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Government

Western Cape Provincial Coastal Access Audit - Garden Route Municipal District

MAIN REPORT

November 2019

Western Cape Provincial Coastal Access Audit - Garden Route Municipal District

Western Cape Provincial Department of
Environmental Affairs and Development Planning

Control Sheet

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Summary

The Western Cape Provincial Coastal Access Strategy and Plan (WC-PCASP) requires an audit of all coastal access sites along the provincial coastline to provide an inventory of what sites exist, their conditions, any conflicts and improvements required. Such an audit of coastal access sites and nodes in the Garden Route District Municipality was conducted in January and February 2019.

The audit took the form of detailed site inspections using the checklist developed in the WC-PCASP as a basis combined with workshops held with stakeholders to obtain additional information.

For the purposes of mapping, the coastline was divided into sectors which had either:

- Similar land-use;
- Consistent coastal access provision; or,
- Similar geomorphology.

Each zone/ sector was given a unique reference code which reflects the area in which the zone is situated and the number of the site within that zone.

The zones were then characterised according to the uses for which facilities had been provided by the District Municipality and given colour codes as shown below.

Town/area	Site Ref:	Colour	Characterisation	Colour	Characterisation	
		Access in conflict		Pedestrian access		
Restricted Access		Nature reserve access				
Vehicle access		No formal access				
Description:						
Facilities provided:						
Planned uses catered for:						
Concerns:						
Needs:						
Recommendations						
Priority Action Items						
Conflict	Environmental degradation/ damage	Safety and security	Identified need	Maintenance required	Further investigations required	Illegal activities

The audit protocol provides for the identification of any of seven priority actions needed to be fulfilled by the municipality. The seven priority actions are:

- existing conflict;
- environmental degradation/ damage;
- safety and security;
- identified needs;
- maintenance required;
- further investigations required; and,
- illegal activities identified or suspected.

The location of the sectors or zones was transferred onto GIS maps with the corresponding reference number and the priority action items captured in the composite list.

The draft maps and characterisation were then issued to the public for comment and input. Individual open days were held in Mossel Bay, Vermaakliheid and Albertinia to obtain additional inputs and comment. These issues are summarised in the main body of this report and included verbatim in **Appendix 2**.

The key issues arising from the coastal access audit of the Garden Route were:

- The marginalisation of local low-income communities in broad scale coastal planning and resultant restriction of reasonable access to the CPP.

During the audit, it became apparent that previous coastal planning exercises had not adequately included the local low-income communities. As a consequence, their access to the coastal zone has not been addressed and has resulted in large scale exclusion from the resource base.

- Not enough attention has been paid to the needs of the general public regarding access to the coast for recreational purposes.

Stakeholder needs in this regard are definitely not limited to angling, but also includes hiking, picnicking and other family orientated activities. In many instances, the public right of way has been alienated in favour of private property rights.

Opsomming

Die Wes-Kaapse Kustoegang Strategie en Plan (WK-KTSP) veries 'n oudit van alle kustoeganspunte met die doel om 'n inventaris op te stel van welke sulke persele in die studiearea bestaan, die toestand waarin hulle verkeer, verbeterings wat nodig mag wees sowel as enige konflikte rakende toegang wat daar voorkom. 'n Sodanige oudit is tydens Januarie en Februarie 2019 vir die Tuinroete Distrik Munisipaliteit onderneem.

Die oudit het die vorm aangeneem van gedetailleerde terreininspeksies and die geïdentifiseerde areas. Die kontrolelys wat as deel van die WK-KTSP ontwikkel was is vir hierdie doel ingespan. Hierdie proses is gekombineer met werkswinkels waartydens plaaslike belanghebbendes addisionele inligting oor hulle spesifieke areas met die projekspan gedeel het.

Ten einde die kartering van die massas inligting te vergemaklik, is die kuslyn in sones verdeel, gebasseer op:

- Soortgelyke grondgebruike;
- Toegangsvoorsiening van 'n vergelykbare of selfde aard, of
- Soortgelyke geo-morfologie.

Elk sone is 'n unieke verwysingskode toegeken wat die ligging van die sone, sowel as die spesifieke nommer van die individuele perseel binne daardie sone aandui.

Die persele en sones is hierna verder omskryf volgens die aard van die gebruikte waarvoor hulle ontwikkel is en aangewend word, en 'n kleurkode toegeken soos hieronder aangetoon.

Dorp/area	Terrein Verw:	Kleur	Karakterisering	Kleur	Karakterisering	
		Konflik area		Voetganger toegang		
Bepaalde toegang		Toegang in geproklameerde reservate				
Voertuig toegang		Geen formele toegang				
Beskrywing:						
Fasiliteite voorsien:						
Beplande gebruikte voorsiening voor gemaak:						
Kwelpunte:						
Behoeftes:						
Aanbevelings:						
Priority Action Items						
Konflik	Omgewingskade	Veiligheid en sekuriteit	Geïdentifiseerde behoefte	Onderhoud nodig	Verdere ondersoek nodig	Onwettige aktiwiteite

Die oudit protokol laat toe vir die identifisering van enige van sewe prioriteit kategorieë wat ingryping deur die Distrik Munisipaliteit nodig, naamlik:

- Bestaande konflik;
- Skade aan, of degradering van die omgewing;
- Veiligheid en sekuriteit;
- Spesifieke behoeftes / gemeenskapsbehoefte;
- Onderhoud benodig;
- Verdere ondersoek benodig, en
- Kriminele aktiwiteit (synde bewese of vermoed).

Die ligging van die sones en persele was oorgedra na GPS kaarte, tesame met die gepaardgaande verwysingsnommer. Die prioriteit aksies benodig in elke geval is ingesluit in die saamgestelde lys van aksie-items.

Die konsep weergawe van die kaarte en karakterisering is hierna aan die publiek beskikbaar gemaak vir kommentaar en insette. Individuele opedae is by Mosselbaai, Vermaaklikheid en Albertinia gehou ten einde addisionele insette en kommentaar van die publiek te verkry. Die resultate van die skakelingsproses is beide in die hoof verslag (opsommend), sowel as in Aanhangsel 2 (woordeliks) vervat.

Die volgende sleutel kwelpunte is tydens die kustoegangsoudit van die Tuinroete geïdentifiseer:

- Die marginalisering van lae-inkomste gemeenskappe wanneer dit kom by beplanningsprosesse rondom kusbestuur.

Tydens die oudit het dit duidelik geword dat die plaaslike lae-inkomste gemeenskappe nie genoegsaam verteenwoordig was in vorige kusbeplanningsprosesse nie. Gevolglik is hulle behoeftes rondom kustoegang grootendeels nie aangespreek nie en word hulle tot 'n beduidende mate uitgesluit van toegang tot die kus as 'n hulpbron.

- Daar word ook nie genoeg aandag gegee aan die behoeftes van die algemene publiek wanneer dit kom by kustoegang vir ontspanningsdoeleindes nie.

Belanghebbende partye se behoeftes in hierdie opsig is definitief nie beperk tot hengel nie, maar sluit ook stap, piekniek en ander gesinsaktiwiteite in. In menige gevalle is die publiek se reg van weg vervreem ten gunste van privaat eiendomsregte.

Abbreviations

CAPE	Cape Action for People and the Environment
CMA	Catchment Management Agency
CPP	Coastal Public Property
DAFF	Department of Agriculture Forestry and Fisheries
DEA	National Department of Environmental Affairs
DEA&DP	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
ICMA	Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)
IDP	Integrated Development Plan
MCC	Municipal Coastal Committee
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NCAS	National Coastal Access Strategy
NGO	Non-Governmental Organisation
NPO	Non-Profit Organisation
ORV	Off-road vehicle
PCC	Provincial Coastal Committee
PCMP	Provincial Coastal Management Programme
SDF	Spatial Development Framework
SALGA	South African Local Government Association
WCPCMP	Western Cape Provincial Coastal Management Programme 2016
WC PCASP	Western Cape Provincial Coastal Access Strategy and Plan

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Appendix 1: Annotated maps and explanatory text

Appendix 2: Stakeholder Submissions

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1 Introduction

1.1 Purpose of this document

The Western Cape Government commissioned the development of the Western Cape Provincial Coastal Access Strategy and Plan (WC PCASP) as well as the development of a framework by-law which could be used to designate coastal access in terms of section 18 of ICMA in 2016/2017.

The WC PCASP contained, amongst others, the requirement for the use of coastal access audit checklists to facilitate assessment of existing and historical access, recommend actions and prioritise funding as well as investigate the potential for provision of Universal Access.

These checklists and resulting recommendations are intended to assist municipalities (both District and Local) to prioritise actions and therefore funding of coastal access and to approach management and provision of coastal access in a structured manner.

The checklists and the framework by-law (developed in a parallel initiative) were developed as desktop exercises without testing in the field. For this reason, the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) wished to have the auditing approach and the by-law tested in actual situations. For this purpose, a test audit of the Overberg District and a pilot study granting coastal access was commissioned in 2017.

The audit of the Overberg District Municipality coastal access was successfully completed and submitted. The Middlevlei Estate was selected as a pilot study as part of the project. The reports on these two investigations are available under separate cover.

Following on the success of the coastal access audit in the Overberg District, similar audits were commissioned in the West Coast and Garden Route districts in 2018-2019 using lessons learned in the Overberg Coastal Access Audit to refine the approach.

This document presents the approach and outcomes of the Garden Route Coastal Access audits.

Box 1: Purpose of this Document

This document details the results of the information gathering workshops at various locations in the District and site visits to all access points/nodes along the Garden Route Coastline.

It was issued in draft form to solicit further inputs from stakeholders on the accuracy and completeness of the information collected so that subsequent use of these results is based on verified information. All information obtained from stakeholders has been included in this document including any conflicting or opposing views or information.

It is not the intention to choose between any opposing views or allocate or remove access. It is purely a report on information gathered.

1.2 Structure of this Document

The main sections of this report are listed below:

Section 1 provides an introduction and background to the project;

Section 2 contextualises the project in terms of relevant legislation and the WC PCASP;

Section 3 describes the approach to the audit;

Section 4 contains the results of the audit and key findings; and,

Section 5 contains the discussion of the results and way forward.

2 Background

This section provides the context for the coastal access audit within the National Legislation and the WC PCASP.

2.1 Context

The Coastal Management Policy White paper (The Policy) published in 2000 represents a major shift in thinking about coastal management. The Policy is driven by the challenges of transforming our society and economy in South Africa today. The Policy is informed by the goals of reconstruction and development – to meet basic needs, develop human resources, build the economy and democratise the State and society. The Policy has also been developed in the context of government's macro-economic strategy, which aims for a competitive, fast-growing economy that creates sufficient jobs for all work-seekers and a redistribution of income and opportunities in favour of the poor. Failure to invest in coastal management now through a dedicated coastal policy will result in a degraded coastal environment and leave many coastal communities in poverty, thereby reducing options for future development in South Africa.

In the past, the value of coastal ecosystems as a cornerstone for development was not sufficiently acknowledged in decision-making in South Africa. The Policy outlines the importance of recognising the value of the coast. In addition, in the past, coastal management was resource-centred rather than people-centred and attempted to control the use of coastal resources. The Policy sets out a people-centred approach and stresses the powerful contribution that can be made to reconstruction and development in South Africa through facilitating sustainable coastal development.

Our coast provides immense benefits to the people of South Africa. The estimated value of the direct benefits obtained from all coastal goods and services in South Africa is about R168 billion annually. Indirect benefits, for example, ecosystem services such as erosion control and waste treatment, contribute a further R134 billion annually.

In addition to direct benefits, the coast also provides indirect benefits, to which a value can be given, our coast has significant aesthetic, cultural educational, scientific and spiritual value. The recognition of this value is critical since it upholds the right of people to visit to the coast simply for itself and not necessarily for a livelihood or formal recreational activity- but for "soothing the soul". This is pivotal when designating coastal access land based on typology needs. It talks to the kind of decision-making that would allow fishing but not picnicking in a specific area.

Coastal economic development potential on a national scale can be explained by two major factors, both related directly to the coastal environment – the access to international trade provided by transport networks and ports, and the attractive lifestyle, recreational and tourism opportunities offered by a coastal location. These features depend on the maintenance of a high-quality coastal environment through effective coastal management. Our valuable coastal assets and future development opportunities will be squandered, unless we maintain a healthy coastal environment. This means managing coastal ecosystems in a way that recognises their complex, interconnected nature, and prevents them from being over-used and degraded.

The coast is the site of complex interrelationships between humans and natural systems. Although coastal ecosystems are resilient, they are finite and vulnerable to over-use, pollution and damage. The direct land-sea interface of the coast is a limited and spatially confined area that derives its value from the associated aesthetic qualities, lifestyle and economic opportunities. Without effective management, many of our coastal resources will be over-used and degraded to the point where social and economic benefits can no longer be derived from them. The special, complex and interconnected nature of the coast means that a dedicated, co-ordinated and integrated coastal management effort is required.

For coastal development to be ecologically sustainable, it should involve protection of coastal ecosystems and sustainable use of marine and coastal resources. For coastal development to be socially sustainable, it should emphasise public awareness and shared responsibility, empowering disadvantaged individuals and communities, including women and the poor. For coastal development to be economically sustainable it should diversify opportunities, provide jobs and facilitate access to productive resources. And for coastal development to be institutionally sustainable it should involve creative partnerships between government, civil society and the private sector.

Our coast supports a wide variety of human activities, but these are seldom co-ordinated, thereby reducing overall benefits. In the past, isolated sectoral management resulted in degradation of the coast and a failure to capitalise on opportunities. A co-ordinated approach to coastal management acknowledges that the coast is a system and that different human uses of coastal resources are interdependent. These uses affect one another and the overall benefits that can be gained from the coast. Co-ordinated, systemic and integrated management is needed to ensure that the positive benefits of different human uses are realised in the interests of all South Africans. This means that our coast should be managed in a

holistic way as a system, not as a range of distinct sectors. Integration needs to happen at a number of levels – geographically, across time scales, across sectors and disciplines, as well as political and institutional integration and the integration of policy, management, education and research.

The Policy sets out the following vision for our coast:

Box 2: The Vision for Coastal Management in the White Paper of 2000

We, the people of South Africa, celebrate the diversity, beauty and richness of our coast and seek an equitable balance of opportunities and benefits throughout it.

We strive for sustainable coastal development – involving a balance between material prosperity, social development, cultural values, spiritual fulfilment and ecological integrity, in the interests of all South Africans.

We strive for a time when all South Africans recognise that the coast is ours to enjoy in a spirit of community.

We look forward to a time when all South Africans assume shared responsibility for maintaining the health, diversity and productivity of coastal ecosystems in a spirit of stewardship and caring.

We seek to guide the management of our coast in a way that benefits current and future generations and honours our obligations and undertakings from local to global levels.

In order to give effect to this, 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) published a National Strategy for the Facilitation of Coastal Access in 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 developed 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 province. Furthermore, it responds to the specific amendments to ICMA affecting coastal access that was promulgated in October 2014 and came into effect in May 2015, after finalisation of the NCAS.

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 recreational use.

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:

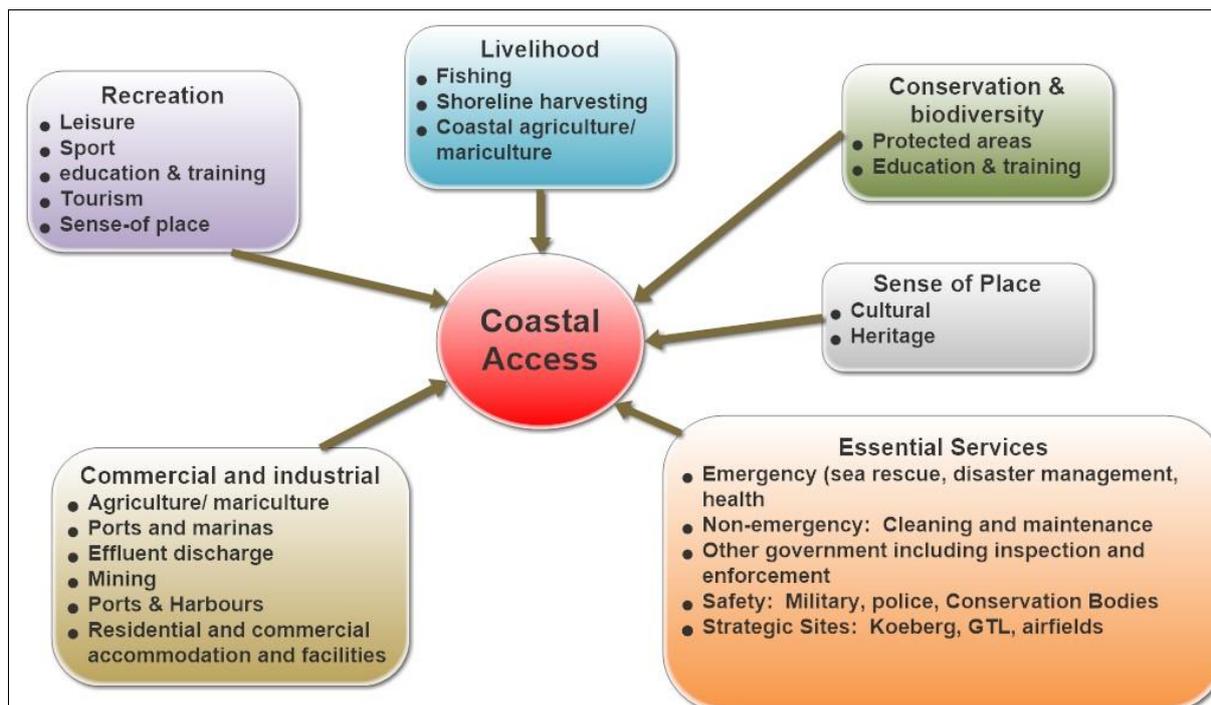


Figure 1: Why have Coastal Access?

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. In addition, coastal access provision must also take cognisance of biophysical attributes of the location as well as local planning provisions.

Box 3: 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 NCAS (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 are either longshore (along the shoreline) or cross-cutting (perpendicular to the shoreline).

Means of accessing the coast include walking, various means of access by 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 public or private land;
 - 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 which is subject to regular reviewing).
- Seasonal coastal access; e.g. 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.

Box 4: Minimum Requirements for Coastal Access Points

The minimum requirements for coastal access so designated are 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.**

Although Section 18 of ICMA requires all metropolitan and district municipalities to make a by-law that designates strips of land as coastal access in order to secure public access to that coastal public property, it 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 which are pivotal to this Coastal Access Audit:

- **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.

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, with inputs from communities on 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. This could also be achieved by way of declaring a servitude without changing the zoning.

Through the WC PCASP, the Western Cape Government 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.

Coastal access routes (strips/ points/ areas) must be designated in municipal forward planning documentation as well as property

records (e.g. land use plans, zoning schemes, title deeds etc.).

The framework Coastal Access By-law recommends that as a first step, municipalities should first conduct a coastal access audit. This will allow the municipality to identify the need for formal designation of coastal access points and assist with prioritising coastal access points for possible designation.

2.2 Additional Sources of Guidance for the Planning and Management of Coastal Access

2.2.1 National Coastal Access Strategy for South Africa (NCAS)

Since 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 5: 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.

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. *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 6: 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) generally sensitive environments, and
- 2) unstable and changing environments.

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.

The NCAS offers the following on these two topics:

Box 7: NCAS on Rights to Coastal Access

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.

2.2.2 2016 Western Cape Provincial Coastal Management Programme

The 2016 Western Cape Provincial 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 **Error! Reference source not found.** 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

National Asset	<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>
Economic Development	<i>Coastal economic development opportunities must be optimised to meet society's needs and to promote the wellbeing of coastal communities.</i>
Social Equity	<i>Coastal management efforts must ensure that all people, including future generations, enjoy the rights of human dignity, equality and freedom.</i>
Ecological Integrity	<i>The diversity, health and productivity of coastal ecosystems must be maintained and, where appropriate, rehabilitated.</i>
Holism	<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>
Risk Aversion & Precaution	<i>Coastal management efforts must adopt a risk averse and precautionary approach under conditions of uncertainty.</i>
Accountability & Responsibility	<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>
Duty of Care	<i>All people and organisations must act with due care to avoid negative impacts on the coastal environment and coastal resources.</i>
Integration & Participation	<i>A dedicated, co-ordinated and integrated coastal management approach must be developed and conducted in a participatory, inclusive and transparent manner.</i>

Co-operative Governance	<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>
Differentiated Approach	<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>
Adaptive Management Approach	<i>Incrementally adjusting practices based on learning through common sense, experience, experimenting, and monitoring ("learning-by-doing").</i>

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 are depicted in the table below:

Table 2: WCPCMP: Priority Area 3: Facilitation of Coastal Access

GOAL: Promote coastal access and accessibility that is both equitable and sustainable		
1. Coastal Management Objective: Enable physical public access to the sea, and along the seashore, on a managed basis		
Implementation Strategy	Output Indicators	Time Frame
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

2.2.3 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 fulfilling 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 a municipality's responsibility to ensure coastal access.

Box 8: Provisions of the Municipal Systems Act

- *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;”*

2.3 General Principles for Providing Coastal Access

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

Box 9: General Principles for Planning 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.

Box 10: Common Issues Requiring Management Once an Area is Designated Coastal Access

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 publicly 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.

These will all need to be considered in the planning of new coastal access nodes or points. Care must be taken not to focus solely on the needs of the communities but also on the needs of the environment. This raises two key issues that must also be considered.

Box 11: Key Ecological Issues to be Considered

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. (Reference Sections 13 and 20 of ICMA.)

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

2.4 Best Practice Guidelines and Principles

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

In addressing conflicting needs as well as physical constraints of development in the coastal zone, a very structured approach to planning new coastal access nodes is required. The sorts of issues to be considered are depicted below:

Box 12: 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?
- 2) Coastal wildlife, landscape, and quality of enjoyment benefits
- 3) 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?
- 4) What opportunities do the different options provide or allow for managing access/the land to encourage a more diverse and wildlife rich coastal environment?
- 5) 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)

2.4.2 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, each having pros and cons and should be used as appropriate in the specific context of the planned coastal access.

Table 3: Strategies for the Facilitation of Access

Strategy	Explanation
Public-Private Alliances	<p>Many coastal access points traverse private property. Public access can be provided by formal agreements between landowner and Municipalities. Such agreements can include provisions such as limits to number of visitors, uses to which the access can be put as well as the imposition of an entry fee. In order to ensure continuity, it is preferable that such agreements are appended to the Title Deeds.</p> <p>A group of public and private sector organizations can purchase, protect, restore, and enhance coastal resources, and to provide access to the shore (e.g. Coastal Conservancies).</p> <p>This can also include formalised agreements for right of access across private land between the landowner and the municipality.</p>

Strategy	Explanation
Regulatory Tools	<p>A formal strategy by a government to utilize the regulatory functions available to them to obtain, protect and preserve public coastal access.</p> <p>S26 of ICMA allows the national Minister to adjust the inland boundary of coastal public property thereby increasing the portion of coastal land accessible to the public.</p> <p>Municipalities can create servitudes through the MSA process. It is less administratively burdensome than designating land in terms of ICMA but such servitudes may not ensure public access in perpetuity as it is easily 'revoked'</p>
Title Deed Restrictions	<p>Many coastal properties have title deed restrictions that entrench public servitudes above the high-water mark. Unfortunately, these restrictions are not always adhered to. Land Use Decision makers must ensure that such servitudes are maintained and enforced.</p>
Acquisition	<p>Land can be acquired for coastal access by acquisition and expropriation is not the same. Acquisition implies purchasing land.</p> <p>Designation of coastal access land is not expropriation but equates to deprivation. Whilst the designation of CAL does not result in the loss of property it does result in limited use of that servitude area by the landowner.</p>
Planning	<p>Planning tools such as zoning schemes, Spatial Development plans (SDFs) and Integrated Development Plans (IDP) define coastal access sites or strips and not only ensure that budgets are allocated but ensure that surrounding land uses take cognisance of the presence and functioning of the coastal access sites.</p> <p>This requires formal strategy by a government department 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).</p>

2.5 Issues and Problem with Coastal Access

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

2.5.1 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 servitudes¹⁾.

Another example is where a private landowner declares his property as a private nature reserve to ensure exclusion of the public from his land. The declaration is ostensibly in the greater interest of ecological protection but denies the public access to the coast in so doing. The debate should then extend to whether or not excluding the public from these areas should be considered a “necessary evil” or if the conservation of these areas also has the public interest in mind and should therefore allow some extent of access to the resources being conserved.

2.5.2 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.

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).

¹ <http://www.noetzie.co.za/wp-content/uploads/2012/08/Legal-Opinion-RE-closure-of-steps-at-Noetzie-Beach1.pdf>

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

2.5.3 Environmental Authorisations

Currently, applications for authorisation for developments in the coastal zone are required to provide public access to the CPP. Typically, this takes the form of minimal or limited access for designated activities i.e. fishermen only and no picnickers etc. at the discretion of the developer and focussed the interest of the development rather than local communities.

This approach is failing the local impoverished communities in many instances by ignoring the existing benefit uses of the coastal resources by small, often isolated and unempowered communities. Typically, these communities rely on access to the CPP for, fishing (this includes use of marine resources in its widest sense including subsistence fishermen and bait collectors), and "fun". Limiting the access of these communities who have no ready access to other similar facilities conflicts with the aims of the ICMA. Rather the application process should investigate what current benefit uses are taking place in the development area. These need to be qualified and quantified. This process should detail:

- how often the benefit use activities take place
- by how many people and
- what facilities are required.

The EAP should be required to develop a hierarchy of needs in the Need and Desirability Statement with subsistence activities taking priority as this is frequently the only source of income for the family. Lack of financial resources for such communities frequently precludes relocating the community or activity to locations outside the proposed development. The assessment must then detail minimum requirements for the facilitation and maintenance of this benefit use. The developer should ideally be required to demonstrate how the proposed activity will accommodate and perpetuate existing benefit uses.

2.5.4 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.

2.5.5 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.

Many 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 IDPs to allow for the efficient implementation of coastal access and to allow municipalities to obtain the necessary funding through various available mechanisms.

2.5.6 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.”

2.6 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, 2014²):

Table 4: Status of Western Cape Municipalities

Status	Priorities
<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 host 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"> • West Coast: Physical access to the West Coast is restricted by private land holdings, private development and nature conservation areas; • West Coast: There is controversy over access to marine resources and how the benefits could be more equitably distributed 	<ul style="list-style-type: none"> • Undertake a provincial-level assessment and stakeholder validation of the state of coastal access. • Increase the accessibility to the coast in rural areas and formalize access to the coast; • Development of amenities and infrastructure to accompany the

² National Coastal Access Strategy for South Africa – DEA 2014

<ul style="list-style-type: none"> • West Coast: Conflict between industrial development, nature conservation and tourism activities, particularly in the Saldanha- Langebaan area • West Coast: Uncontrolled ribbon development is taking place • Cape Town: Access to certain beaches is restricted • Cape Town: Highly urbanized requiring intensive management • Agulhas Coast: Pedestrian access above the HWM must be ensured • Agulhas Coast: Privatisation of state land on the coast limits public access • Agulhas Coast: Appropriately designed or controlled access to beaches is needed to protect the sensitive environment, and • Garden Route: Public access is limited by private development, privatisation of beaches and nature reserves. 	<p>provision of public access;</p> <ul style="list-style-type: none"> • Maintaining and promote existing public access to the coast; • Ensure that infrastructure does not degrade the coastal environment; • Maintain or reduce the number of access points in urbanized areas.
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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 municipal officials 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.

2.6.1 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 as a consequence of financial constraints. 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. In addition, there are sites with existing user conflicts which need to be resolved. Their priorities in this regard are summarised in the figure below.

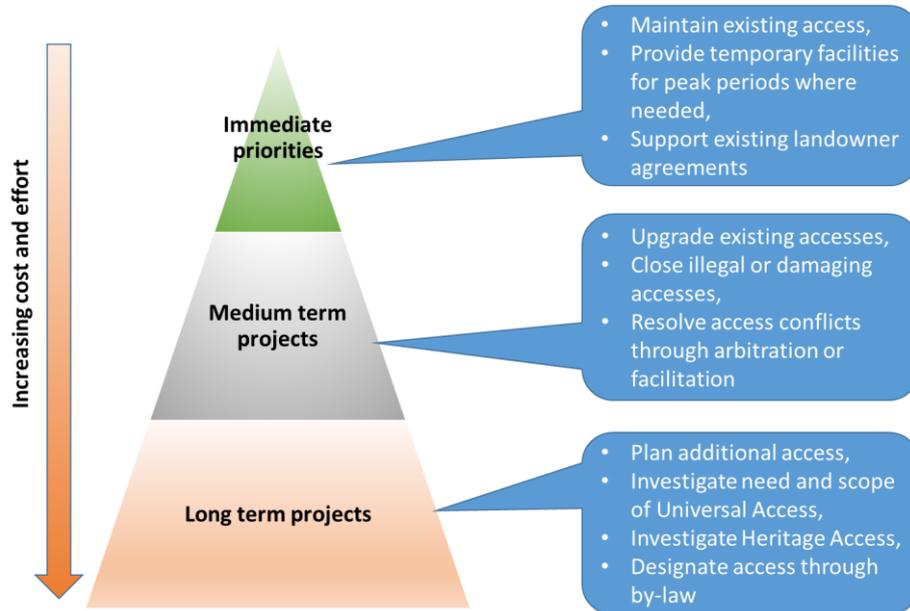


Figure 2: Schematic depicting priorities for provision of coastal access at local municipal level

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

3 Audit Approach

The scope of work of this project is to conduct audits of coastal access sites in the Garden Route District Municipality from Witsand in the West to Nature's Valley in the East using the checklist from the WC-CASP as a basis. It is noted that the audit is to assist Municipal planning and will therefore focus on Municipal land or land over which the municipalities have some measure of control. Conservation areas will be noted and commented on where appropriate but will not be assessed in the same detail since coastal access in these areas is managed by different statutory bodies.



Figure 3: Map of the Garden Route Coastal Access Audit Study Area

It is important to note that the audit results represent a snapshot in time. They cannot uncover all details of all issues in a single site visit. Additional investigations may be required to provide more detail on the findings of the audit. The report as a whole should be seen as the start of a process not an end in itself. It should focus attention and resources towards improving coastal access over time.

Box 13: Purpose of the Coastal Access Audit

- 1) Conduct site inspections to:
 - a) Identify and characterise all existing coastal access sites or nodes
 - b) Identify any illegal activities
 - c) Compare existing provisions with minimum requirements as detailed in the WC-CASP
 - d) Identify any priority actions
 - e) Make recommendations for improvement of changes
- 2) Conduct stakeholder workshops to:
 - a) Identify and confirm access sites/ nodes
 - b) Detail typologies (i.e. activities catered for) at each node/ site
 - c) Document any reported conflicts or denied access
- 3) Report:
 - a) Map colour-coded coastal access nodes and sites
 - b) Current status of each node or site
 - c) Recommendations for further action
 - d) Conclusions on current status of coastal access nodes or sites.

