KOUGA
local municipality
Good Governance through Service Excellence

ORDINARY COUNCIL MEETING

SUPPLEMENTARY AGENDA

Date	:	11 December 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 Ordinary Council Meeting will be held on	**OKU KUKWAZISA** malunga neZikhokelo eziLungisiweyo ekuSebenzeni koMasipala kunye noLawulo ngokweMigaqqo 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: 11 December 2020	**UMHLA: 11 EyoMnga 2020**	**DATUM: 11 Desember 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.

SUPPLEMENTARY AGENDA

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: CORPORATE SERVICES

20/12/CORP11 Cell Phone Policy and Cell Phone Allowance Scheme

Pages 6-18

20/12/CORP12 Personal Protective Equipment Policy

Pages 19-31

20/12/CORP13 Council Recess: Delegated Authority: Municipal Manager

Pages 32-33

2.2 REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT

20/12/PD9 Application for Entrance and Access Road Servitude: Erf 300 Patensie, Rikus Du Preez FamilieTtrust: (Erf 409, Patensie)

Pages 35-42

2.3 REPORTS BY THE CHAIRPERSON: COMMUNITY SERVICES

20/12/CS22 Progress Report On EIA For Cemeteries

Pages 44-52

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: CORPORATE SERVICES

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

CORPORATE SERVICES

DATE: 11 DECEMBER 2020 **ITEM NO: 20/12/CORP11**

CELL PHONE POLICY AND CELL PHONE ALLOWANCE SCHEME

1. Introduction

The purpose of the report is to request Council to approve the Cell Phone Policy and Cell Phone Allowance Scheme.

2. Background

The Cell Phone Policy and Cell Phone Allowance Scheme was workshopped on 3 December 2020. All amendments have been affected, as discussed at the Policy Workshop.

3. Comments by Directorates:

Director: Corporate Services

The submission of the policy is noted

4. Recommended:

4.1 That the Cell Phone Policy and Cell Phone Allowance Scheme be approved.

4.2 That the Cell Phone Policy and Cell Phone Allowance Scheme be published on the Kouga Website.

4.3 That the previous version, known as the Electronic Mobile Devices Policy, be replaced with this version, known as the Cell Phone Policy and Cell Phone Allowance Scheme.

Item prepared by: **Manager Administration and Auxiliary Services** M. Rossouw

Item approved by: **Director: Corporate Services**

Item noted by the Portfolio Chairperson

CELL PHONE POLICY AND CELL PHONE ALLOWANCE SCHEME

1. INTRODUCTION

In terms of the Constitution of the Republic of South Africa (RSA), Act number 108 of 1996 section 195 (b) stipulates that *"Public Administration must be governed by the democratic values and principles enshrined in the Constitution including the following; to promote the efficient and effective use of resources"*

The local government Municipal Systems Act (No. 32 of 2000), section 51 (j) states that a municipality within its administrative and financial capacity establish and organize its administration in a manner that would enable the municipality to maximize the efficiency of communication and decision – making within the administration.

Municipal Finance Management Act (MFMA) section 62 subsection 1 (a) mentioned that the Accounting Officer of a municipality is responsible for managing the financial administration of municipality and must for this purpose take all reasonable steps to ensure that resources of the municipality are used effectively, efficiently and economically.

Section 63 subsection 1(a) indicates that the Accounting Officer of the municipality is responsible for the managing of the assets of the municipality including the safeguarding and the maintenance of those assets.

The abovementioned statements indicate clearly that the Municipal Manager needs to ensure that the employees within Kouga Local Municipality have all the necessary resources to enable them to perform the expected duties.

It is important to note that the cell phone provided to employees is a tool for communication for work-related matters and therefore the employer reserves the right to decide who qualifies for a cell phone.

2. PURPOSE OF THE POLICY

2.1. The purpose of this policy is to make employees aware of the rules regarding the use and care of Municipal Council resources and to ensure that there is a clear understanding of what is expected of employees and what role would be played by employees who receive cell phones.

2.2 To guide the Municipality in ensuring that cell phones are issued to employees without favor or prejudice but by looking at the functions that the employee performs and the inherent requirements of the job.

3. OBJECTIVE OF THE POLICY

The objectives of the policy are as follows:

3.1 To promote a culture of accountability for Municipal assets.

3.2. To safeguard the assets of the municipality from mismanagement and maladministration and to ensure effective utilization of these resources.

3.3. To ensure that effective control is communicated to management and staff through a clear and comprehensive written document.

3.4. To provide a formal set of financial procedures that can be implemented in compliance with the MFMA.

3.5 To ensure continuous communication for employees whose work requires regular contact while outside their permanent working premises or after hours

4. APPLICATION

4.1. This policy will apply to all users of municipal cell phones regardless of designation or position. Users are expected to comply with the rules laid down in this policy.

4.2. Corporate Services will administer the issuing and application of cell phone devices.

5. **DEFINITIONS**

"Code of Conduct" means the code of conduct for municipal employees as contained in Schedule 2 of the Municipal Systems Act;

"Council" means the Kouga Municipal Council;

"Employee" means a contractual and permanent employee of the Municipality. It also includes the Municipal Manager, Directors and Manager for the purpose of this policy

"Emergency Services" means crucial services that are required to prevent communities from harm or rescue services that are provided for public safety;

"Executive authority" means the Mayoral Executive Committee of the Council;

"Fair market value "means the value placed on a cellphone device by taking into account the original cost and depreciation calculated at 25% per annum;

"Head of department" means a person employed at that level which reports directly to the Municipal Manager;

"Gifts" means any object or item given by a service provider as an accompaniment to a cell phone contract, (which usually forms part of the contract), with no cost attached thereto;

"Municipality" means the Kouga Local Municipality;

"Official" means an employee of the Municipality;

"Ownership" means a legal right to possess anything that has been bought and paid for as well as something that has been legally given as a gift, bequest etc.

"Payment" means the monetary compensation or monetary benefit or gift with a monetary value due to an employee or received by an employee in respect of services rendered by the employee to a person or body other than the Council;

"Permanent employee" means an employee appointed to a permanent position on the staff structure of the municipality, but excludes a contractual employee, a casual employee, and a temporary employee;

"SALGA" means the South African Local Government Association;

"SALGBC" means the South African Local Government Bargaining Council and includes Divisions thereof;

"Section 57 employees" means employees appointed in terms of Section 57 of the Local Government Municipal Systems Act 32 of 2000, and includes the Municipal Manager and Managers reporting directly to him/her; and

***"Stand - by employees"* –** means employees who are required to be available at any time after hours, to perform certain duties within their work competence, as and when required and for which they receive an allowance.

***"Service Delivery"* –** means a critical service by employees in the attendance of urgent and emergency service delivery matters that have a direct impact on the safety and wellbeing of residents

"Cell Phone Allowance" means an additional taxable monthly allowance paid to employees as may be applicable in terms of their respective positions or conditions of work, as part of their salary.

6. LEGISLATION

6.1. The legislation that guides the implementation of the cell phones is as follows:

- The Constitution of the Republic of South Africa, (Act 108 of 1996)
- Local Government: Municipal System Act (No. 32 of 2000)
- Local Government: Municipal Structures Act (No. 117 of 1998)
- Local Government: Municipal Performance Regulation, 2006 Section 10
- Municipal Finance Management Act, (No. 56 of 2003)
- Remuneration of Public Office Bearers Act (No. 20 of 1998)

7. APPROVAL OF PARTICIPATION

7.1. Each Director must make a recommendation to the Director Corporate Services as the Municipal Manager's designated representative, for the approval of employee cell phones and ensure that recommendations are only for employees whose inherent job requires him/her to contact employees under his/her authority or employees who need to be contactable at all times.

7.2. The Director Corporate Services, as the Municipal Managers representative, has the right to approve or reject the motivation from a Director based on whether the motivation carries sufficient merit to justify the allocation of a cell phone.

7.3. If any Director becomes aware, after approval, that there was no real need for the employee to receive a cell phone, the Director has the right to motivate and recommend the reallocation of the said cell phone to where it can be utilized more productively. Such motivation and recommendation must be submitted to the Director Corporate Services, in writing.

