

**AGENDA of the
Portfolio Committee : Planning & Development
20 October 2026
(Also the agenda for the Mayoral Committee Meeting : 27 October 2026)**

4.

A PORTION OF PORTION 1 OF FARM 308 BUFFELJAGSBAAI: SHORT TERM LEASE - ABALOB ICT4FISHERIES (RF) NPC ON BEHALF OF BUFFELJAGSBAAI SEA WHALE COOPERATIVE

A Le Roux

Divisional Manager: Property Management

29 September 2026

(028) 316 5623

1. Executive Summary

To obtain approval from Council to deviate from several paragraphs of the Administration of Immovable Property Policy of 2015 in order for the Municipality to enter into an agreement with Abalobi ICT4Fisheries (RF) NPC, on behalf of Buffeljagsbaai Sea Whale Cooperative (hereinafter referred to as “the Applicant”) for the lease of municipal property, being a portion of Portion 1 of Farm 308 Buffeljagsbaai ($\pm 8,466\text{m}^2$ in extent) (hereinafter referred to as “the Property”) for a period of 3 (THREE) years for the development of a proposed Community Fisheries Hub and kelp processing facility. Please see the locality maps attached hereto marked “**Annexure A**” with proposed site plan also attached hereto marked as “**Annexure B**”.

2. Service Delivery and Budget Implementation Plan - IGNITE

Planning and Development
Property Management

3. Compliance with Strategic Priorities

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

4. Delegated Authority

None

5. Legal Requirements

- Local Government: Municipal Finance Management Act (Act 56 of 2003) (“MFMA”)
- Municipal Asset Transfer Regulations (R. 878 of 2008)
- Administration of Immovable Property Policy of the Overstrand Municipality, as amended

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6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

An application was received from the Applicant to lease the Property for a proposed Community Fisheries Hub and kelp processing facility for a period of 3 (THREE) years.

The Applicant is a Non-Profit Company that wants to establish the mentioned facility that will support the development of the local small-scale fishing sector. The Applicant has been active in the Buffeljagsbaai community for approximately seven years, working closely with local fishers to support improved livelihoods and responsible fisheries management. Currently the Applicant's Marketplace programme in Buffeljagsbaai supports 6 fishing vessels, 34 fishers, 7 post-harvest workers, most of whom are woman and 1 local female Operations Assistant employed by the Applicant.

For several years the Applicant's post-harvest team has faced challenging working conditions due to limited access to appropriate infrastructure which affect both the efficiency of operations and the quality of the products. The proposed hub is intended to address these challenges by providing dedicated, hygienic and fit-for-purpose infrastructure for fish handling, storage and administrative activities.

The proposed hub will consist primarily of converted shipping container infrastructure, allowing for a modular and cost-effective development that can be implemented with minimal environmental disturbance. The infrastructure will include two 12-meter shipping containers converted into fish handling and storing facilities (including ablutions and changeroom) with integrated administrative and equipment storage space. Illustrative images of similar container-based fisheries hub are attached hereto marked as "**Annexure C**" with a proposed data hub design also attached hereto marked as "**Annexure D**".

The hub will serve as a multi-purpose facility supporting a range of fisheries-related and community activities, including fish offloading, processing, packing, storage, collections, training and skills development, administration, meetings and coordination, equipment storage, chemical storage and possible fish sales.

Evaluation

A: Administration of Immovable Property Policy of the Overstrand Municipality:

The following conditions of the said Policy will apply:

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Paragraph 4: “No application for the purchase, lease of or encroachment on immovable property (save for the instances mentioned in paragraphs 58 to 62 and 64.1 below) shall be processed unless the prescribed application fee as per tariff approved in the annual budget for the financial year has been paid, nor shall any proposed lease or encroachment (save for the instances mentioned in paragraphs 58 to 62 and 64.1 below) be advertised unless the applicant has confirmed, in writing, that he/she will bear all costs involved in such transaction including – but not limited to – legal, survey, re-zoning, sub-division, consolidation, advertisement, relocation or provision of services and, where applicable, a deposit as per prescribed rate to cover incidental costs has been paid.”

