KOUGA
local municipality
Good Governance through Service Excellence

SPECIAL COUNCIL MEETING

SUPPLEMENTARY AGENDA

Date : 30 July 2020
Time : 10:00
Venue : Virtual Meeting

KOUGA MUNICIPALITY (EC108)	UMASIPALA I-KOUGA (EC108)	MUNISIPALITEIT KOUGA (OK108)
NOTICE CONVENING A MEETING	**ISAZISO NGENTLANGANISO**	**KENNISGEWING VAN VERGADERING**
NOTICE IS HEREBY GIVEN in terms of the amended Directions on Municipal Operations and Governance, in terms of Section 27(2) of the Disaster Management Act, 2002, that a virtual Council Meeting will be held on	**OKU KUKWAZISA** malunga neZikhokelo eziLungisiweyo ekuSebenzeni koMasipala kunye noLawulo ngokweMigaqo yeCandelo lama 27(2) loMthetho woLawulo lweNtlekele ka 2002, ukuba kubanjwe intlanganiso ebonakalayo yesigqeba Ye khansile	**KENNIS GESKIED HIERMEE** ingevolge die gewysigde Aanwysings Vir Munisipale Bedrywighede En Bestuur, Ingevolge Artikel 27 (2) van die Wet op Rampbestuur, 2002, dat 'n virtuele raadsvergadering gehou sal word op
DATE: 30 July 2020	**UMHLA: 30 EyeKala 2020**	**DATUM: 30 Julie 2020**
TIME: 10:00	**IXESHA: 10:00**	**TYD: 10:00**
H. BORNMAN **SPEAKER**	**H. BORNMAN** **USOMLOMO**	**H. BORNMAN** **SPEAKER**

Councillors are required to comply with the Standing Rules and Orders of Council and all its Committees By-law as promulgated in the Provincial Gazette on 22 October 2018 No.4134 and applicable to this meeting of Council. Any person who willfully contravenes any provision of these rules shall be guilty of an offence and which contravention shall be dealt with in accordance with the disciplinary procedures for Councillors.

A G E N D A

1. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

   (The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

2. **REPORTS BY THE EXECUTIVE MAYOR**

2.1 **REPORTS BY THE CHAIRPERSON: COMMUNITY SERVICES**

20/07/CS7 Long Term Lease For Environmental And Climate Mitigation Project - Humansdorp Landfill Site

Pages 6-12

20/07/CS8 Declaration Of A Local State Of Disaster In The Kouga Municipal Area Due To The Breaching And Imminent Further Breaching Of The St. Francis Bay Beach Spit In Terms Of Section 55(1) Of The Disaster Management Act No. 57 Of 2002

Pages 13- 15

3. **CLOSURE**

Distribution list:
Executive Mayor
Speaker
All Councillors
Municipal Manager
All Directors
Relevant Managers
Committee Services

MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR

REPORTS BY THE PORTFOLIO CHAIRPERSON: COMMUNITY SERVICES

KOUGA MUNICIPALITY (EC)

SPECIAL COUNCIL MEETING

COMMUNITY SERVICES

DATE: 30 JULY 2020 **ITEM NO: 20/07/CS7**

LONG TERM LEASE FOR ENVIRONMENTAL AND CLIMATE MITIGATION PROJECT - HUMANSDORP LANDFILL SITE

1. Introduction

The purpose of this report is to request Council to approve the long-term lease of a portion of land at the Humansdorp landfill for a period not exceeding 25 years for organic waste and invasive plant diversion and manufacturing bio-char.

2. Background

In 2017 Kouga Municipality participated in phase 6 of Engagement Global's Municipal Climate Change programme and was partnered with Ilsfeld Municipality from Germany. Two delegations from Kouga visited Ilsfeld, Germany and two delegation from Ilsfeld visited Kouga to look at Climate Change challenged and work on action plans for Climate Change adaptation and mitigation measures. Kouga Municipality in Partnership with Ilsfeld Municipality focused and the following aspects: Water scarcity, Waste Management, Energy Efficiency and Awareness Education. Since the partnership Kouga Municipality has also been working with the Department of Environment, Forestry and Fisheries (DEFF's) team responsible for Operation Phakisa with the ultimate goal of boosting economic growth and creating jobs. Operation Phakisa is a cross-sector programme where various stakeholders engage to implement initiatives and concrete actions to address constraints to delivery in a prioritised focused area for public accountability and transparency.