8. QUALIFYING CRITERIA FOR ALLOCATION OF CELL PHONES

8.1 A cell phone shall be necessary for the execution of official duties, with due regard the nature of the post the employee occupies. Cell phones are allocated to assist employees in the execution of their official municipal duties. It must be clearly understood that this is a working tool and not a ***fringe benefit*.**

8.2 All officials who have been allocated a cell phone are ***expected to be available at all times,*** therefore it is a condition that cell phones must be kept switched on and answered at all times, or that the official will return a call as soon as possible if he/she was engaged in a meeting at the time of receiving a call.

8.3 If it becomes evident that cell phones are switched off, particularly after hours, or are not being promptly answered, thus making it difficult to reach an official within a ***reasonable time***, the Director has the right to withdraw the cell phone and/or institute disciplinary, action.

8.4 The following category of employees will be eligible for cell phones:

- Municipal Manager
- Directors
- Managers
- Supervisors
- Employees who are engaged in service delivery
  By service delivery in the context of this policy, relates to employees who are critical in the attendance of urgent and emergency service delivery matters that have a direct impact on the safety and wellbeing of residents
- Call Centre employees
- Personal Assistants
- Standby employees
- Emergency Service employees, and
- an employee who is the Secretary General of the Union

8.5 Motivations for allocation of cell phones to employees that fall outside the categories as stated in 8.4 must be submitted by the relevant Director to the Director Corporate Services for approval.

8.6 The package and handset allocated to an employee will be determined by business requirements and is a management prerogative.

9. MANAGEMENT OF CELLULAR PHONES

9.1. Corporate Services will be responsible for the implementation and management of this policy and shall maintain all records of approval granted in terms hereof.

9.1.1 The Administration Section, will near the end of the contract with the current Service Provider re-assesses the cell phone needs of the different Directorates.

9.1.2 Cell phones required by employees that fall outside of the initial 24-month contract period, will receive a cell phone allowance to the value of the cost of the airtime and data needed by the employee, until the Municipality enters into a new/subsequent contract. It must however be noted that an employee cannot receive both an allowance and be on the cell phone scheme.

9.2. The Directorate Corporate Services will facilitate and administer contracts with service providers for the supply of cell phone devices and voice and data packages in respect of the Municipal Manager and other Section 57 employees, in terms with the Supply Chain Management Policy.

10. CELL PHONE ALLOWANCE

10.1 *Cell Phone Allowance For New Qualifying Employees*

10.1.1 Requests for cell phone allowances for new employees must be submitted by the relevant Director to the Director Corporate services, in writing for approval.

10.2 *Cell Phone And Package Specification*

10.2.1 Employees qualifying for a cell phone allowance, must contract with a service provider for a cell phone voice and data contract.

10.2.1 Employees must source a cell phone device and package which is equivalent to that of the current cell phone device and package specifications of the municipality. Such specification will be provided to the employee by Corporate Services.

10.3 *Use And Care Of Cell Phone*

10.3.1 Employees qualifying for a cell phone allowance must register their cell phone numbers at the Corporate Services Department.

10.3.2 Employees are expected to insure such cell phones and in the event of loss or damage of the cell phone, the provisions of the insurance cover must take affect

10.3.3 Under no circumstances will a municipal cell phone be issued as a replacement phone should the employee lose or damage his cell phone device

10.3.4 The employee is expected to use and care for the cell phone with caution and take all reasonable steps to prevent loss and/or damage

10.4 *Availability*

10.4.1 Employees qualifying and receiving a cell phone allowance shall at all times, within the scope of their work, be available to attend to work related calls during and after hours.

10.5 Monthly *Allowance Amount*

10.5.1 The monthly allowance amount is determined by Task Grade, as per attached Addendum A (The attached Addendum is subject to review from time to time)

11. CHOICE OF CELLPHONE DEVICE AND PACKAGE

11.1. The choice of Cell phone devices and packages is determined by Task Grade (as per below):

- Task Level 1-3
- Task Level 4 - 8
- Task Level 9 – 13
- Task Level 14 – 18
- Executive Management, or
- In terms of the employee's operational needs and inherent job requirements

11.2 The package associated with the employee is specific to the work needs and must remain cost-effective.

11.3 The Director of each department will recommend and motivate the airtime and data needs of each eligible employee in his/her department, which will be approved by the Director: Corporate Services.

11.4 The parameters as outlined in 8.4 above, will be adhered to. Any exceptions to such parameters must be motivated by Directors for approval by the Director: Corporate Services.

11.5. All “gifts” or “Promotional Items” that are given by a service provider as a result of the municipality purchasing cell phones, will become the property of the Municipality and must be registered in the asset register. Officials who use such “gifts” during their tenure with the Municipality must return them to the Municipality should they leave the Municipality’s service

12. CONTRACTS

12.1. The acquisition of cell phones will be undertaken in line with Supply Chain Management processes.

12.2. The service provider to whom the contract is awarded will be required to enter into a formal contract with the Municipality based on the tender or per quotation as per the needs of the Municipality in the case of a Sec 110 MFMA procurement.

12.3. The Municipality will be responsible for the payment of the monthly costs.

12.4. Employees receiving cell phone devices will be required to sign an agreement with the municipality in which they will take full responsibility for the device/s allocated to them.

13. INSURANCE AND TRANSFER OF CELL PHONE DEVICE

13.1 The employee will be responsible for the Insurance of cell phones during the cell phone contract term.

13.2 A cell phone will only be issued to an employee once an employee provides proof of insurance to the administration section.

13.3 Should an employee not be in a position to submit proof of insurance; such employee will be issued with a pre-used/secondhand device

13.4 To ensure the validity of insurance referred to in 13.1, Corporate Services will request proof of such insurance from employee every 6 months.

13.5 When a cell phone that has been issued to an employee is damaged or lost, the employee will be liable to contact his insurance company to log his/her claim

13.6 In the event of the municipal issued cell phone device being lost, stolen or damaged, the replacement cell phone device that the employee acquires through his/her insurance claim, must be equivalent or superior to the Municipal issued cell phone device.

13.7 In the event of a cell phone device being processed for insurance claim, the sim card that was in the municipal device may be inserted into a personal cell phone device , during the period that the claim is being processed

13.8 Employees who receive pre-used/secondhand devices (as in 13.2 above) will be responsible for that cell phone device and in the event of the device being lost, stolen or damaged, the employee will be liable for 50% of the value of such device in the first 12 months, 25% of the value in the 2nd 12 months and 15% of value in 3rd 12 months

13.9 In the case of attrition of employees, the cellphone will be ceded to a new employee who replaces the previous employee or will be allocated to the pool of cellphones administered by the Administration Section

13.10 Transfer of Ownership

13.10.1 In the event of the employee still being in the service of the municipality during the cell phone contract term, full ownership of the cell phone device will be transferred to employee **at the end** of the cell phone contract term. Cell phones will remain the property of the municipality for the duration of the agreement/contract with the service provider.

13.11 When an employee leaves the service of the municipality, the cell phone (including accessories such charger, earphones, etc.) must be returned to Administration before any financial benefits or salary owed, will be paid to the employee by the Municipality.

13.12 An employee may not give his/her cell phone to any family member, friend or any other person to use. If the employee does not use his/her cell phone, he/she must inform the Director of his/her department and the cell phone must be returned to Administration for re-allocation. If it is discovered that an employee is not using his/her cell phone device and has given it to someone else to use, disciplinary action will be instituted against the said employee.

13.13 Employees must take all reasonable measures to ensure that the cell phone devices are not unnecessarily exposed to any risk that could render the cell phone devices useless. (lost, damaged, stolen etc.)

13.14 When new cell phone devices are issued, the original cell phone device must be returned. If it is not available or not returned for whatever reason, the employee will be required to pay in the market value of respective the handset.(The devices referred to in this clause are the devices under the current Telkom contract)

14. SIM CARD/S

14.1 The sim card/s will remain the property of the Municipality except where the employee arranges with the Municipality to make the sim-card/s prepaid. This could be for example in the case of retirement.

14.2 The Sim card issued for a specific cell phone device may only be used with and for that device and may not be taken out of the device and used on another device. In the case of the cell phone being damaged or lost, the employee will need to submit a formal memorandum to the Manager Administration and Auxiliary Services, requesting authorization to remove the sim card and to use in a different device.

15. E-MAILS AND CELLPHONE NUMBERS

15.1 Every employee who participates in the cell phone scheme and who received a cell phone allowance, as provided for in this policy, shall be obliged to allow their cell phone number and e-mail address to be made public. These must also be supplied to Administration for publication in the internal telephone lists and external platforms.

