

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting : 30 March 2016)**

**22.
KLEINBAAI NODAL DEVELOPMENT FRAMEWORK : MESSRS DECA & CSM ON
BEHALF OF OVERSTRAND MUNICIPALITY**

**Kleinbaai Development Node
SW van der Merwe (028) 313 8900 Hermanus Administration
19 January 2016
(Updated 26 February 2016)**

1. Executive Summary

The purpose of this report is to table the Kleinbaai Nodal Development Framework for adoption and inclusion as part of the Overstrand Spatial Development Framework (OSDF).

A Locality Plan of the study area is attached as Annexure A and the Kleinbaai Nodal Development Study is attached as Annexure B.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Creation and maintenance of a safe and healthy environment
The encouragement of structured community participation in the matters of the Municipality
Promotion of tourism, economic and social development

4. Delegated Authority

None

5. Legal Requirements

Municipal Systems Act 2000, Act 32 of 2000

6. Background/Discussion/Evaluation/Conclusion

Background

Kleinbaai over a number of years developed from a tranquil residential holiday town into a town renowned for its shark and whale watching opportunities giving rise to the development of a lucrative tourism business industry (shark

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and whale watching business, restaurants, accommodation establishments and other support services). The aforementioned resulted in growth of the area in an un-coordinated manner attracting large numbers of tourists from across the world.

Although specific mention is not made in the 2006 OSDF, it acknowledges amongst others, the role of the Kleinbaai slipway, the shark- and whale watching industry and tourism development based on the ecological and heritage value of the Overstrand region.

The Growth Management Strategy (GMS), 2010 identified several economic opportunities in the Greater Gansbaai area such as the Kleinbaai and De Kelders Tourism Nodes. With regard to the Kleinbaai slipway it is proposed that the node is to be enhanced with strict urban design parameters for development into a medium density mixed use activity node thus directing future growth and infrastructure spending towards appropriate locations.

Following the in-house report that served before the Mayoral Committee on 28 August 2013 it was resolved (the item and minutes are attached as Annexure E):

“that the development framework for Kleinbaai Harbour and Whalecove Nodes be accepted in principle with the goal of incorporating these plans within the Spatial Development Framework subject to the following conditions:

- a) that the Municipality appoints a professional team to draw up plans as contained in Annexure A of the agenda;*
- b) that a thorough public participation process be conducted, and*
- c) that the final document be referred back for final approval by Council.*

Following the above decision the consultant team was appointed in order to prepare a Nodal Development Framework Report that provides for tourism related mix use development into the designated node, to plan for the specific needs of this sector, whilst also being sensitive to the character of the surrounding area.

This item focuses on the Kleinbaai Nodal Development Study that consists of two parts, namely an Engineering Report and Urban Design Framework. The De Kelders Nodal Development Study will be dealt with in a separate item in the near future.

Discussion

Following Council’s resolution of 28 August 2013, a consultant team was appointed and the proposed Kleinbaai Nodal Development Study underwent a thorough public participation process comprising the following:

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- serving of registered notices on interested and affected parties, including property owners in and surrounding the identified tourism node;
- advertisements in the press initially allowing for public comment until 18 December 2014, but extended until 23 March 2015, and
- public meeting dated 5 March 2015.

The final comments/objections (refer to Annexure C) that were received are summarised in a comments and responses document and is attached as Annexure D and should be read together with the evaluation below. Amendments were made to the report where necessary.

The main grounds for objection, which is elaborated upon in the comments and responses document can be summarised as follows:

- **Impact on residential properties (noise, disturbance, loss of views, devaluation)**

It should also be borne in mind that Kleinbaai slipway is a registered slipway and the area in and surrounding the slipway is zoned as Transport and Harbour Development Zone respectively. The activities are therefore not deemed to be illegal. It is recommended that a by-law dealing with harbour operations be considered.

- **Proposals only benefit tourism businesses, but not owners of residential properties**

This statement is not agreed with. It is acknowledged that illegal land uses/activities may impact on adjacent properties. Formalization thereof following adoption of this report will serve to contain the proliferation/uncontrolled expansion of tourist business, thus strengthening planning control, thus beneficial to surrounding property owners as well.

- **Proposed bypass road is not supported**

The engineering report considers both short term and long term requirements for Kleinbaai. According to the Growth Management Strategy (GMS), which identifies potential for growth and informs town planning decisions in the Overstrand area there is large scope for development in the area. As elaborated upon in the urban design component of the report, the intention is to maintain the village character around Kleinbaai harbour, thereby enhancing the potential of Kleinbaai as a tourism node. In order to accommodate future developments and associated traffic without affecting the character of

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the Kleinbaai harbour and commercial precinct an alternative may have to be provided to the existing Van Dyk Street route, despite the availability of the newly surfaced DR 1201.

- **Additional boat parking bays is not supported**

This point is addressed in the evaluation below.

- **Separation of boat launching (smaller vessels alongside bigger vessels) is not supported**

Simultaneous boat launching already takes place. The intention is to formalise this practise making it safer and more efficient thereby allowing the launch frequency of small craft to be increased. The matter is however an operational matter to resolve with the respective day to day users of the slipway and is therefore retained in the report.

