




# ORDINARY COUNCIL MEETING

OPEN



DATE: 28 June 2024  
TIME: 10:00  
Virtual

<p><b>KOUGA MUNICIPALITY (EC108)</b></p> <p><b><u>NOTICE CONVENING A MEETING</u></b></p> <p><b>NOTICE IS HEREBY GIVEN</b> that in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that an Ordinary Council Meeting will be held virtually on</p> <p><b><u>DATE:</u> 28 June 2024</b></p> <p><b><u>TIME:</u> 10:00</b></p> <p> <b><u>B. WILLIAMS</u></b> <b>SPEAKER</b></p>	<p><b>UMASIPALA I-KOUGA (EC108)</b></p> <p><b><u>ISAZISO NGENTLANGANISO</u></b></p> <p><b>ISAZISO</b> sikhutshiwe ukuba ngokwe Candelo-19 uMthetho weNkqubo zikaMasipala, (uMthetho 32 ka-2000), ukuba kubanjwe intlanganiso ebonakalayo yesigqeba Ye khansile</p> <p><b><u>UMHLA:</u> 28 EyeSilimela 2024</b></p> <p><b><u>IXESHA:</u> 10:00</b></p> <p> <b><u>B. WILLIAMS</u></b> <b>USOMLOMO</b></p>	<p><b>MUNISIPALITEIT KOUGA (OK108)</b></p> <p><b><u>KENNISGEWING VAN VERGADERING</u></b></p> <p><b>KENNIS GESKIED HIERMEE</b> dat ingevolge Artikel 19 van die Wet op Munisipale Stelsels, 2000 (Wet No.32 of 2000), dat 'n virtuele raadsvergadering gehou sal word op</p> <p><b><u>DATUM:</u> 28 Junie 2024</b></p> <p><b><u>TYD:</u> 10:00</b></p> <p> <b><u>B. WILLIAMS</u></b> <b>SPEAKER</b></p>
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***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. **NOTICE OF MEETING**
2. **OPENING AND WELCOME**
3. **ABSENT WITH LEAVE**
4. **ABSENT WITHOUT LEAVE**
5. **PRESENTATIONS**  
None
6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**
7. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**
8. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**

9. **DISCLOSURE OF INTEREST**
10. **STATUTORY MATTERS**
11. **MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING FOR INFORMATION**
- 11.1 Minutes of the Mayoral Committee Meeting held on 16 April 2024  
Pages: 6 – 11
12. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**
- 12.1 Minutes of the Special Council Meeting held on 10 May 2024  
Pages: 13 – 17
- 12.2 Minutes of the Ordinary Council Meeting held on 31 May 2024  
Pages: 18 – 36
13. **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).*
14. **REPORTS OF COMMITTEES OF COUNCIL**
- 14.1 **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**  
None
- 14.2 **KOUGA AUDIT COMMITTEE**  
None
- 14.3 **RULES & ETHICS COMMITTEE**  
None.
- 14.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**
- 24/06/MPAC1** Minutes of the Municipal Public Accounts Committee (MPAC)  
Pages: 40 – 50
- 24/06/MPAC2** Municipal Public Accounts Committee (MPAC) – Annual Work Plan  
Pages: 51 – 55

15. **REPORT BACK: MUNIMEC**

None.

16. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

**24/06/MM1** Council Resolutions as at 31 May 2024

Pages: 57 – 141

17. **REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER**

**24/06/DMM1** Kouga Municipality Institutional Calendar

Pages: 143 – 146

18. **REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS**

18.1 **REPORTS BY THE CHAIRPERSON: COMMUNITY & SAFETY SERVICES**

**24/06/CSS1** Revised Prevention of Public Nuisance and Keeping of Animals By-Law

Pages: 149 – 171

**24/06/CSS2** Tree Management Policy

Pages: 172 – 221

19. **CLOSURE**

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**Distribution list:**

Executive Mayor  
Deputy Executive Mayor  
Speaker  
All Councillors  
Municipal Manager  
All Directors  
Relevant Managers  
Committee Services

# CONFIRMATION OF MINUTES OF PREVIOUS MAYORAL MEETING

**MINUTES OF A MAYORAL COMMITTEE MEETING OF THE KOUGA MUNICIPALITY HELD IN THE COUNCIL CHAMBERS, JEFFREYS BAY ON TUESDAY, 16 APRIL 2024 AT 09:00 AM**