There are currently 7 Operation Phakisa Programmes, with the Department of Environment, Forestry and Fisheries (DEFF) hosting 3 of these Programmes, namely Biodiversity Economy; Chemicals and Waste Economy; and Oceans and Coast Economy.

Council is advised that the submission of the following projects for funding were previously approved:

- Separation at Source and construction of a Buy Back Centre
- Green deeds Job Hub and Sustainable Plastic Recycling Solution for the Upliftment of Youth
- The Kouga Combined Waste to Energy and Carbon Generation Project
- Any additional project requests for funding

3. Motivation

Landfilling is the most common disposal method of waste in South Africa and this has resulted in the development of a looming waste crisis, as: a) the amount of waste being produced is ever-increasing due to the escalation of people's material standard of living, and; b) the fact that landfills are inherently unsustainable due to limited airspace and the correlating environmental impacts. Minimizing waste is a critical priority in South Africa, as provided for in the National Environmental Management: Waste Act (Act 59 of 2008) and emphasized further in the National Waste Management Strategy. However, many local municipalities have made little progress towards the goals of waste minimization. Beside the municipalities' own interests in reaching financial and environmental sustainability, minimizing waste also forms part of the South African national vision of a plan for zero waste to landfill by 2022.

A huge problem in South Africa and specifically in the Kouga area is invasive alien vegetation (IAV) **(Annexure A)**. IAV is causing billions of rands of damage annually to South African economy through its negative impacts on water resources and biodiversity, among others things, and efforts are underway to clear this vegetation at great cost through the Working for Water (WfW) programme. Overgrown plots and bushes also create a huge fire and health risk and clearing of the vegetation with appointed teams will be addressed with the introduction of a biochar production.

Community Services will be embarking on a project "The Kouga Combined Waste to Energy and Carbon Generation Project" to deal with the challenges of IAV and other organic waste. The Humansdorp landfill site has been identified as a suitable area for the establishment of an environmental hub and the landfill permit allows for alternative technology to be put up to divert waste away from the landfill working area. Currently there are portions of the land that is non- viable (Humansdorp Landfill map of area attached as **Annexure B&C)** for any further disposal and has been filled with green waste.

Taking the opportunity to divert green waste and turn problematic Invader Plant species into job opportunities has a positive impact on the Environment. It also has the potential to create over 300 permanent JOB opportunities. Organic waste diversion is one of the effective methods for waste minimisation and can be accomplished through fairly simple and cost-efficient technologies, as well as producing positive, sustainable environmental impacts.

Most organic products sound innocuous enough – they are natural, after all. But there's actually serious harm associated with its disposal in landfills. Due to the lack of oxygen, organic waste undergoes the process of anaerobic decomposition when it's buried in a landfill. This generates methane, which is then released into our atmosphere. It almost defies logic to imagine that the pairing of organic waste and a flawed disposal solution could generate a greenhouse gas 20 times more potent than carbon dioxide,

The Role Players:

- Kouga Municipality
- Cape Carbon

Other indirect role players

- Working for Water Eastern Cape Region
- Working on Fire Eastern Cape
- Gamtoos Irrigation Board

Benefits:

- Develop a bio - economy
- Compliance with the National Environmental Act and targets
- Reduction in Green House Gases (GHG)
- Beneficiation of invasive alien vegetation (IAV)
- Job creation
- Improvements at Humansdorp Landfill site (fencing, security, landfill lifespan extension, weighbridge operation, boreholes, office space and ablutions)
- Education and awareness to communities at large on GHG and IAV's and skills development (individuals on IAV removal)
- Market leading in technology
- Commercial viability to SMME's

4. Legal implications

The Accounting Officer only has delegated authority to enter into a lease period of less than three years. Council can approve a longer lease period within the legislative framework of alignment of programmes. Kouga Municipality's "Policy and Procedures for the disposal of immovable assets" makes provision for long term leases for council owned land with a value less than R 10 million.

5. Financial Implication

The financial implication for the project is as follows:

PROJECT/INITIATIVE	PROPOSED KM BUDGET REQUEST	PRIVATE SECTOR INVESTMENT (CAPE CARBON)
The Kouga Combined Waste to Energy and Carbon Generation Project	None	R 40m

6. Recommendation

6.1 That Council endorses the environmental and climate mitigation project (The Kouga Combined Waste to Energy and Carbon Generation Project) in collaboration with Cape Carbon on a portion of Farm 347, Zwartenbosch.

6.2 That Council endorses the project in alignment to KM's IDP.

6.3 That Community Services accept oversight / monitoring role.

6.4 That Council authorises the Accounting Officer to enter into a long term lease with Cape Carbon for a period not exceeding 25 years.