15.2 Failure or refusal to comply with 15.1 above can lead to disciplinary action being instituted in terms of the Council's disciplinary policy and procedures and/or the cell phone device may be withdrawn.

16. CONTROL OF CELLPHONES

16.1 Corporate Services must maintain an asset register that will record all relevant information relating to the allocation of all cell phone devices issued to officials. Such register shall capture details such as a description of the cell phone device issued, the serial number of the cell phone device, the name of the employee to whom it was issued, the staff number of the employee, ID number, dates on which the devices were issued/replaced/returned, and all other relevant details.

16.2 Whenever a cell phone device is issued to an official, an agreement will be entered into between the employee and the Municipality which will set out the terms of use and the responsibility attached to the use thereof.

17. CELL PHONE APPLICATIONS/SOFTWARE

17.1 The Municipality may require specific applications to be installed on a smartphone and may require the compulsory usage of these applications by the employee. These applications may not be uninstalled by the employee without the written consent of Administration. If the employee uninstalls or switches off these applications without written consent, he/she may face disciplinary action.

17.2 By receiving and using a municipal cell phone device the employee consents to the tracking of the device via software as well as the monitoring of calls made and received or any other activities on the device.

17.3 Should abuse or misuse of this privilege be established, the employee will face disciplinary action

18. TRANSFER OF CELL PHONE

18.1 No user department may transfer any cell phone device from one employee to another employee.

18.2 Should any Manager, Supervisor or Foreman transfer a cell phone device without following the procedure below, such person will be subject to disciplinary action.

18.3 If a user department realizes that an employee does not need a specific cell phone device, the Director of the department must inform the Manager Administration and Auxiliary Service in writing that the cell phone device must be transferred to another employee and the reason for the transfer.

18.4 The holder of the cell phone device must hand in the device at Administration where his/her signed the agreement with the Municipality. Such agreement will thereafter be cancelled.

18.5 The newly allocated employee must collect the device from Administration and sign an agreement with the Municipality.

18.6 The same procedure must be followed when an employee who has a municipal electronic cell phone device retire or leaves the employment of the Municipality (in this case such employee forfeits the transfer of ownership).

19. WHATSAPP COMMUNICATION GROUP

19.1 The municipality's Communications Section has created an official Internal WhatsApp Communications Group for the purpose of disseminating official internal communication. The group is administered by the Communications Officer and it is not a chat group.

19.2 It is compulsory for all employees who receive municipal cell phones and/or cell phone allowances, to be part of the official WhatsApp Communication group. This includes Managers, Directors and the Municipal Manager

19.3 Once included as a participant to this group by the Communications Section, an employee may not leave the group. Should an employee voluntarily leave the group, he or she will face disciplinary action.

19.4 Employees who do not receive a municipal cell phone and/or cell phone allowance, may also join the group. Such employee should contact the Communications Officer to be included in the group

______________________________ ______________________________

C DU PLESSIS **DATE**
MUNICIPAL MANAGER

Addendum A

Task Level	ALLOWANCE AMOUNT
1-3	**R450**
4-8	**R500**
9-13	**R650**
14-18	**R750**
Executive Management	**R1,000.00**

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

CORPORATE SERVICES

DATE: 11 DECEMBER 2020 **ITEM NO: 20/12/CORP12**

PERSONAL PROTECTIVE EQUIPMENT POLICY

1. Introduction

The purpose of the report is to request Council to approve the Personal Protective Equipment Policy.

2. Background

The Personal Protective Equipment Policy was workshopped on 3 December 2020. All amendments have been affected, as discussed at the Policy Workshop.

3. Comments by Directorates:

Director: Corporate Services

The submission of the policy is noted

4. Recommended:

4.1 That the Personal Protective Equipment Policy be approved.

4.2 That the Personal Protective Equipment Policy be published on the Kouga Website.

4.3 That previous versions of the Personal Protective Equipment Policy be replaced with this version.

Item prepared by: **The Acting COO**

Item approved by: **Director: Corporate Services**

Item noted by the Portfolio Chairperson

PERSONAL PROTECTIVE EQUIPMENT POLICY

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PREAMBLE

1.1. Employers are required in terms of the Occupational Health and Safety Act, 85 of 1993 to create an environment that is hazard free, healthy and safe for employees to work in.

1.2. In terms of the same Act, employers have a responsibility to conduct risk assessments and capture the findings on a matrix and manage them accordingly for the welfare of the employees.

1.3. It is for that reason that Kouga Local Municipality provides Personal Protective Equipment (PPE) for its employees with the view to creating a safe and healthy working environment.

LEGISLATIVE FRAMEWORK

2.1 The Constitution of South Africa 108 of 1996 as amended;

2.2 The Basic Conditions of Employment Act 75 of 1997 as amended;

2.3 The Labour Relations Act 65 of 1995 as amended;

2.4 The Occupational Health and Safety Act, 85 of 1993 and Regulations as amended;

2.5 Compensation for Occupational Injuries and Diseases Act 130/1993 as amended;

2.6 South African Bureau of Standards Act 29 of 1993 as amended.

DEFINITIONS

3.1 Danger: Anything that may cause injury to persons or damage to property.

3.2 Hazard: A source of or exposure to danger.

3.3 Job: A combination of different tasks.

3.4 Employer: A person designated as the employer in terms of the Occupational Health and Safety Act.

3.5 Operating: Means switching, linking, safety testing and earthing.

3.6 Risk: The probability that injury or damage will occur.

3.7 Risk assessment: An assessment of the probability that injury or damage will occur.

3.8 Task: A single execution of a certain act.

3.9 Personal Protective Equipment: Specialized Clothing or equipment worn by employees for protection against health and safety hazards. Personal Protective Equipment is designed to protect many parts of the body, i.e. eyes, head, face, hands, feet and ears.

ABBREVIATIONS

4.1 PPE: Personal Protective Equipment.

4.2 OHS Act: The Occupational Health and Safety Act, Act 85 of 1993.

4.3 SABS: South African Bureau of Standards

4.4 SHE Rep: Safety Health Environment Representative

4.5 OHS Officer: Occupational Health and Safety Officer

4.6 COIDA: Compensation for Occupational injuries and Diseases Act

OBJECTIVES

5.1 To ensure that all employees who are entitled to PPE, are provided with such and that such PPE is compliant in terms of Occupational Health and Safety Act.

5.2 To ensure that employees perform their duties in a safe and healthy environment that is free from risks and health hazards.

5.3 To prescribe what Personal Protective Equipment (PPE) should be worn and utilised, when, where and how in terms of the inherent requirements of the job.

5.4 To comply with the Risk Assessment and ensure that it is always updated if there are emergency needs.

5.5 To create a sense of identity within the Municipality.

SCOPE AND APPLICATION

6.1 This policy is applicable to ALL employees whose jobs or functions require them to be in PPE.

6.2 The policy also covers employees who are required in terms of their duties to use protective equipment on an adhoc basis.

GENERAL DUTIES OF THE EMPLOYER

7.1 The municipality will first assess or evaluate the risks and document the risks attached to all work being done.

7.2 Reduce the risks in the workplace.

7.3 The municipality will provide protective equipment to minimize exposure of employees to hazards.

7.4 The municipality will always enforce the use of protective equipment.

7.5 The Municipality shall identify employees who qualify to wear protective equipment.

7.6 The municipality shall ensure that no employee is allowed to work without the correct personal protective equipment and/or uniform.

GENERAL DUTIES OF EMPLOYEES

8.1 Employees must be aware of and understand all hazards and risks associated with their job and work areas.

8.2 Co-operate with the employer to ensure that the requirements as set out in the OHS ACT and Regulations are fulfilled and comply with the PPE Policy

8.3 Properly care for, clean, maintain, and inspect PPE as required

8.4 Use PPE for work purposes only. Such PPE is prohibited from being used for private purposes

8.5 Properly wear PPE at all times

8.6 Attend required training sessions.

8.7 Inform the supervisor of the need to repair or replace PPE.

8.8 On the last day of employment, the employees must return all PPE.

8.9 Final leave payout to the employee will be withheld until all PPE is returned and signed off by the respective employee.