- **Parking precinct is not supported**

Parking will be provided on site in accordance with the Scheme Regulations as practically as possible. It should be noted that the Zoning Scheme Regulations in circumstances that is desirable permits off-site parking provision. Having had regard to the content of the report, the designated parking area is the only solution to the parking problems and will be dealt with in terms of the provisions of Section 17 of the Zoning Scheme.

- **Proposals not prioritised and no details regarding funding sources in the document**

The final Kleinbaai Nodal Development Framework Report categorised the proposed upgrades/interventions in Section 7. Following adoption implementation of the project will be subject to the incorporation of the various projects in the IDP and budgetary provision being made.

The original colour copy of the Nodal Development Framework Report is available at the office of the Senior Manager: Town- and Spatial Planning for scrutiny.

Evaluation

The study area of the Nodal Development Framework Report covers the Van Dyksbaai (Kleinbaai) village, whilst the identified tourism node and associated parking facilities are depicted in Figure 10 and 11 as per Annexure B, read together with the Urban Design Framework.

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The Nodal Development Framework is not a standalone document, but following adoption will form an integral part of the Overstrand Spatial Development Framework (OSDF). The development framework does not confer development rights, nor will it remove existing property/development rights. Upgrade proposals requiring rezoning, consent use or removal of restrictive title conditions will be subject to the normal requirements pertaining to the submission and processing of planning applications, including public participation requirements, thus allowing interested and affected parties the opportunity to comment on the detailed development proposal. The Nodal Development Framework is a guideline document that will guide land use planning and decision making in and surrounding the identified tourism node, whilst also ensuring that development occurs in an orderly manner when development proposals are considered.

The proposed interventions and improvements are discussed in Section 6 of the Nodal Development Framework Report (refer to Annexure B). The report acknowledges the slipway as anchor point in the village. It focuses on interventions and improvements that will establish a functional tourism and commercial tourism centre serving the needs of residents, holiday makers and tourists. The continued usage of the harbour as launching site for commercial and sport fishing vessels are ensured and catered for through the improvement proposals for the harbour. Upgrade proposals relates to the road network, zoning of properties in the business node, parking requirements and provision as well as the needs of pedestrians. The proposed interventions are then categorised in short, medium and long term proposals. Following adoption of the Nodal Development Framework, changes and improvements will occur incrementally over a number of years after agreement is reached with the various role players pertaining to the implementation priorities, where after the proposals will be incorporated in the Integrated Development Program (IDP) and budgetary provision will be made. Long term proposals are most likely dependable on the growth in the tourist industry and associated need for tourist facilities.

It should also be borne in mind that the adoption of the Nodal Development Framework will enable the finalisation of current planning applications from some of the shark boat operators that were put on hold subject to the finalisation of the Nodal Development Framework. In this regard improvements of the Kleinbaai commercial area were discussed and recommendations made pertaining to parking provision and on-site facilities that should be provided by the various shark boat operators. An important aspect of the commercial node is the provision of a parking area on the corner of the Van Dyk- and Perlemoen Streets intersections, providing for off-site parking for business and overflow parking. Off-site parking provision for businesses on the aforementioned will be dealt with in terms of the provisions of Section 17 of the Scheme Regulations where the respective applicants will

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buy out and provide parking that cannot be provided on their respective premises to the satisfaction of council in the aforementioned location.

From the report it is clear that the capacity of the Kleinbaai slipway is limited. It is thus apparent that in order to protect the vested rights of other harbour users, government cannot continue granting permits for shark and whale watching operators without taking cognisance of the existing operational capacity at the slipway. The aforementioned has been considered in the Engineering Report and it is recommended that in accordance with the recommendations contained in the report a maximum of 10 shark/whale watching boats will be permitted in the harbour. Should government issue additional permits in future it should be subject to such enterprises operating from the Gansbaai Harbour.

The interventions and upgrades proposed will enable the realisation of the long term vision for Kleinbaai as per the Urban Design Report that the whole of the demarcated commercial area should start functioning as a village with fences coming down, opening up of courtyards and walkways between buildings through which visitors can meander, visit cafes and browse through shops.

Conclusion

From the evaluation above it clear that the proposed interventions contained in the Kleinbaai Nodal Development Framework Report will serve to achieve the strategic OSDF objectives of promoting sustainable and efficient development that protect the environmental integrity and character of the Van Dyksbaai (Kleinbaai) village, including the activities in and surrounding the slipway. It is therefore recommended that the Precinct Plan be adopted by Council as part of the SDF.

7. Financial Implications

Implementation of proposed interventions will be subject to incorporation thereof in the IDP and budgetary provision being made.

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

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10. Annexures

- Annexure A: Locality Plan indicating the study area
- Annexure B: Kleinbaai Nodal Development Study
- Annexure C: Comments and objections received
- Annexure D: Comments and responses report
- Annexure E: Item and minutes 28 August 2013

RECOMMENDATION TO THE COUNCIL:

that Council adopts the Kleinbaai Nodal Development Study attached as Annexure B as part of the Overstrand Spatial Development Framework, subject to the following conditions:

- (a) that parking at the Kleinbaai slipway for shark/whale watching boats be restricted to a maximum of 10 parking bays in accordance with the recommendations of the Engineering Report; and
- (b) that any future permits over and above the 10 referred to in (a) above, be issued by Western Cape and/or National Government be subject thereto that such enterprises operates from Gansbaai Harbour.

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	N/A

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19 January 2016
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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 MARCH 2016, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

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