**Present:**

<b>Councillors</b>	H Bornman	(Executive Mayor)
	T Jantjes	(Executive Deputy Mayor)
	Ald D Benson	
	R Foley	
	L Maree	
	S Ruth	

**Councillors  
as Observers**

Ald B Williams

**Officials**

C du Plessis	(Municipal Manager)
D de Jager	(Deputy Municipal Manager)
R Lorgat	(CFO)
C de Kock	(Director: Civil & Water Services)
N Machelesi	(Director: Community Services)
T Madatt	(Director: Electro-Mechanical)
L Ramakuwela	(Acting Director: Planning & Development)
E Goliath	(Manager: Public Participation)
L Opperman	(Manager: Legal Services)
M Basson	(Manager: Media & Communication)
M Rossouw	(Manager: Administration & Auxiliary Services)
K Minnaar	(Chief of Staff)
M Julius	(Senior Admin Officer: Committees)
S Sidjiyo	(Committee Officer)

1. **NOTICE OF MEETING**

The Executive Mayor read the notice convening the meeting in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that a Mayoral Committee Meeting would be held on Tuesday, 16 April 2024 at 09:00 am in the Council Chambers, Jeffreys Bay.

2. **OPENING AND WELCOME**

The Executive Mayor welcomed all present and requested Cllr Jantjes to open the meeting with a prayer.

3. **ABSENT WITH LEAVE**

Cllr J Alexander

4. **ABSENT WITHOUT LEAVE**

None

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

The Executive Mayor appreciated the successful Mayoral Cup.

7. **STATEMENTS OR COMMUNICATION BY THE EXECUTIVE MAYOR**

The Executive Mayor indicated that the Financial Year was coming to an end, and he expressed concerns about the Section 71 Report, specifically in terms of expenditure on projects, capital projects and grant funding projects. The Executive Mayor further highlighted that the first in a while Revenue Enhancement meeting was to be held that afternoon.

8. **DISCLOSURE OF INTEREST**

None.

9. **STATUTORY MATTERS**

10. **CONFIRMATION OF MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING**

**Resolved (16 April 2024)**

1. That the minutes of the Mayoral Committee meeting held on 19 March 2024 be accepted.

Proposed: Cllr L Maree

Seconded: Cllr R Foley

11. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

**24/04/MM1 MAYORAL RESOLUTIONS AS AT 19 MARCH 2024**

Cllr Foley referred to page 17 and indicated that in the last IGR meeting, it was stated that the FLISP Social Housing Project was held up by the Stormwater challenges. He requested the concerned department to address the matter with the Civil and Water Services Directorate.

In response, the Acting Director: Planning and Development stated that correspondence was sent to the Department of Environmental Affairs but no response had been received. It was further suggested that the matter be raised in the next Bilateral Meeting.

The Executive Mayor mentioned that he came across a Kouga Council Policy on the Implementation of Council Resolutions and suggested that the Policy be revised or reviewed to assist as a guide for the implementation of Action Sheets. He further indicated that he would discuss the matter in detail with the Deputy Municipal Manager on a different platform.

The Deputy Municipal Manager added that upon the appointment of a service provider for the system, a Policy would assist and make the process flow easily, and it would act as a guide to the SOP and the system.

**Resolved (16 April 2024)**

1. That the updated Action Sheets reflecting resolutions of previous Mayoral meetings, be noted.
2. That the action sheet be tabled at Top Management for discussion and actioning.

12. **REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER**

**24/04/DMM9 SUCTION TANK SERVICES TRIAL REPORT BACK**

The Corporate and Communication Services MMC and Administration were appreciated for the successful implementation of the Suction Tanker Programme.

**Resolved (16 April 2024)**

1. That the report be noted.
2. That the current acting Services Coordinator be commended for the turnaround strategy implemented and retaining a 94% to 100% resolution rate.

**24/04/DMM10 MAYORS OFFICE REPORT**

Cllr Ruth highlighted that there was a need for improvement in the interaction between the Special Programmes Unit (SPU) and the Council about the Year Plan as some of the Women's issues have not found expression in the Administration Agenda.

The Chief of Staff highlighted that the Office of the Mayor in collaboration with the Office of the DMM are currently in the process of redesigning the SPU vision, objectives, job descriptions and Key Performance Indicators (KPIs). The Mayoral Committee would be updated about the process.