The Applicant completed the formal application form. Currently the application fee for the lease of municipal land to social care organisations, is an amount of R750.00 (SEVEN HUNDRED AND FIFTY RAND) (VAT included). As the purpose of the leasing is to accommodate, uplift and assist small scale fishers, it is suggested that the application fee be waived. For auditing purposes, the Applicant will still be required to complete the formal application form.

Paragraph 17: “Taking into consideration the nature and duration of the lease to be entered into, the leasing of immovable property may be affected by means of either:

- 17.1 a competitive process, which may include a closed or public tender or proposal call, specifically in circumstances listed in paragraph 18 below; or**
- 17.2 a direct lease”.**

The approval of a direct lease is requested taking into consideration the nature and proposed duration of the lease.

Paragraph 18: “A competitive process must at all times be followed in circumstances where:

- 18.1 the lease is for a long term with an income value in excess of R10 million;**
- 18.2 the lease is for a formal business premises with a market related rental;**
- 18.3 more than one party, in discretion of the municipality, is interested in the lease of the subject property; and/or**
- 18.4 by discretion of the municipality, a competitive process will best serve the interests of the community”.**

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The application is only for a lease period of three years. Due to the:

- (a) temporary nature of proposed lease;
- (b) time period associated with a competitive process;
- (c) the proposed use of the Property to the benefit of the community and to assist Buffeljagsbaai Sea Whale Cooperative in the activities, which is their livelihood;

it does not make financial and practical sense to follow a competitive process.

The request is that Council deviate from paragraph 18 of the said policy in order to enter into a direct lease with the Applicant.

Paragraph 21.1: “The Municipality may grant a short-term lease of municipal immovable property up to three years without the option of renewal only after the Accounting Officer has approved the lease in principle.”

The Municipal Manager approved the following on 17 July 2026:

“the lease of a Portion of Portion 1 of Farm 308, Buffeljagsbaai, to Abalobi ICT4Fisheries (RF) NPC for a proposed Community Fisheries Hub and kelp processing facility, for a period of 3 (THREE) years, subject to the following conditions:

1. *The lease of a Portion of Portion 1 of Farm 308, Buffeljagsbaai (± 8 466m² in extent), for a proposed Community Fisheries Hub and kelp processing facility, for a period of 3 (THREE) years, subject to Council approving the following:*
 - (a) *the deviation from paragraph 1, 18 and or any other relevant paragraph of the Administration of Immovable Property Policy of 2015 that might be applicable;*
 - (b) *the Applicant be exempted from the payment of rates.*
2. *The entering into a lease agreement with Abalobi ICT4Fisheries (RF) NPC pending the outcome of all the approvals that must be obtained.*
3. *That the lease be subject to the following conditions:*
 - 3.1 *That the Applicant be responsible for the cost of all link and bulk municipal services required.*
 - 3.2 *No new access roads may be created.*
 - 3.3 *The proposed location to place the Community Fisheries Hubs is already disturbed, so therefore no vegetation to be removed.*

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- 3.4 *That the Applicant ensure that chemical storage is fully enclosed and the risk of spillage prevented.*
- 3.5 *That ablution facilities be connected to already established Municipal sewage line on the account of the Applicant.*
- 3.6 *That the Applicant ensure responsible disposal of organic and inorganic waste generated during operations and to ensure waste is adequately disposed of, to ensure that no waste end up in the environment.*
- 3.7 *The following activities are prohibited, due to the proposed location falling within the Coastal EMOZ and Rural Risk Zone:*
 - *Discharging of domestic effluent/grey water into all natural systems.*
 - *Disposal of cigarette butts, ash and other hazardous materials in any place or manner other than a receptacle designated for such items.*
- 3.8 *That any new development must be designated and positioned within reason to limit potential flood damage and risk to human life, including but not limited to positioning buildings in suitable acceptable elevated portions of properties.*
- 3.9 *That after construction, any exposed ground area must be stabilized by the use of ground covering plant or minimize the risk of erosion. This applies to the areas where kelp will be processed to be dried.*
- 3.10 *That only fully enclosed/self-contained effluent storage and treatment systems be permitted if links to sewer mains are possible. There is an established Municipal sewer line within the area, and the proposed structure can be connected to this.*
- 3.11 *That a consent use application be completed.*
- 3.12 *The approval of a site development plan.*
- 3.13 *That land use may not commence prior to approval of the consent use.*
- 3.14 *That a building plan be submitted for the containers that should be cladded at least 50% to improve the aesthetic appearance as required elsewhere in Overstrand.*
- 3.15 *The comments/objections of DEA & DP be obtained.*
- 3.16 *That Council approves the deviation from paragraph 18.*
- 4. *A rent-free period of 12 months during which the Applicant can proceed with the necessary application processes as required."*

The lease agreement is in the process of being finalised for signature.