6.5 That Council endorses the Accounting Officer to finalise a Land Availability Agreement with Cape Carbon.

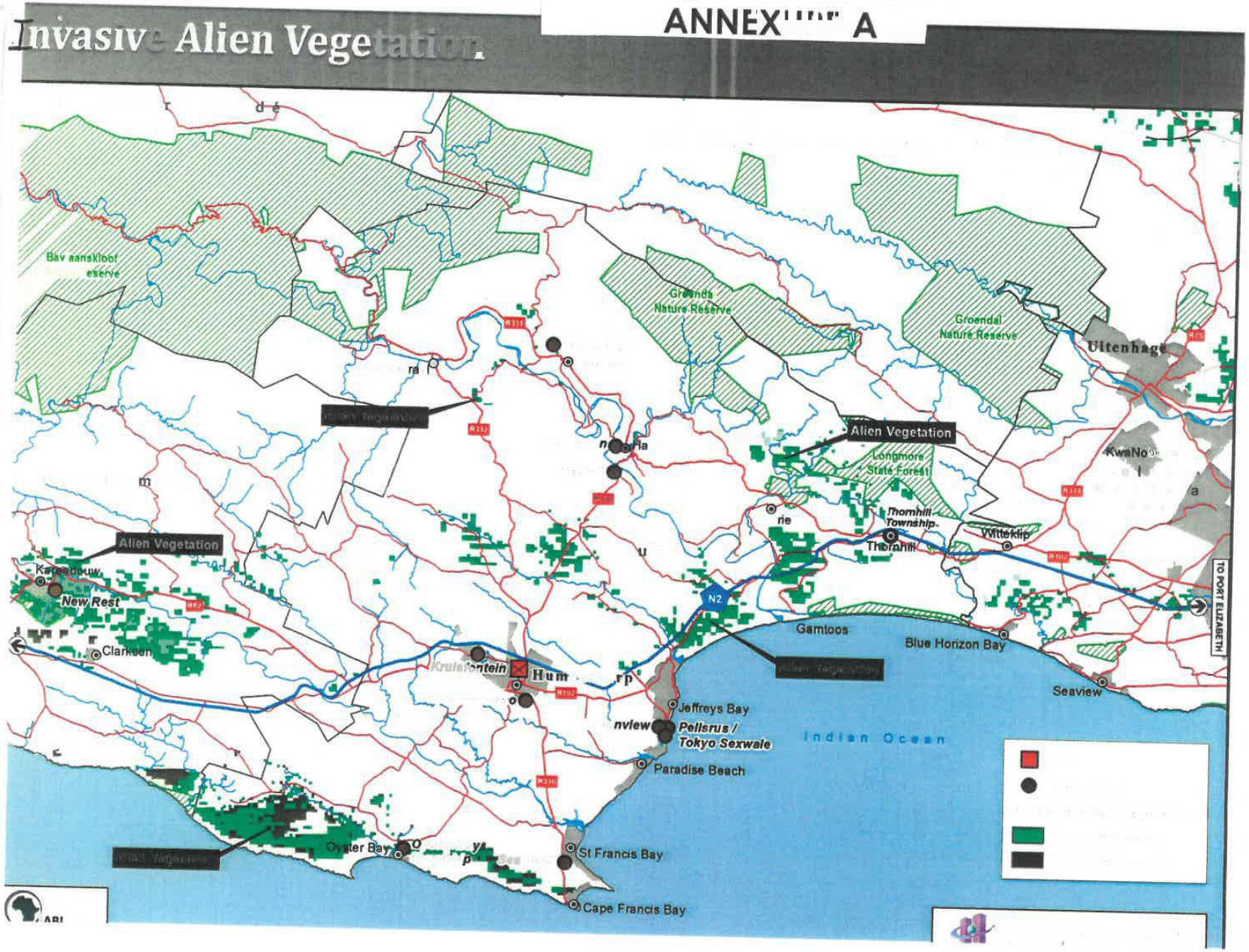
Item prepared by : Manager: Waste and Environmental Management