**Resolved (16 April 2024)**

1. That the Mayor's Office report for the months of March 2024 - April 2024 be noted.

**24/04/DMM11 OFFICE OF THE DEPUTY MUNICIPAL MANAGER: PUBLIC PARTICIPATION REPORT AS AT END MARCH 2024**

**Resolved (16 April 2024)**

1. That the Public Participation report for February 2024 to March 2024, be noted by the Mayoral Committee.



2. That the proposed plans and activities in support of institutionalizing Public Participation be supported by all Directorates.

13. **REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS**

13.1 **REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT**

**24/04/FED6 SUPPLY CHAIN MANAGEMENT: MONTHLY REPORT FOR FEBRUARY 2024**

Cllr Foley requested that turnaround times for tenders and requisitions be included in the SCM monthly report.

The CFO discussed the challenges and improvements in the Supply Chain Management processes.

The Director: Civil and Water Services added that allowing other departments viewing rights on the system would assist in identifying and resolving issues efficiently.

**Resolved (16 April 2024)**

1. That the report be submitted to the Mayoral for approval as per the reporting requirements for the month of February for the 2023/2024 Financial year starting 1 February 2024 and ending 29 February 2024.

**24/04/FED7 SPONSORSHIP AGREEMENT BETWEEN KOUGA LOCAL MUNICIPALITY AND ST FRANCIS TOURISM FOR THE 2024 ST FRANCIS BAY AMANZI CHALLENGE**

Cllr Ruth emphasised that part of the strategy is to grow and support the brands and events that already exist and are organised by local people.

The Executive Mayor indicated that discussions on sports functions in the Municipality need to be held, as there is a growing need for sport-related funding requests that are received by the Office of the Mayor.

**Resolved (16 April 2024)**

1. That the event be noted, and the Event Organizer be advised to apply for approval of the event in line with the Council-approved Events Policy.
2. That Council approves the funding of R 200,000.00 (Two Hundred Thousand rand) for the St Francis Amanzi Challenge only, VAT-inclusive.
3. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement with St Francis Tourism for staging the St Francis Amanzi Challenge from 10 – 12 May 2024 in respect of funding stated in (10.2) above.
4. That the report be submitted to the next Council meeting.

**24/04/FED8 TOURISM MARKETING REPORT**

The CFO highlighted that Kouga was the leading tourism facilitator for the entire Sarah Baartman District municipal area and added that Kouga is receiving recognition on various platforms.

**Resolved (16 April 2024)**

1. That the Mayoral notes the report on Tourism.

**24/04/FED12 MONTHLY BUDGET STATEMENTS FOR THE PERIOD FROM JULY TO FEBRUARY 2024 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 29 FEBRUARY 2024 (2023/24 FINANCIAL YEAR)****Resolved (16 April 2024)**

1. That the Executive Mayor notes Municipal Manager's report on the monthly budget statements, in accordance with Section 71(1) of the Municipal Finance Management Act.
2. That the monthly budget statements accordingly be submitted to the Provincial Treasury as stipulated in Section 71(1) of the MFMA.

**13.2 REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT****24/04/PD3 REQUEST FOR AUTHORIZATION TO UNDERTAKE A PUBLIC PARTICIPATION PROCESSES ON THE 1ST DRAFT OF THE ST FRANCIS BAY CBD & HANKEY CBD PRECINCT PLAN**

Cllr Ruth indicated that the Portfolio Committee expressed dissatisfaction with the first draft Hankey and St Francis Bay CBD Precinct Plans and resolved that the precinct plan would be workshopped internally first and later submitted to Council.

**Resolved (16 April 2024)**

1. That the draft Hankey and St Francis Bay CBD Precinct Plans be workshopped internally.

**24/04/PD5 HOUSING DISPUTE: ERF 1314: KWANOMZAMO: HUMANSDORP: SIBENGILE/ LUZIPHO****Resolved (16 April 2024)**

1. That Erf 1314 Kwanomzamo, Humansdorp be transferred to the current occupant, Ms TL Luzipho, in line with and subject to the provisions of the National Housing Programme known as the Enhanced Extended Discount Benefit Scheme (EEDBS) and in line with the Deed of Sale dated 16 January 1990.

2. That Erf 1439 Kwanomzamo, Humansdorp be transferred to Ms. SF Sibengile in line with and subject to the provisions of the National Housing Programme known as the Enhanced Extended Discount Benefit Scheme (EEDBS).
3. That the report be submitted to the next Council meeting.

### 13.3 **REPORTS BY THE CHAIRPERSON: ELECTRO-MECHANICAL SERVICES**

#### **24/04/EMS7 REPORT: VANDALISM AT VARIOUS PLANT & PUMPSTATIONS AND ELECTRICAL NETWORK THROUGHOUT KOUGA MUNICIPALITY**

Cllr Jantjes requested that the item be discussed further in the Kouga Collective meeting.