Paragraph 21.2: "Immovable property let according to paragraph 21.1 above need not be advertised in terms of paragraph 10.1 and

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10.2 and need not be subsequently approved by the Executive Mayor, but shall be subject to the following:

- (a) the lessee shall be responsible for all costs regarding the connection of services, service fees and any other costs associated with the lease;***
- (b) the Municipality shall, if it is not prescribed that market related rental must be charged, determine the rental;***
- (c) the lessee shall undertake in writing to compensate the Municipality for damages caused to the immovable property for whatever reason;***
- (d) the lessee shall indemnify the Municipality against any claims; and***
- (e) the Municipality may request proof of financial viability to honour the lease.”***

- (a) The Applicant will be responsible for the cost of all link and bulk municipal services required. No new access roads may be created. The payment of rental will be discussed under the relevant paragraph.
- (b) The Applicant is a registered NPC and will therefore pay the applicable monthly tariff approved by Council.
- (c) A clause to this effect will be included in the lease agreement, if approved.
- (d) A clause to this effect will be included in the lease agreement, if approved.
- (e) The financial viability of the Applicant will be discussed with them.

Paragraph 26: “In cases where a rental amount has been approved in the annual budget of the Municipality for certain types of leases and encroachments, the approved amount will be used for purposes of determining the rental amount.”

The monthly rental amount will be equal to tariff S34G3 as approved by Council for the *Lease of municipal land to Social Care Institutions / Registered Organisations / NPO's / PBO's / Sport facilities / Community organisations*. The tariff for the 2026/2027 financial year is R200.87 (TWO HUNDRED RAND AND EIGHTY-SEVEN CENTS) (VAT Excl) per month.

Paragraph 41: “The lessee shall, as a rule, be liable for the payment of rates, taxes and service charges in respect of the leased property. In the case of leases to certain social care users and sports facilities at rentals lower than market value the Municipality may consider granting a rebate on rates in accordance with the rates policy of the Municipality.”

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For the levying of rates and taxes, the Property will have to be valued or a calculation will have to be made, which is not practical considering the short-term nature of the proposed lease. It is suggested that the Applicant be exempted from paying rates and taxes. The Applicant will be liable for payment for municipal services to be rendered.

Conclusion

Considering the comments of the internal departments, as well as the above discussion, it is recommended that the following be approved:

1. The deviation from paragraph 18 of the Administration of Immovable Property Policy of 2015 in order for the Municipality to enter into a lease agreement with Abalobi ICT4Fisheries (RF) NPC for the lease of municipal property, being a portion of Portion 1 of Farm 308 Buffeljagsbaai, ±8,466m² in extent, for the purpose of a Community Fisheries Hub and kelp processing facility, for a period of 3 (THREE) years at a rental amount of R200.87 (TWO HUNDRED RAND AND EIGHTY-SEVEN CENTS) (VAT excluded) per month.
2. That the monthly rental amount mentioned in 1 above escalates every year on the 1st of July in accordance with the tariffs stipulated in the Annual Budget as approved by Council.
3. That Abalobi ICT4Fisheries (RF) NPC, on behalf of Buffeljagsbaai Sea Whale Cooperative, be exempted from paying the required application fee (deviation from paragraph 4 of the Administration of Immovable Property Policy of 2015).
4. That Abalobi ICT4Fisheries (RF) NPC, on behalf of Buffeljagsbaai Sea Whale Cooperative, be exempted from the payment of rates on the Property (deviation from paragraph 41 of the Administration of Immovable Property Policy of 2015).
5. That Abalobi ICT4Fisheries (RF) NPC, on behalf of Buffeljagsbaai Sea Whale Cooperative, be afforded an 1 (ONE) year rental free period additional to the 3 (THREE) years lease period, to enable them to obtain all the required approvals and to complete the proposed development.