3.1 Site Assessments

The results of the audit are reported in text and in GIS maps. For the purposes of mapping, the coastline was divided into sectors which had either:

- Similar land-use;

- Consistent type of coastal access provision; or,
- Similar geomorphology.

Each zone/ sector was given a unique reference code which reflects the area in which the zone is situated and the number of the site within that zone. For example (from the West Coast audit), Gan-01 is the first site audited in Ganzekraal. The sectors are numbered according to the order in which they were surveyed from the extreme north to the south of the study area. Please note, these sector “names” do not necessarily reflect municipal boundaries or official townships names but are used for convenience.

The zones were then characterised according to the uses for which facilities had been provided by the municipality and given colour codes as shown below.

Table 5: Key for the Categorisation of Coastal Access

Colour	Characterisation	Action by Municipality
Access in conflict	Conflict area (an area of conflict identified in the stakeholder workshops or via written submissions). This can be conflict uses, historic access now denied or other conflict. <u>Private property through which public access is specifically prohibited falls in this category.</u>	Resolve conflict
Restricted Access	Restricted Access. These are areas where entrance is restricted. This can include the need to: <ul style="list-style-type: none"> • Obtain a permit; • Pay an entrance fee; or • Contact the landowner for permission to access the CPP It also includes areas where private residences abut the CPP between the shoreline and public road thus preventing access by virtue of their location. This will include private property and private reserves. <u>It will also include private properties where right of public access could not be determined in the scope of this study and no signage was in evidence indicating how and where public access was possible.</u> <i>This characterisation implies that the access is not assured, and can be denied/ blocked.</i>	Ensure that coastal access conditions of approval are upheld and that public coastal access does not become limited by landowner actions or change of ownership. If this occurs, the characterisation changes to conflict. Ensure that public access is adequately signposted with any associated entrance details
Vehicle access	Vehicle Access. Vehicle access is possible to the Coastal Public Property (CPP) but not necessarily to the beach itself. This may or may not include formalised parking areas. Pedestrian access is unrestricted thereafter. The presence of these roads ensure long term coastal access.	Maintain roads and other infrastructure which permits vehicle coastal access. Ensure there is adequate signage to direct public to the coastal access.
Pedestrian access	Pedestrian access only. Vehicles are prevented from accessing the CPP but there is formal provision for pedestrian access e.g. boardwalks or hiking trails. For the most part walking longshore is possible. However, the distance that can be walked is dependent on the level of fitness and mobility of the pedestrian and the terrain. For this reason, this was NOT categorised as pedestrian access – only areas where there is specific provision for pedestrians. The presence of the infrastructure ensures long term coastal access.	Maintain infrastructure which permits pedestrian coastal access. Ensure there is adequate signage to direct public to the coastal access.
Access in Proclaimed reserves	Sites in proclaimed reserves. These are formally proclaimed reserves (in terms of the National Environmental Management: Protected Areas Act No. 57 of 2003 as amended), entry being controlled by booms or gates or requiring an access fee or permit. They do, however, guarantee long term coastal access rights. Private reserves can be de-proclaimed but this will involve a transparent process in which the municipality can express the need for coastal access as required.	No action required if another state department is responsible. If it is a municipal reserve- maintain reserve. A watching brief must be maintained in case any private reserves initiate a process to de-proclaim their status as a reserve.
No formal access	No formal access- there are no formal provisions for direct coastal access, this category will frequently be used where there are steep cliffs or dense vegetation making even pedestrian access impossible. This category is commonly found in remote areas between towns.	No action required as access is impractical.

Since the purpose of this coastal access audit is to assist the municipalities prioritise coastal access actions, the characterisation table has been designed to reflect decreasing intensity of effort required by the municipality, with the most intense effort at the top of the table and the least at the bottom.

It is important to note that a typology (designated use) was only documented if it was specifically provided for by the municipality as indicated by signage or facilities. Clearly it is theoretically possible to fish or swim at almost any point along the coast even if it is dangerous, but this does not mean the whole coastline is actually used for fishing or bathing. Furthermore, the audit was intended to show where improvements

by the municipality are required. If the municipality did not plan for a specific use, then it cannot be audited in terms of its provision of facilities for that use. However, if a use is NOT planned but there is clearly a need, such a use will be highlighted in the recommendations.

Each zone or sector was then audited using the standard audit protocol.

Additional information was obtained through stakeholder workshops and written submissions from stakeholders (see section 3.2 below).

The audit protocol provides for the identification of any of seven priority actions needed to be fulfilled by the municipality. The seven priority actions are:

- existing conflict;
- environmental degradation/ damage;
- safety and security;
- identified needs;
- maintenance required;
- further investigations required; and,
- illegal activities identified or suspected.

The audit results were captured on summary tables for each sector or zone as depicted in the example below.

Town/area		Colour	Characterisation	Colour	Characterisation	
		Access in conflict		Pedestrian access		
Site Ref:		Restricted Access		Nature reserve access		
		Vehicle access		No formal access		
Description:						
Facilities provided:						
Planned uses catered for:						
Concerns:						
Needs:						
Recommendations						
Priority Action Items						
Conflict	Environmental degradation/ damage	Safety and security	Identified need	Maintenance required	Further investigations required	Illegal activities

Figure 4: Example of an audit report table

The location of the sectors or zones was transferred onto GIS maps with the corresponding reference number and the priority action items captured in the composite list. The lines depicting the zones and any icons are used as a schematic representation to provide an overview and are not intended to be geospatially accurate. The maps are presented in section 4 of this audit report. They are again presented in Appendix 1 accompanied by the explanatory tables.

3.2 Stakeholder Engagement

Although skilled in their field, the auditors cannot unearth details of coastal access sites and nodes and their uses on their own. For this reason, it is critical to involve stakeholders to learn from their local experience and perspective especially since the outcomes of this audit process will affect them. Two general rounds of stakeholder interaction were conducted.

The regulatory authorities include representatives from national, provincial and municipalities were involved in the planning, and regular project review meetings since the District and Local Municipalities will be responsible for implementing any actions arising from the audit.

Two groups of stakeholders were involved in the process. These are:

- Regulatory authorities and
- general public, NGOs, CBOs and other civil society groupings.

Stakeholder's involvement was planned in two ways, comprising the use of technology (google earth) as well as a 'traditional' form of stakeholder engagement through public open days using hardcopy maps.

Firstly, the results of the ground-truthing site inspections were mapped using Google Earth. This preliminary mapping was submitted to local authorities and conservation agencies for comment. The revised maps were then sent to the wider stakeholder database via electronic medium for further comment.

It was acknowledged that the majority of rural and peri-urban communities along the Garden Route do not have access to email or other digital media. In order to ensure that they were able to effectively engage with the process, open days were held in such communities on the following days:

Open days were held for stakeholders as follows:

Table 6: Dates and Location of Public Open Days

Date	Venue
3/9/2019	Mossel Bay
5/9/2019	Vermaaklikheid
6/9/2018	Albertinia

The open days were used to obtain information from local residents and coastal users on:

- 1) Current uses of the various sites
- 2) Current difficulties experienced
- 3) Existing or potential user conflicts
- 4) Needs or requirements which need to be addressed by the Municipalities.

It is emphasised that these open days were intended for information gathering only and to ensure that all issues were raised for further consideration. No decisions were made in the workshops. English and Afrikaans facilitators were available at the workshops and all participants were provided with digital and/or hard copy response forms in either English or Afrikaans.

The inputs and information received have been summarised in section 4 of this report.

The inputs from stakeholders are included verbatim in this final report for submission to the Minister.

4 Results of Information Gathering Phase

The information gathered in this phase, including inputs from open days, workshops, feedback forms and site visits is presented in detail in the following sections.

The inputs received from stakeholders are included in section 4 and verbatim in Appendix 2.

4.1 Over-arching Coastal Access considerations

The following are issues that were identified during the study but were not necessarily generated directly by stakeholders and are applicable across the district. For this reason, they are discussed separately from issues raised by stakeholders.

4.1.1 Stakeholder Access/ engagement

Stakeholder engagement in any development proposal is broadly outlined in the Department of Environmental Affairs (2017), Public Participation guideline in terms of NEMA EIA Regulations, (2017) and Chapter 6 of Environmental Impact Assessment Regulations, GNR 982 of 2014 as amended by GNR 326 of 2017. This commonly takes the form of advertisements in newspapers, one of which is of national coverage and at least one with local coverage. This is usually augmented by posters (in three languages) posted at community or municipal establishments and perhaps an email drive to notify stakeholders of the development proposal and the process by which they can contribute. This is then followed up with formal processes such as open days, workshops and focus groups –. It is not uncommon to find that all such engagements are predominated by the white communities. The low income “coloured” or black communities are conspicuous by their absence. In following up on this skewed attendance, the audit team discovered the following:

1. For many of these communities, access to digital media is not common, so emails and internet advertisements are not as widely accessible as one might think.

2. Furthermore, members of these communities do not typically read the legal sections of newspapers. Thus, any formal notices of process and invitations to participate are not seen.
3. Many of the members of this community are functionally literate, so the formal/ technical language of posters and newspaper advertisements is not accessible to them.
4. It is not a simple matter to identify, contact and engage with such communities as entry points vary with location. However, once entry is gained, the amount of information and different view-points is invaluable to any public process.

The audit team was fortunate to be able to access some local fishing groups and communities and undertake engagements in the communities themselves. This provided a completely different perspective on coastal access which is detailed in this report. This provides more texture to the report and a depth of information which can be used in future decision-making.

4.1.2 Definition of “reasonable access” in the Coastal Public Property

In assessing coastal access along the South African coast, it was difficult to determine what would constitute access. The ICMA provides for provision of “reasonable access” for all.

Box 14 : Reasonable Access provided for in ICMA

13. (1) Subject to this Act and any other applicable legislation, any natural person in the Republic—

- (a) has a right of reasonable access to coastal public property; and
- (b) is entitled to use and enjoy coastal public property, provided such use—
 - (i) does not adversely affect the rights of members of the public to use and enjoy the coastal public property;
 - (ii) does not hinder the State in the performance of its duty to protect the environment; and
 - (iii) does not cause an adverse effect.

(2) This section does not prevent prohibitions or restrictions on access to, or the use of, any part of coastal public property—

- (a) which is or forms part of a protected area;
- (b) to protect the environment, including biodiversity;
- (c) in the interests of the whole community;
- (d) in the interests of national security; or
- (e) in the national interest.

Little guidance on what reasonable access entails is provided and this has resulted in some deliberation during this audit. Since use of motorised vehicles on the beach is currently prohibited without a permit, this access must essentially refer to pedestrian access. In other words, the municipality is required to provide for pedestrian to the coast.

The key issue in assessing access is that the ICMA provides for access to the CPP. In other words, walking along the shoreline between the High Water Mark and Low Water Marks must be unimpeded. However, getting to the CPP may be complicated as the path could traverse private land. In this context a member of the public can access all points along the CPP but may have to walk an impractical distance to get there. The question remains as to whether this can be regarded as “reasonable access”.

Although vehicular access can be excluded, the meaning of this term in this context needs to be explored. The most comprehensive definition of the word access was found in www.Dictionary.com :

Box 15: Definition of Access

The screenshot shows the dictionary entry for 'access'. At the top, the word 'access' is displayed in a large, bold font, followed by its phonetic transcription [ak-ses] and a 'SHOW IPA' button with a speaker icon. Below this, there are links for 'EXAMPLES | WORD ORIGIN' and 'SEE MORE SYNONYMS FOR access ON THESAURUS.COM'. The word is categorized as a 'noun' and is followed by three numbered definitions, each with an example sentence: 1. 'the ability, right, or permission to approach, enter, speak with, or use; admittance: They have access to the files.' 2. 'the state or quality of being approachable: The house was difficult of access.' 3. 'a way or means of approach: The only access to the house was a rough dirt road.' Below the definitions is a 'SEE MORE' link. The word is also categorized as a 'verb (used with object)' and is followed by one numbered definition with an example sentence: 9. 'to make contact with or gain access to; be able to reach, approach, enter, etc.: Bank customers can access their checking accounts instantly through the new electronic system.'

The decision was made to base the assessment of adequate access on whether the desired typologies were able to be accessed. Thus, where the typology was limited to sight-seeing or viewing (such as on the top of a cliff) and no physical access to the beach or sea was envisaged, then a parking area with viewing site was considered adequate access. Physical access to the sand and sea itself was not considered essential for this typology.

Where a beach was planned for swimming and other water-/ wind-sports but there was no wheelchair ramp, that coastal access was not considered adequate for physical challenged individuals.

Thus, the public was considered to have access as required by legislation when they are able to participate in the planned or envisaged activities or typologies. A specific site therefore could provide access for one typology and not others- i.e. swimming but not fishing. This was complicated by the lack of specific signage indicating the envisaged or planned typologies. As a proxy the auditors used any signage or facilities provided which would favour a specific activity. Examples of this would be waste fishing line containers, signs indicating swimming beaches etc.

This was a useful first pass, but in order to conduct a true assessment of the current state of coastal access points, there first needs to be an agreed suite of typologies for each site. These minimum requirements for the listed typologies can then be generated and the site compared against this list.

This approach can be used in follow up audits of coastal access if required.

The term reasonable was less easily resolved. The DEA&DP maintains that reasonable access will be determined on a case-by-case basis. Some points were raised during this audit which can be used in this debate towards a clearer definition.

This term is most commonly employed when attempting to weigh up two conflicting needs- for example, private property rights versus access for fishermen. One such example was where a well-maintained public parking facility was provided a number of kilometres from a popular fishing site. The fishermen claimed that the parking area was too remote from the fishing site and required access in the close proximity to the fishing site. The only access available was through private property- which was denied by the landowner. The decision for intervention then hinged around whether the fishermen and or the private property owners were being reasonable- one to say that the existing parking area is too remote, the other, the owners saying access through their property is unnecessary in view of existing infrastructure.

A similar conflict arises between conservation plans and the need for subsistence fishermen to pursue the fish shoals which are not bound to property boundaries.

This document does not attempt to resolve this issue, but it is raised as a discussion point for further deliberation. One such approach is to conduct a needs analysis before planning access in order to meet the needs rather than try to retrofit access to existing developments.

4.1.3 Long- and Medium- Term Coastal Management Planning

Figure 5 presents a broad brush overview of the public coastal access on the West Coast. A cursory scan of the coastal access category maps shows few public access points in the west of the district. There is clearly not an equitable spread of public coastal access in terms of geographic spread or access to various coastal resources, however, much of the coastline in this area comprises steep cliffs and rocky shores making access dangerous. These limitations notwithstanding, there are relatively few public access facilities in the western portion of the district which disadvantages the low-income communities which do not have the ability to travel long distances in order to access the CPP.

The Coastal Management Plans and other associated planning processes need to consider coastal access as a distinct issue and plan accordingly. If this does currently take place, its results are not obvious.

In planning such access, the needs of even small communities in locations remote from the coast must be considered. For example, the West Coast coastal access audit discovered that residents of Mamre which is even outside the West Coast

Municipal Boundary rely on coastal access as far afield as Doringbaai for subsistence. Many are in possession of fishing permits or quotas but cannot fill them as access to the locations where the resources are to be found is denied. The areas of the coast which they need to access is not determined by ownership or land-use planning but by the location of fish or other marine resources- some of which are mobile and will therefore vary with time. It is not certain whether similar, distant communities exist in the Garden Route District but inputs in the stakeholder open days would suggest that even the local communities feel excluded from district-wide planning.

Thus, without adequate, in-depth community engagement, the needs of such communities will not be identified or addressed.

4.1.4 Proclamation of Private Nature Reserves

Extensive areas are given over to conservation – either private or state-owned. (It is noted that no attempt was made to determine whether the private reserves are appropriately gazetted or that they are in compliance with their own management plans.)

On the one hand this is progress in the expansion of formal environmental protection. On the other hand, it was claimed by communities and some landowners, that declaration of private nature reserves was a mechanism to exclude the public for accessing the CPP and imposing stricter fines for trespassing than on normal privately-owned land. It is apparent therefore, that gazetted private nature reserves is a double-edged sword. Declaration of a private nature reserve requires justification of the need for declaration for protecting ecological processes or species. The process requires engagement and ongoing communication with surrounding communities but does not prescribe any specific outcomes such as maintenance of coastal access. If no such access is detailed in the reserve management plan, it is not possible to enforce it except through the designation of a servitude through private land in favour of the public initiated by the municipality.³

It may not be logical to require that all private nature reserves throughout the country provide public access into the reserve, but a mechanism needs to be found to ensure that public access to the coast is prescribed under specific conditions and that management of such access is detailed and enforced while at the same time respecting private ownership rights. The management of public coastal access through private nature reserves frequently triggers the concerns raised in the section following.

Community criticism of conservation was not limited to private reserves. Fishing communities reported that fishing in certain reserves was not permitted in order to

³ Norms and Standards for the Management of Protected Areas in South Africa GNR 382 of 2016

Norms and Standards for the Inclusion of Private Nature Reserves in the Register of Protected Areas of South Africa. GNR 1157 of 2017

protect birds such as oyster catchers. Their contention was that they were not affecting the birds with their activities so why are they prohibited from fishing? This attitude suggests that such exclusion may reduce the community support for state reserves and may require a review to explore possibilities for mutual benefit.

4.1.5 Access Through Private Property- Risks and Fears

Discussions with landowners revealed that many were, in principle, not opposed to permitting public access to the coast across their land. The following were raised as concerns (in no specific order of priority):

- *The management of access via a gate or permit system.* In order for entrance to be managed, there needs to be a staffed gateway and associated facilities. The farmers note that they are not in the business of access management or providing such- they are farmers and are busy with farming- they do not want their farming efforts diluted by being required to manage access and associated facilities.
- If access is not managed, the landowners fear that the following risks may arise:
 - Gates left open and stock lost;
 - Illegal camping in the bush;
 - Fires blown out of control or left unattended placing the rest of the farm and livestock at risk;
 - Litter and other waste (especially human) accumulating;
 - “unsocial behaviour” such as loud music and alcohol abuse occurring;
 - Illegal activities such as vehicles on the beach taking place for which the landowner could be held liable; and,
 - The physical safety and security of the landowner and his family may be put at risk from the lawless element of society.

The difficulties encountered in managing visitor behaviour are more complex in rural environments. There are no by-laws which firstly, govern behaviour such a drinking alcohol in public and secondly, there is no basis for calling for police assistance since no laws have been broken. While it is possible to assign minimum requirements for behaviour to access permits with the penalty for not adhering to the requirements being prevented from further access, this requires dedicated staff on the farm. The problem still exists that removing offenders is very difficult. Furthermore, the farmers do not want to find themselves in a position where they have to manage behaviour and activities on their farms.

While some of the above may be seen as groundless fears, they are real impediments to many landowners permitting public access. If guidance can be given on practical ways of providing access in a manner that doesn't interfere with the farming on the land and provides a measure of security to staff and landowners, many more landowners may be amenable to providing public access.

This coastal access audit report reveals that there is an inequitable spread of public coastal access along the western portion of the Garden Route (especially between Stilbaai and Goritzmond). If this is to be remedied, creative mechanisms for providing public coastal access across private land while at the same time protecting the rights of the landowners should be explored.

4.2 Key Issues which were identified in the Garden Route District Audit

The sections below summarise and synthesise inputs from stakeholders in the Garden Route District. A full transcript of all inputs from stakeholders may be found in Appendix 2. These issues were received by means of completed response forms, written submissions to the project team or raised during the stakeholder workshops. In addition, observations by the audit team independent of the stakeholder inputs are recorded.

Author's note

- All information obtained from stakeholders is recorded. Not all information recorded is directly relevant to this specific project, for example, any issues relating to CapeNature / SANParks properties. This information will be forwarded to the relevant organisation for their consideration. Similarly, any issues concerning launch sites will be referred to the launch site programme
- Comments of the same or similar nature/sentiment are combined and all commenting parties are referenced.

These issues will now be discussed in more detail in the subsections below.

4.2.1 Overview of Public Coastal Access on the Garden Route



Figure 5: Overview of Public Coastal Access on the Garden Route

Figure 5 contains a series of maps of the Garden Route showing the results of the public coastal access assessments of the Garden Route District Municipality from west to east.

It is presented to provide a broad-brush overview as a basis for the discussion in the following sections. A rapid glance at the maps shows that the coastline is predominated by orange (restricted/ private ownership) and yellow (proclaimed nature reserves). While the yellow and orange sectors do not necessarily mean that the general public is denied access, such access requires either a permit, entrance fee, or prior arrangement with the landowner - effectively restricting public access. General public access for recreation or subsistence fishing is therefore concentrated in a small number of select nodes. The pressure on the resources in these selected nodes is consequently intensified. While private property rights and the intent of nature reserve proclamation is not contested, even a cursory look at the maps suggests that in many cases they provide exclusion to public access and not inclusion as required by section 18 of the ICMA. It shows that the coastal public property (CPP) is NOT generally accessible to the public. While access for public in the orange and yellow sectors may be possible, the conditions for such access are not easily found. The maps also show that there are relatively more public coastal access points to the

east of the district but the sector from Witsand to Gouritzmond has far fewer public access points. Indeed, the conflicts identified by stakeholders focus on this sector and arise from this lack of public coastal access.

General, unrestricted access (blue or green) comprises a very small portion of the coastline. This suggests that broad scale Coastal Management Planning does not consider coastal access as an intrinsic issue. Such planning should address:

- Where is coastal access needed?
- By whom, how frequently and for what purpose (typology) and,
- The requirements attendant on these typologies.

Currently, it appears that coastal access is planned by trying to find where coastal access can be inserted in amongst existing uses rather than using the rationale detailed above. Lack of comprehensive community engagement is most likely one of the root causes of this skewed planning with the result that community needs are not identified and much less met by the planning process. This issue is addressed in section 4.1.1 below.

4.2.2 Access for Fishermen

The Garden Route is renown in South Africa for fishing, not only by the local fishermen but by enthusiasts from inland and other coastal areas. Access to the coast for fishermen who own or are resident in the big estates is abundant. Much of the feedback from stakeholders came from local fishermen however for whom such access is not as abundant. Their claim was that they have been cut-off from traditional fishing grounds and access points and that this affects their livelihoods. In many cases they are not in a position to take advantage of other access points as a consequence of distances, or the fact that fish stocks do not occur in alternative locations.

Coastal fishermen can be divided into three main groups:

- Commercial
- Subsistence and
- Recreational.

Clearly the first two categories are more important than the last since they provide an income for the family and should not be curtailed at all. However, when allocating access to the coastal zone, cognisance is not always taken of the nature of fishing.

Fishermen can be further broadly divided into those are

- Use boats to fish
- Fish with rods from the rocks or seashore
- Use nets to catch fish
- Collect invertebrates on the seashore.

Those who use boats to catch fish are necessarily more mobile and can follow fish stocks as they move around to a degree. However, if the distances are too great travelling in the dark may be required, which is very dangerous for small craft. Thus, there needs to be a selection of launch site in areas where the fish are likely to be found to be effective. Instances were reported in the open days where families had permits or quotas but could not fill them as they did not have access in the appropriate areas of the coast. Such access may not need to be open all year but will need to be readily accessible when the fish stocks are present.

While it is tempting to suggest that any access to the rocky shore or sandy coastline is sufficient for rod fishermen, especially recreational fishermen, this is clearly not the case. Fish have preferences for specific locations and conditions, which may vary each season. Thus, to assume that when fishermen are excluded from one location, they can merely relocate to another location with the same amount of success to justify exclusion for a development, is erroneous.

The fishing communities are therefore distinctly disadvantaged by the current spread of coast access and are firmly of the belief that coastal access designation is not currently reasonable or equitable.

This is further complicated by the fact that they frequently have to compete for the same location with activities such as jet skis which are mutually exclusive. The jet-skis appear to chase fish away and the nets pose a danger of entanglement.

As noted above, comprehensive district-wide planning of fishing along the Garden Route is required to ensure that adequate appropriate access is available for fishermen.

4.3 Annotated maps of the Garden Route District

The maps and explanatory tables are contained in Appendix 1. The maps are inserted below for ease of reference. The sections following the maps discuss key issues that arose during the investigation. The following sections detail information gained during the development of the annotated maps.

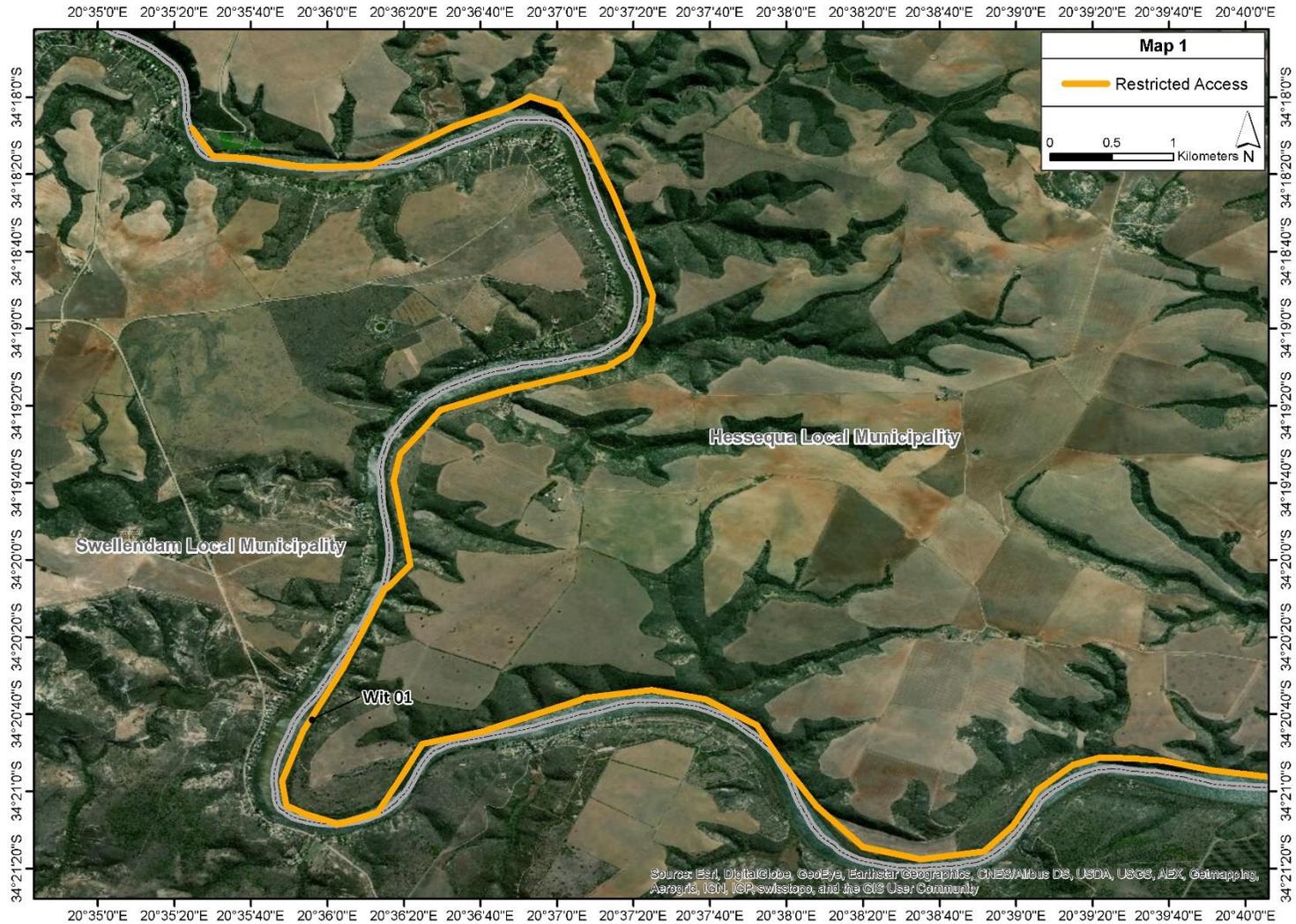


Figure 6: Upper reaches of the Breede River (a)

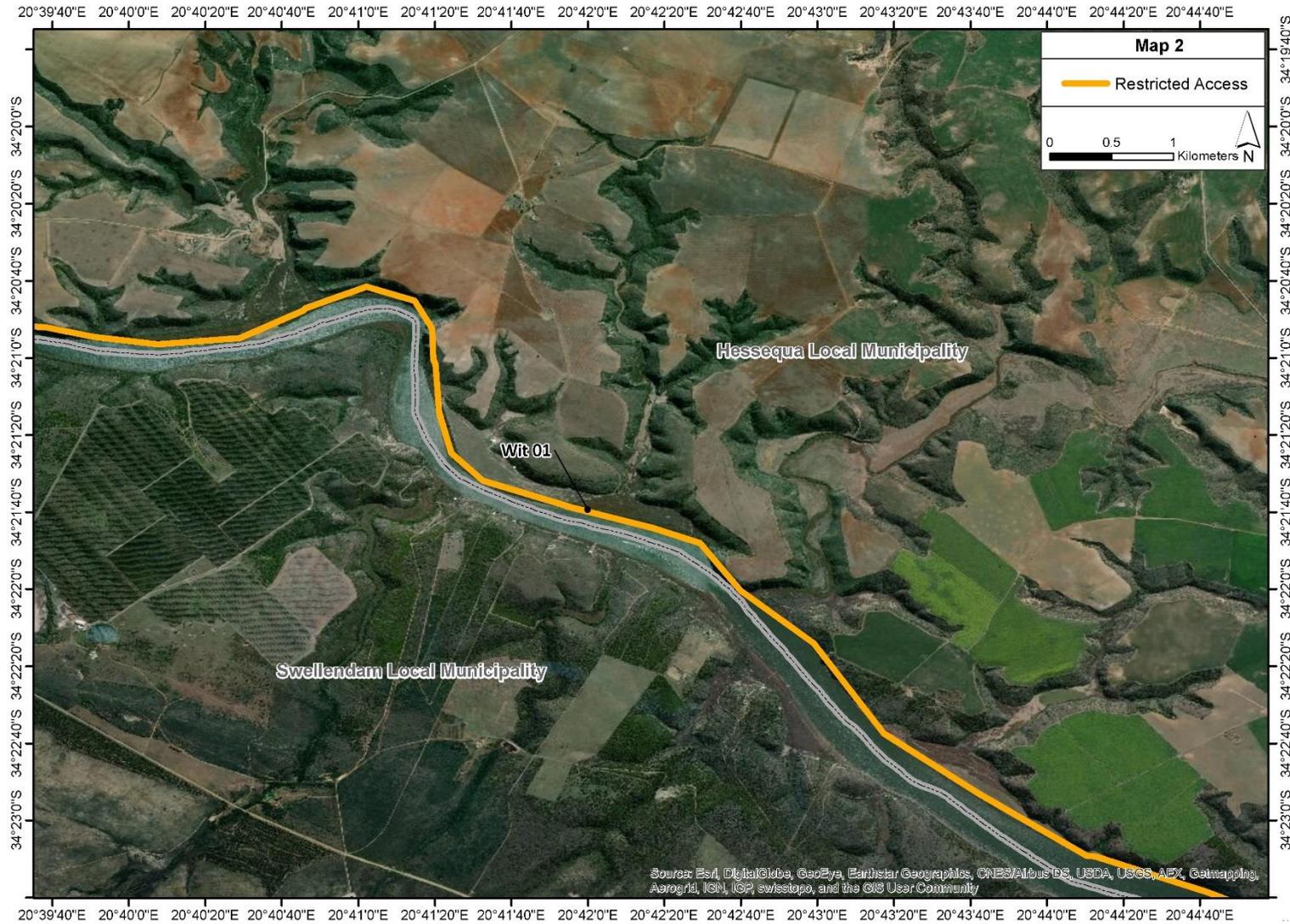


Figure 7: Upper reaches of the Breede River (b)