8.10 The value of items not returned will be deducted from the last leave payout due to the employee.

8.11 Employees who disregard and do not follow PPE policies and rules will face disciplinary action.

9 DUTIES OF THE OCCUPATIONAL HEALTH AND SAFETY OFFICER

9.1 Conducting workplace hazard assessments to determine the presence of hazards which necessitate the use of PPE

9.2 Select and give input into purchasing of correct PPE

9.3 Review, update, and conduct PPE hazard assessments whenever

- A job changes
- New equipment is used
- There has been an accident
- A supervisor or employee requests it
- Or at least every year

9.4 Maintain records of hazard assessments

9.5 Providing ad-hoc informal training, guidance, and assistance to supervisors and employees on the proper use, care, and cleaning of approved PPE.

9.6 Periodically re-evaluate the suitability of previously selected PPE

9.7 Review, update, and evaluate the overall effectiveness of PPE use, training, and policies

(a) DUTIES OF SUPERVISORS

10.1 Supervisors have the primary responsibility for implementing and enforcing PPE use and policies in their work area. This involves

10.1.1 Providing appropriate PPE and making it available to employees
10.1.2 Ensuring that employees are trained in the proper use, care, and cleaning of PPE.
10.1.3 Ensuring that employees properly use and maintain their PPE, and follow PPE policies and rules
10.1.4 Notifying management and the Safety person when new hazards are introduced or when processes are added or changed
10.1.5 Ensuring that defective or damaged PPE is immediately disposed of and replaced.

(b) PROCESS TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT

11.1 The budget for PPE shall rest with the respective department. As such each department will be responsible for the allocation and issuing of PPE.

11.2 A survey of each task will be conducted by the OHS Unit, and the minimum required Personal Protective Equipment will be determined. The outcome of the survey will result in the formulation of a matrix which documents the various job categories and the PPE associated and required by and for the respective job.

11.3 All PPE purchased shall be in accordance with the SABS approved quality standards, SANS standards, the ISO 9000 Quality Management series and Municipal Specifications on PPE.

11.4 Directorates shall submit their Personal Protective Equipment needs to the Occupational Health and Safety Unit, who shall consolidate and send to the appointed Service Provider annually and/or as and when needed.

11.5 The Service Provider shall supply and deliver the PPE as and when required by the respective user departments.

11.6 Gender-specific requirements shall be taken into consideration when conducting any PPE needs assessment and when purchasing the required items, provided that the PPE requirements in terms of the inherent requirements of the job, are not compromised

(c) ISSUING OF PERSONAL PROTECTIVE EQUIPMENT

12.1 PPE shall be issued in accordance with the PPE matrix compiled by the OHS Unit, Divisional OHS Committee and responsible manager

12.2 A maximum of three items per type of PPE, shall be issued to employees who are expected to use PPE on a daily basis as per the PPE list identified for the respective jobs. Where an employee's job requires PPE to be worn/used on an ad-hoc basis only 1 item per type, will be issued

12.3 A record shall be kept by the respective department of the issue of all PPE and other specialized equipment, to its employees.

12.4 No employee will be allowed to work without the correct personal protective equipment.

12.5 Interns, trainees, learners and apprentices must be issued with a full set of PPE based on the inherent requirements of the training and job requirements

12.6 The Municipality will not be responsible for the laundry, maintenance and care of an employee's PPE.

12.7 PPE provided to employees must be kept clean at all times.

ISSUING OF PERSONAL PROTECTIVE EQUIPMENT IN SPECIAL CIRCUMSTANCES

13.1 Employees who due to physical or ergonomic constraints are unable to use the appropriate protective equipment, may request specially manufactured equipment, provided that a written prescription/motivation that recommends the required equipment from a specialist, is submitted to the employer.

13.2 The employees' status shall be reviewed on an annual basis to find if there is improvement in the condition of the employee, which expense shall be borne by the employee.

13.3 A maximum set of three items per type of PPE shall be purchased for the employees with special needs.

BRANDING OF PPE

14.1 All overalls must be inclusive of Kouga Local Municipality branding to distinguish the Municipal Employees form ordinary citizens.

14.2 All branding on overalls must be specific, and include the following to distinguish departments and sections from each other:

14.2.1 Font, size, colour and formation must be the same;

14.2.2 There must be a clear identification at the back of the overall which must include Kouga Municipality, the relevant department, and the relevant section;

14.2.3 There must be a clear identification on the front left hand side of the overall which must include the Employee's name.

14.2.4 The communications unit will determine the specifications of the branding

TRAINING

15.1 Any employee required to wear PPE will receive training in the proper use and care of PPE before being allowed to perform work requiring the use of PPE. Periodic retraining will be offered to PPE users as needed, by respective supervisors, who will maintain records thereof.

15.2 The training will include, but not necessarily be limited to, the following subjects:

- When PPE is necessary to be worn
- What PPE is necessary

- How to properly adjust, and wear PPE
- The limitations of the PPE
- The proper care, maintenance, useful life, and disposal of the PPE

15.3 After the training, the employees will be required to demonstrate that they understand how to use PPE properly, or they will be retrained.

15.4 Training of each employee will be documented using the Personal Protective Equipment Training Documentation Form and kept on file.

15.5 The form certifies that the employee has received and understood the required training on the specific PPE he/she will be using.

15.6 The PPE Training Quiz will be used to evaluate employees' understanding and will be kept in the employee training records.

CLEANING AND MAINTENANCE OF PPE

16.1 It is important that all PPE be kept clean and properly maintained.

16.2 Cleaning is particularly important for eye and face protection where dirty or fogged lenses could impair vision. Employees must inspect, clean, and maintain their PPE according to the manufacturers' instructions before and after each use

16.3 Supervisors are responsible for ensuring that employees properly maintain their PPE in good condition.

16.4 Personal protective equipment must not be shared between employees until it has been properly cleaned and sanitized. PPE will be distributed for individual use whenever possible.

16.5 Defective or damaged PPE due to wear and tear will not be used and will be immediately discarded and replaced.

16.6 It is also important to ensure that contaminated PPE which cannot be decontaminated is disposed of in a manner that protects employees from exposure to hazards

NON-COMPLIANCE WITH PPE POLICY

17.1 Overall jackets will be personalized with the employee's name. Selling, giving away or lending PPE to anyone is a disciplinary offence and will be dealt with in terms of the disciplinary code

17.2 The employee will be held responsible should any other person be in possession of his/her PPE

17.3 Should an employee, for whatever reason not have or no longer be in possession of the PPE that was issued, any subsequent issuance will be for the employee own account and the cost will be deducted from the employee's salary

17.4 Should an employee negligently damage his/her PPE, further issuance will be for the employees account and will be deducted from his/her salary

17.5 On leaving the employ of the municipality, all PPE must be returned. A reconciliation of PPE issued, and PPE returned, will be done. Any discrepancies will result in the value of non-returned items being deducted from the employee's final leave payout.

16.6 In order to qualify for a new issuance of PPE, the employee must return his/her old/used PPE, before being issued with new items. This excludes PPE that the employee paid for themselves.

16.7 PPE is the property of the municipality. As such old/used PPE may not be given, donated or sold to non-employees

16.8 Non-compliance with any of the above, will be regarded as a disciplinary offence

CONTRACT EMPLOYEES

18.1 Employee's appointed on a contract basis must sign for receipt of PPE.

18.2 All conditions as stipulated in the aforesaid clauses, are applicable to contract employees.

18.3 On the last day of expiry of the contract, the employees must return all PPE.

18.4 Final salary payment to the contract employee will be withheld until all PPE are returned and signed off by the respective employee.

18.5 The value of items not returned will be deducted from last payment due to the employee.

18.6 All Overall's that is returned by contract employees must be washed/deep cleaned, and then re-issued to new contract employees if the overall is still of good quality.

MONITORING AND REVIEW

19.1 The Municipality will regularly review and audit compliance of contractors and service providers appointed by the municipality with their own PPE standards and the Municipality's Health and Safety Specifications.

19.2 The Occupational Health and Safety Unit will be responsible for the monitoring of the use of protective equipment during routine inspections.

APPROVAL AND IMPLEMENTATION

20.1 The policy will be implemented upon approval by Council.

ANNEXURE A

PERSONAL PROTECTIVE EQUIPMENTS STANDARDS

The following documents contain provisions that, through reference in the text, constitute requirements of this standard. All standards and specifications are subject to revision and parties to agreements based on this standard are encouraged to investigate the possibility of applying the most recent editions of the documents listed below.