7. Financial Implications

The Municipality stands to gain an income of not less than R200.87 (TWO HUNDRED RAND AND EIGHTY-SEVEN CENTS) (VAT excluded) per month for the lease of the Property, depending on what the tariff will be in the year rental becomes payable.

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8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Chief: Fire, Rescue & Disaster Management: Mr L Smith

"No objection from Fire Services".

Principal Town Planner: Town & Spatial Planning: Mr S van der Merwe

"Applicant to provide additional motivation regarding on-site management and disposal of waste (solid waste and effluent). Confirmation is also required whether there will be a direct point of sale to members of the public or will it be mainly distributed from here to suppliers."

The above comment was sent to the Applicant on 15 April 2026, and their response was as follows:

"1. Solid Waste Management

All solid waste generated through fish processing activities (e.g. offal) will be managed in a controlled and hygienic manner. Waste will be stored on-site in sealed, non-leaking containers to prevent odour, leakage, and pest attraction.

Waste will then be transported and disposed of at a licensed landfill facility. Based on guidance received from Overstrand Municipality, the Gansbaai Landfill is able to accept this type of waste and is therefore the most likely disposal site.

To ensure cost-effective and efficient waste removal, we may make use of on-site freezing capacity to temporarily store solid waste until sufficient volumes are accumulated for transport to the landfill.

2. Effluent (Wastewater) Management

Effluent generated from fish processing and cleaning activities will be managed as follows:

A grease trap will be installed on the wastewater line to remove fats, oils, and any residual solids before discharge.

We are willing to implement periodic water quality monitoring to ensure compliance with local effluent standards.

Wastewater will be directed into the municipal sewer system, where available.

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If connection to a municipal sewer is not feasible, we propose to connect to an existing, approved wastewater management system serving nearby facilities (e.g. conservancy tank systems used by the local crèche or community hall), subject to municipal approval.

Should neither option be permissible, we are open to engaging further with the Municipality to identify an appropriate alternative solution that meets regulatory requirements.

3. Point of Sale to the Public

The primary function of the proposed facility is the receiving, handling, processing, and temporary storage of fish prior to distribution to our aggregation hubs in Struisbaai and/or Cape Town.

While there is potential interest in enabling direct sales to members of the public, this is not core to the current operational model. At this stage, we would like to first gain clarity on the regulatory and compliance requirements associated with such sales. Based on this, we will then make an informed decision on whether or not to pursue this activity as part of the facility's operations".

The Applicant's reply was sent to Principal Town Planner: Town & Spatial Planning: Mr S van der Merwe on 16 April 2026 and the following additional comments were received:

"The subject property is zoned Agricultural Zone 1: Agriculture. The proposed lease areas are adjacent the community hall and existing buildings currently being utilised for community purposes (i.e. library, creche etc). These uses are not in accordance with the zoning of the property. The property also contains a cemetery which is a heritage resource. The exact location of which is unknown.

Note the applicable definitions in terms of the Overstrand Land Use Scheme, 2020:

***"agriculture"** means the cultivation of land for crops and plants, including plantations, the keeping and breeding of animals, beekeeping, bird farming or the operation of a game farm, may comprise natural veld and includes only such activities and buildings as are reasonably connected to the main farming activities such as residential accommodation for the farmer, farm manager and farm labourers and the packing of agricultural produce grown on the property but excludes intensive horticulture, intensive animal farming, agricultural industry, and a farm shop;*

***"agricultural industry"** means an enterprise for the processing of agricultural related products on or close to the land unit where these agricultural products,*

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whether land- or marine-based (such as aquaculture), are grown, harvested and raised where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products or promotion of tourism related activities, and includes, inter alia, dairies, wineries, distilleries, olive processing facilities, breweries and other facilities required for the processing of agricultural products where produce packed is not produced on the land unit but does not include service trades;

As per the below definitions as per the Land Use Scheme, a consent use application will be triggered, whilst NEMA & ICMA might also be applicable.