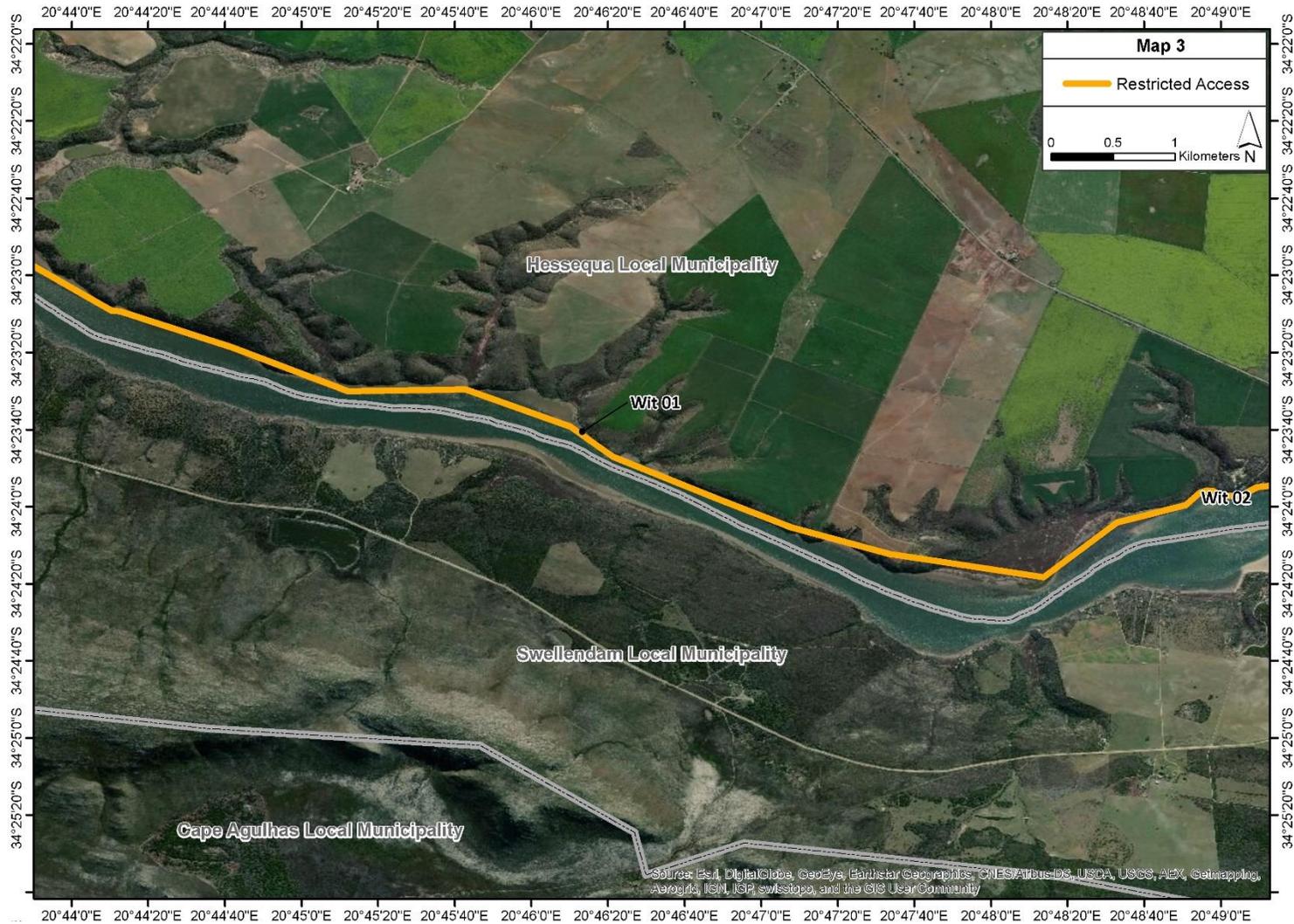


Figure 8: Upper reaches of the Breede River (c)

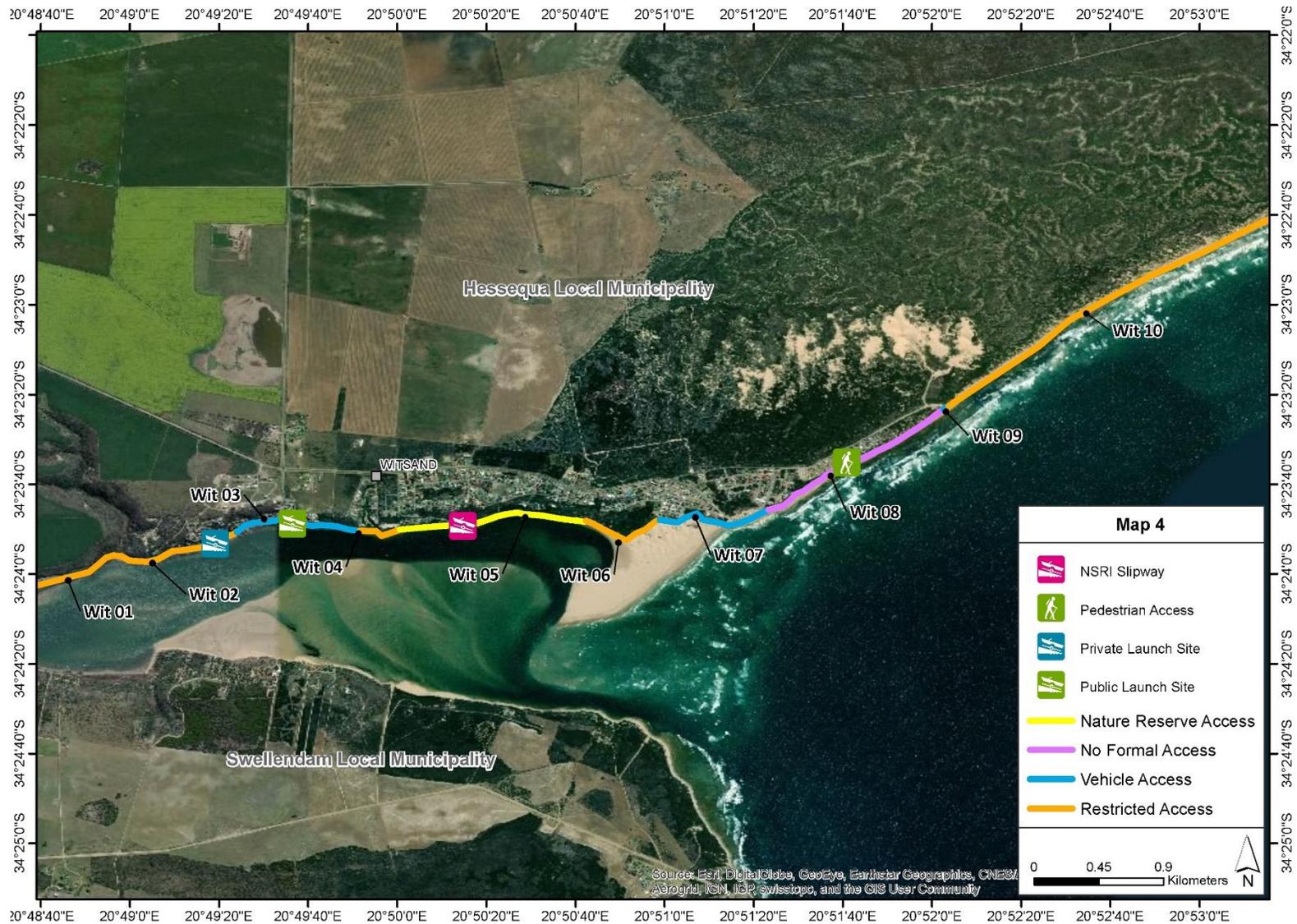


Figure 9: Witsand and surrounds

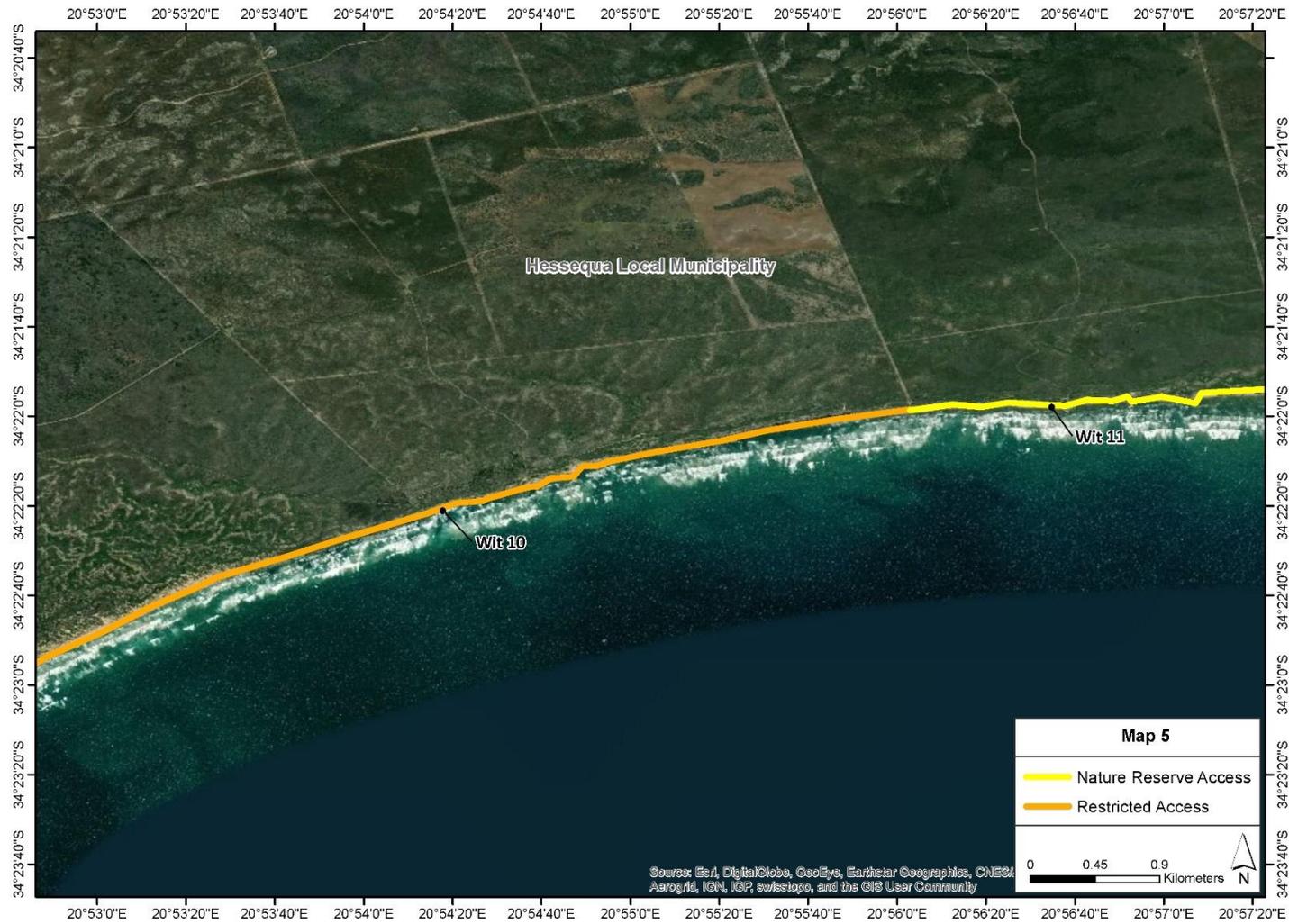


Figure 10: East of Witsand (a)

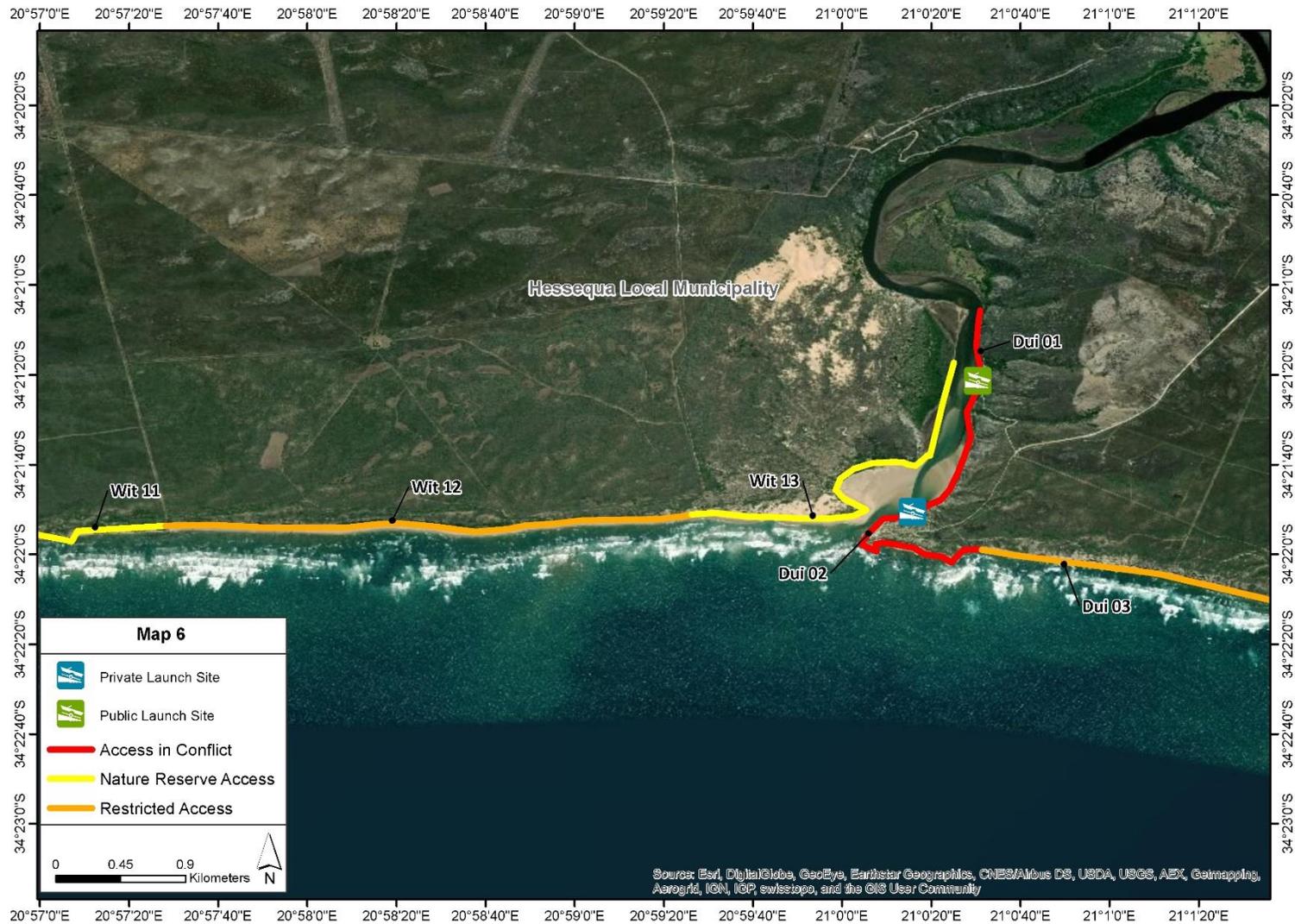


Figure 11: East of Witsand (b) to the Duiwenhoks River

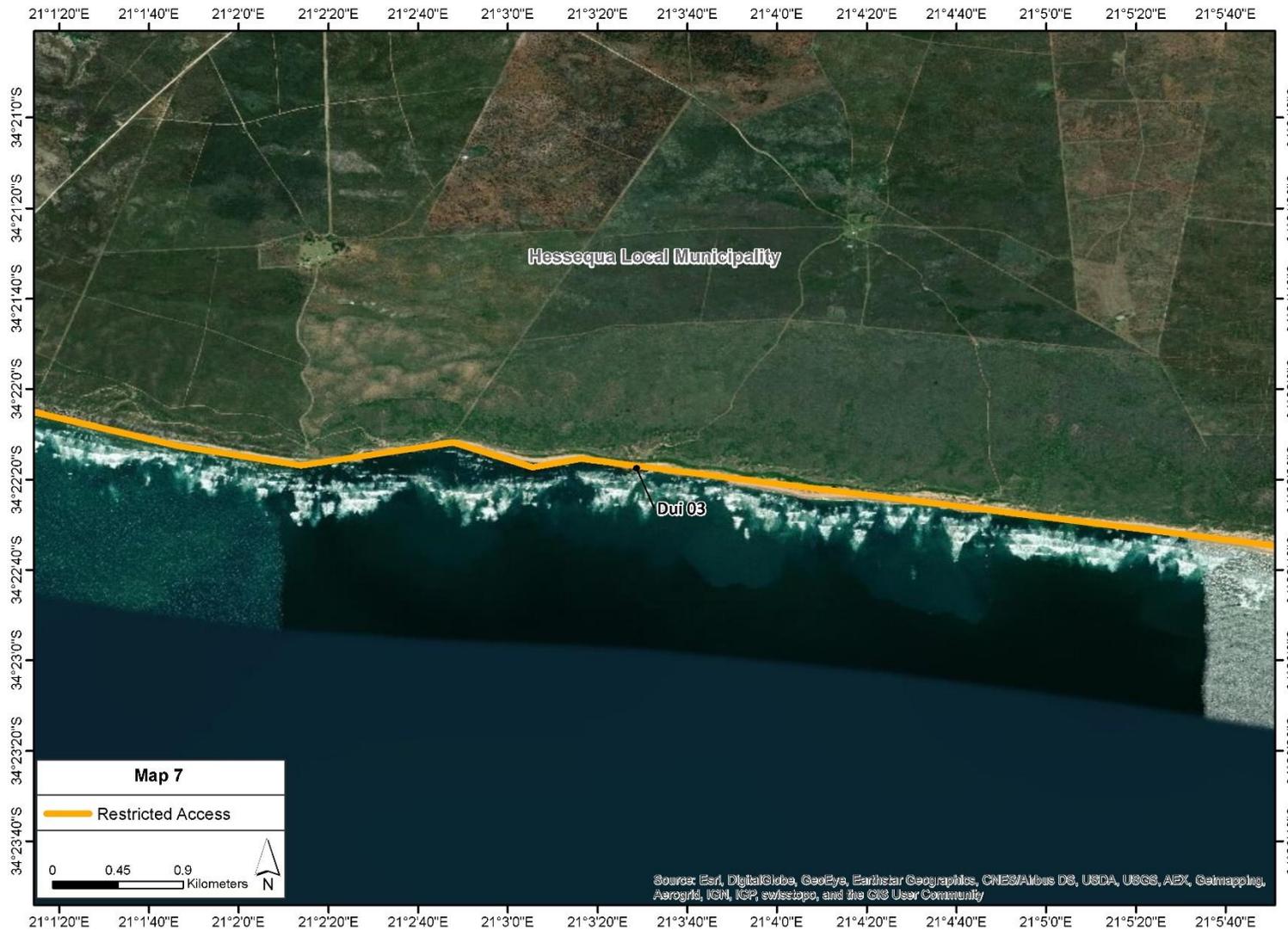


Figure 12: East of the Duiwenhoks River (a)

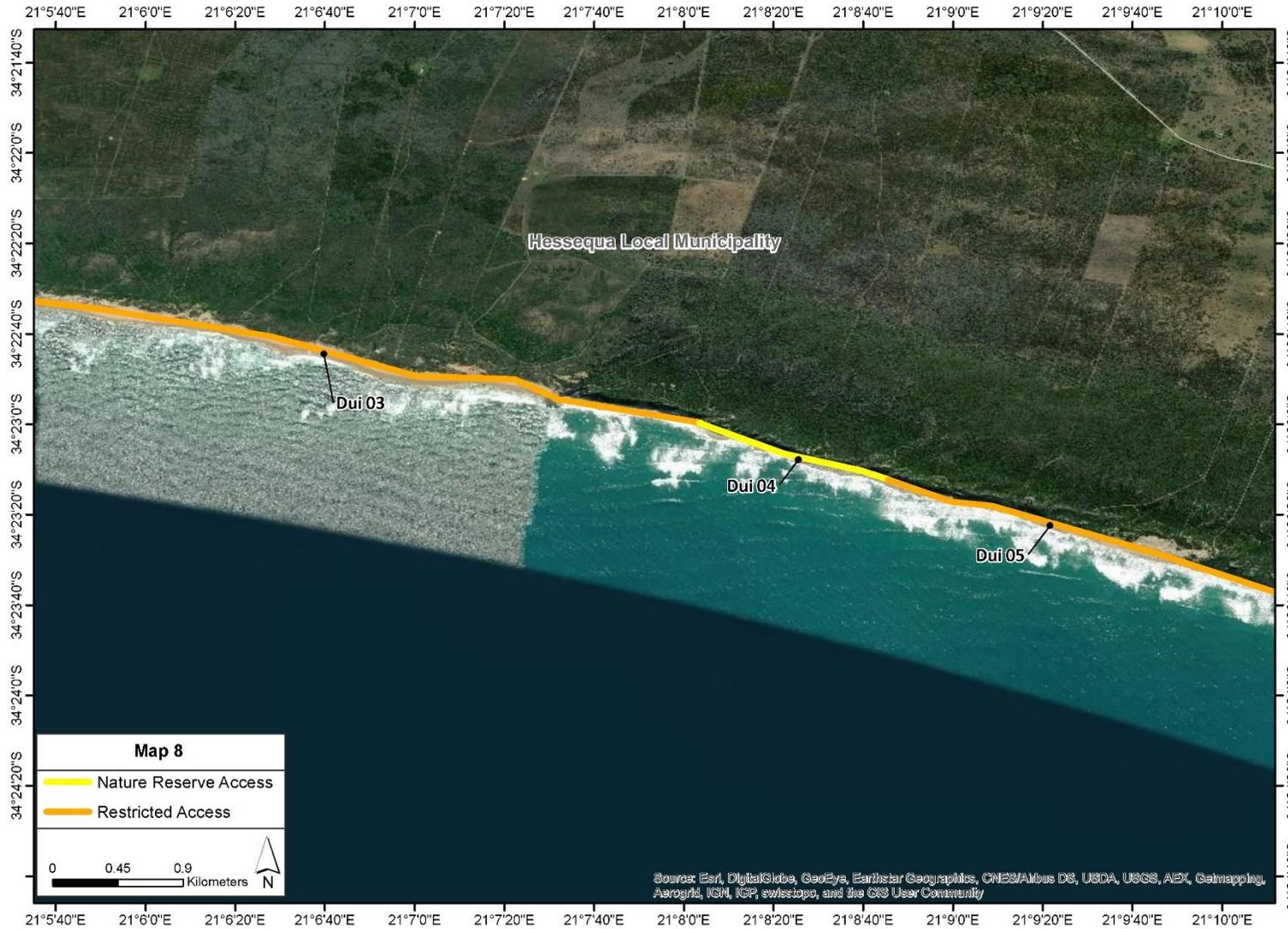


Figure 13: East of the Duiwenhoks River (b)

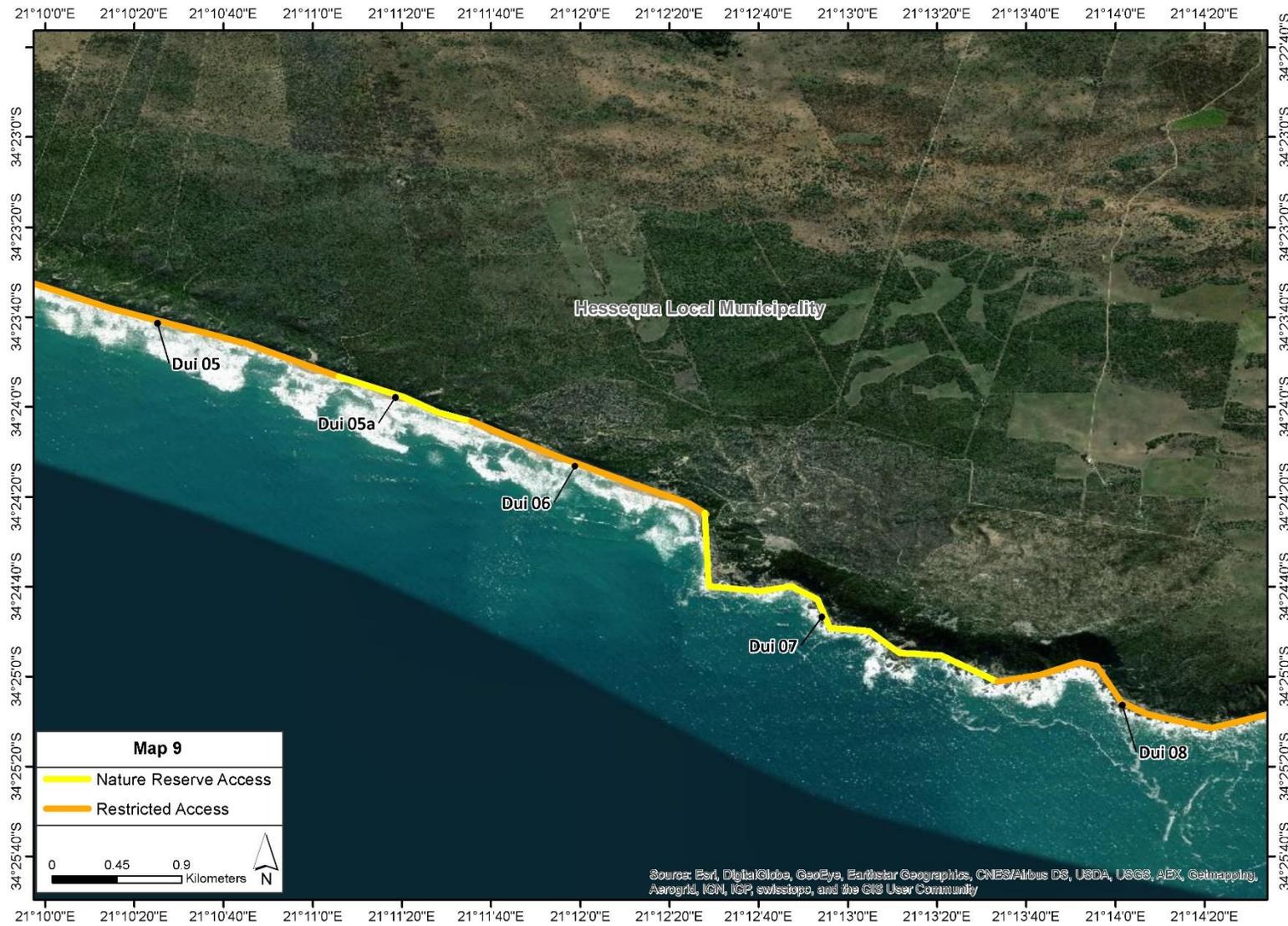


Figure 14: East of the Duiwenhoks River (c)

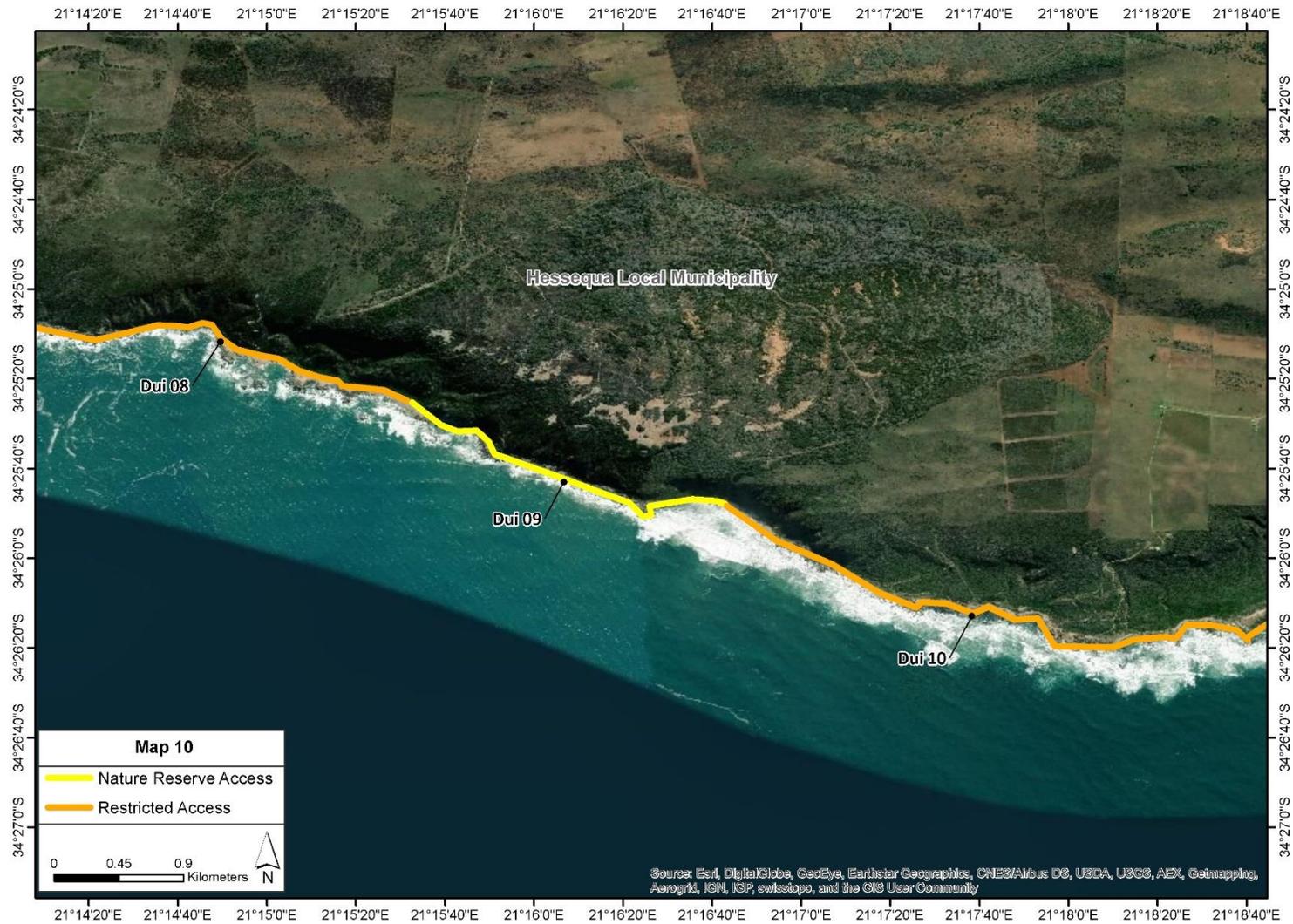


Figure 15: East of the Duiwenhoks River (d)