CODE	DESCRIPTION: TYPES OF PPE	Employees applicable to
D59 SANS 434 Approved	2 Piece Overall	• General workers • Handyman • Artisan Assistants, • Artisans, Drivers, • Caretakers, • Operators
SABS 397:1983,	Safety helmets for industrial use and for firemen	• Firefighters
SABS Approved • CE EN ISO 20345 Approved	Safety Boots: Male	• General workers • Handyman • Artisan Assistants, • Artisans, • Drivers, • Caretakers, • Operators • Supervisors • Superintendents
CE EN ISO 20345 Approved	Safety Boots: Female	• General workers • Handyman • Artisan Assistants, • Artisans, • Drivers, • Caretakers, • Operators • Supervisors • Superintendents
BOS ISO 455:2016; SANS 434:2018; EN ISO 13688:2013	DENIM WORKWEAR	• General workers • Handyman • Artisan Assistants, • Artisans, • Drivers, • Caretakers, • Operators • Supervisors

		• Superintendents
SABS 549:1993	Mesch Helmet	• General Worker/Operators
SABS 741:1995,	Leg protectors	• General Worker/Operators
FFP1 NR EN 149 2001 A1 2009 SABS	Dust/Mist Respirator	• All Blue-Collar employees
FFP2 NR EN 149 2001 A1 2009 SABS	Active Carbon Respirator with Valve	• All Blue-Collar employees
SANS 50140 1998	Single Half Mask Box and Lid	• All Water & Sanitation section staff
SANS 50136 1998 EN 136 1998 CL1 SABS	Neoprene Rubber Direct Thread Full Face Mask	• All Water & Sanitation section staff
SABS 1220:1984,	NM Armor Red PVC dipped gloves work impact resistant TPR gloves	• General workers • Handyman • Artisan Assistants, • Artisans, • Drivers, • Caretakers, • Operators • Supervisors • Superintendents
SABS 1228:1986,	NM Armor Blue work gloves winter waterproof pvc gloves dipped	• General workers • Handyman • Artisan Assistants, • Artisans, • Drivers, • Caretakers, • Operators • Supervisors • Superintendents
SABS 1297:1986,	Protective Gloves	• All Electrical and Mechanical Workshop staff
SABS 1320:1980: Part 1,	Chemical protective garment	• All Water & Sanitation section staff

ANNEXURE B

	Section / Regulation No
OHS Act 85 of 1993 Sections	8, 9, 11(4), 11(5), 11(6b), 12(4e), 12(5), 14.
OHS Act 85 of 1993 Regulations, General Safety Regulations, Hazardous Chemical Substances Regulations, Asbestos Regulations, Lead Regulations and the Environmental Regulations For Work Places.	GSR 3 (a) HCSR 11 AR 12, 17 LR 12 ERW 2 - 7

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

CORPORATE SERVICES

DATE: 11 DECEMBER 2020 **ITEM NO: 20/12/CORP13**

COUNCIL RECESS: DELEGATED AUTHORITY: MUNICIPAL MANAGER

1. Introduction

The coming Summer Holiday Season 2020/2021 includes a formal recess of the Council from 14 December 2020 to 15 January 2021.

During the recess, it is proposed to grant all Councillors a respite from the routine cycle of meetings whilst making provision that urgent matters be dealt with by the Municipal Manager in terms of the guidelines of Part 3: System of Delegation of the Local Government Municipal Systems Act, Act No. 32 of 2000.

2. Comment

Section 59(1) of the Systems Act stipulates that a Municipal Council should develop a system of delegation to maximize administrative and operational efficiency whilst simultaneously providing for checks and balances in respect of the person exercising the delegated authority. It is proposed that the Municipal Manager be granted authority to deal with all council matters except for:

a) The passing of by-laws;

b) The approval of the budget;

c) The imposition of rates and other taxes, levies and duties;

d) The raising of loans;

e) The amendment of tariffs;

f) The approval or amendment of the IDP.

The matters dealt with by the Municipal Manager during the recess of Council will be submitted to Council for information or review, if necessary, when Council reconvenes after 15 January 2021.

3. Recommendation

3.1 That it be noted that the Council will be in recess for the period 14 December 2020 to 15 January 2021.

3.2 That the Municipal Manager be granted delegated authority to deal with all Council affairs during the recess from 14 December 2020 to 15 January 2021, subject to the following undermentioned conditions:

a) The Exercise of delegated authority shall exclude the passing of a by-law; approval of the budget; the imposition of rates and other taxes levies and duties; the raising of loans, the amendment of tariffs, the approval or amendment of the IDP;

b) That the parameters of the Procurement Policy be complied with.

3.3 That all matters dealt with by the Municipal Manager, which would conventionally have required a resolution of the Council be submitted to Council in report format for information or review at the first Ordinary Council Meeting for 2021.

3.4 That the Municipal Manager consults with the Executive Mayor on matters that are of a potentially sensitive nature prior to using the authority granted of paragraphs (1) and (2) above.

Item prepared by: The Manager: Administration and Auxiliary Services M Rossouw

Item approved by: The Director: Corporate Services

Item noted by the Portfolio Chairperson:

REPORTS BY THE PORTFOLIO CHAIRPERSON: PLANNING & DEVELOPMENT

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

PLANNING AND DEVELOPMENT

DATE: 11 DECEMBER 2020 **ITEM NO: 20/12/PD9**

APPLICATION FOR ENTRANCE AND ACCESS ROAD SERVITUDE: ERF 300 PATENSIE, RIKUS DU PREEZ FAMILIETRUST: (ERF 409, PATENSIE)

1. Introduction

The purpose of this item is to request that Council consider approval to Rikus du Preez Familie Trust for an entrance and right of way or access road servitude on Erf 300, Patensie in order to gain access to Erf 409, Patensie.

2. Background

An application was received from Mr. Rikus du Preez for a concession to use a portion of Erf 300, for an alternative entrance and right of way in the form of an access road servitude to gain access to his property being Erf 409, Patensie. **(See Annexure "A")

The above request transpired from the fact that the municipal cemetery located on Erf 302 has expanded exponentially and is starting to impact negatively on the business activities of Rikus du Preez Familie Trust.

It is important to note that both properties, Erf 302 and 409 gain access to their respective premises from a communal road servitude which runs across Erf 301, Patensie. However, the entrance (gate) for Erf 409 is where the property faces the road servitude at Erf 302 (cemetery). (See Annexure "B")

As a result of the location of the current entrance/gate and the expansion of the cemetery, the applicant has started to experience on a few occasions that vehicles of funeral attendants are blocking the entrance to the nursery. It is also likely that soon graves which is moving towards the entrance will start to block the entrance and make it impossible for trucks to turn in at the entrance.

In his application Mr. du Preez requested that the municipality consider their application to relocate the existing entrance/gate from Erf 302 and construct a new entrance at Erf 300 as well as a road servitude across Erf 300 from where they could get access to Erf 409. This will mean that the expansion of the cemetery will no longer be challenge to future business activities on Erf 409.

Should this option be considered favorably the applicant undertakes to close the existing entrance, which will allow the municipality to utilize the existing road over Erf 302, to fence off the cemetery and to install a gate where the road joins Erf 302.

It should be noted that there is a standing Council resolution on Erf 300 **(Resolution 19/4/PD4) which was taken on 17 April 2019** granting approval for the donation of Erf 300, Patensie to the Provincial Department of Public Works in for an Agricultural School (See Annexure "C").

The Legal Section is currently in the process to finalize the deed of donation and to conclude the agreement.

The possible solution is to subdivide since the cemetery on Erf 302 is a municipal cemetery, it is important that council finds an amicable solution to try and address the problem caused by expansion of the cemetery and the effect it has on the business activities on Erf 409.

3. Financial implications

There will be financial implications.

i) Land surveyor cost (surveyor diagrams and registration fees)

No cost pertaining to land value.

4. Legal implications

The Policy on Disposal of Council immovable Assets is applicable.

5. Recommendation

5.1 That in addition to Council resolution 19/4/PD4, Council grants approval to subdivide a portion of Erf 300 to create entrance and right of way (access road servitude) to gain access to Erf 409, Patensie.

5.2 That in terms of s14 Council confirms that erf 300 is not needed to provide the minimum level of basic municipal services.

5.3 That a land surveyor be appointed to attend and conclude the surveying processes and registration of the right of way (access road servitude) in favor of Erf 409, Patensie in the Office of the Surveyor General.