Cllr Jantjes proposed an amendment to recommendation 2. to read as follows: "That an internal Task Team be established to address security concerns and infrastructure damage."

The proposal was seconded by Cllr Foley.

#### **Resolved (16 April 2024)**

1. That the Mayoral Committee note the report on pumpstations as at March 2024.
2. That an internal Task Team be established to address security concerns and infrastructure damage.

Proposed: Cllr T Jantjes

Seconded: Cllr R Foley

### 14. **CLOSURE**

The meeting adjourned at 09:59



**H BORNMAN**  
**EXECUTIVE MAYOR**

20 May 2024

**DATE**

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# CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

<b>MINUTES OF A VIRTUAL SPECIAL COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON FRIDAY, 10 MAY 2024 AT 10:00 AM</b>
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**PRESENT: Councillors**

Ald B Williams	(Speaker)
H Bornman	(Executive Mayor)
Ald D Benson	
B Dhludhlu	
T Jantjes	
W Gertenbach	
H Murray	
R Foley	
F Heystek	
S Ruth	
C August	
M Nicholls	
M van Niekerk	
J Alexander	
L Maree	
G Stuurman	
M Yali	
W van der Linde	
K Ndzelani	
N Ntshota	
M Valgee	
V Zana	
E Mbuqu	
M Mbandana	
W Petersen	
N Ntengwane	
V Gunuza	

**Officials &  
Municipal Manager**

C du Plessis	(Municipal Manager)
E Goliath	(Acting Deputy Municipal Manager)
R Lorgat	(CFO)
N Machelesi	(Director: Community Services)
L Ramakuwela	(Acting Director: Planning & Development)
C de Kock	(Director: Civil & Water Services)
L Opperman	(Manager: Legal Services)
K Minaar	(Chief of Staff)
M Rossouw	(Manager: Administration & Auxiliary Services)
C Prinsloo	(Legal Officer: Office of the Speaker)
M Basson	(Manager: Media & Communication)
M Julius	(Senior Admin Officer: Committees)
S Sidjiyo	(Committee Officer)
N Mazibuko	(Committee Clerk/Scribe)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that a Special Council Meeting will be held virtually on 10 May 2024 at 10:00 a.m.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present to the meeting and requested Ald. Benson to open the meeting in prayer.

3. **ABSENT WITH LEAVE**

Cllr L Nkilishane

D de Jager (Deputy Municipal Manager)

T Madatt (Director: Electro-Mechanical Services)

4. **ABSENT WITHOUT LEAVE**

Cllr P Oliphant

Cllr B Human

5. **PRESENTATIONS**

None.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Petersen extended condolences to Stoffel Human who was a close member of the community in the Humansdorp area.

Cllr Zana wished all South African workers a happy workers month and congratulated the Mamelodi Sundowns F.C on their continuous victories in the DSTV Premiership and hoped that their victories would inspire a spirit of perseverance.

He further expressed his condolences to the families of the six people who lost their lives in Makhanda and applauded the Makana Local Municipality for the support that was provided to the bereaved families. He also extended condolences to the loved ones of those who lost their lives in the George building collapse and hoped that the local authorities would assist the bereaved families.

Cllr Ruth congratulated Cape St Francies Surfer, Rory Dace, who qualified for the semi-finals of the 2024 Surf City ISA World Junior Surfing Championships in El Salvador and has earned great coverage for the Cape St Francis area.

7. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**

None.

8. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**

The Executive Mayor thanked all the departments involved, especially the Human Settlements section, for obtaining the additional R16 million from the Provincial Department of Human Settlements after two years to ensure adequate housing opportunities for the Kouga region. He further alerted Council to the additional R5 million in the budget for the SCADA system to meet the requirements of the Municipality's electrical infrastructure to ensure that electrical systems are improved and that electricity is provided at a larger scale.

He applauded the Infrastructure departments: Civil & Water Services and Electro-Mechanical Services, for preparing their submission of plans timeously for the future funding of projects.

9. **DISCLOSURE OF INTEREST**

None.

10. **STATUTORY MATTERS**

Ald. Benson requested a DA caucus break at 10:20.

The Speaker granted a 10-minute caucus.