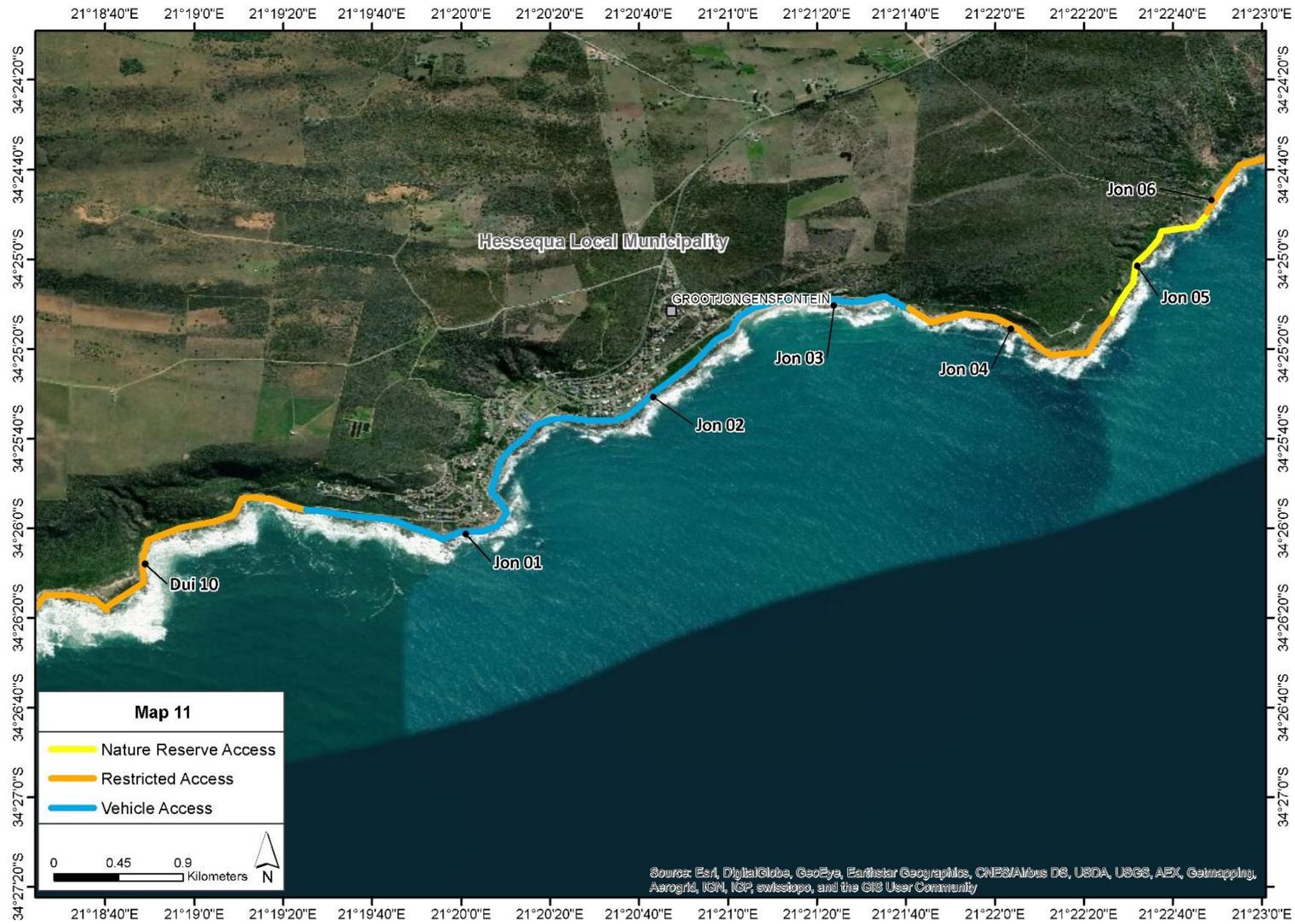


Figure 16: Jongsfontein and surrounds

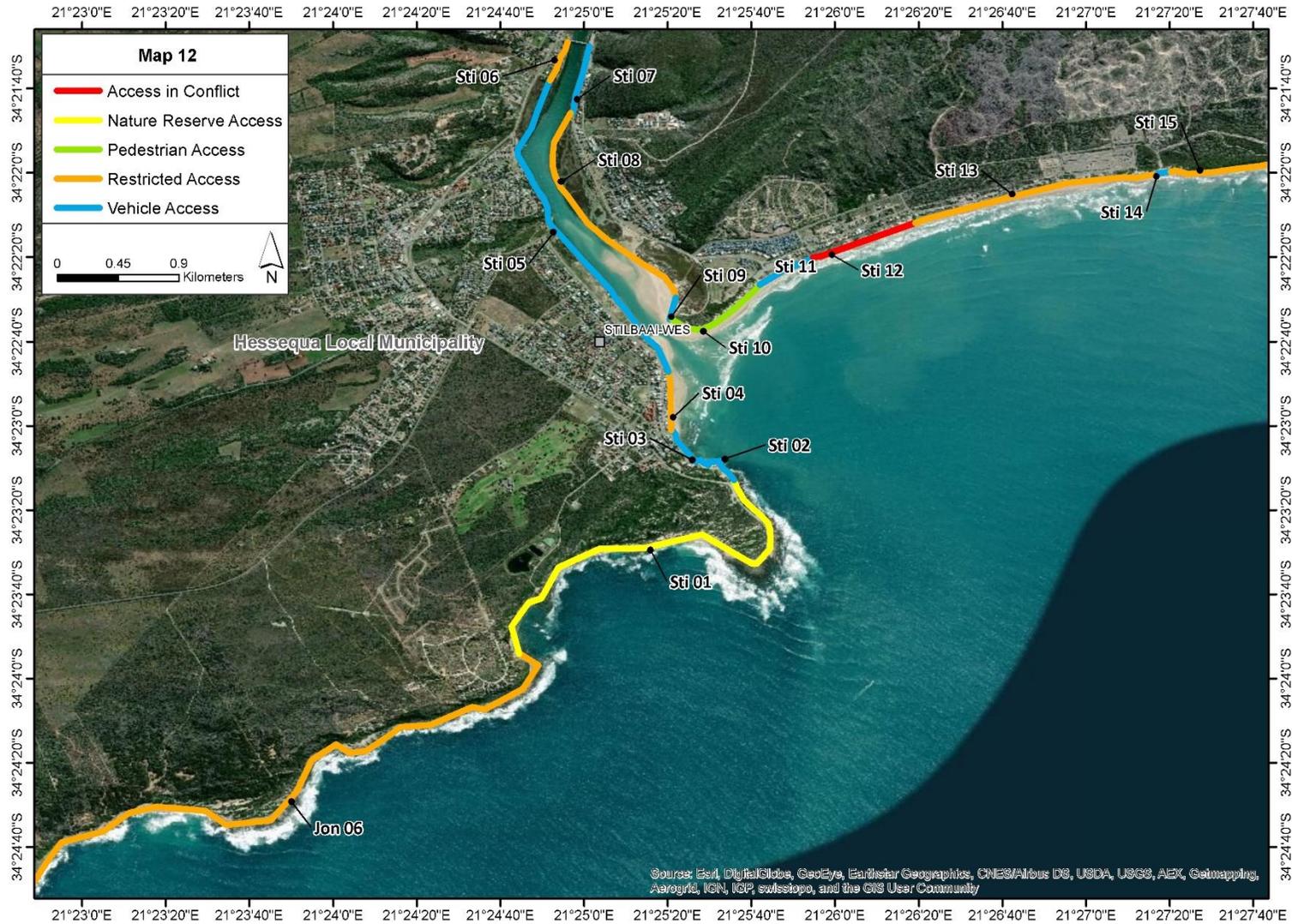


Figure 17: Stilbaai and surrounds

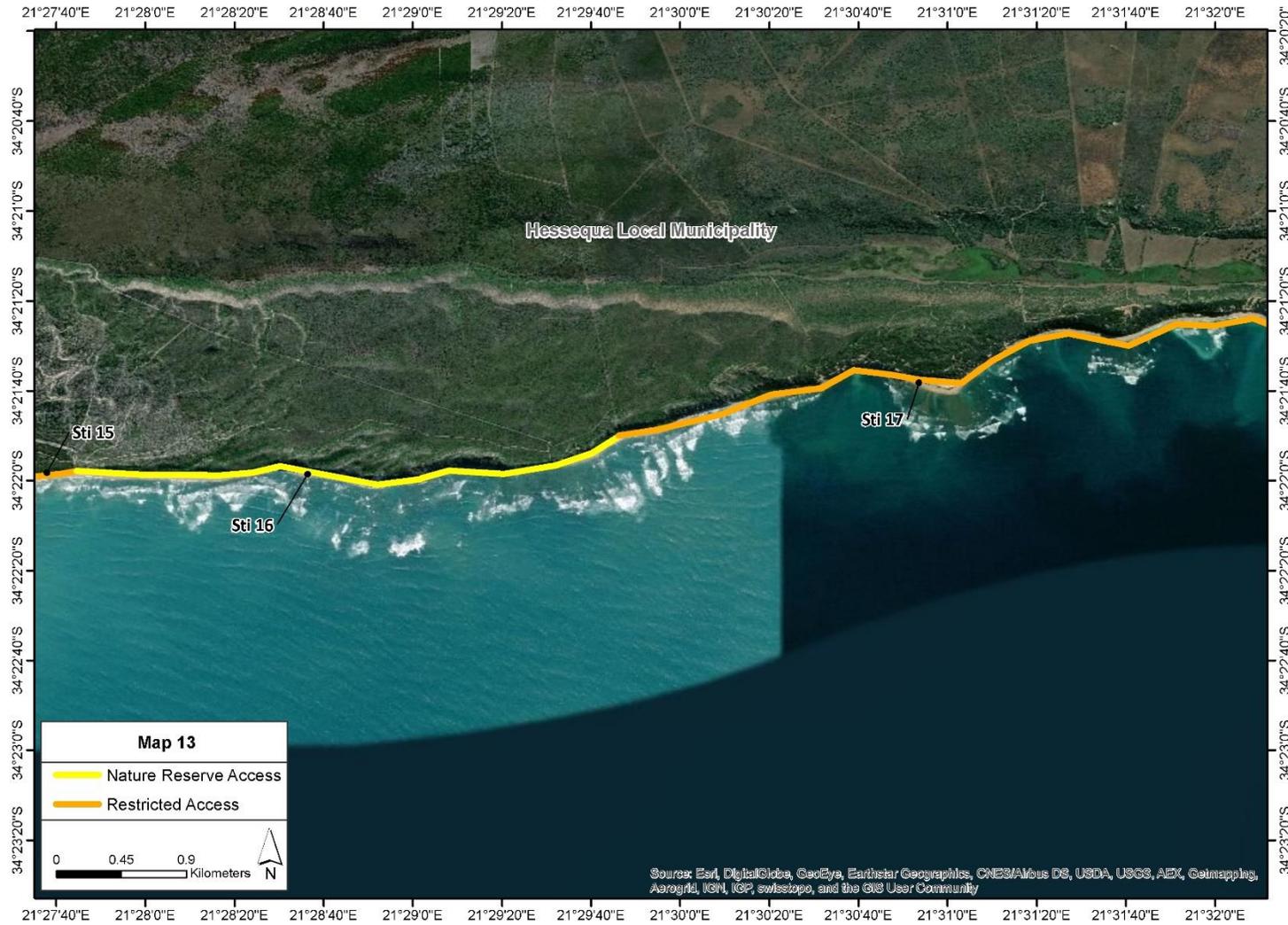


Figure 18: East of Stilbaai (a)

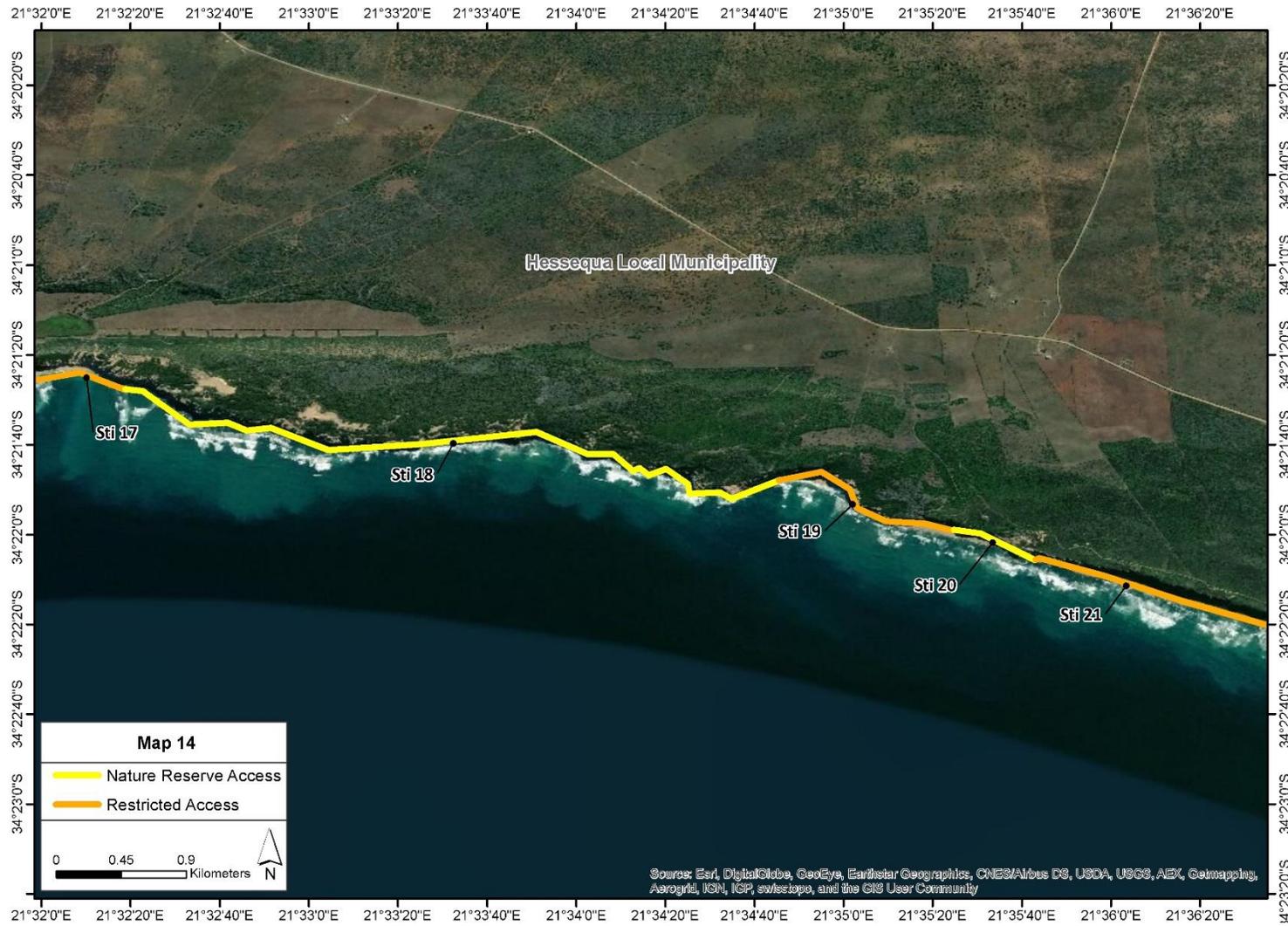


Figure 19: East of Stilbaai (b)

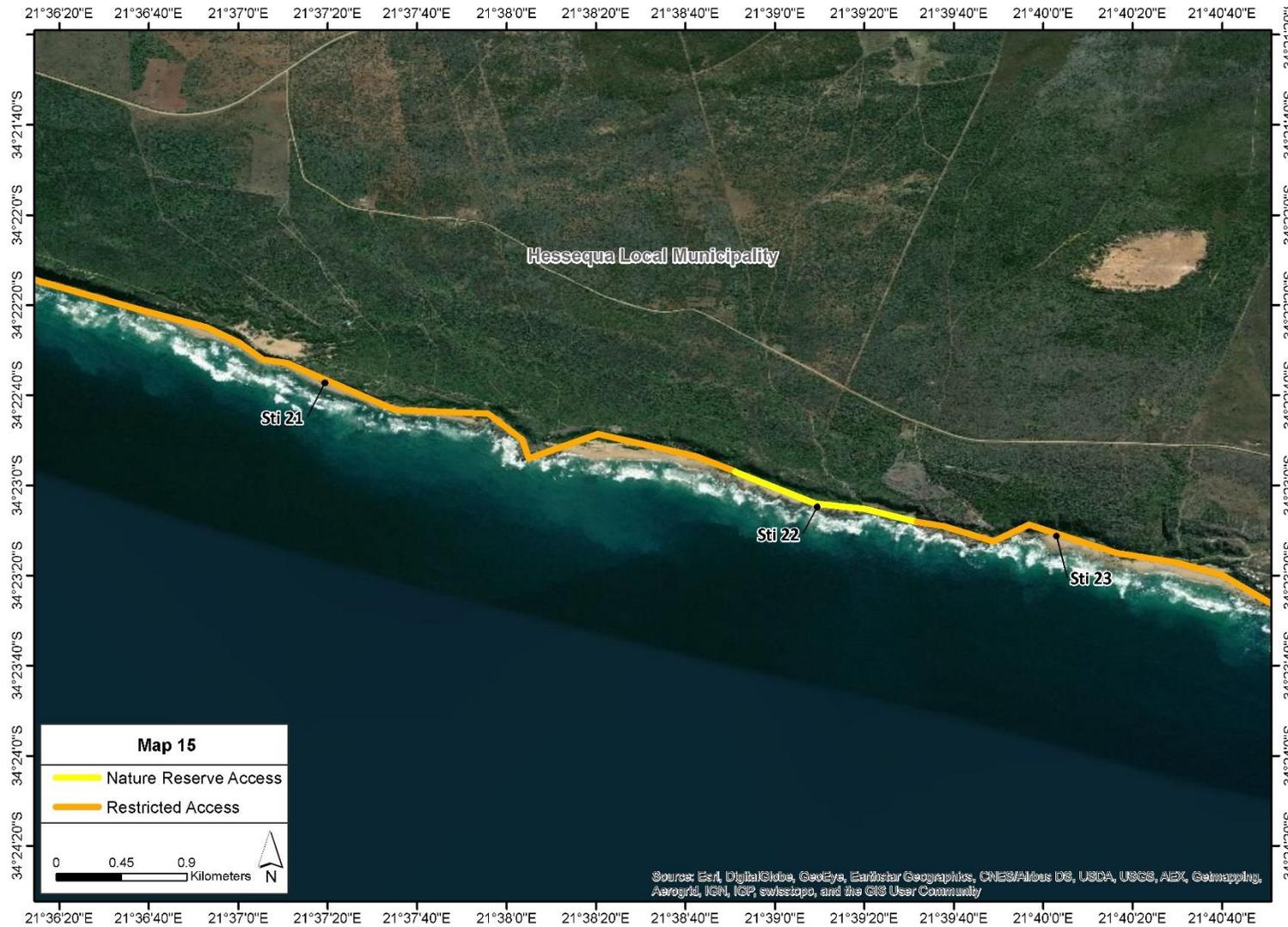


Figure 20: East of Stilbaai (c)

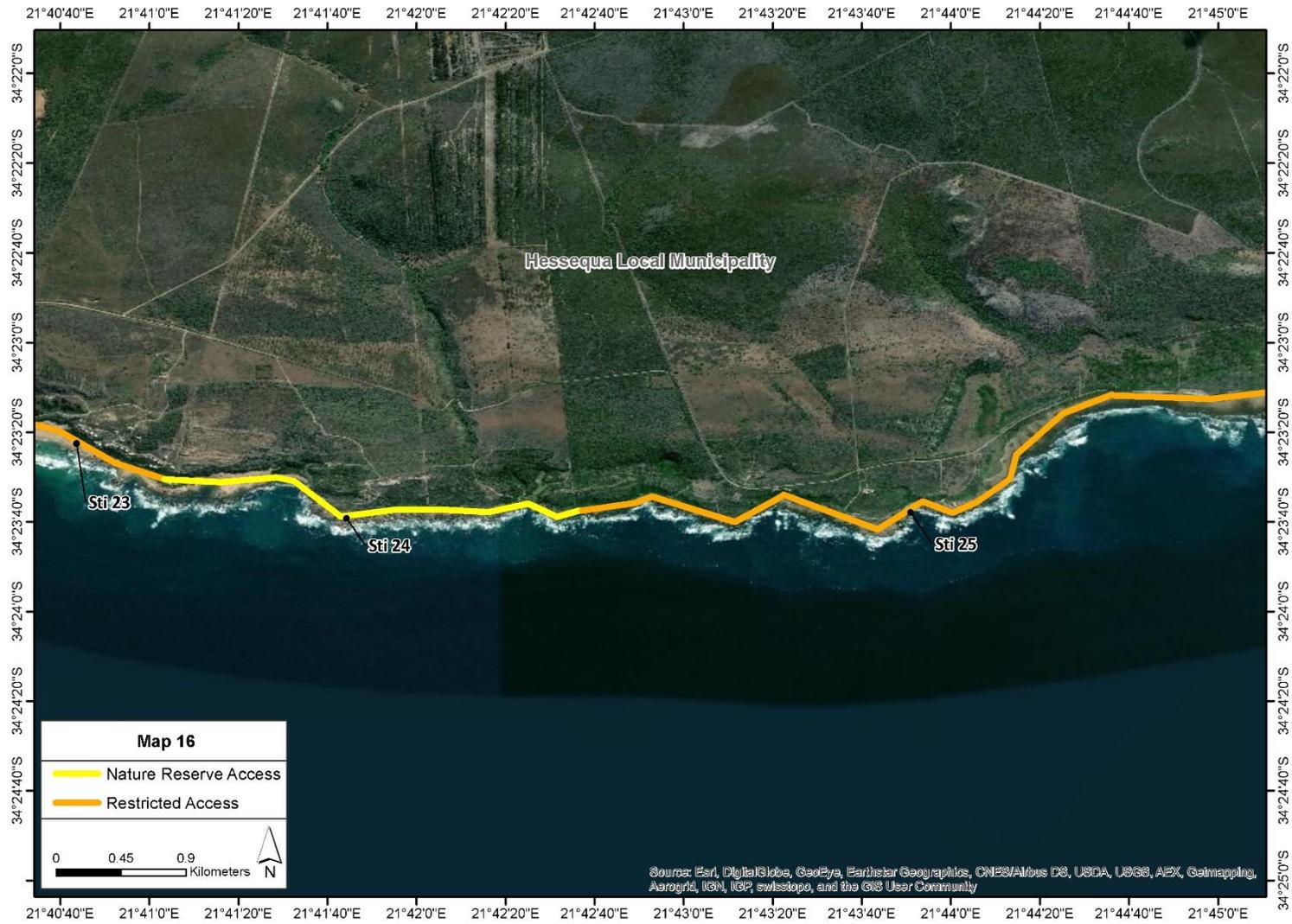


Figure 21: East of Stilbaai (d)

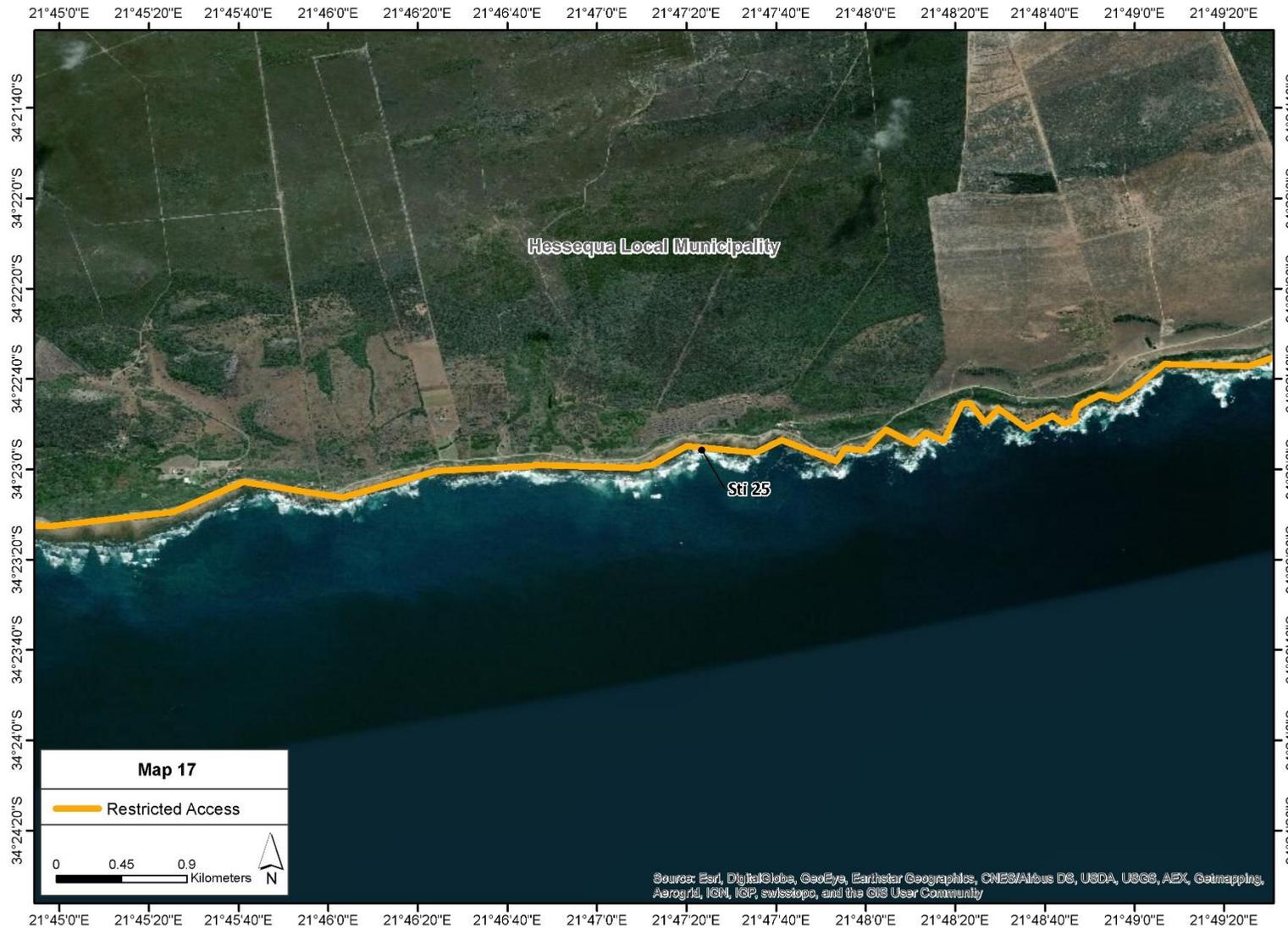


Figure 22: East of Stilbaai (e)

