artikel 2(1)(a)&(b) van die *Management of Public Launch Sites in the Coastal Zone Regulations, 2014* (GN No. R. 497 Government Gazette No. 37761 of 27 June 2014).

District/ Distrik	Management Body/ Bestuursliggaam	Public Launch Sites/ Openbare Bootlanseerplekke
City of Cape Town Metropolitan	City of Cape Town Metropolitan Municipality	<ul style="list-style-type: none"> • Oceana Power Boat Club • Blouberg Beach (Doodles) • Harbour Island (Gordon's Bay) • Hottentots Holland • Strand Beach Road • Sonwabe • Kommeljie • Melkbosstrand • Miller's Point (main slipway & secondary slipway) • Witsands
West Coast	Matzikama Municipality	<ul style="list-style-type: none"> • Doring Bay Harbour (unproclaimed) • Strandfontein by the Café • Papendorp
	Cederberg Municipality	<ul style="list-style-type: none"> • Eland's Bay (Old Crayfish Factory)
	Bergrivier Municipality	<ul style="list-style-type: none"> • Northern Dwarskersbos • Rooibaai
	Saldanha Municipality	<ul style="list-style-type: none"> • Britannia Bay • Cubb, Patemoster • Patemoster • Klein, North West Bay • Jacobsbaai
Overberg	Swartland Municipality	<ul style="list-style-type: none"> • Yzerfontein
	Swellendam Municipality	<ul style="list-style-type: none"> • Moddergat • Malgas Western Bank • Infanta Slipway
Eden	Cape Agulhas Overstrand	<ul style="list-style-type: none"> • Suidersstrand • Fisherhaven Slipway (A & B) • Harderbaai Slipway • Prawn Flats Slipway • Maanschynbaai Slipway (Hangklip) • Maanschynbaai Slipway (Klein River) • Rooiels Coastal Slipway • King Street Slipway • Kleinmond Coastal Slipway • Kleinbaai Boat Launching Site • Buffeljachtsbaai • Franskraal Coastal Slipway (Blouloep) • Du Toit Street Slipway • Blue Water Bay (Pearly Beach) • Die Damme (Cape Agulhas) • Rietfontein (Cape Agulhas)
	Bitou Municipality	<ul style="list-style-type: none"> • Plettenberg Bay Ski Boat Club
	Knysna Municipality	<ul style="list-style-type: none"> • Buffalo Bay Ski Boat Club
	George Municipality	
	Mossel Bay Municipality	<ul style="list-style-type: none"> • Klein Brak • Great Brak
	Hessequa Municipality	<ul style="list-style-type: none"> • Breede Estuary – Die Kraaltjie • Breede Estuary – NSRI Slipway • Duivenshok Site A Upriver • Goukou Main Slipway • Gourits Estuary Slipway

Annexure B

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OVERSTRAND SLIPWAYS EVALUATION			
Slipway	% Compliance	Cost to upgrade	Shortcomings
Rootels Coastal Slipway	70.7%	R 287 550.00	Parking, slipway structure
Maanschynbaai Slipway (Hangklip)	39.9%	R 259 000.00	Slipway structure, toilets to be upgraded
Kleinmond Coastal Slipway	85.3%	R 5 200.00	Signage
Fisherhaven Slipway A	83.5%	R 131 200.00	Signage, access control
Fisherhaven Slipway B	84.7%	R 8 200.00	Signage
Harderbaai Slipway	45.8%	R 344 450.00	Parking, toilets, access control
Prawn Flats Slipway	45.8%	R 323 550.00	Parking, toilets, access control
Maanschynbaai Slipway (Klein River)	32.2%	R 408 900.00	Parking, toilets, access control
Du Toit Street Slipway (Stanford)	57.3%	R 482 600.00	Parking, toilets, access control
King Street Slipway (Stanford)	0.0%	R 344 000.00	Only canoes/kayaks not launching site
Kleinbaai Boat Launching Site	75.2%	R 19 054 200.00	Deepen harbour, reconstruct jetty, toilets
Franskraal Coastal Slipway (Blousloep)	45.8%	R 344 000.00	Parking, toilets, access control
Blue Water Bay (Pearly Beach)	36.6%	R 478 050.00	Access, parking, toilets
Buffeljachtsbaai	31.5%	R 310 800.00	Parking, no toilets, access control
Die Damme	45.8%	R 340 000.00	Parking, no toilets, access control

Annexure C Pg 1 of 1

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Province of the Western Cape: Provincial Gazette Extraordinary 7679

16 September 2016

PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

ADV. B. GERBER,
DIRECTOR-GENERALProvincial Legislature Building,
Wale Street,
Cape Town.**PROVINSIALE KENNISGEWING**

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAALProvinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.**PROVINCIAL NOTICE**

P.N. 370/2016

16 September 2016

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**PUBLIC LAUNCH SITE REGULATIONS, 2014****AMENDMENT NOTICE TO THE PUBLICATION OF PUBLIC LAUNCH SITES AND THE IDENTIFIED MANAGEMENT BODIES FOR EACH LISTED SITE FOR THE WESTERN CAPE**

I, Anton Bredell, Provincial Minister of Local Government, Environmental Affairs and Development Planning in the Western Cape, hereby amend the Notice: Publication of Public Launch Sites and the Identified Management Bodies for Each Listed Site for the Western Cape, published under Provincial Notice No. 193 of 2015 in *Provincial Gazette* 7410 of 26 June 2015, by deleting from the table of listed public launch sites the name "Rietfontein (Cape Agulhas)" in the Overberg District.

Signed at Cape Town on this 12th day of September 2016.

A BREDELL,
PROVINCIAL MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

PROVINSIALE KENNISGEWING

P.K. 370/2016

16 September 2016

DEPARTEMENT VAN OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING**"PUBLIC LAUNCH SITE REGULATIONS, 2014"****WYSIGINGSKENNISGEWING VAN DIE PUBLIKASIE VAN OPENBARE BOOTLANSEERPLEKKE EN DIE GEÏDENTIFISEERDE BESTUURSLIGGAMME VIR ELKE GENOEMDE LIGGING VIR DIE WES-KAAP**

Ek, Anton Bredell, Provinsiale Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning in die Wes-Kaap, wysig hierby die Kennisgewing: Publikasie van Openbare Bootlanseerplekke en die Geïdentifiseerde Bestuursliggame vir Elke Genoemde Ligging vir die Wes-Kaap, gepubliseer onder Provinsiale Kennisgewing n. 193 van 2015 in *Provinsiale Koerant* 7410 van 26 Junie 2015, deur die naam "Rietfontein (Cape Agulhas)" uit die tabel getyde openbare bootlanseerplekke in die Overberg Distrik te skrap.

Geteken te Kaapstad op hierdie 12de dag van September 2016.

A BREDELL,
PROVINSIALE MINISTER VAN PLAASLIKE REGERING, OMGEWINGSAKE EN ONTWIKKELINGSBEPLANNING