5.4 That the applicant closes the existing entrance from Erf 302, fence off the cemetery and install a gate where the road joins Erf 302 at their cost.

Item prepared by Acting Manager Land & Properties:

Item approved by the Director PDT:

Item endorsed by the Municipal Manager:

Item noted by the Portfolio Chairperson:

Annexure "A"

Klaus Ferreira – namens Rikus Du Preez

Hello Mr Hattingh,

Our meeting this afternoon refers.

As discussed, we hereby wish to draw the attention of the Municipality to the expansion of the cemetery on Erf 302 which could potentially hinder our business activities in the sense that funeral attendants have already blocked the entrance to the nursery on a few Saturdays and the graves will soon make it impossible for trucks to turn in at the entrance.

As discussed, there is an option to move the entrance to where Erf RE/300 (From the Municipality) faces the access road. We therefore formally apply for a concession from the municipality to allow us to use Erf RE/300 for this purpose.

We then undertake to close the existing entrance, that will allow the municipality to utilize the existing road over Erf 302 and to fence off the cemetery, install a gate where the road joins
Erf 302, as discussed in the meeting.

We trust the above will meet your favorable consideration.

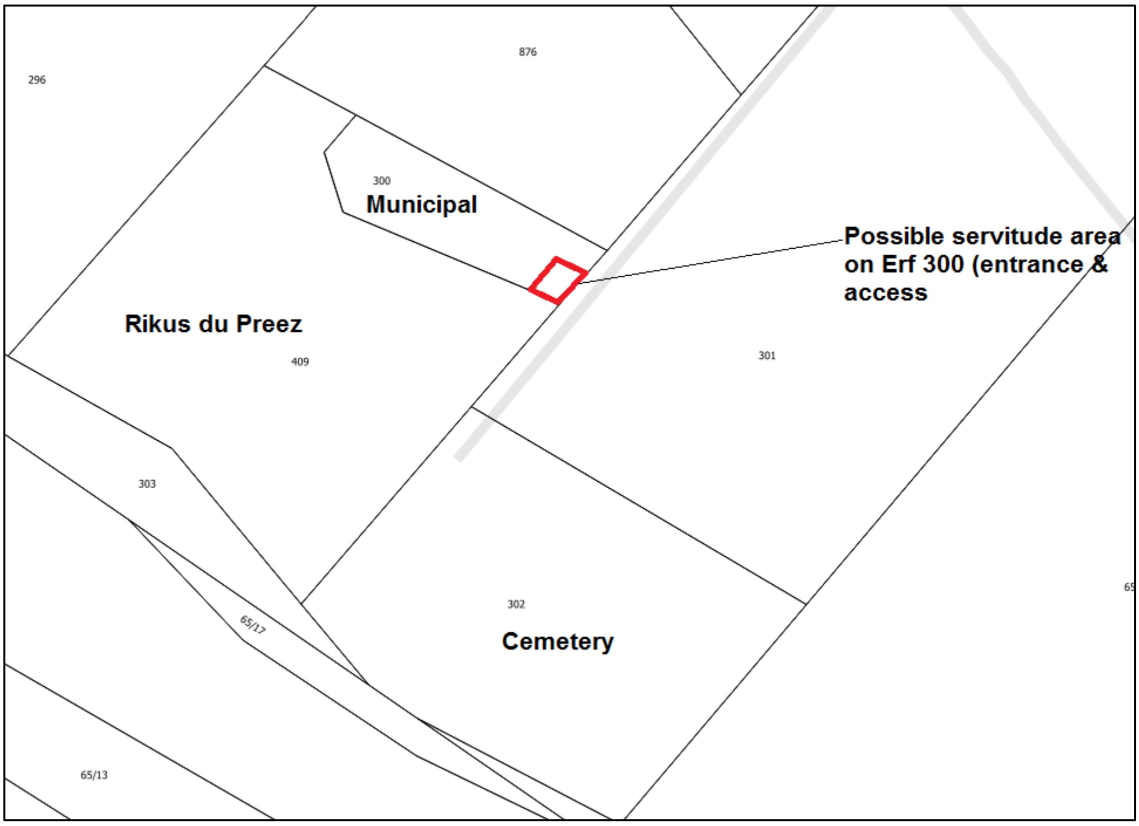
Best regards

Klaus Ferreira – namens Rikus Du Preez
082 725 2974

P.O. Box 140
Patensie
6335
Eastern Cape
South Africa
Tel +27 42 2830506
Fax +27 86 654 1097

Annexure "B"

Aerial image illustrating the current situation on the effected erven.



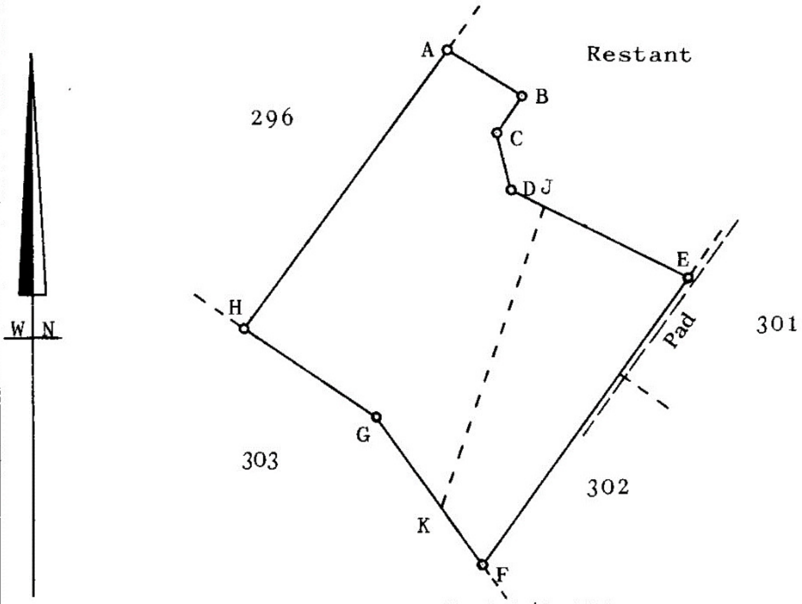
Possible road access servitude area

	SYE METER	RIGTINGS –HOEKE		KOÖRDINATE Y Stelsel Lo 25° X		L.G. No.
		Konstant		± 0,00	+3700000,00	1095-85
AB	43,15	302 33 20	A	+ 16915,24	+ 37350,94	
BC	21,94	35 23 00	B	+ 16878,86	+ 37374,16	goedgekeur
CD	29,69	345 14 20	C	+ 16891,57	+ 37392,05	
DE	97,81	296 31 10	D	+ 16884,00	+ 37420,76	
EF	177,57	35 38 00	E	+ 16796,48	+ 37464,43	nms/Landmeter-generaal
FG	91,07	145 00 50	F	+ 16899,94	+ 37608,76	1985-03-28
GH	78,62	124 04 10	G	+ 16952,16	+ 37534,15	
HA	172,57	216 15 00	H	+ 17017,28	+ 37490,11	
		272 Afric	▲	+ 17521,81	+ 39066,39	
		234 Patentie	▲	+ 15855,57	+ 36766,76	

BAKENS

A,B,C,D,E....15mm Ysterpen.
F,H.........Betonblok.
G...........Spoorstaaf.

Die lyn JK stel a serwituut reg van weg voor. sien kaart no.2834/1933 geheg aan T/A 1934-157-8176.



Skaal: 1/3 000

Die figuur A B C D E F G H

stel voor 2,5664 hektaar grond, synde

Erf 409 gedeelte van Erf 300 PATENSIE

geleë in die Munisipaliteit van Patensie en Administratiewe Distrik van Humansdorp

Provinsie Kaap die Goeie Hoop

Opgemeet in Desember 1983 en September 1984 deur my,

Landmeter

Hierdie kaart is geheg aan Transport Akte No. T.4656/1986 gedateer t.g.v. Registrateur van Aktes	Die oorspronklike kaart is No. 351/1909 geheg aan Transport / Grondbrief No. 1911-99-6309	Lêer No. Humd. 65 M.S. No. E 365/85 Komp. BN-8AB (4271)

PRESIDENT P.E. L.

Surveyor diagram indicating the current road servitude (Pad) in the longer dotted line which provides access to Erven 300, 302 and 409.