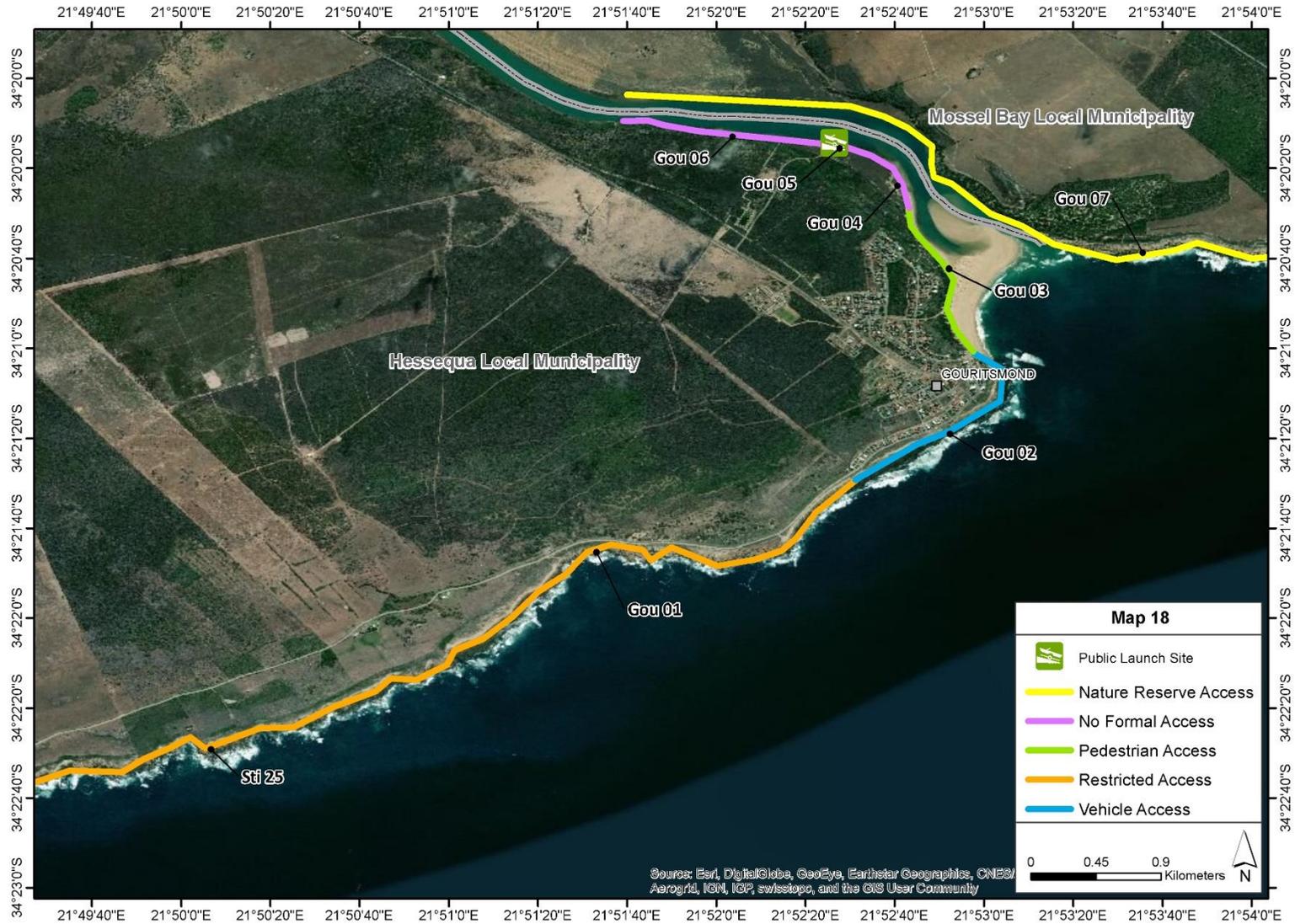


Figure 23: Gouritzmond



Figure 24: East of Gouritzmond



Figure 25: Vleesbaai and Boggomsbaai

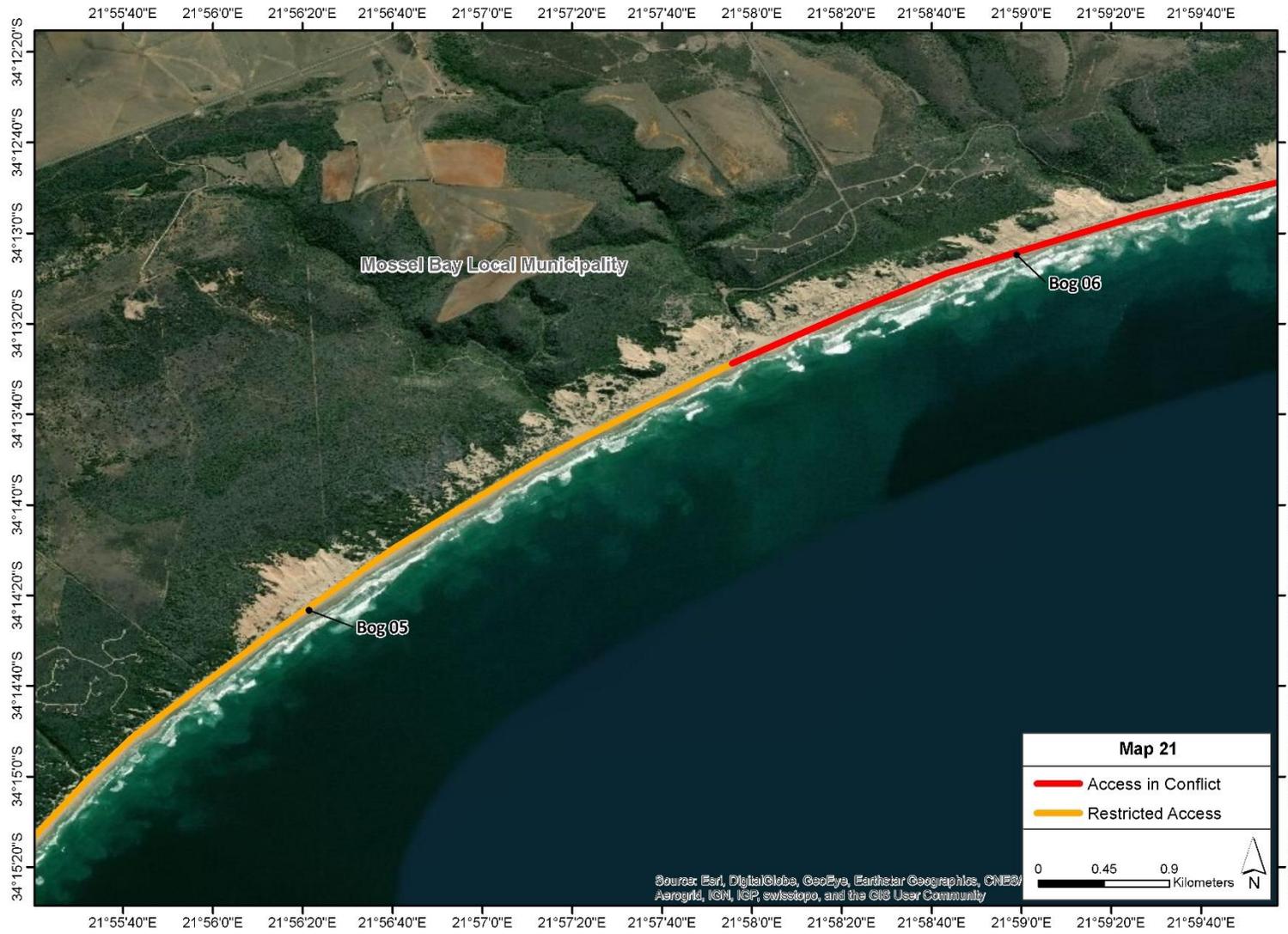


Figure 26: Between Boggomsbaai and Danabaai

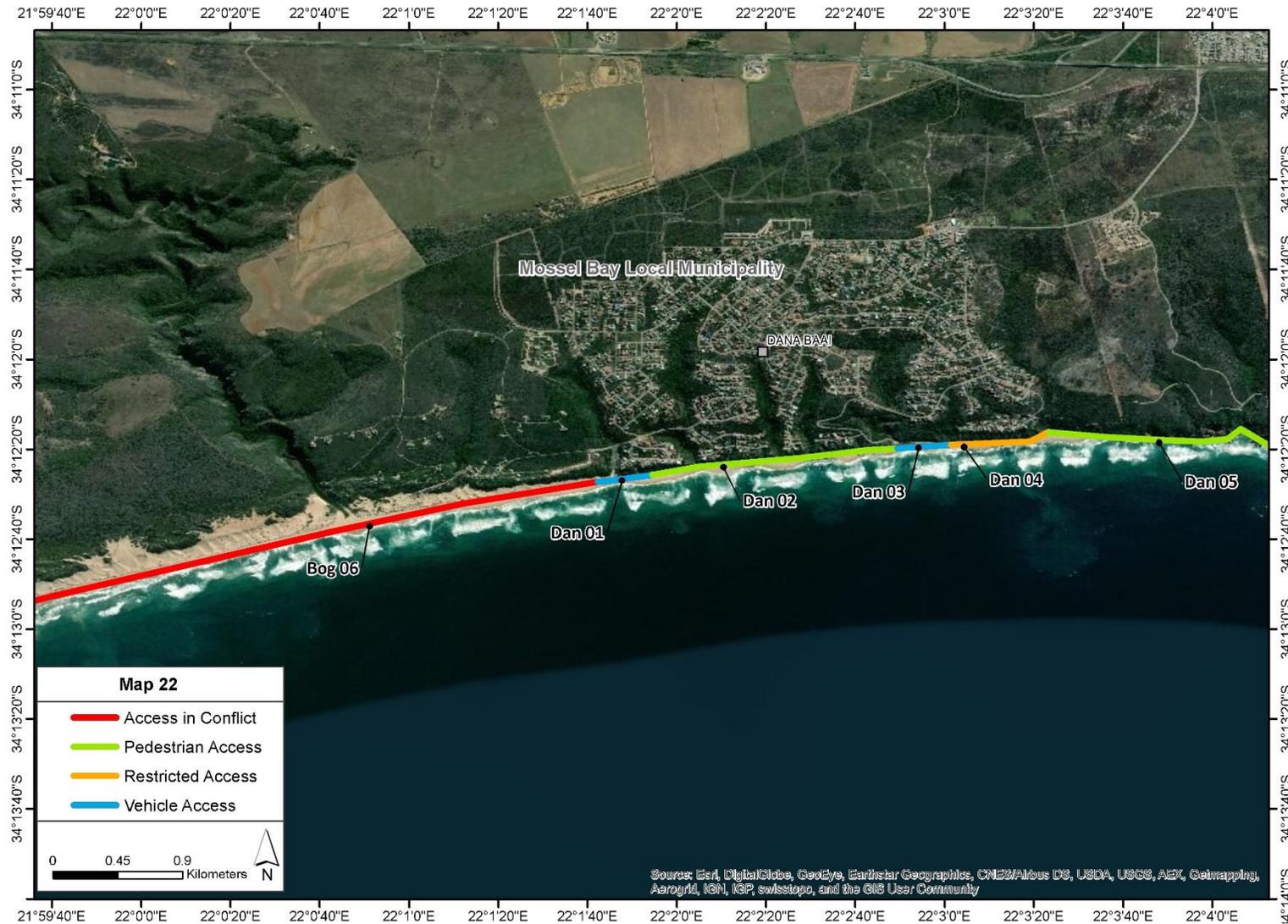


Figure 27: Danabaai

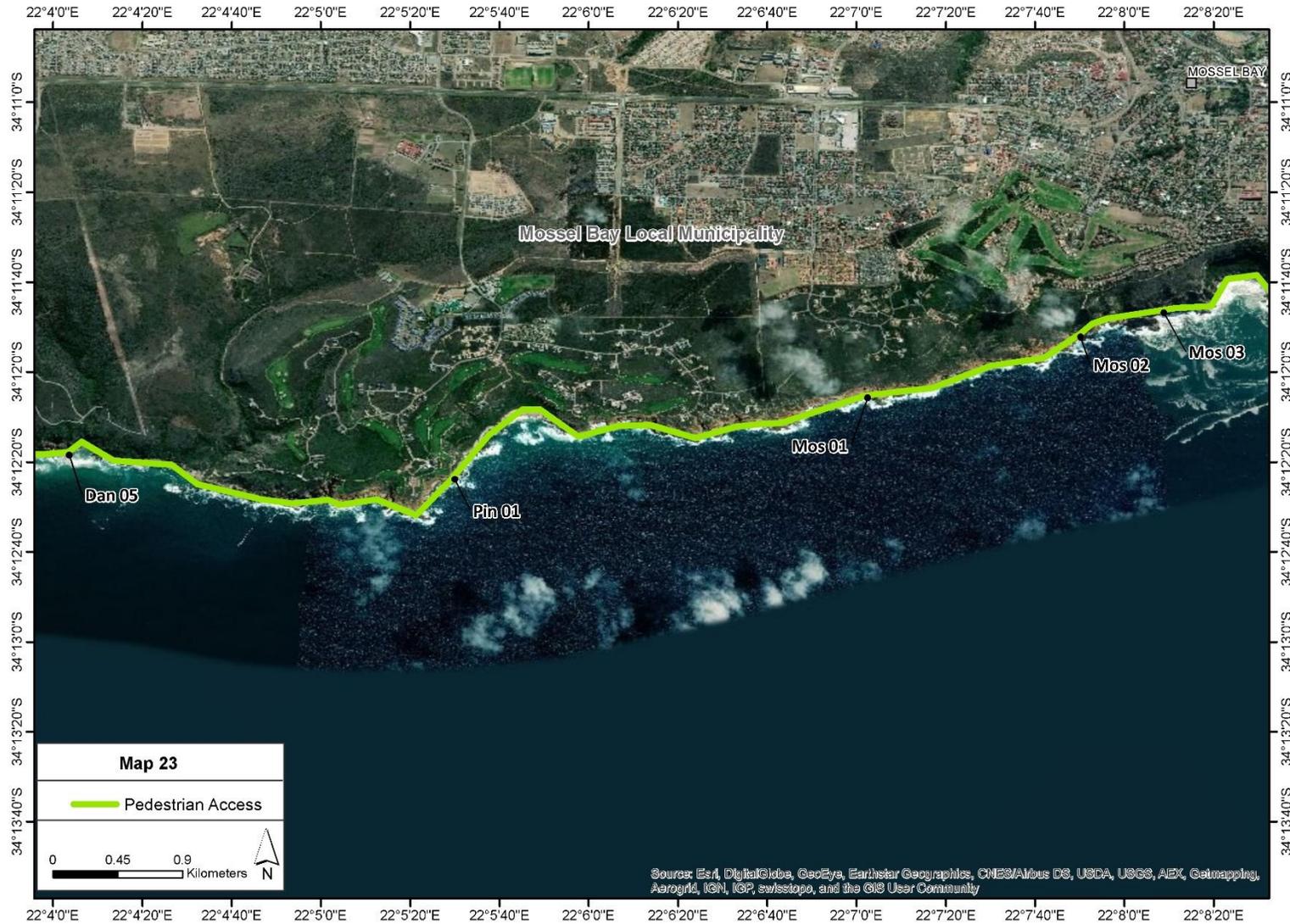


Figure 28: Pinnacle Point



Figure 29: Mosselbaai CBD

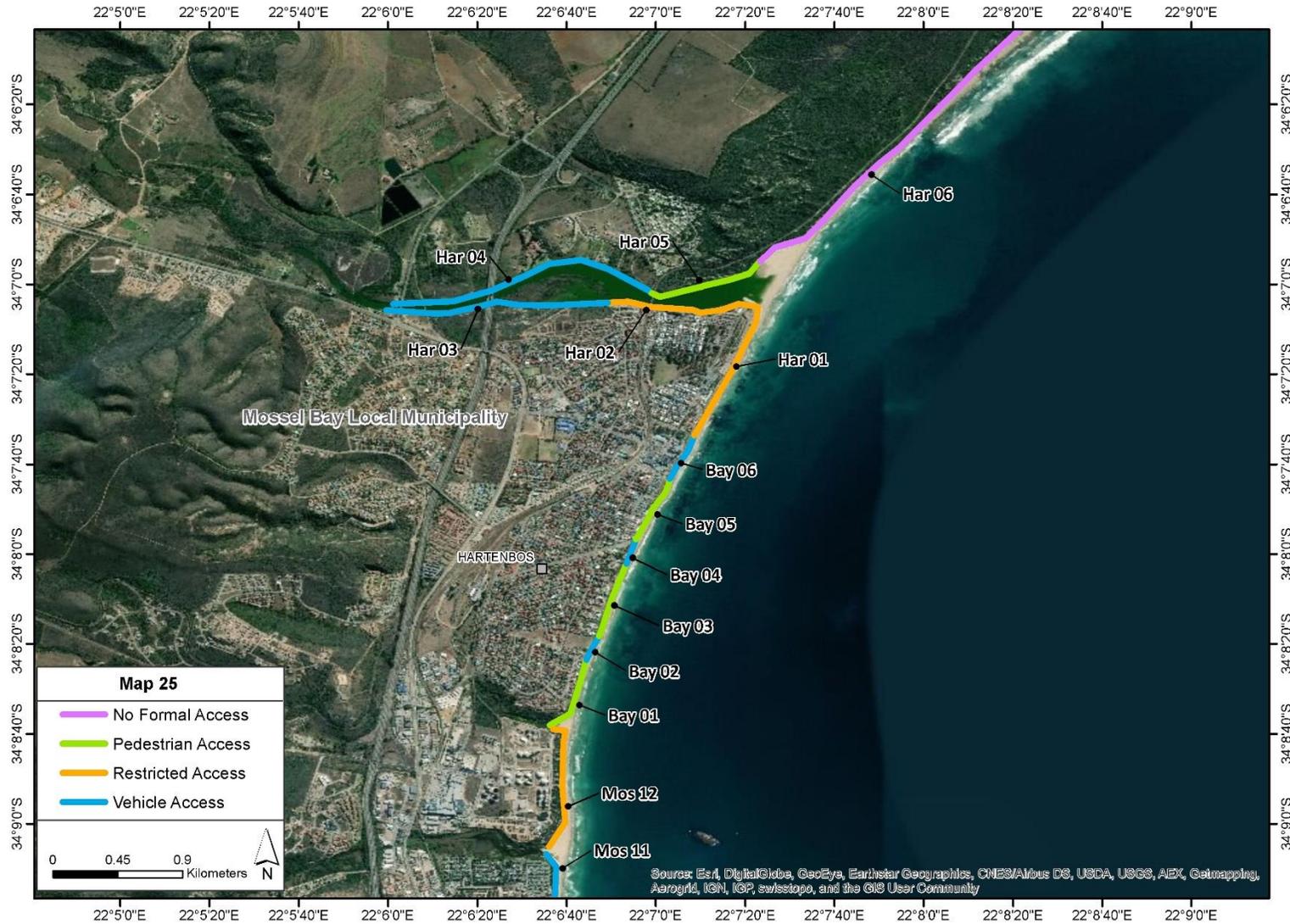


Figure 30: Voorbaai and Hartenbos

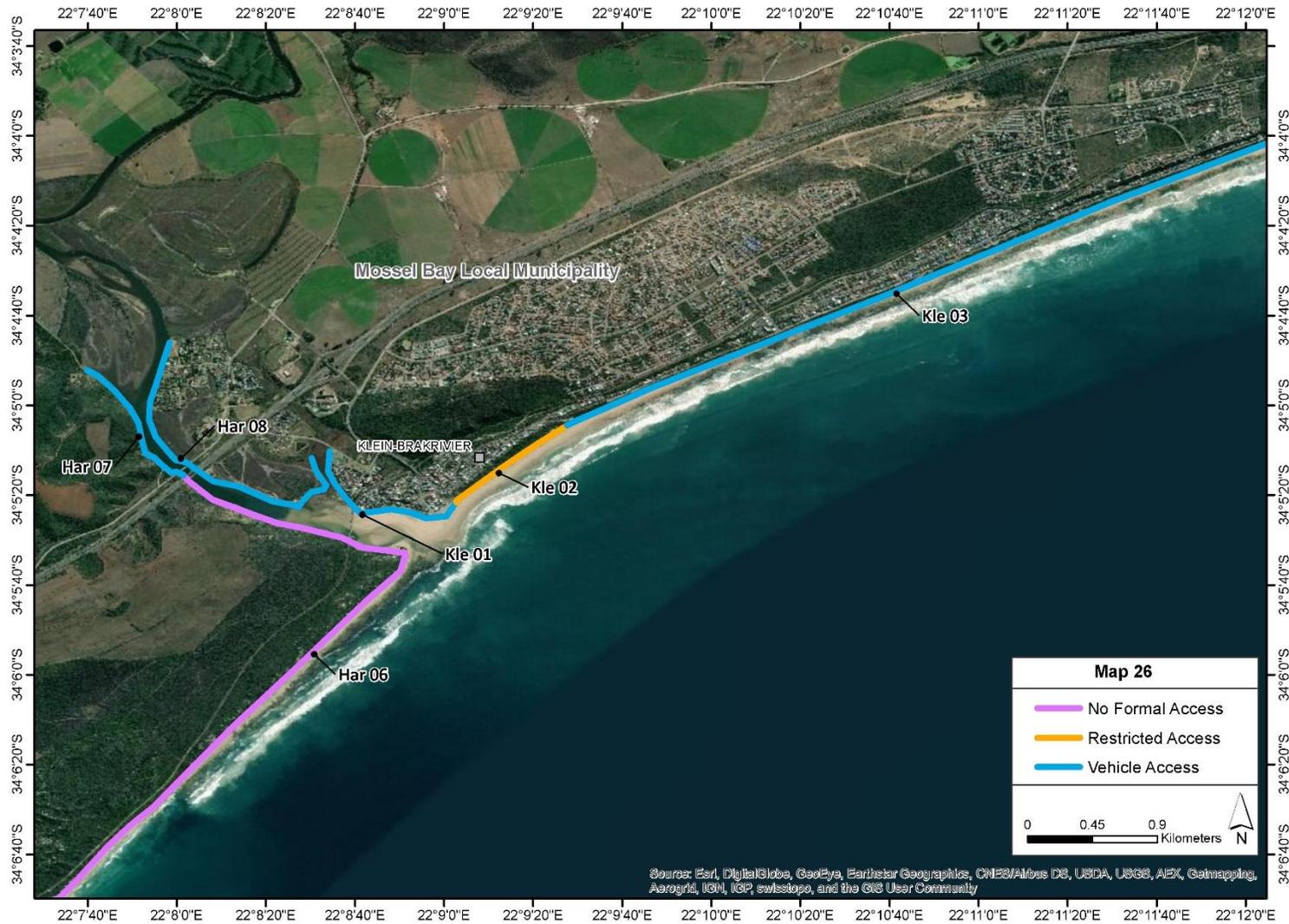


Figure 31: Hartenbos and Kleinbrak

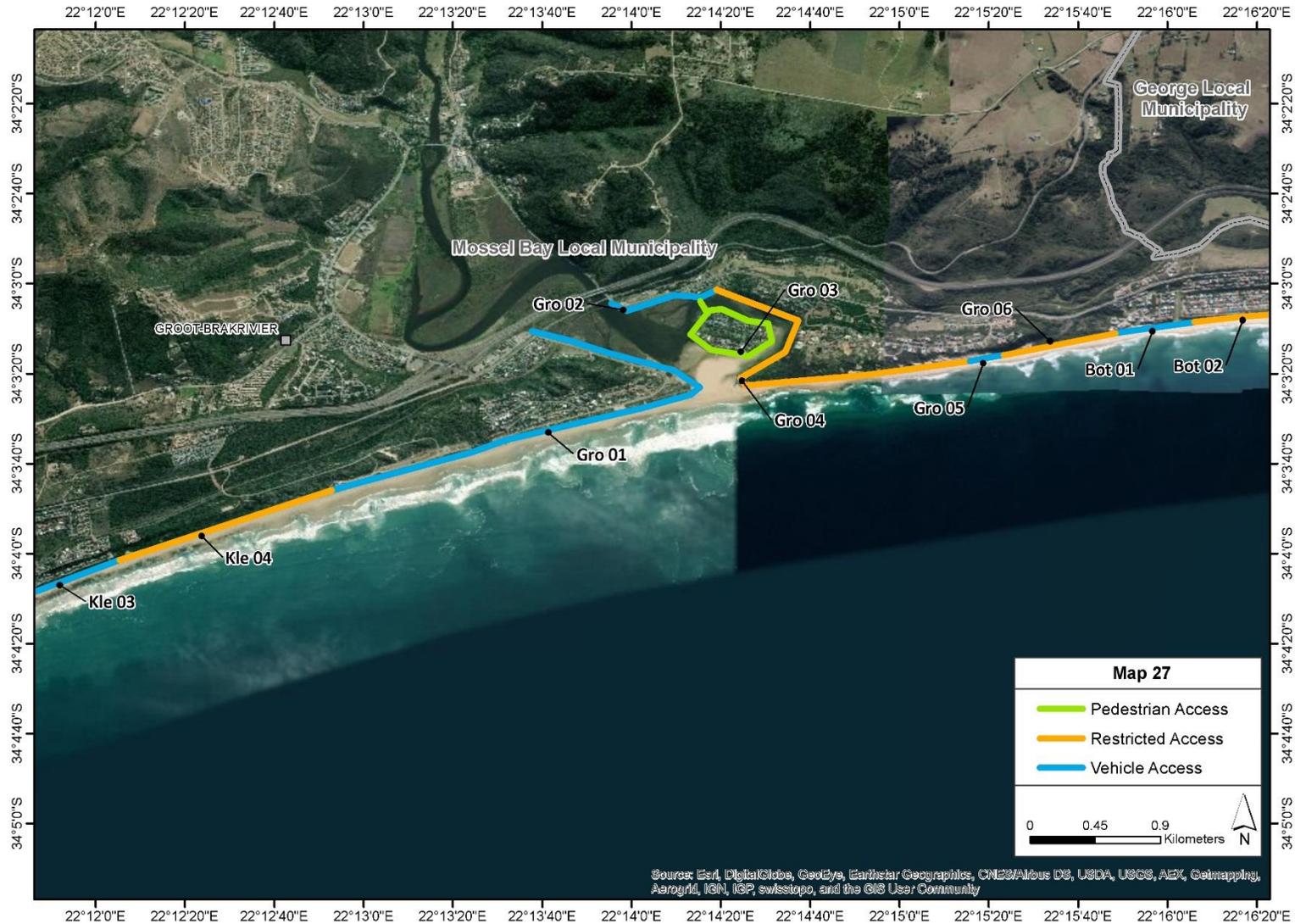