***“place of instruction”** means a place for education at pre-school, school or post school levels (including a day care centre, a crèche, a farm school, a nursery school, a primary school, a secondary school, a college, a lecture hall, a university, a research institute, an environmental research or other educational centre) and associated uses such as boarding hostels or a civic facility for the promotion of knowledge to the community such as a convent, a monastery, a public library, a public art gallery or museum or a place of instruction in sport or other physical discipline where the main objective is instruction (as opposed to participation by the public sector as competitors or spectators) but excludes a reformatory, industrial school, commercial conference facility, institution, health centre or in-house business training centre;*

***“community facilities”** means a property or place that provides for a range of social uses and functions directed at serving educational, religious, welfare, health, and generally the needs of a community*

The proposed facility for the receipt, cleaning storage and distribution of fish and kelp as well as kelp processing falls within the definition of Agri-industry and includes training and upskilling of employees and partners. Should sales be introduced and training for people not involved in the facility be provided further consents uses might be triggered, (i.e. place of instruction / farm shop).

The initiative is supported but will trigger an application for prior approval for consent use and approval of a site development plan. The land use may not commence prior to approval of the consent use, in which case further applications in terms of the By-law will be triggered (i.e. application for determination of an administrative penalty). Application due location in EMOZ to be accompanied by a draft EMP to mitigate any potential adverse impacts on the environment. Also to note that the use of the containers be subject to building plan approval and that the containers should be cladded at least 50% to improve the aesthetic appearance as required elsewhere in Overstrand”.

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Comments from Property Management: A condition of the lease agreement will be that the Applicant obtains approval for consent use and a site development plan. An additional rent-free period of 12 months prior to the commencement of the activities on the Property, during which the Applicant can finalise with the necessary application processes, will be granted to the Applicant.

Senior Superintendent: Traffic Operations: Mr P de Gruchy

"Traffic has no objections."

Senior Engineering Technician: Technical Planning (Network Simulation optimization): Ms M Radyn

"This is Eskom distribution area, the electrical department cannot comment."

Principal Technologist: Development Control: Mr R Andrew

"The Applicant will be responsible for the cost of all link and bulk municipal services required. No new access roads may be created."

Comment from Property Management: A condition to this effect will be included in the lease agreement.

Principal Technologist Civil: Mr J Solomons

"No objections."

Senior Building Control Officer: Building Control: Mr G Coetzee

"No objection from Building Control."

Assistant Environmental Officer: Biodiversity Conservation: Mr C Arendse

"Please find comments from the Environmental Management & Conservation Division (EM & C) on the application by ABALOB I CT4FISHERIES (RD) NPC, who wish to lease a portion of portion 1 of Farm 308. The EM & C does not approve this application yet, due to the following:

The EM & C advise that the applicant submit their proposal to the DEA & DP, Directorate: Coastal Management, for their consideration and provide feedback to the Municipal EM & C.

- Ieptiesam Bekko: leptieshaam.Bekko@westerncape.gov.za
- Mercia Liddle: Mercia.Liddle@westerncape.gov.za
- Coastal Enquiries: Coastal.Enquiries@westerncape.gov.za

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The following was noted:

1. *The proposed location to place the Community Fisheries Hubs is already disturbed, so therefore no vegetation will be removed.*
2. *Chemical storage: the proposed hubs to be used will be used to securely store of cleaning and maintenance chemicals. The applicant should ensure that chemical storage is fully enclosed and that the risk of a spillage is prevented.*
3. *Office containers: basic ablution facilities will be provided to support up to 10 personnel on site. There is an already established Municipal sewage line in place, ablution facilities can be connected to this.*
4. *Wastewater management: access to a municipal sewer connection or conservancy tank to manage all greywater and blackwater generated by the operations. There is an already established Municipal sewerage line in place, ablution facilities can be connected to this.*
5. *Refuse removal: access to municipal refuse removal services to ensure responsible disposal of organic and inorganic waste generated during operations. Ensure that waste is adequately disposed of, to ensure that no waste end up in the environment.*

The proposed location falls within the Coastal EMOZ and Rural Risk Zone. Under these zones, the following activities are prohibited:

- *The discharging of domestic effluent/grey water into all natural systems.*
- *Disposal of cigarette butts, ash and other hazardous materials in any place or manner other than a receptacle designated for such items.*

Under the General rural risk and estuarine risk areas, the applicant should note that:

- *Any new development must be designated and positioned within reason to limit potential flood damage and risk to human life, including but not limited to positioning buildings in suitable acceptable elevated portions of properties. This will be in line with the proposed hubs to be used by the applicant.*
- *After construction, any exposed ground area must be stabilized by the use of ground covering plants or minimize the risk of erosion. This applies to the areas where kelp will be processed to be dried.*
- *Only fully enclosed/self-contained effluent storage and treatment systems will be permitted if links to sewer mains are not possible. Fortunately, there is an already established Municipal sewer line within the area of Buffeljagsbaai, and the proposed structure can be connected to this."*

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Comment from Property Management: The relevant conditions will be included in the lease agreement.