Annexure "C"

19/4/PD4 **ACQUISITION OF ERF 300, PATENSIE BY DEPARTMENT PUBLIC WORKS FOR AGRICULTURAL SCHOOL**

Resolved (17 April 2019)

1. That Council authorises the disposal of erf 300, Patensie through a donation for an agricultural school, be approved.

2. That Council confirms that erf 300, Patensie is not required for provision of basic municipal services, be approved.

REPORTS BY THE PORTFOLIO CHAIRPERSON: COMMUNITY SERVICES

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

COMMUNITY SERVICES

DATE: 11 DECEMBER 2020 **ITEM NO: 20/12/CS22**

PROGRESS REPORT ON EIA FOR CEMETERIES

1. Purpose

The purpose of this report is to inform Council on the status of the Environmental Impact Assessment (EIA) authorisation for the Kouga Municipality cemeteries.

2. Background

Kouga Municipality appointed SRK Consultants August 2018 to undergo the EIA process for development of four new cemeteries (Patensie, Hankey, Humansdorp and Thornhill). In March 2019, the EIA application was lodged with the Department of Economic Development, Environmental Affairs and Tourism and public participation was also undertaken by the consultants. Early March 2020 while waiting on the Record of Decision (ROD) from the Department the President announced a nationwide lockdown for 21day which was later extended. The entire EIA process was on pause, as Departmental official were not regarded as essential services.

In June 2020 DEDEAT gave a directive for municipalities to apply for Authorisation through the NEMA Section 30. Kouga Municipality applied for an authorization in term of section 30A (1) of the National Environmental Management Act No. 107 of 1998 (NEMA). At this point the municipality was experiencing an increase in the number of deaths. NEMA Section 30 provides that a competent authority may upon request direct a person to carry out a listed activity or specified activity, without obtaining an environmental authorization contemplated in section 24(2)(a) or (b) in order to prevent or contain an emergency situation or prevent, contain or mitigate the effects if the emergency situation.

Since the National lockdown, due to the COVID19 pandemic, pronounced on 26 March 2020 the Kouga Municipality had experienced a significant increase in the number of deaths, which poses additional strain on the current cemetery capacity in the Kouga Municipal area. The Department of Environment, Forestry and Fisheries (former DEDEAT) is aware of the status that most of Kouga Municipality cemeteries had reached their maximum capacity and it had become more critical to find alternative burial grounds.

3. Comments

The Municipality applied for four sites (Hankey, Patensie, Thornhill and Humansdorp) to be approved to be developed as cemeteries and only three sites were approved. All four new cemeteries were assessed and the findings by SRK Consulting for three sites did not identify any fatal flaws for the establishment of the facilities. However, the Humansdorp Site was very sensitive and will be assessed under the full Environmental Impact Assessment process. A Directive has been received from DEDEAT (Annexure) to commence with the development.

Even though the sites have been approved Kouga Municipality needs to ensure that the following is done:

- Kouga Municipality must have an official on site to ensure operational impacts are monitored.
- An Environmental Control Officer (ECO) to be appointed for the duration of the construction/expansion phase of the project to ensure that conditions contained in the attached Directive are adhered to.
- A groundwater monitoring plan be compiled and effected results to be provided to Department of Water and Sanitation and Human Settlements (Water and Sanitation division) every three months.
- In the event of any contamination of groundwater coming to light, appropriate operational adjustments are to be implemented to address such contamination, and the Department of Water and Sanitation and Human Settlement to be consulted in relation to appropriate remediation measures.

Kouga Local Municipality will be held liable in the event of non-compliance by any contractor/s associated with this activity.

4. Recommendation

4.1 The environmental authorisation for new cemeteries be adopted by Council.

4.2 Council makes provision for funds to develop groundwater monitoring plan and borehole for the proposed new cemeteries.

4.3 An Environmental Control Officer (ECO) to be appointed for the duration of the construction/expansion phase of the project.

Item prepared by : Environmental Specialist

Item prepared by : Director Community Services

Item noted by : Portfolio Head

ANNEXURE 1: AUTHORISATION FOR HANKEY, PATENSIE AND THORNHILL

Province of the EASTERN CAPE
ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS & TOURISM

Dayalan Govender
041 5085811
071 674 9710
Dayalan.Govender@Dedea.gov.za
Ref: Covid-EC08-S30A-01-11-2020

10 November 2020

Attention:
The Municipal Manager: Mr Charl Du Plessis
P.O Box 21
Jeffreys Bay
6330

Email: Mr Charl Du Plessis, cduplessis@kouga.gov.za
Frank Tamboer, ftamboer@kouga.gov.za

CC: Lyndon Mardon, Siyabonga.Gqalangile
Email: Lyndon.Mardon@dedea.gov.za
Siyabonga.Gqalangile@dedea.gov.za

Dear Mr Charl Du Plessis

RE: DIRECTIVE IN TERMS OF SECTION 30A OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998), "NEMA" IN RESPONSE TO THE ESTABLISHMENT CEMETERIES IN KOUGA LOCAL MUNICIPALITY – SARAH BAARTMAN DISTRICT MUNICIPALITY.

Department of Economic Development Environment Affairs and Tourism (DEDEAT) has considered the application for the establishment of a cemetery within the KOUGA LOCAL MUNICIPALITY against the DEDEAT Section 30A Standard Operational Procedure (SOP) practice note as well as the current COVID 19 pandemic and the Disaster Management Act and various regulations stemming from the Lockdown Regulations.
DEDEAT furthers confirms that the nature, cause, impact and scope of the, emergency that has come about due to the Pandemic.
The emergence and unprecedented spread of the COVID 19 virus and the subsequent Pandemic that has resulted in the global lockdown which was also actioned by the South African Government to curb the spread of the virus within South Africa's borders in the form of a Lockdown. The hard lockdown level 5 and 4 was intended to enable the State to prepare for the local transmission of the virus as well as inevitable loss of life, as defined in the South African Response Plan highlights Stage 7, "Bereavement and the Aftermath". Prof Karim of the Ministerial Advisory Committee (MAC) described this stage as the "firestorm" when infections will reach unprecedented levels and mass mortalities will likely occur. This is the normal unravelling of a pandemic which is an unavoidable trend of any pandemic. Prof. Karim was forthright in his statements that the lockdown levels served and still serve to reduce local transmissions of the virus to enable the State to prepare for the "firestorm", this is predicted to occur.

A consequence of the Stage 7 is mortality management and the dignified disposal of the mortal remains of victims of the virus. Mortality management is a critical factor that local authorities must prepare for as part of the SA Response Plan.

The management and disposal of mortal remains of victims maybe via burial or cremation, the preferred option in South Africa is burial as per cultural norms and practices. The preferred option invariably means that land for cemeteries must be identified now and must be set aside. Preparation of such sites would

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071 674 9710
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Ref: Covid-EC08-830A-02-11-2020

Province of the EASTERN CAPE
ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS & TOURISM

10 November 2020

Attention:
The Municipal Manager: Mr Charl Du Plessis
P.O Box 21
Jeffreys Bay
6330

Email: Mr Charl Du Plessis, cduplessis@kouga.gov.za
Frank Tamboer, ftamboer@kouga.gov.za

CC: Lyndon Mardon
Email: Lyndon.Mardon@dedea.gov.za
Siyabonga.Gqalangile@dedea.gov.za

Dear Mr Charl Du Plessis

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Ref: Covid-EC08-S30A-03-11-2020

10 November 2020

Attention:
The Municipal Manager: Mr Charl Du Plessis
P.O Box 21
Jeffreys Bay
6330

Email: Mr Charl Du Plessis, cduplessis@kouga.gov.za
Frank Tamboer, ftamboer@kouga.gov.za

CC: Lyndon Mardon
Email: Lyndon.Mardon@dedea.gov.za
Siyabonga.Gqalangile@dedea.gov.za

Dear Mr Charl Du Plessis

RE: DIRECTIVE IN TERMS OF SECTION 30A OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998), "NEMA" IN RESPONSE TO THE ESTABLISHMENT CEMETERIES IN KOUGA LOCAL MUNICIPALITY – SARAH BAARTMAN DISTRICT MUNICIPALITY.