Figure 32: Grootbrak

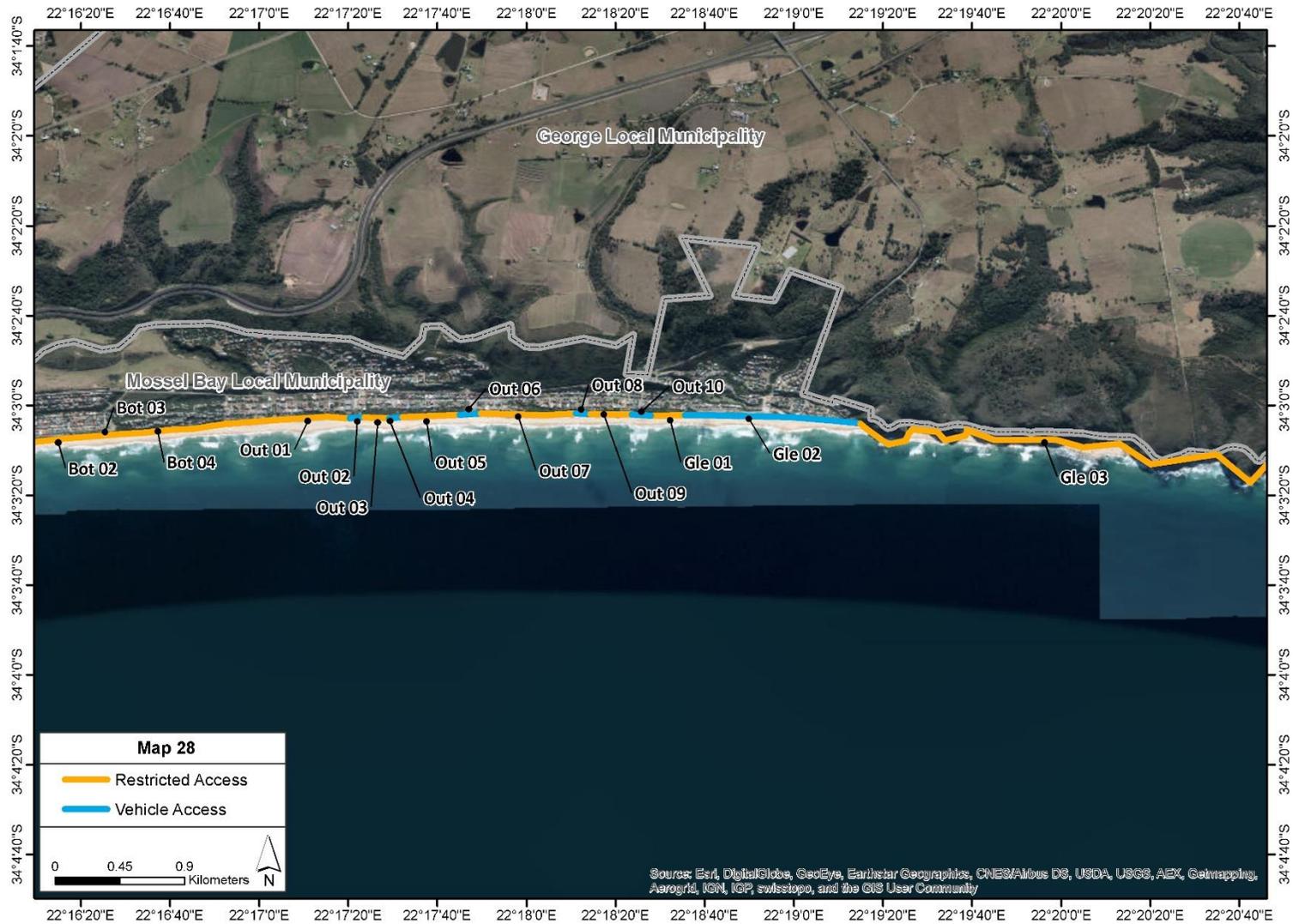


Figure 33: Grootbrak to Glentana

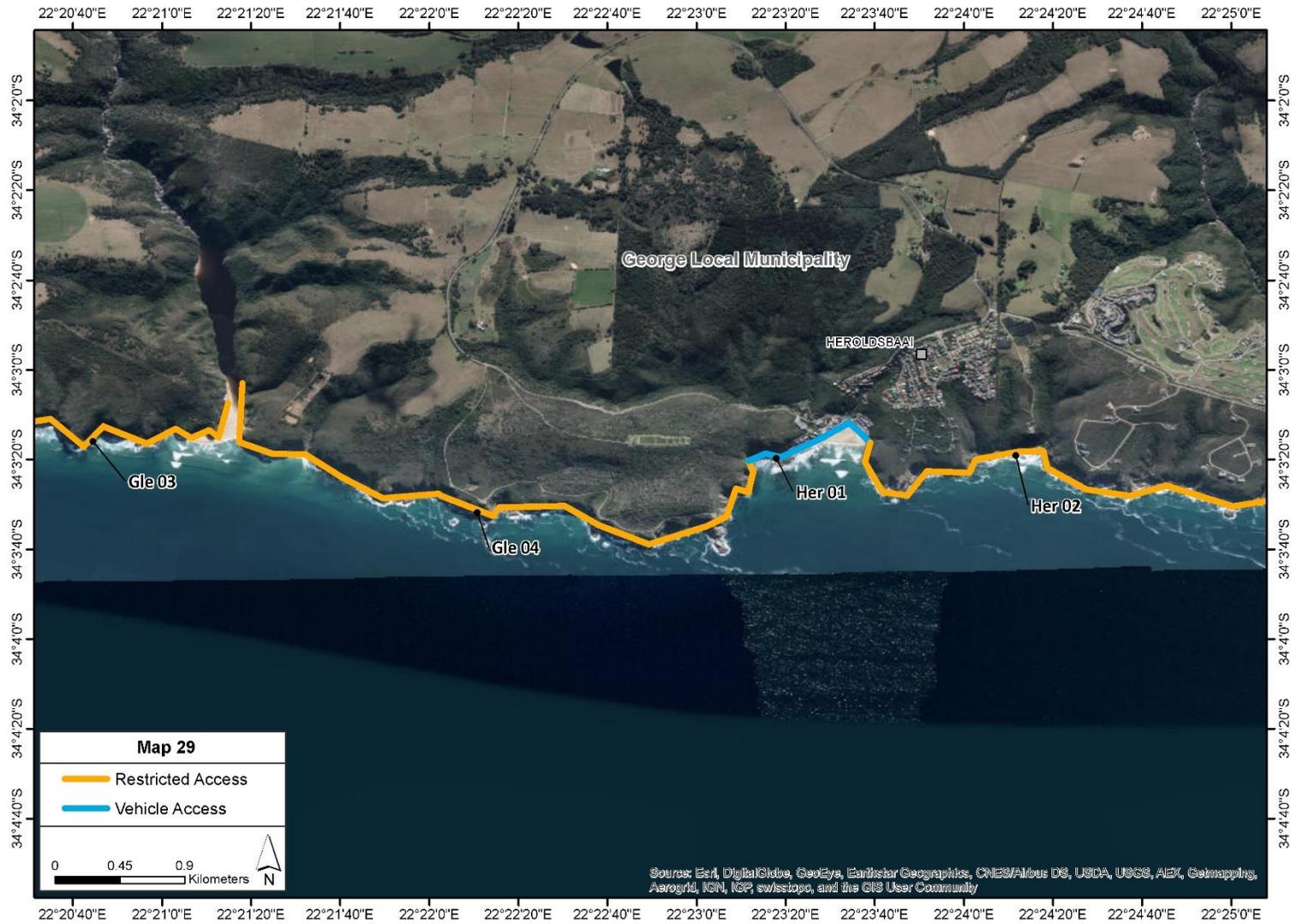


Figure 34: Glentana to Herolds Bay

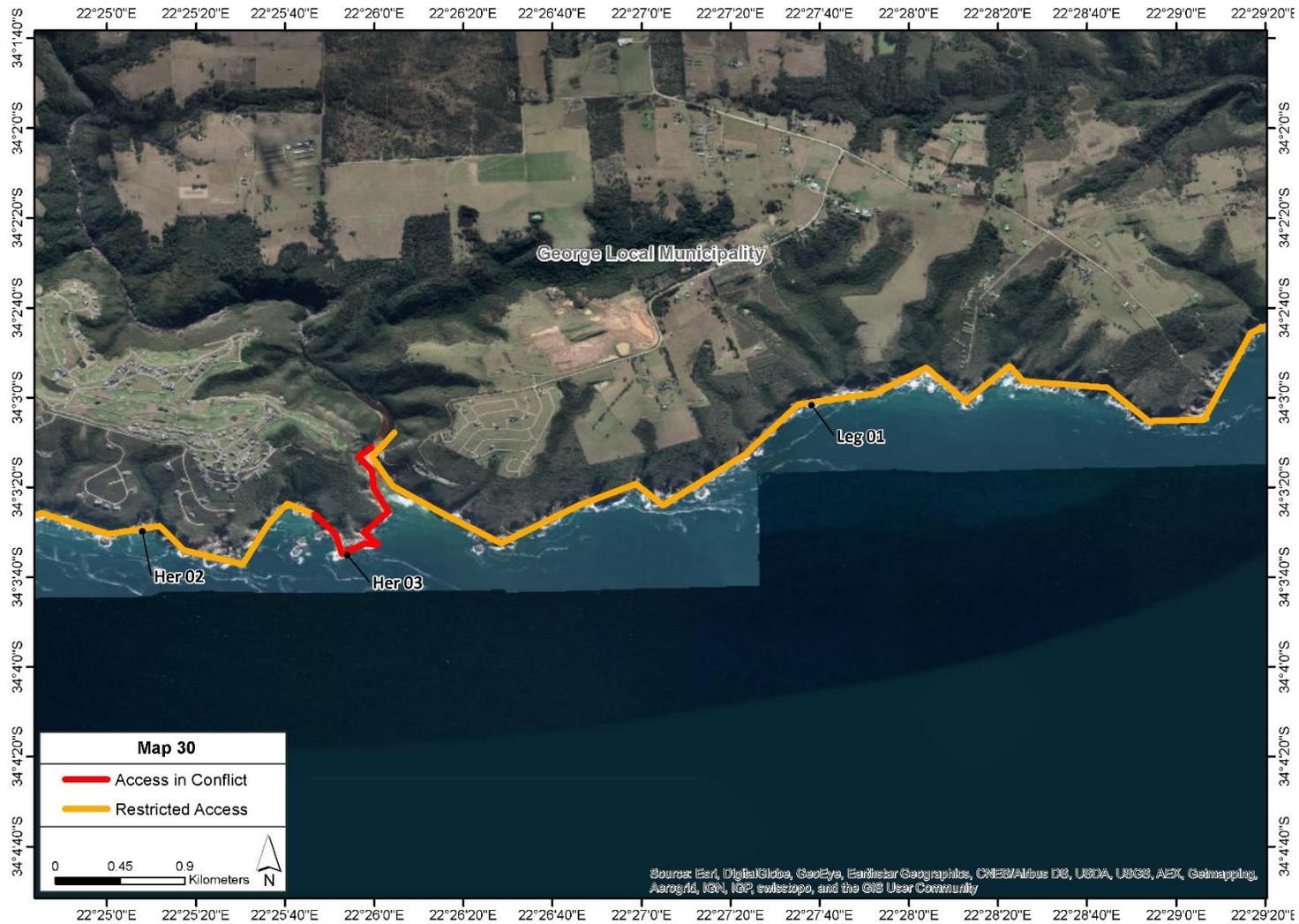


Figure 35: Herolds Bay

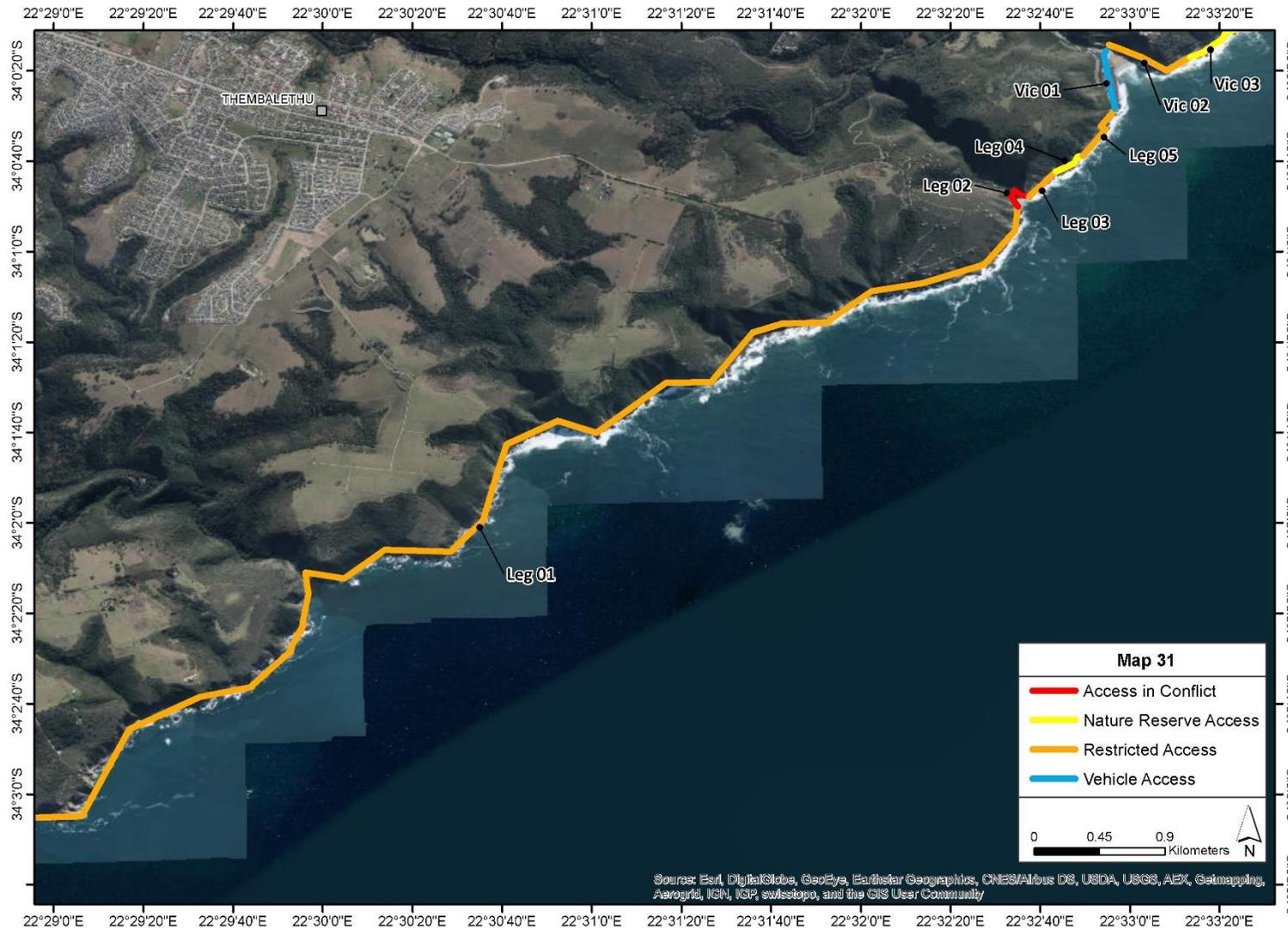


Figure 36: Herolds Bay to Victoria Bay

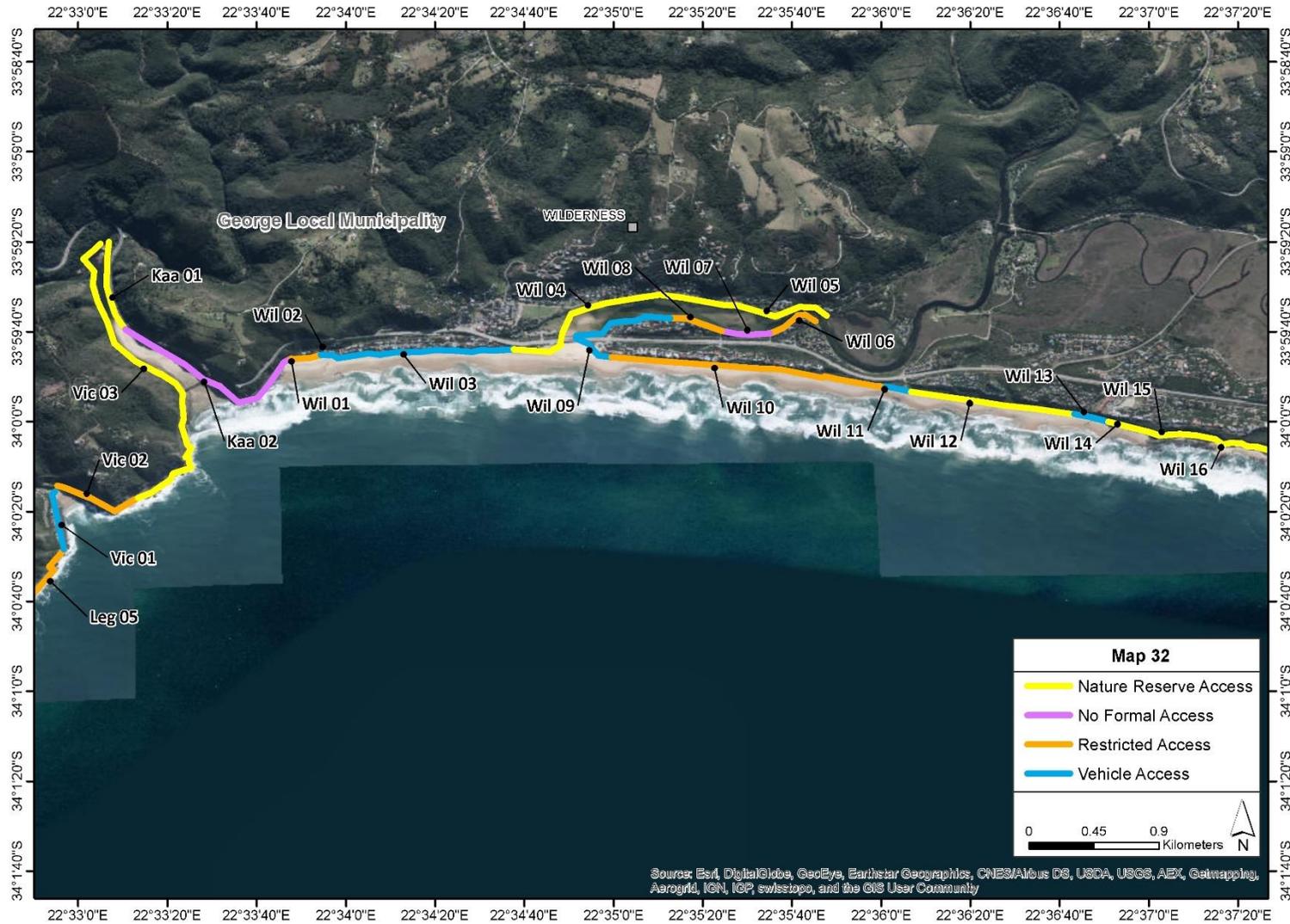


Figure 37: Wilderness

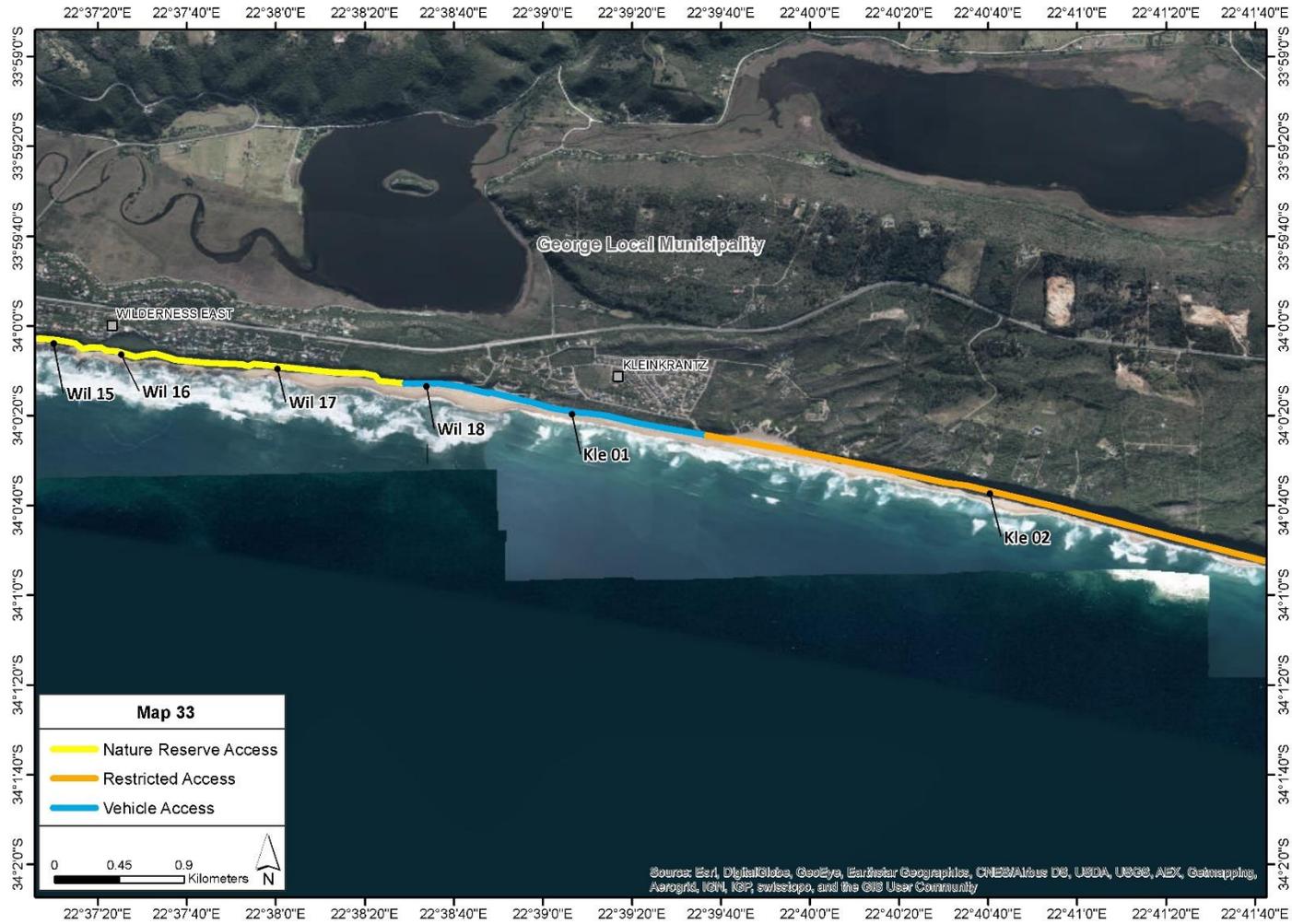


Figure 38: Wilderness and Kleinkrantz

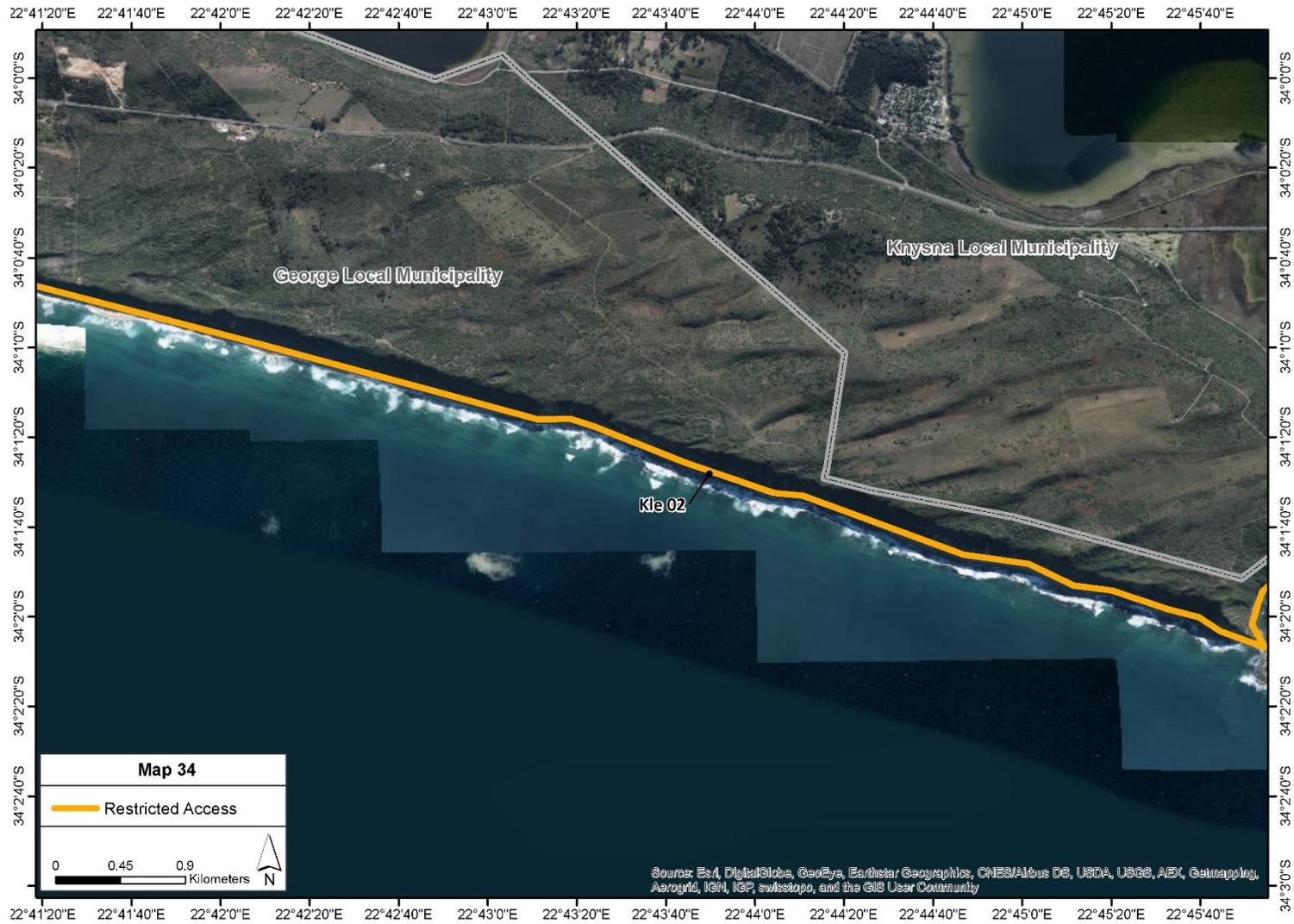


Figure 39: East of Kleinkranz