10. Annexures

Annexures A:	Locality maps
Annexure B:	Proposed site plan
Annexure C:	Illustrative images of similar container-based fisheries hub.
Annexure D:	Proposed data hub design

RECOMMENDATION TO THE COUNCIL:

1. the deviation from paragraph 18 of the Administration of Immovable Property Policy of 2015 in order for the Municipality to enter into a lease agreement with Abalobi ICT4Fisheries (RF) NPC for the lease of municipal property, being a portion of Portion 1 of Farm 308 Buffeljagsbaai, $\pm 8,466\text{m}^2$ in extent, for the purpose of a Community Fisheries Hub and kelp processing facility, for a period of 3 (THREE) years at a rental amount of R200.87 (TWO HUNDRED RAND AND EIGHTY-SEVEN CENTS) (VAT excluded) per month, **be approved**;
2. that the monthly rental amount mentioned in 1 above escalates every year on the 1st of July in accordance with the tariffs stipulated in the Annual Budget as approved by Council;
3. that Abalobi ICT4Fisheries (RF) NPC, on behalf of Buffeljagsbaai Sea Whale Cooperative, be exempted from paying the required application fee (deviation from paragraph 4 of the Administration of Immovable Property Policy of 2015);
4. that Abalobi ICT4Fisheries (RF) NPC, on behalf of Buffeljagsbaai Sea Whale Cooperative, be exempted from the payment of rates on the Property (deviation from paragraph 41 of the Administration of Immovable Property Policy of 2015); and
5. that Abalobi ICT4Fisheries (RF) NPC, on behalf of Buffeljagsbaai Sea Whale Cooperative, be afforded an 1 (ONE) year rental free period additional to the 3 (THREE) years lease period, to enable them to obtain all the required approvals and to complete the proposed development.

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RESPONSIBLE OFFICIAL:

M BEKKER

TARGET DATE FOR IMPLEMENTATION :

27 NOVEMBER 2026

TARGET DATE TO INFORM APPLICANTS:

27 NOVEMBER 2026

A Le Roux Divisional Manager: Property Management (028) 316 5623
29 September 2026

RECOMMENDATION TO THE COUNCIL:

1. the deviation from paragraph 18 of the Administration of Immovable Property Policy of 2015 in order for the Municipality to enter into a lease agreement with Abalobi ICT4Fisheries (RF) NPC for the lease of municipal property, being a portion of Portion 1 of Farm 308 Buffeljagsbaai, ±8,466m² in extent, for the purpose of a Community Fisheries Hub and kelp processing facility, for a period of 3 (THREE) years at a rental amount of R200.87 (TWO HUNDRED RAND AND EIGHTY-SEVEN CENTS) (VAT excluded) per month, **be approved**;
2. that the monthly rental amount mentioned in 1 above escalates every year on the 1st of July in accordance with the tariffs stipulated in the Annual Budget as approved by Council;
3. that Abalobi ICT4Fisheries (RF) NPC, on behalf of Buffeljagsbaai Sea Whale Cooperative, be exempted from paying the required application fee (deviation from paragraph 4 of the Administration of Immovable Property Policy of 2015);
4. that Abalobi ICT4Fisheries (RF) NPC, on behalf of Buffeljagsbaai Sea Whale Cooperative, be exempted from the payment of rates on the Property (deviation from paragraph 41 of the Administration of Immovable Property Policy of 2015); and
5. that Abalobi ICT4Fisheries (RF) NPC, on behalf of Buffeljagsbaai Sea Whale Cooperative, be afforded an 1 (ONE) year rental free period additional to the 3 (THREE) years lease period, to enable them to obtain all the required approvals and to complete the proposed development.

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RESPONSIBLE OFFICIAL:

M BEKKER

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ANNEXURE A1/2





ANNEXURE B