Item approved by: Director Community Services

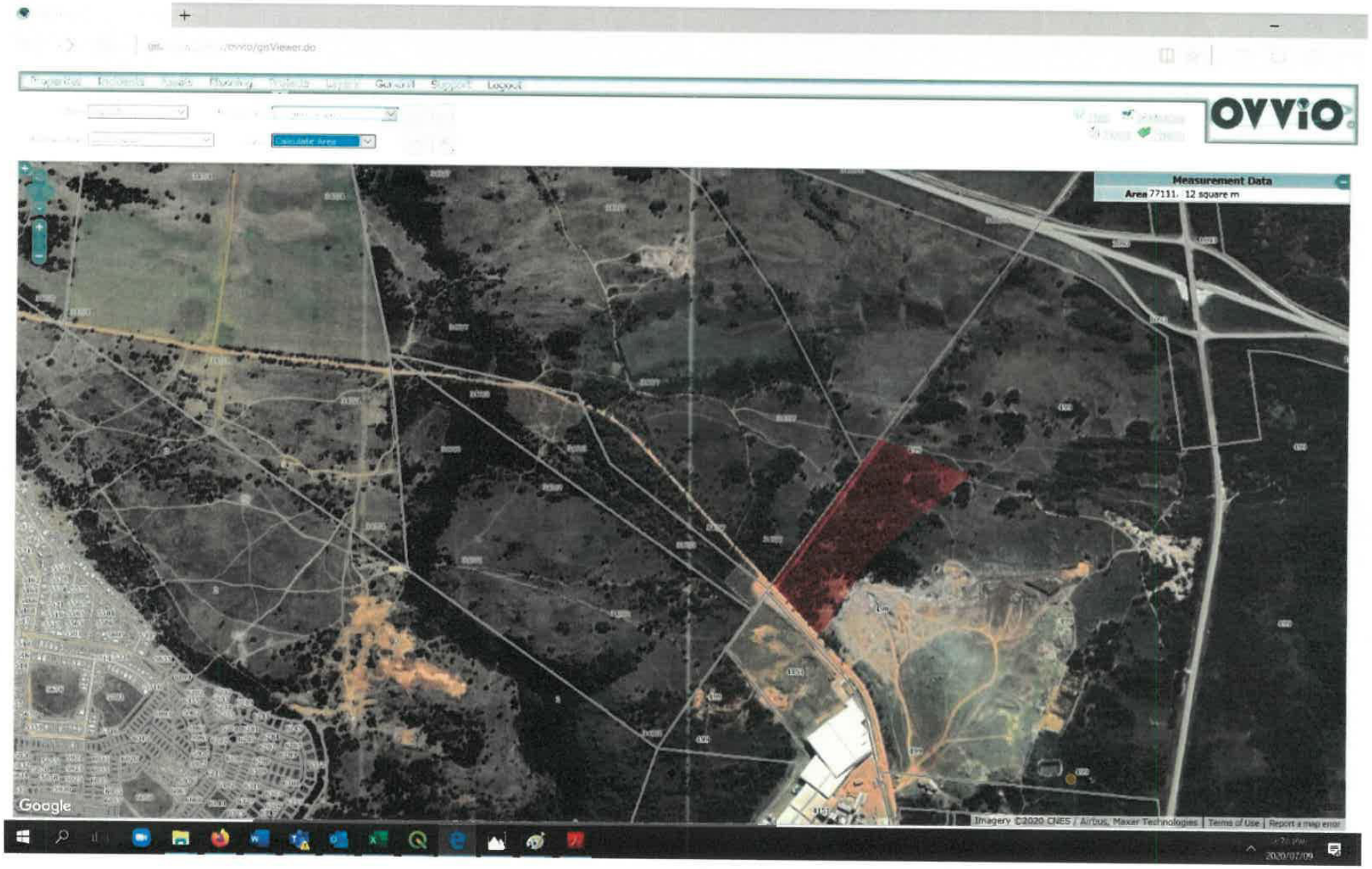
Item noted by: Portfolio Councillor



ANNEX[illegible] A


Invasive Alien Vegetation
Groenda Nature Reserve
Groendal Nature Reserve
Uitenhage
Alien Vegetation
Longmore State Forest
Thornhill Township
Thornhill
Witteklip
Alien Vegetation
New Rest
Clarkson
N2
Gamtoos
Blue Horizon Bay
Seaview
TO PORT ELIZABETH
Hum
Jeffreys Bay
Pellsrus / Tokyo Sexwale
Indian Ocean
Paradise Beach
Oyster Bay
St Francis Bay
Cape Francis Bay

ANNEXURE B


OVVIO
Measurement Data
Area 77111. 12 square m
Google
Imagery ©2020 CNES / Airbus, Maxar Technologies | Terms of Use | Report a map error

ANNEXURE C


OVVIO
Measurement Data
Area 15697.
Calculate Area
Imagery ©2020 CNES / Airbus, Maxar Technologies
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Report
2020/07/09