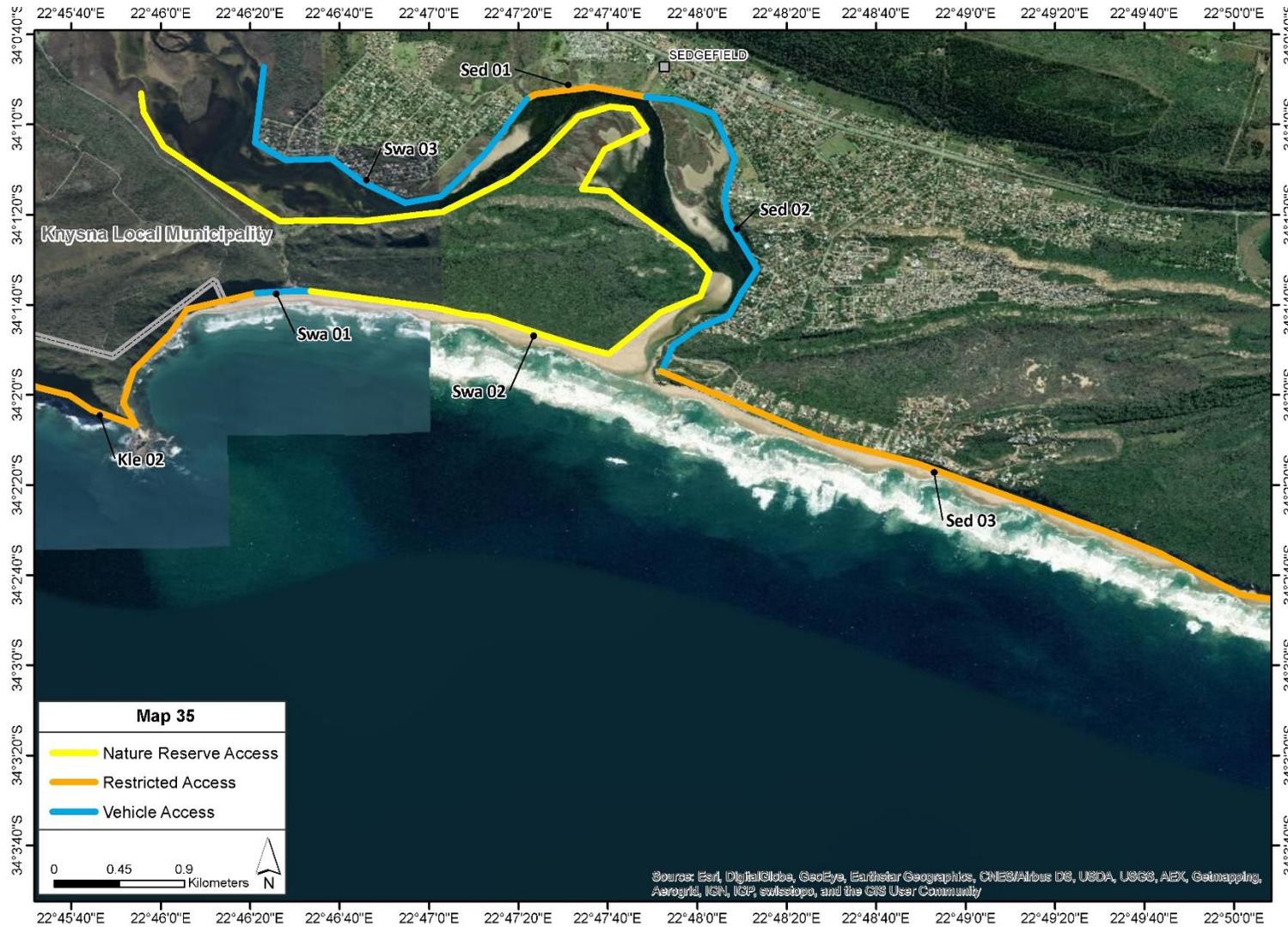


Figure 40: Sedgefield

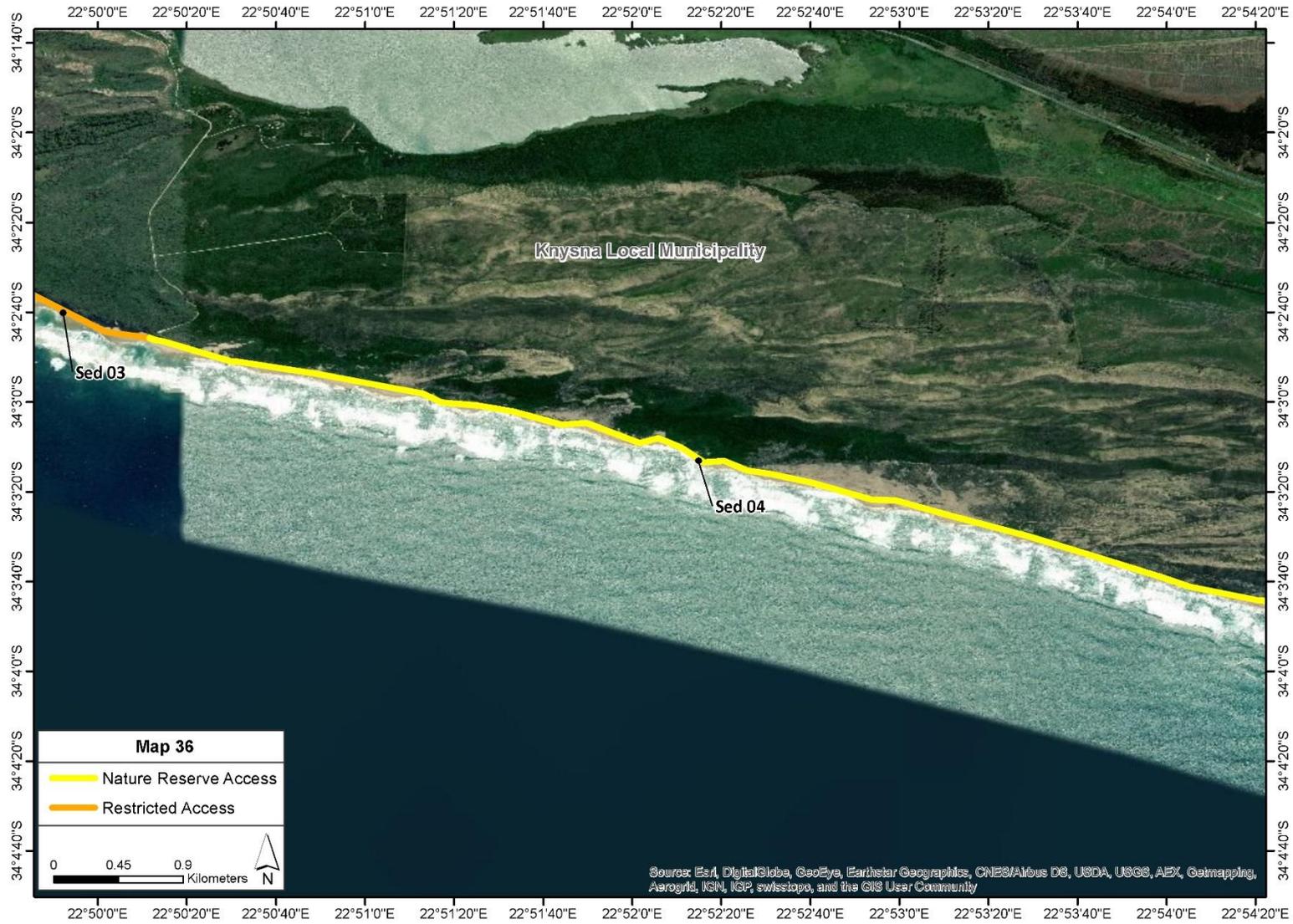


Figure 41: East of Sedgfield

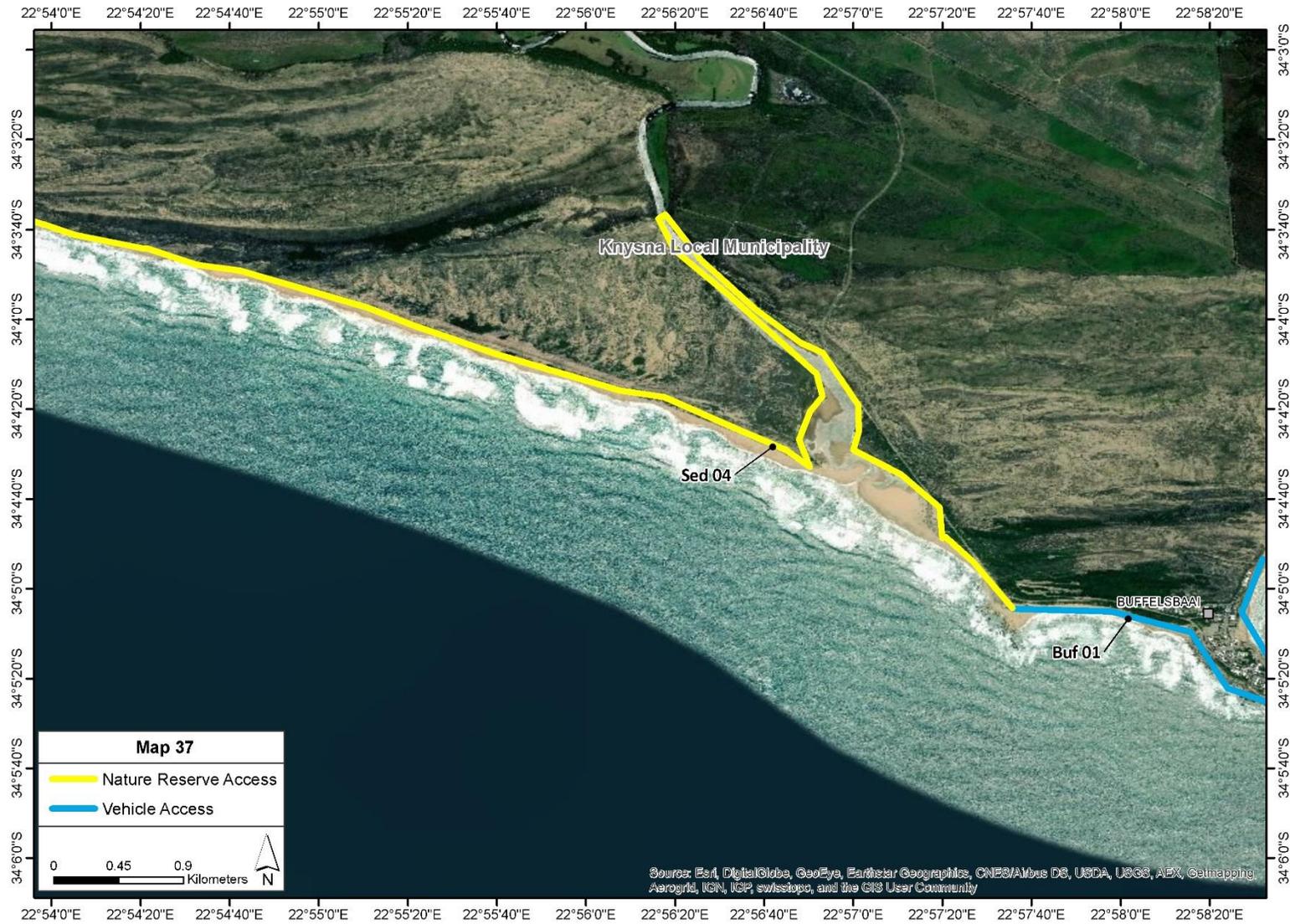


Figure 42: West of Buffalo Bay

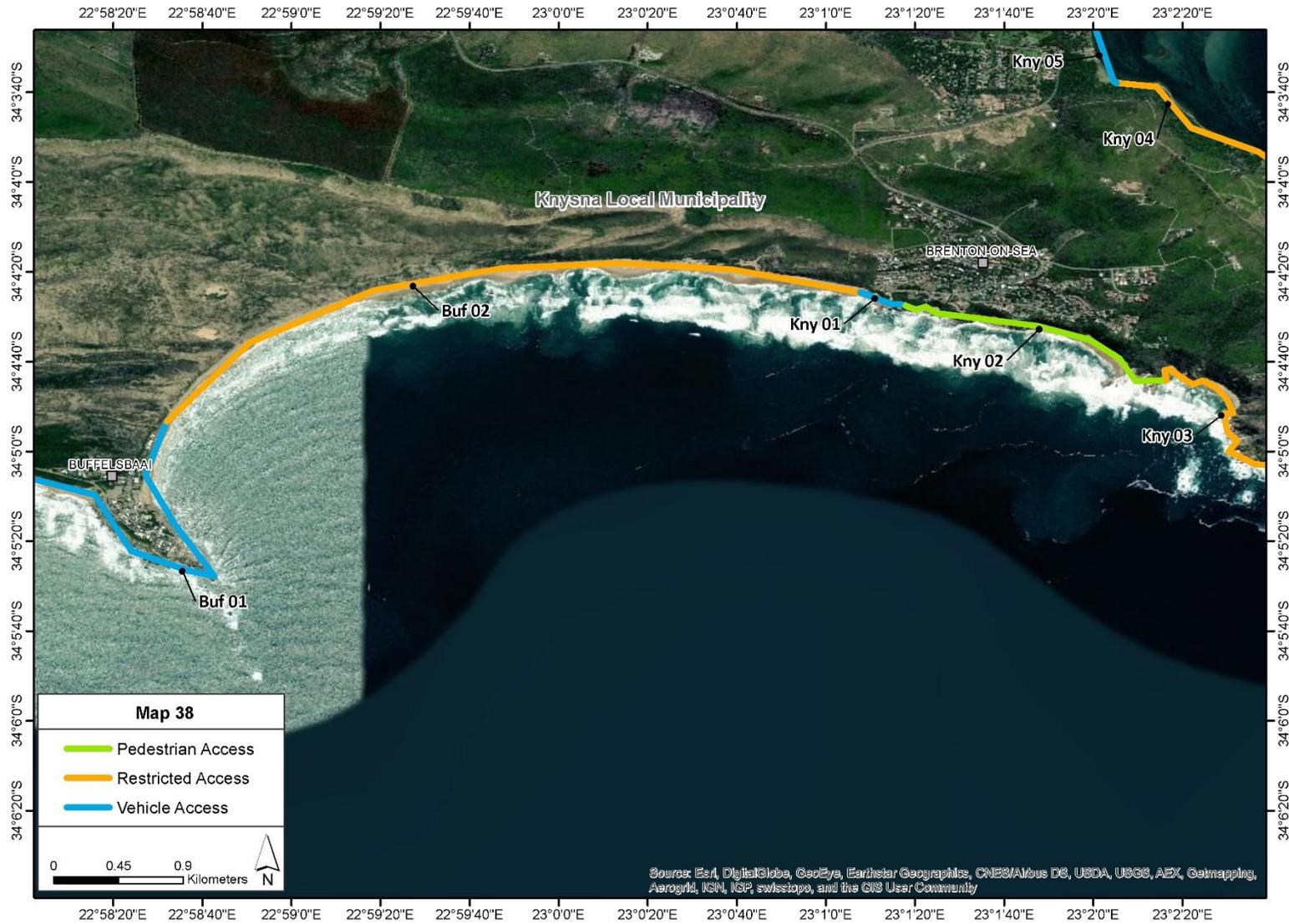


Figure 43: Buffalo Bay to Brenton-on-Sea

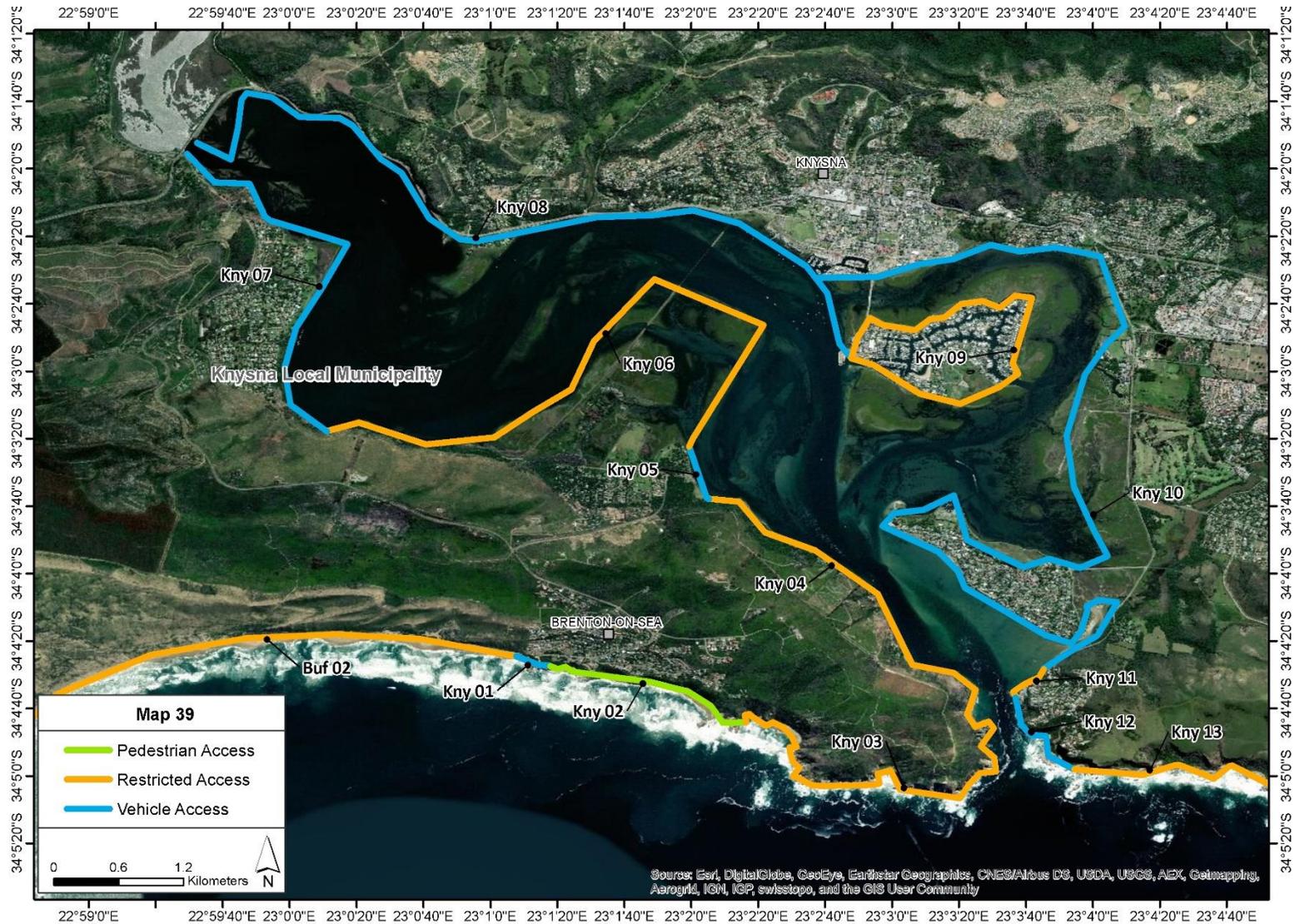


Figure 44: Knysna Lagoon

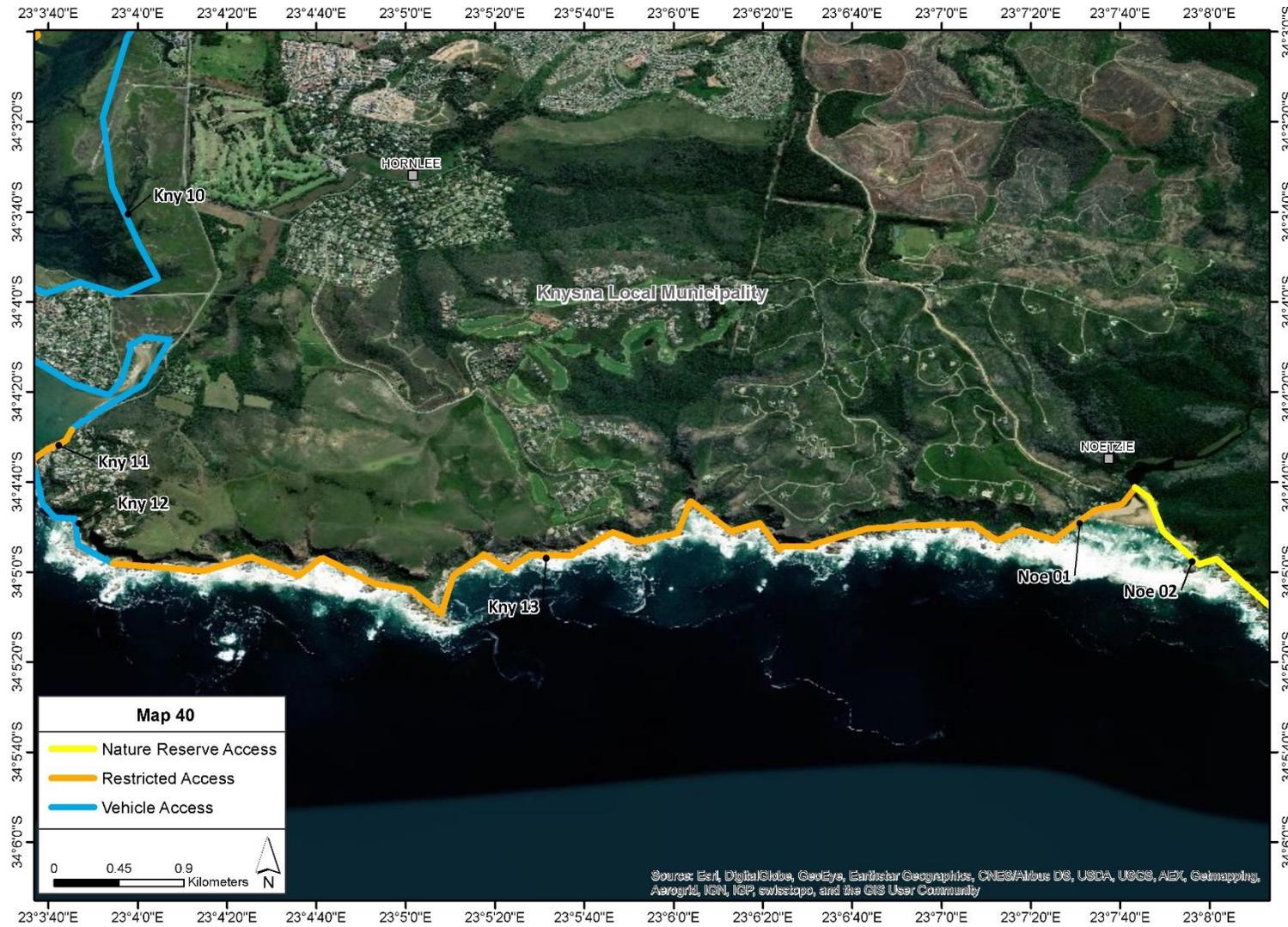


Figure 45: Knysna to Noetsie

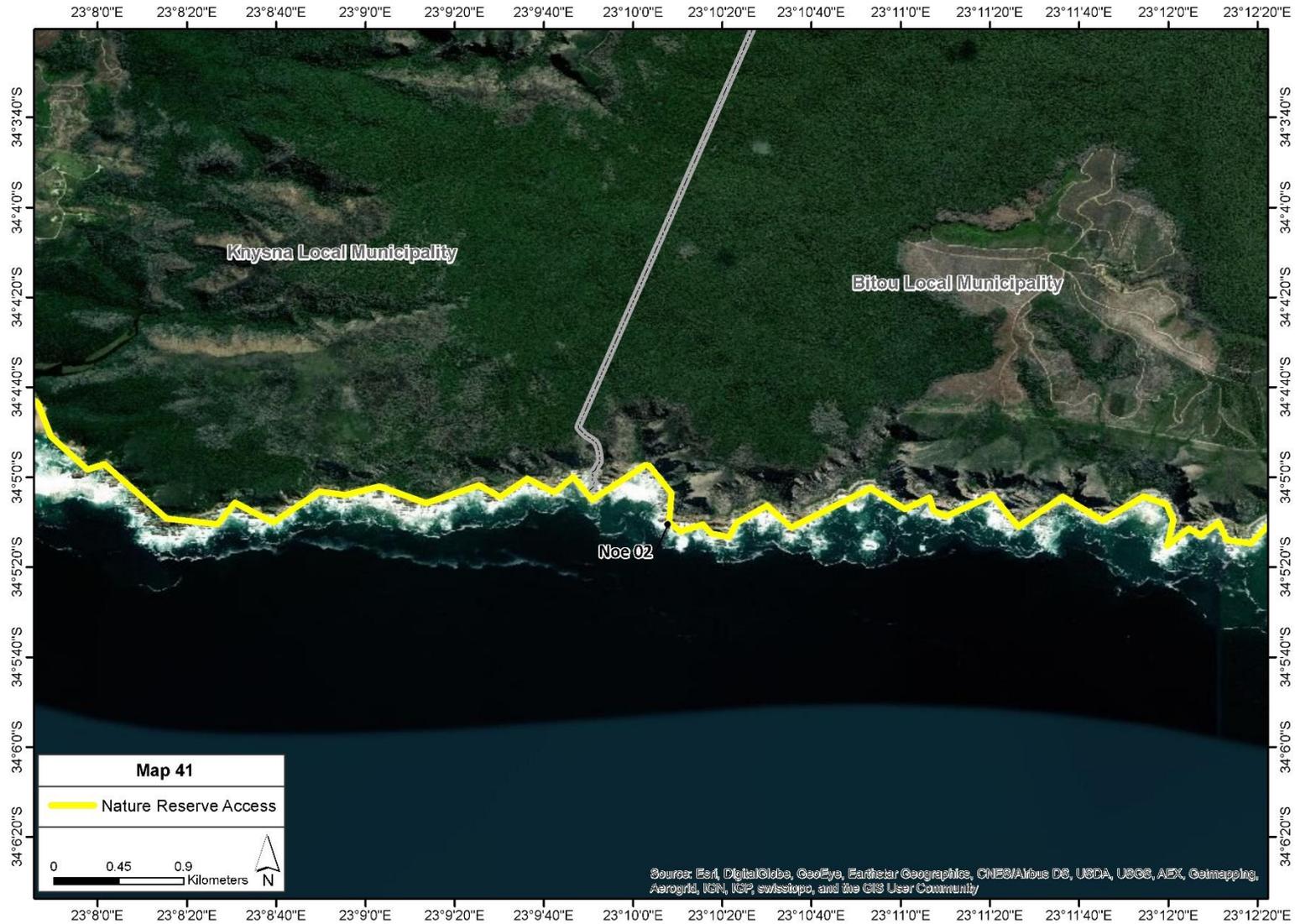


Figure 46: East of Noetsie (a)

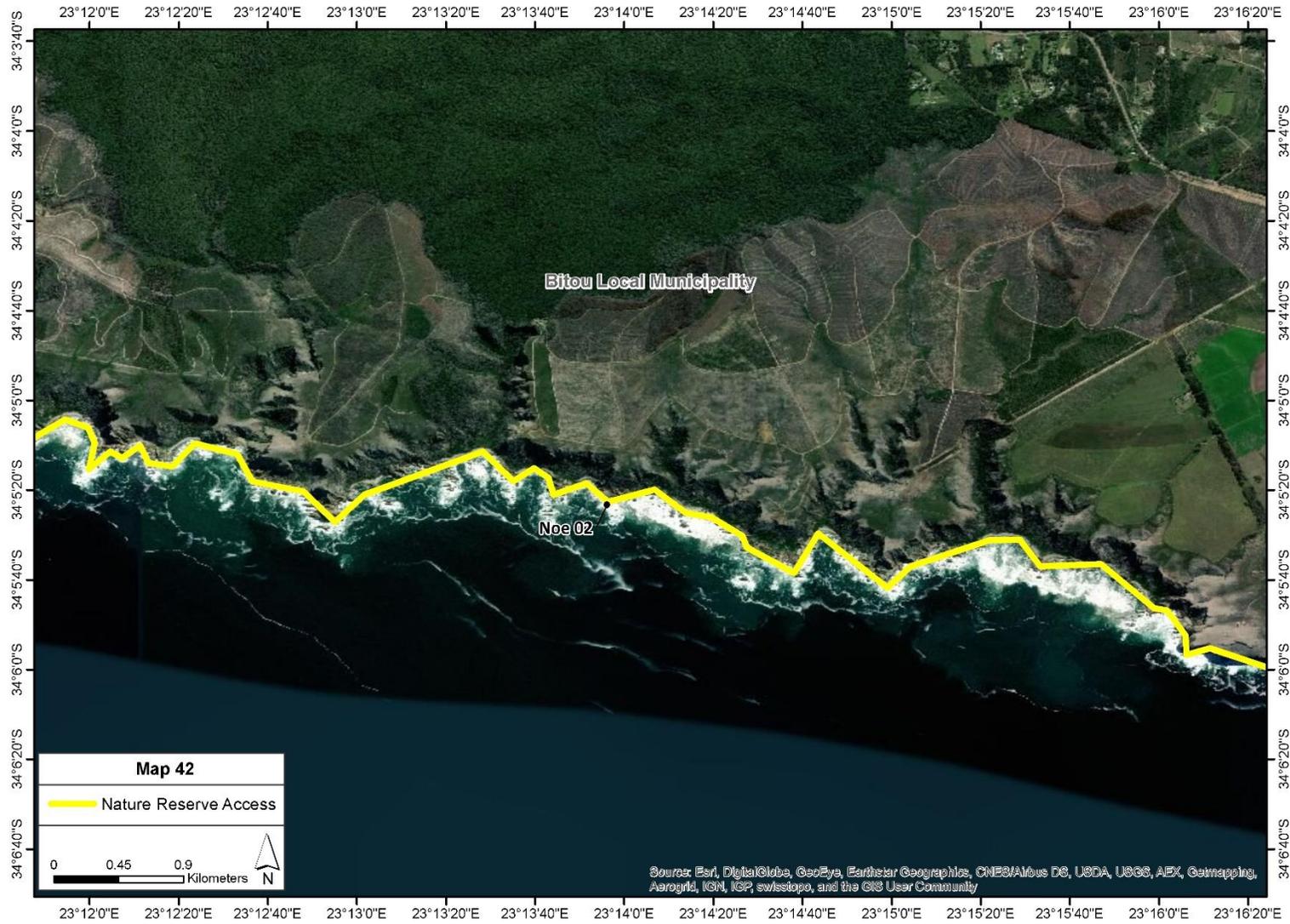


Figure 47: East of Noetsie (b)