Department of Economic Development Environment Affairs and Tourism (DEDEAT) has considered the application for the establishment of a cemetery within the KOUGA LOCAL MUNICIPALITY against the DEDEAT Section 30A Standard Operational Procedure (SOP) practice note as well as the current COVID 19 pandemic and the Disaster Management Act and various regulations stemming from the Lockdown Regulations.

DEDEAT furthers confirms that the nature, cause, impact and scope of the, emergency that has come about due to the Pandemic.

The emergence and unprecedented spread of the COVID 19 virus and the subsequent Pandemic that has resulted in the global lockdown which was also actioned by the South African Government to curb the spread of the virus within South Africa's borders in the form of a Lockdown. The hard lockdown level 5 and 4 was intended to enable the State to prepare for the local transmission of the virus as well as inevitable loss of life, as defined in the South African Response Plan highlights Stage 7, "Bereavement and the Aftermath". Prof Karim of the Ministerial Advisory Committee (MAC) described this stage as the "firestorm" when infections will reach unprecedented levels and mass mortalities will likely occur. This is the normal unravelling of a pandemic which is an unavoidable trend of any pandemic. Prof. Karim was forthright in his statements that the lockdown levels served and still serve to reduce local transmissions of the virus to enable the State to prepare for the "firestorm", this is predicted to occur.

normally require the site be assessed in terms the 2014 Environmental Impact Regulations as amended and must be prepared for the inevitable Stage 7.

Ordinarily when a local authority seeks to establish a new cemetery or expand an existing cemetery, said municipality would need to make an application for an Environmental Authorisation in terms of the 2014 Environmental Impact Regulations (as amended). This application is governed by timeframes and could take between 8 to 14 months based on the studies that need to be undertaken as well as the review and drafting period. The durations listed above is time that local authorities do not have if they need to prepare for the inevitable, Stage 7.

The National Environmental Management Act (Act 107 of 1998) NEMA, does cater for emergency situations and appropriate responses in tandem with the Disaster Management Act (Act No. 57 of 2002). The Section 30 A regulations within NEMA enables any person who reasonably foresees a situation that has arisen suddenly that poses an imminent and serious threat to the environment, human life or property to act to mitigate the impacts of the threat. Said person or entity may commence with a listed or specified activity identified in terms of the regulations promulgated under section 24 (2) of the NEMA without an environmental authorisation.

In this instance local authorities can expand existing cemeteries, establish new cemeteries, refurbish non-operational crematoria and commission such refurbished crematoria as well as construct new crematoria to address mass mortalities. DEDEAT is cognisant of this and has advised local authorities to make application in terms of S30A.

The existing Thornhill cemetery is currently at full capacity. A new cemetery has been proposed in the adjacent property (Remainder of Portion 3 of Farm 448, Uitenhage RD. An area of approximately 0.9 ha is required for the new cemetery. The proposed site is directly adjacent to the N2 National Road (on the opposite side from Thornhill town). The existing cemetery is located on the same side of the N2 further westwards. The site proposed is mostly flat with a subtle slope towards the north. There is an existing powerline dissecting the site.

Department hereby informs you that the request to establish a new cemetery is hereby granted in Thornhill on Remainder of Portion 3 of Farm 448, Uitenhage RD.
The list of potential activities that bears relevance to the Pandemic and the intervention plan, these listed below for easy reference (Table 1).

Listing Notice	Listed Activity	Trigger
GN R 327 (LN1)	<u>*Activity 27:*</u> *The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—* *(i) The undertaking of a linear activity; or* *(ii) Maintenance management purposes undertaken in accordance with a maintenance management plan.*	*The proposed cemetery expansion will involve the clearance of approximately 0.9 ha of indigenous vegetation. It is suspected that more that 1 Ha will be cleared due to project creep.*
GN R 327 (LN1)	<u>*Activity 23:*</u> *The development of cemeteries of 2 500 square metres or more in size.*	*The proposed establishment of new cemetery approximately 0.9 ha.*

Table 1: Environmental Impact Assessment Regulations Listing Notice 1 of 2014 – GN R.983/2014, as amended in 2017, listed activities triggered.

The coordinates of the Thornhill site

- 33°53'33.49"S; 25° 8'37.02"E
- 33°53'31.40"S; 25° 8'37.90"E
- 33°53'31.68"S; 25° 8'30.02"E
- 33°53'29.57"S; 25° 8'30.55"E

The following documentation were considered in the issuance of this Directive.

I. Disaster Management Act (Act No. 57 of 2002).
II. Declaration of National State of Disaster Notice in the Government Gazette no. 313 dated 15 March 2020 and the subsequent re-declarations of the State of Disaster.
III. The numerous COVID-19 regulations issued in terms of section 27(2) of Disaster Management Act (Act No. 57 of 2002) aligned to the various levels of the national lockdown.
IV. The applications for Section 30A directive dated 08 October 2020 submitted by Kouga Local Municipality, by SRK Consulting (South Africa) (Pty) Ltd by Mr Luc Strydom.
V. Additional information received on 13 October 2020 and subsequent clarification email dated, 8 October, 13 October & 3 November 2020.
VI. DEDEAT has considered the applications submitted for the issuance of a Section 30A Directives against DEDEAT Section 30A Standard Operational Procedure (SOP) practice note.

1. **The listed activities applied for and as captured in this Directive are approved subject to the following conditions listed here under. The compliance with these conditions will give effect to this S30A Directive;**
   1.1 The site as referred is has been proposed on the adjacent property (Remainder of Portion 3 of Farm 448, Uitenhage RD.
   1.2 The mitigation and management measures for the construction phase must be affected as captured in the SRK document titled "str/ RUMP 20201006_527706_DEDEAT Section 30A Application_Thornhill_1" received 8 October 2020.
   1.3 Structures as proposed in the email dated 13 October include and are approved as part of this Directive are the administrative building with ablution facilities and fencing.
   1.4 The conditions contained in this Directive binding on the holder thereof.
   1.5 This Directive applies only to the activities and property described therein.
   1.6 **This Directive does not negate the holder thereof of his/her responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activities.**
   1.7 The compilation of Stormwater Management Plans for pre-construction and post construction of the cemetery must ensure that run-off does not result in erosion of the site or adjoining properties.
   1.8 The Environmental Control Officer to endorse these plans and ensure these plans are affected.
   1.9 The holder of this Directive shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of this Directive.

1.10 Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
1.11 In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
1.12 This Directive must be made available to interested and affected party via the various council-based information systems/media platforms within 21 days from date of signature of this Directive.
1.13 This Directive must be produced to any authorised official of the Department who requests to see it.
1.14 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
1.15 A groundwater monitoring plan to be compiled and effected results to be provided to Department of Water and Sanitation and Human Settlements (Water and Sanitation division) every three months.
1.16 In the event of any contamination of groundwater coming to light, appropriate operational adjustments are to be implemented to address such contamination, and the Department of Water and Sanitation and Human Settlement to be consulted in relation to appropriate remediation measures.
1.17 Furthermore prior to commencement, the municipality must consult Department of Water and Sanitation and Human Settlement's "**WATER QUALITY MANAGEMENT POLICY WITH REGARD TO THE MANAGEMENT OF AND CONTROL OVER CEMETERIES AS A SOURCE OF WATER POLLUTION**" guideline (see attached).
1.18 An Environmental Control Officer (ECO) to be appointed for the duration of the construction/expansion phase of the project to ensure that conditions contained in this Directive are adhered to.
1.19 Kouga Local Municipality will be held liable in the event of non-compliance by any contractor/s associated with this activity.

2. Section 28 Duty of care and remediation of environmental damage

Sub section 1 of section 28 places a primary responsibility on all people who live within South Africa,

"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

3. Reasons for the decision

3.1. The proposed new Thornhill cemetery was assessed and the findings by SRK Consulting did not identify any fatal flaws for the establishment of the facility.
3.2. Kouga Municipality will have an official on site to ensure operational impacts are monitored.
3.3. This directive requires the municipality to comply with other legislative requirements, this Directive does not supersede other legislative frameworks of other regulatory Departments.

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3.4. The expected "firestorm" of the pandemic requires that burial space be made available, the site was assessed prior to lockdown as Kouga Local municipality intended on making formal application for the site. Detailed findings were provided for the S30A application.
3.5. The site in question is disturbed and the findings show that there will be no significant biodiversity loss with establishment of the facility.

Dayalan Gowender
Regional Manager: Environmental Affairs
Sarah Baartman/Nelson Mandela Bay Region.
10 November 2020