KOUGA MUNICIPALITY (EC 108)

SPECIAL COUNCIL MEETING

COMMUNITY SERVICES

DATE: 30 JULY 2020 **ITEM NO: 20/07/CS8**

DECLARATION OF A LOCAL STATE OF DISASTER IN THE KOUGA MUNICIPAL AREA DUE TO THE BREACHING AND IMMINENT FURTHER BREACHING OF THE ST. FRANCIS BAY BEACH SPIT IN TERMS OF SECTION 55(1) OF THE DISASTER MANAGEMENT ACT NO. 57 OF 2002

1. Introduction

The purpose of this item is to table a report to the Council on declaring the St Francis Bay Canals, situated in the jurisdiction of the Kouga Municipal area, as a Disaster Area.

2. Background

It is common knowledge that Council is aware of the existing risk and the breach that took place in April 2020 on the St Francis Bay Spit.

A giant storm peaked at 8 meters on Monday 8 July 2020, a very strong swell period of over 16 seconds, and a spring high tide resulted in massive damages at the spit.

The municipality started with emergency work, and is continuously working with the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT) to ensure environmental compliance.

The emergency work underway by PRDW Coastal Engineers appointed and managed by KLM is following a design provided by DEDEAT in the Environmental Authorisation.

3. Applicable legislation

Section 55 of the Disaster Management Act No. 57 of 2002:

55. (1) In the event of a local disaster the council of a municipality having primary responsibility for the co-ordination and management of the disaster may, by notice in the provincial gazette, declare a local state of disaster if—

(a) existing legislation and contingency arrangements do not adequately provide for that municipality to deal effectively with the disaster; or

(b) other special circumstances warrant the declaration of a local state of disaster.

(2) If a local state of disaster has been declared in terms of subsection (1), the municipal council concerned may, subject to subsection (3), make by-laws or issue directions, or authorise the issue of directions, concerning—

(a) the release of any available resources of the municipality, including stores, equipment, vehicles and facilities;

(b) the release of personnel of the municipality for the rendering of emergency services;

(c) the implementation of all or any of the provisions of a municipal disaster management plan that are applicable in the circumstances;

(d) the evacuation to temporary shelters of all or part of the population from the disaster-stricken or threatened area if such action is necessary for the preservation of life;

(e) the regulation of traffic to, from or within the disaster-stricken or threatened area;

(f) the regulation of the movement of persons and goods to, from or within the disaster-stricken or threatened area;

(g) the control and occupancy of premises in the disaster-stricken or threatened area;

(h) the provision, control or use of temporary emergency accommodation;

(i) the suspension or limiting of the sale, dispensing or transportation of alcoholic beverages in the disaster-stricken or threatened area;

(j) the maintenance or installation of temporary lines of communication to, from or within the disaster area;

(k) the dissemination of information required for dealing with the disaster;

(l) emergency procurement procedures;

(m) the facilitation of response and post-disaster recovery and rehabilitation; or

(n) other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster.

(3) The powers referred to in subsection (2) may be exercised only to the extent that this is necessary for the purpose of—

(a) assisting and protecting the public;

(b) providing relief to the public;

(c) protecting property;

(d) preventing or combating disruption; or

(e) dealing with the destructive and other effects of the disaster.

(4) By-laws made in terms of subsection (2) may include by-laws prescribing penalties for any contravention of the by-laws.

(5) A municipal state of disaster that has been declared in terms of subsection (1)—

(a) lapses three months after it has so been declared;

(b) may be terminated by the council by notice in the provincial gazette before it lapses in terms of paragraph *(a)*; and

(c) may be extended by the council by notice in the provincial gazette for one month at a time before it lapses in terms of paragraph *(a)* or the existing extension is due to expire.

4. Recommendation

4.1 That Council, in terms of Section 55(1) of the Disaster Management Act No 57 of 2002, declare a local state of disaster.

4.2 That Administration arrange that the declaration be advertised in the Provincial Gazette.

4.3 That Council release, personnel and funds be allocated for immediate action to mitigate the risks associated with the breach of the St Francis Bay Beach Spit and immediate measures to prevent the imminent further breaching of the St Francis Bay Beach Spit.

4.4 That the Community Services Directorate implement its emergency Action Plan.

4.2 That application be made to Provincial and National Government for additional funds to assist the Kouga Municipality with the implementation of emergency measures.

Item approved by: Director Community Services

Item noted by: Portfolio Councillor