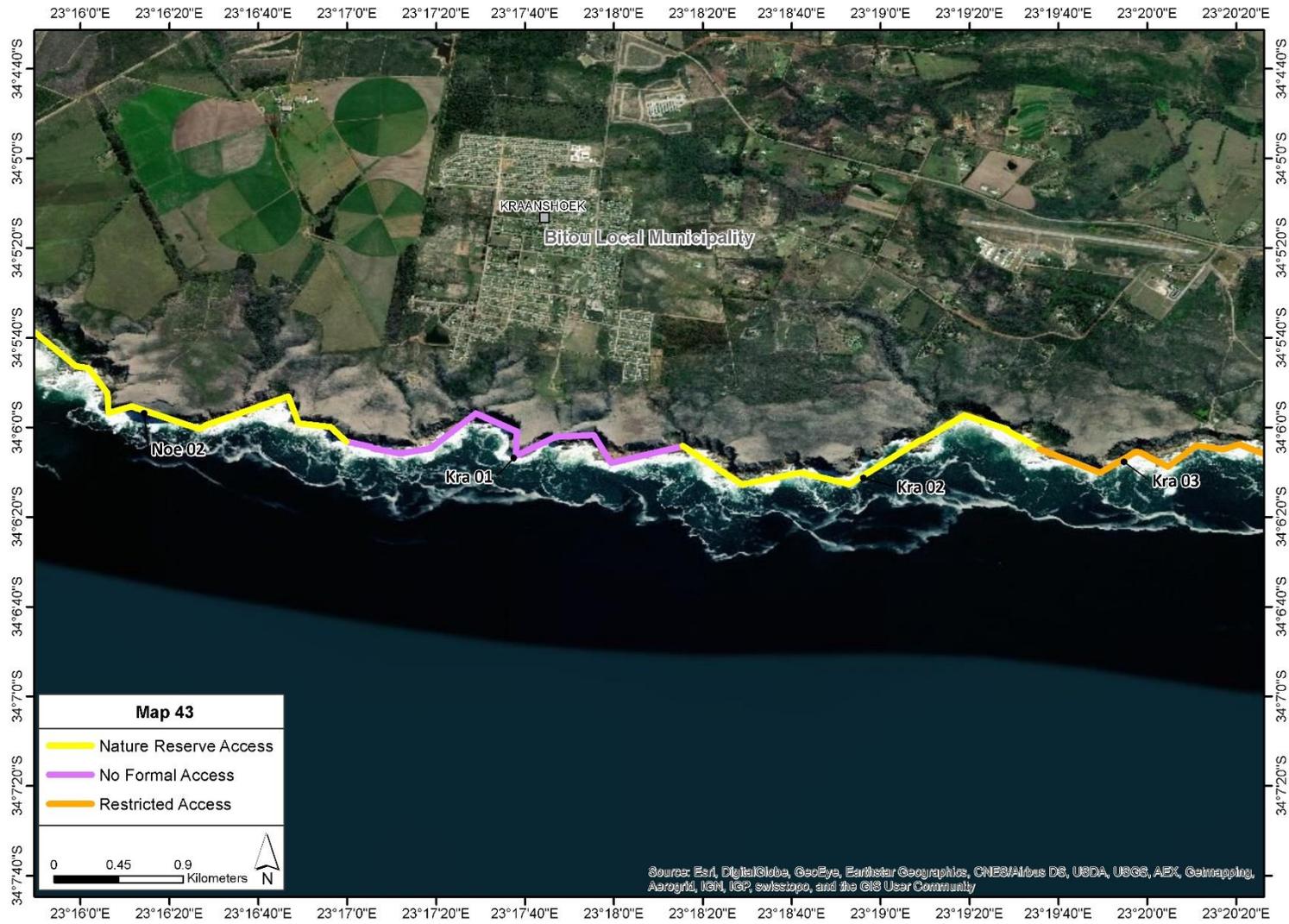


Figure 48: Kranshoek

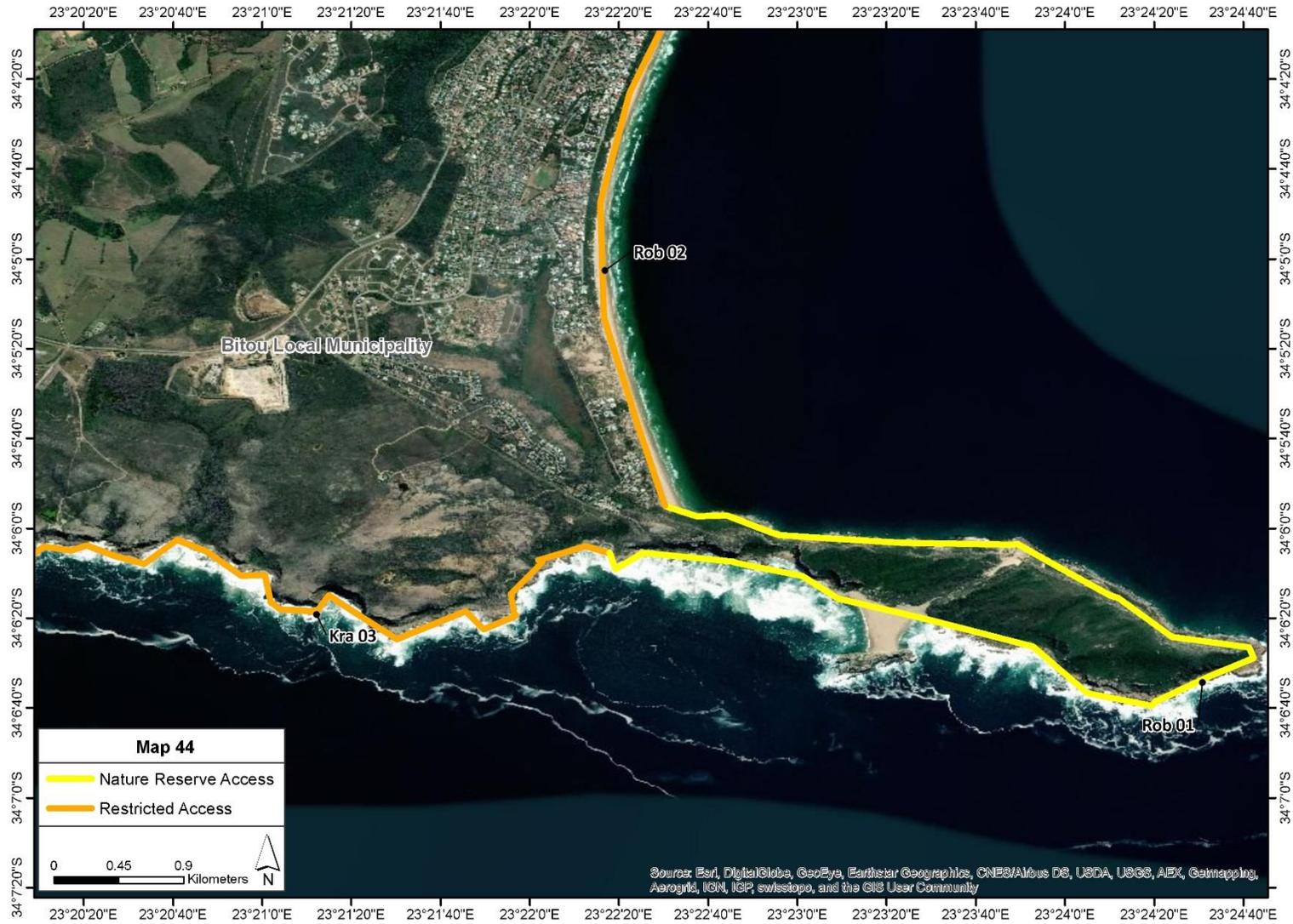


Figure 49: Robberg

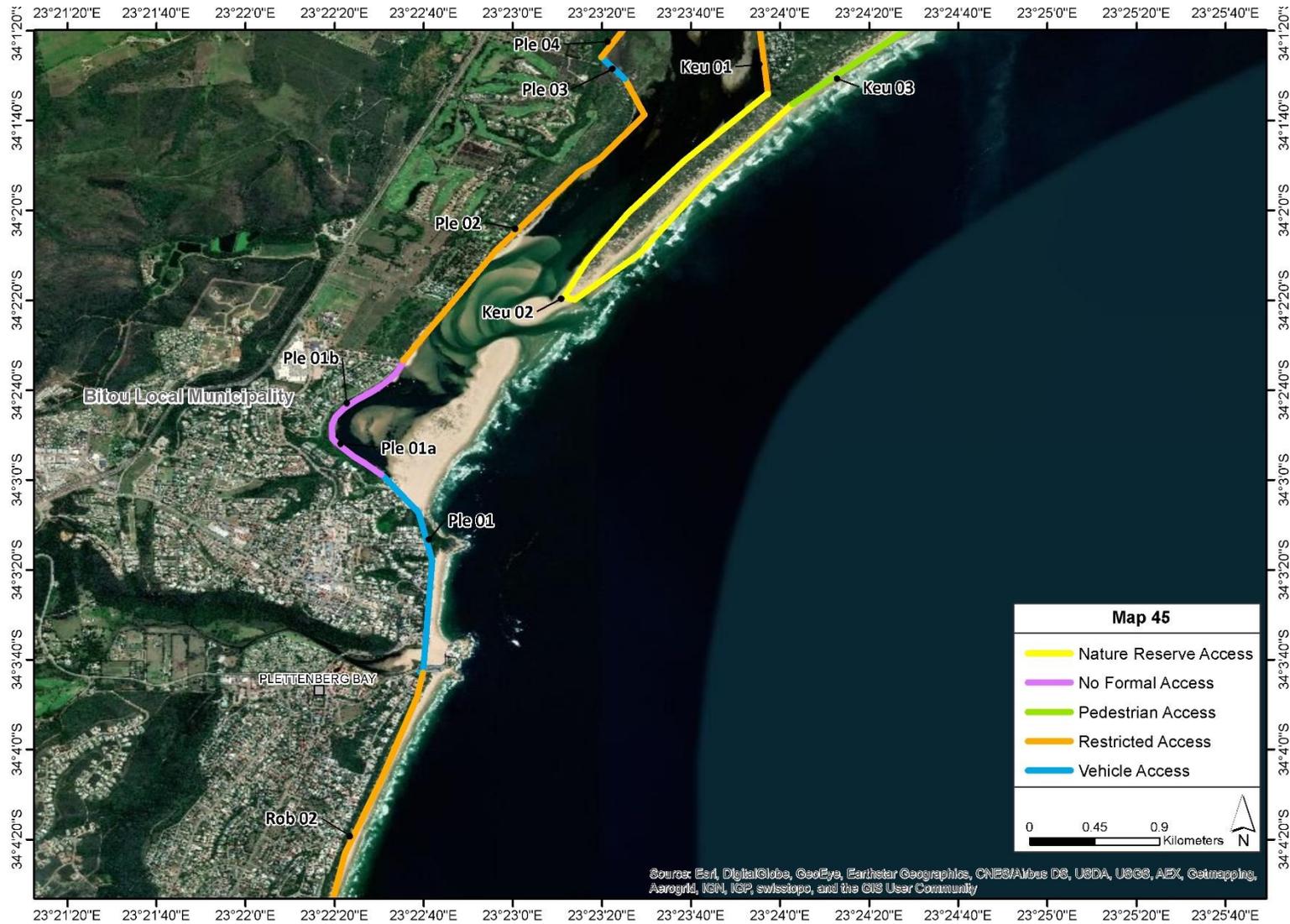


Figure 50: Plettenberg Bay

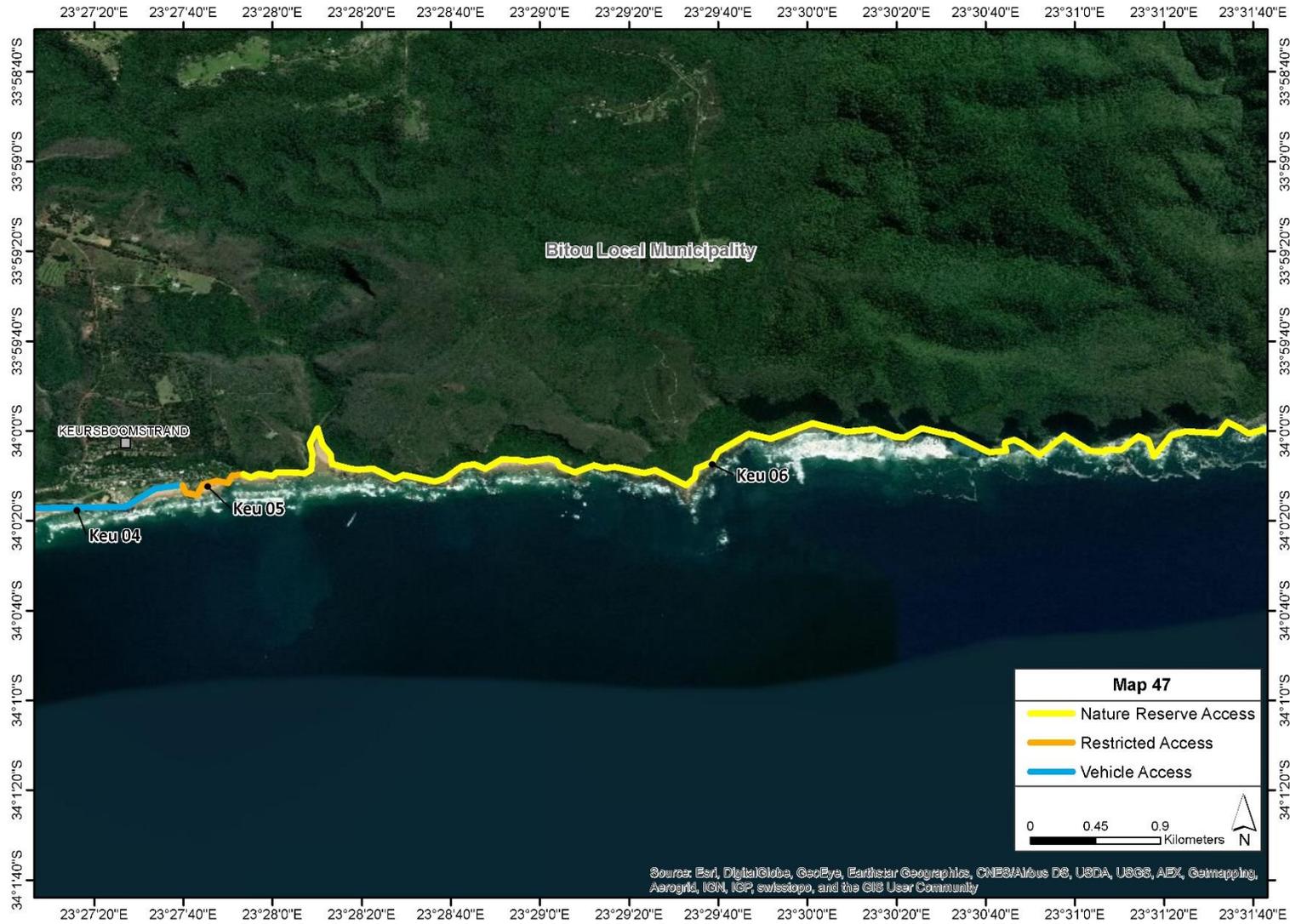


Figure 51: Keurboom

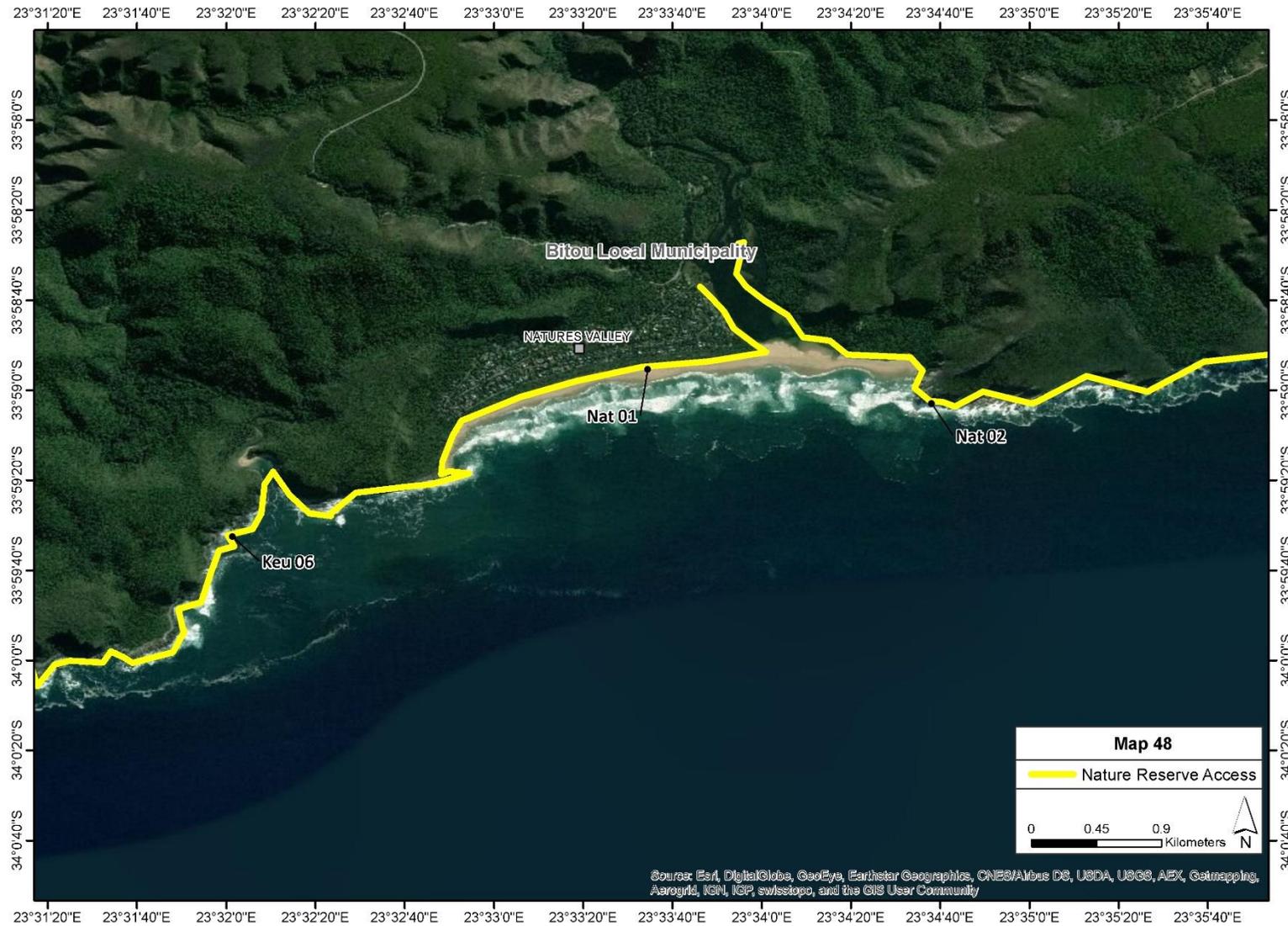


Figure 52: Natures Valley



Figure 53: East of Natures Valley

4.4 Garden Route Priority Action Items and Inputs Received per Municipality

The following is a discussion of the sectors which were found to have current conflicts. Every attempt has been made to present both sides of the conflict. No attempt has been made to favour one or the other side. Rather the information is presented for priority action by the District and Local Municipalities.

4.4.1 Priority Actions

The coastal access audit was intended to assist the Garden Route Municipalities to prioritise efforts and resources. In order to assist in this process, the findings of the site inspections, workshops inputs and feedback from stakeholders is tabulated in Table 7 below.

The sectors are tabulated in geographic order from west to east and the distinctions between sites at the five different local municipalities highlighted.

In the table, an “x” indicates that the priority action has been triggered for that site. A “?” indicates a possible trigger. The colour box reflects the category of access identified which further reflects the immediacy of action required by the municipality as per the approach detailed in section 3.1 above.

Table 7: Priority Actions

Location	Ref	Characterisation	Conflict	Env damage	Safety security	Identified need	Maintenance Required	Further investigations	Illegal Activities
Hessequa	Wit 01	Orange						X	
	Wit 02	Orange							
	Wit 03	Blue				X			
	Wit 04	Orange							
	Wit 05	Yellow							
	Wit 06	Orange							
	Wit 07	Blue				X	X	X	
	Wit 08	Purple					X		
	Wit 09	Blue							
	Wit 10	Orange							
	Wit 11	Yellow							
	Wit 12	Orange							
	Wit 13	Yellow							
	Dui 01	Red		X			X		
	Dui 02	Red		X			X		

Location	Ref	Characterisation	Conflict	Env damage	Safety security	Identified need	Maintenance Required	Further investigations	Illegal Activities
	Dui 03								
	Dui 04								
	Dui 05								
	Dui 05a								
	Dui 06								
	Dui 07		?						
	Dui 08								
	Dui 09								
	Dui 10								
	Jon 01								
	Jon 02								
	Jon 03								
	Jon 04								
	Jon 05								
	Jon 06								
	Sti 01								
	Sti 02								
	St 03								
	Sti 04								
	Sti 05								
	Sti 06								
	Sti 07								
	Sti 08								
	Sti 09								
	Sti 10								
	Sti 11								
	Sti 12		X	X		X			X
	Sti 13			X		X	X		X
	Sti 14			X			X		
	Sti 15								
	Sti 16								
	Sti 17								
	Sti 18								
	Sti 19								
	Sti 20								
	Sti 21								
	Sti 22								

Location	Ref	Characterisation	Conflict	Env damage	Safety security	Identified need	Maintenance Required	Further investigations	Illegal Activities
	Sti 23								
	Sti 24								
	Sti 25								
	Gou 01								
	Gou 02								
	Gou 03								
	Gou 04								
Mossel Bay	Gou 05								
	Gou 06							X	
	Gou 07		?			?		X	
	Gou 08							X	
	Vle 01							X	
	Vle 02								
	Vle 03								
	Bog 01			X					X
	Bog 02								
	Bog 03			X					X
	Bog 04			X			X		
	Bog 05								
	Bog 06		X			X		X	
	Dan 01					X	X		
	Dan 02								
	Dan 03					X	X		
	Dan 04								
	Dan 05								
	Pin 01								
	Mos 01								
	Mos 02								
	Mos 03								
	Mos 04								
Mos 05									
Mos 06									
Mos 07									
Mos 08									
Mos 09									
Mos 10									
Mos 11									

Location	Ref	Characterisation	Conflict	Env damage	Safety security	Identified need	Maintenance Required	Further investigations	Illegal Activities
	Mos 12								
	Bay 01								
	Bay 02								
	Bay 03								
	Bay 04								
	Bay 05								
	Bay 06								
	Har 01								
	Har 02								
	Har 03								
	Har 04								
	Har 05								
	Har 06								
	Har 07								
	Har 08								
	Kle 01								
	Kle 02						X		X
	Kle 03								
	Kle 04								
	Gro 01			X			X		
	Gro 02								
	Gro 03								
	Gro 04			X			X		
	Gro 05			X			X		
	Gro 06								
	Bot 01			X			X		
	Bot 02			X			X		
	Bot 03								
	Bot 04			X			X		X
	Out 01			X			X		X
	Out 02								
	Out 03			X			X		X
	Out 04								
	Out 05			X			X		X
	Out 06			X			X		
	Out 07			X			X		X
	Out 08								

Location	Ref	Characterisation	Conflict	Env damage	Safety security	Identified need	Maintenance Required	Further investigations	Illegal Activities	
	Out 09			X			X		X	
	Out 10									
	Gle 01			X			X		X	
	Gle 02									
	Gle 03									
George	Gle 04									
	Her 01						X			
	Her 02									
	Her 03		X					X		
	Leg 01							X		
	Leg 02		X							
	Leg 03									
	Leg 04									
	Leg 05									
	Vic 01									
	Vic 02									
	Vic 03									
	Kaa 01									
	Kaa 02									
	Wil 01									
	Wil 02									
	Wil 03									
	Wil 04									
	Wil 05									
	Wil 06									
	Wil 07									
	Wil 08									
	Wil 09									
	Wil 10							X		X
	Wil 11				X			X		X
	Wil 12									
	Wil 13									
	Wil 14									
	Wil 15									
	Wil 16									
Wil 17										
Wil 18				X	X		X			

Location	Ref	Characterisation	Conflict	Env damage	Safety security	Identified need	Maintenance Required	Further investigations	Illegal Activities
	Kle 01			X			X		
	Kle 02								
	Swa 01						X		
	Swa 02								
	Swa 03								
Knysna	Sed 01								
	Sed 02								
	Sed 03								
	Sed 04								
	Buf 01								
	Buf 02								
	Kny 01								
	Kny 02								
	Kny 03								
	Kny 04								
	Kny 05								
	Kny 06								
	Kny 07								
	Kny 08								
	Kny 09								
	Kny 10							X	X
	Kny 11								
	Kny 12								
	Kny 13								
	Noe 01								
Noe 02									
Bitou	Kra 01								
	Kra 02								
	Kra 03								
	Rob 01								
	Rob 02								X
	Ple 01								
	Ple 01a								
	Ple 01b								
	Ple 02								
	Ple 03								
	Ple 04								

Location	Ref	Characterisation	Conflict	Env damage	Safety security	Identified need	Maintenance Required	Further investigations	Illegal Activities
	Ple 05								
	Ple 06								
	Ple 07								
	Ple 08								
	Keu 01								
	Keu 02								
	Keu 03							X	
	Keu 04								
	Keu 05								
	Keu 06								
	Nat 01								
	Nat 02								

The tables below summarise the findings presented above (Table 7) per local municipality. It also provides an indication of the number of sectors in each of the coloured categories. The second set of summaries (categories) are provided to give an indication of the number of different categories of access but do not take into account the size or geographic spread of each category so the data should be viewed with caution and only used in the manner intended in this report.

4.4.2 Issues and Stakeholder Inputs for the Hessequa Municipality

This section deals with stakeholder inputs regarding coastal access in the Hessequa Municipality. It must be noted that many submissions related to the work completed by Royal Haskoning DNV in 2018. It is not within the scope of this coastal access audit to comment on the Royal Haskoning report or on submissions relating to that report. They have been included in Appendix 2 however, since they were submitted as part of the coastal access audit in 2019.

Table 8: Summary of issues and sectors in the Hessequa Local Municipality

	Conflict	Env damage	Safety security	Identified need	Maintenance Required	Further investigations needed	Illegal Activities
Priority issues	3+?	3	0	6	4	5	2

Duiwenhoks River Mouth / “Puntjie”: This area comprises all privately-owned waterfrontage.

Although unrestricted access for vehicles to the launch/ fishing site on the eastern bank is currently possible, the lack of amenities such as ablutions, refuse bins or braai facilities, could potentially expose the landowners to wildfires and health risks. There is also a single, freshwater launch site here. Access to the sea from this site is not always possible due to tidal influences and shifting sand-banks. The local community contests that the single launch site upstream is not suitable in all weather. There is thus a need to launch closer to the mouth of the river to gain access to the sea. The local fishing community are of the opinion that the private launch site at the Puntjie resort on the eastern bank of the Duiwenhoks may be more suitable for their purposes.

The privately owned Puntjie resort occupies the eastern bank of the Duiwenhoks River mouth. Access is managed and subject to conditions of entry such as permits or gate fees. The area around the point of the eastern bank of the river is registered as a natural monument. The local fishermen from Vermaakliheid reported that historically, they used to access the point for recreation, boat launching and fishing. They also informed the authors of historical footpaths to the coast that traversed the land Puntjie now occupies, as well as a footpath that skirted the fence of the resort. Apparently, all of these access routes are currently closed off and the community are no longer able to access the CPP and its resources. There are no practically accessible similar facilities to replace the ones from which they have been excluded in the area.

The authors recommend that attempts must be made to reach a compromise with the private landowners. The Municipality is urged to investigate alternative launch sites for equitable access to the CPP and its resources. (See Dui 01 and Dui 02).

Stilbaai to Gouritzmond: This stretch of coastline is the subject of much contention and various opposing claims regarding historic coastal access were received from stakeholders. Appendix 2 contains a complete, verbatim record of all these contributions received from stakeholders during the course of the project.

It is important to note that the purpose of this project was to provide all stakeholders with equal opportunity to state their case. However, it was not within the scope of this audit to interrogate or determine the validity of the various submissions, statements and claims – simply to ensure that they are recorded and made available to the decisionmakers. In an attempt to assist the District and Local Municipalities with moving forward on the various issues raised, the authors recommended the following course of action with regards to this area in general:

- The nature of the submissions received ranged from instances where the issues clearly involve access provision for the general public (e.g. Gourikwa Reserve) to some cases that appear to involve disputes between a limited number of individuals. The authors recommend that the District Municipality engage with their legal counsel in order to differentiate between issues of general public interest requiring state intervention versus private disputes and conflicts that do not warrant application of public funds in resolution.
- The term "historical access" needs to be explored in the context of this stretch of coast. It can be argued that the practice of landowners allowing select

individuals access clearly doesn't imply a general public right of way. Similarly, records of public right of way, some dating back to the 1800s, were also presented in evidence. In many of these cases, historical access routes fell victim to lawfully awarded private property rights. Various arguments regarding the interpretation of both law and principle as they apply to private versus public rights were made by stakeholders representing both sides of the issue. However, the authors are of the opinion that this debate will be best resolved during formal legal process and recommend that the District Municipality approach their legal counsel with the intent of obtaining a ruling in this regard.

- Many landowners registered concerns over safety, security, fire, stock theft and poaching associated with unrestricted public access. The authors believe that these concerns must be given serious consideration in any decision-making process regarding public access, especially in remote rural areas.
- The issue of applicability of Redline Diagrams, SG data and original land use planning (see references to, inter alia, "Moederkaarte" in Appendix 2) is ongoing. It is not within the scope of this audit to comment on the merits of the arguments raised in this regard, but the authors recommend that this issue be included in the debate on historical access mentioned above.
- Cognisance must be taken of the fact that large stretches of this coastline is treacherous and presents numerous hazards to pedestrian access. Decisions regarding provision of access points along this stretch of coast must be preceded by assessment of the risks involved (to all parties) and assignation of responsibilities and liabilities.
- The area west of Gouritzmond has been supplied with coastal access nodes and is subject to a management plan administered by the Hessequa Municipality. The areas subject to contention are west of this sector.

Given the above, the authors will not be discussing the issues and conflicts attached to individual locations along this stretch in this section of the report. One location in particular, namely the Gourikwa Reserve, repeatedly emerged as a conflict area during the stakeholder engagement process. Given that the nature of the conflict at this location speaks to most of the points raised above, a summary of the issues involved is presented here.

Gourikwa Reserve ("Reserve"): An district road used to provide public access parallel to the coast across a number of farms along this stretch, including the land which is now the Reserve. The remnants of this road can be seen from Gouritzmond to the eastern boundary of the Gourikwa Reserve and again on the western side of Gourikwa Reserve towards Stilbaai. When the Reserve (and other portions of neighbouring farms) was purchased by the then Atomic Energy Corporation ("AEC") the road was closed and the affected section under the AEC control, deproclaimed. Stakeholders reportedly expected that access along this road would be restored once the AEC vacated the area and the land was sold to private individuals. However, this did not occur, and the road has since fallen into disrepair.

The Reserve is currently privately owned. The owner does allow unrestricted public pedestrian access via a pedestrian gate to the CPP.

The owners of the Reserve recently commissioned an archaeological assessment for the area. The study found that archaeological reserves of conservation value do occur on the Reserve. Furthermore, the study concluded that re-instating the road and the commensurate increase in vehicle and pedestrian traffic could adversely affect the archaeological resource. Parts of the Reserve have been identified as critical biodiversity areas and the process of declaring the property as a nature reserve in terms of NEMPAA is underway. Re-opening the road would also require construction which could trigger the need for an environmental authorisation.

The owners of the Reserve have concluded that they will continue to allow unrestricted longshore pedestrian access. They are, however, not prepared to re-open the road to public vehicle traffic.

4.4.3 Issues and Stakeholder Inputs for the Mossel Bay Municipality

Table 9: Summary of issues and sectors in the Mossel Bay Local Municipality

	Conflict	Env damage	Safety security	Identified need	Maint- enance Required	Further investi- gations needed	Illegal Activities
Priority issues	1+?	16	0	2+?	17	5	9

Fisherman’s Village: This conflict area involves a roadway that historically ran from Dana Bay 2nd Beach, via Fisherman’s Village and a portion of Moquini Estate to the mouth of the Blinde River. This was reported to have been a popular swimming and fishing area as it is one of the only safe bathing beaches along this stretch of coastline.

Fisherman’s Village do currently allow access over their land to anglers, provided that they are in possession of a valid fishing permit. Vehicle numbers are also limited given the lack of parking facilities. It is worth noting that this arrangement was made without Moquini HOA’s participation or consent even though it effectively enables public access across Moquini property.

According to a number of stakeholders, access along this road has been sporadically denied contrary to this arrangement. Complaints have also been received that people have been turned away by the security guards. In addition, access is only permitted to fishermen with bona fide fishing licenses and not their families. Fishermen in the area are also requesting that the access be open after hours.

Note: Both Fisherman’s Village HOA and Moquini HOA claim that the roads in question are privately owned. However, a communication from Mossel Bay Municipality states

that “the Remainder of Erf 14794 is a public road.” The authors recommend that this apparent contradiction be clarified.

Moquini: This conflict area involves a roadway that used to run through from Dana Bay 2nd Beach to Dana Bay 3rd Beach. This road reportedly terminated close to the mouth of the Blinde River which was a popular swimming and fishing area as it is one of the only safe bathing beaches along this stretch of coastline.

The public expressed the need to access the coastal resources at the Blinde River. Currently public access is only (officially) possible by parking at Dana Bay 2nd Beach and walking along the shoreline for roughly 1.5km.

According to the Moquini HOA the track leading through their property is currently illegally used by fishermen. They state that “contrary to public belief, (this is) a private road with no registered servitude and not a public road”. Furthermore, they claim that “public use of this road and parking on our property is a security, environmental and fire risk for Moquini Coastal Estate. There are no facilities at the end of the road which is used as a parking area by the fishermen. This results in unhygienic conditions, littering and occasional fires being lit very close to the fynbos.”

Moquini Coastal Estate HOA also state that they are not party to the agreement between Fisherman’s Village and local anglers referred to above. Lastly, Moquini HOA state that “There is no clause in our HOA Constitution or founding documents that grants access to public to any part of our estate. To the contrary, our Constitution demands that the public’s access to private open space in the estate to be strictly controlled.” They have given effect to this by erecting a locked boom at the entrance of the property to prevent public entry.

Nautilus Bay: Aerial images clearly show a road to the CPP to the west of the estate. This was reported by stakeholders to have been open to the public but is now closed at the gate house inland of the estate. It is contended that this is the remnant of a road built by Moss gas and that during the construction of the road, commitments were given that the public would continue to have access along it even after construction. A secondary road which runs to the east of the estate was similarly reported to have been open to the public but is now shut. Resumption of access through Nautilus to the CPP is being sought- i.e. over private property. Nautilus homeowners association reports they are awaiting a firm proposal from the Mossel Bay Municipality for the route and management of the access through Nautilus. This must then be subject to due process before being considered.

Authors’ recommendations:

1. The fact of historic public access to the coast via the road which now goes through Nautilus can be proven. This presents a strong case for either re-opening the road to the public or finding a mutually acceptable alternative access. The issue of reasonable access must be a consideration given that the current arrangement requires a 6 km walk from the Dana Bay 2nd Beach parking area to the parking west of Nautilus. Until this is resolved, this remains a conflict sector.

2. Similarly, the historic public access to the Blinde River and beach through Fisherman’s Village via Moquini land can also be demonstrated. The historic public use of this road does support the need for further investigations and re-establishment of some manner of reasonable access for all members of the public to the Blinde River. The current arrangement requires a 1.5km walk from the Dana Bay 2nd Beach parking area.

3. The planning approvals and environmental authorisations for Nautilus Bay, Fisherman’s Village and Moquini should be examined to determine if there are any requirements for public access through these developments. If this is found to be the case, such access must be enforced.

4.4.4 Issues and Stakeholder Inputs for the George Municipality

Table 10: Summary of issues and sectors in the George Local Municipality

	Conflict	Env damage	Safety security	Identified need	Maintenance Required	Further investigations needed	Illegal Activities
Priority issues	2	3	1	0	6	2	2

The western bank of the Gwaing River: This zone has been noted as a conflict area by the municipality in view of the fact that historic access to the coast for fishermen has been closed by the Oubaai Estate. No additional inputs or feedback from stakeholders was received during the stakeholder engagement process.

Ballots Bay: This is a small rocky inlet on privately owned land. It is noted as conflict area since it is claimed to have been a traditional fishing site to which access has recently been denied. The landowner disputes this but has amended the home owners association constitution to permit limited public access. This amended constitution has yet to be formally approved by the authorities.

4.4.5 Issues and Stakeholder Inputs for the Knysna Municipality

Table 11: Summary of issues and sectors in the Knysna Local Municipality

	Conflict	Env damage	Safety security	Identified need	Maintenance Required	Further investigations needed	Illegal Activities
Priority issues	0	0	0	0	0	1	1

No submissions regarding conflicts around access were received from the public during the course of the stakeholder engagement process.

4.4.6 Issues and Stakeholder Inputs for the Bitou Municipality

Table 12: Summary of issues and sectors in the Bitou Local Municipality

	Conflict	Env damage	Safety security	Identified need	Maintenance Required	Further investments needed	Illegal Activities
Priority issues	0	0	0	0	0	1	1

No submissions regarding conflicts around access were received from the public during the course of the stakeholder engagement process.

5 Discussion

This report documents the findings of the audit of the coastal access in Garden Route District Municipality. It maps various usages (also termed typologies) and characterises the degree of ease of access along the coastline from Witsand in the west to Nature’s Valley in the east.

The coastline has been divided into sectors for ease of reporting and these have been assigned colour codes according to their ease of coastal access. A list of priority actions has been developed for each sector (section 0). In the table, an “x” indicates that the priority action has been triggered for that site. A “?” indicates a possible trigger. This is most noticeable in the “illegal activities” column. It indicates that there is a lack of information which would permit a definitive statement on whether the issue is applicable or not, therefore requiring further investigation. This is especially the case with regard to possibly illegal activities since the authors of this document are not qualified to make definitive statements about the legality of specific activities.

The most noticeable feature of the audit results is the small number of free-access sites between Witsand and Mossel Bay. This is clearly demonstrated by looking at the maps with the blue and green areas depicting free coastal access. These are primarily in the towns themselves which is reasonable, since infrastructure and servicing is required. However, the towns along this stretch of the Garden Route coast are widely spread over a large area with the land in between largely privately owned. This has two main consequences:

1. Members of poor communities without access to transportation are frequently precluded from accessing the coastal resources for subsistence or enjoyment; and,

2. There is heightened pressure on the few freely accessible nodes. This impacts on the facilities, local residents and the natural resources themselves.

The expansion of declared nature reserves (yellow coding) along the coast is clearly of benefit to conservation efforts and indeed nature reserves under the auspices of local municipalities, CapeNature or SANParks have clearly defined public coastal access provisions. The conditions under which this access is permitted varies with each nature reserve and sometimes includes a gate fee and sometimes with prohibition on certain activities.

The same situation does not, however, apply to all privately-owned nature reserves. Many of these nature reserves were specifically declared by the land-owners as a mechanisms to reinforce the exclusion of the public from the land. Not all of these reserves have any provision for public access. A number of these privately-owned nature reserves have a contractual relationship with CapeNature or SANParks, under which public coastal access provisions are enforced. It was not possible in the scope of work of this audit to check the registration of all private nature reserves and whether there was adequate provision for public coastal access or whether it was maintained. Comments from stakeholders would suggest to the contrary. Indeed, many landowners noted that they are not in the market for gate-keeping or providing public facilities and for this and other reasons would not permit public access to their land and will actively prevent them from doing so. This means that, for the most part, the areas designated nature reserves have limited coastal access for the public- if at all. The number and extent of public coastal access east of Mossel Bay increases significantly. This is largely due to the increased number of towns and resorts with formal public coastal access. In fact, no complaints were receive from stakeholders about denied or restricted access in the eastern portion of the Garden Route. Such complaints were restricted to the area from Witsand to Mossel Bay town. The majority of complaints involved access being denied by private farms, reserves or new estates to the exclusion of large portions of the poor inland communities. These developments have resulted in insufficient access along the western Garden Route for the number and geographic spread of users at present and that this situation is likely to become more severe as population pressure increases.

Some of the "restricted access" points were found to be available only to bona fide subsistence fishermen and NOT their families or for other typologies or activities. Stakeholder comment from inland communities such as Vermaaklikheid, was that there were few *accessible* places where they could go and relax or play or just enjoy the coast. The recreational needs of impoverished communities does not appear to have been well researched, especially those communities distant from the coast. As a consequence, there are few accessible facilities for them to use that are a reasonable distance from their homes, permitting a sufficiently wide range of typologies at an accessible price. Feedback from stakeholders was that the grass-roots communities resent the hurdles that need to be overcome to access the CPP through private properties when the ICMA provides for access to their communities.

The clear outcome of this coastal access audit is that the use and needs of the western portion of the Garden Route especially, needs to be reviewed and coastal access planned accordingly to ensure equitable access for all communities and not just landowners and wealthy holiday-makers. This kind of planning needs to be done at the Coastal Management Plan and SDF levels so that it can be incorporated into the municipal IDPs to ensure adequate funding.

5.1 The Way Forward

The Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) commissioned this study in support of the District and Local municipalities of the West fulfilling their obligatory mandates with respect to the facilitation of public access to coastal public property. Once the document has been endorsed by the Department, it will be submitted to the West Coast District Municipality and recommended for implementation as part of the Municipal Coastal Management Programme. It will simultaneously be released to the public for information.

The release to the public is not intended as a further round of review by stakeholders as extensive reviews have already taken place. The release will be to provide the outcome of the reviews and consultations to the involved public.

Any queries on the document can be addressed to: Directorate: Biodiversity and Coastal Management; Email: coastal.enquiries@westerncape.gov.za or wccmp@westerncape.gov.za.

Appendix 1: Annotated maps and explanatory text

Appendix 2: Stakeholder Submissions

Appendix 3: Stakeholder Engagement Documentation

The table below contains a list of all stakeholders involved in the process to date.