11. **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).*

12. **REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS**

12.1 **REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT**

**24/05/FED13 2023/24 2ND SPECIAL ADJUSTMENTS BUDGET**

*The meeting reconvened at 10:30.*

Cllr Ntshota highlighted that numerous requests were made for the budget to be ward-based and the ANC was not in support of the item.

The Executive Mayor referred to page 15 and proposed an additional recommendation that the capital projects be increased by an additional R1 million for a solar projects as well as amendment to the Special Adjustments Budget.

Cllr Dhludhlu supported the proposal.

The Speaker called for a vote on the acceptance of the recommendations as amended.

In favour: 17

Not in Favour: 9

*Recommendations approved as amended.*

### **Resolved (10 May 2024)**

1. That the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approves the 2023/24 Special Adjustments Budget as set-out in the “**Annexure A**” on the following tables:

- Table 7 - B1 Adjustments Budget Summary [Page 6].
- Table 8 - B2 Adjustments Budget Financial Performance (revenue and expenditure by standard classification) [Page 8].
- Table 9 - B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote) [Page 10].
- Table 10 - B4 Adjustments Financial Performance (revenue and expenditure by type) [Page 11].
- Table 11 - B5 Adjustments Budget Capital Expenditure by vote and standard classification and funding source [Page 13].
- Table 12 - B6 Adjustments Budget Financial Position [Page 15].
- Table 13 - B7 Adjustments Budget Cash Flows [Page 17].
- Table 14 - B8 Cash backed reserves/accumulated surplus reconciliation [Page 18].
- Table 15 - B9 Asset Management [Page 19], and
- Table 16 - B10 Basic service delivery measurement [Page 22].

2. That the Capital Budget be increased by an additional R1 million for solar projects and that the Special Adjustment Budget documents be amended accordingly.

Proposed: Cllr H Bornman

Seconded: Cllr B Dhludhlu



13. **CLOSURE**

The meeting closed at 10:46

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**B WILLIAMS**

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**DATE**

**SPEAKER**

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<b>MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON FRIDAY, 31 MAY 2024 AT 09:00 AM</b>
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**PRESENT: Councillors**

Ald B Williams	(Speaker)
H Bornman	(Executive Mayor)
Ald D Benson	
B Dhludhlu	
T Jantjes	
W Gertenbach	
H Murray	
R Foley	
F Heystek	
S Ruth	
C August	
M Nicholls	
M van Niekerk	
J Alexander	
L Maree	
M Valgee	
G Stuurman	
W van der Linde	
K Ndzelani	
N Ntshota	
V Zana	
E Mbuqu	
M Mbandana	
W Petersen	

**Officials &  
Municipal Manager**

D de Jager	(Acting Municipal Manager)
R Lorgat	(CFO)
N Machelesi	(Director: Community Services)
L Opperman	(Manager: Legal Services)
C de Kock	(Director: Civil & Water Services)
L Ramakuwela	(Acting Director: Planning & Development)
T Madatt	(Director: Electro-Mechanical Services)
K Minnaar	(Chief of Staff)
C Prinsloo	(Legal Officer: Office of the Speaker)
E Goliath	(Manager: Public Participation)
M Basson	(Manager: Media & Communication)
M Julius	(Senior Admin Officer: Committees)
S Sidjiyo	(Committee Officer)
N Mazibuko	(Committee Clerk/Scribe)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that an Ordinary Council Meeting will be held virtually on 31 May 2024 at 09:00 a.m.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present to the meeting and requested Ald. Benson to open the meeting in prayer.

With the Municipal Manager having tendered an apology, the Speaker requested that an Acting Municipal Manager be elected for the meeting.

Cllr Petersen nominated Mr Madatt for the position but was not seconded.

The Executive Mayor nominated Mr de Jager for the position and was seconded by Cllr August.

*Mr de Jager was elected as the Acting Municipal Manager.*

3. **ABSENT WITH LEAVE**

L Nkilishane

B Human

C du Plessis (Municipal Manager)

M Rossouw (Manager: Administration & Auxiliary Services)

4. **ABSENT WITHOUT LEAVE**

M Yali

P Oliphant

N Ntengwane

V Gunuza

5. **PRESENTATIONS**

None.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

The Executive Mayor applauded the Democratic Alliance (DA) for winning the majority of votes within the Kouga region especially in Ward 7 and Vaaldam.

Cllr Petersen congratulated the African National Congress (ANC) on its current position in the National Elections.

Cllr Ntshota congratulated the ANC for the hard work and stated that the votes would be doubled in the next Local Government elections in 2026.

Cllr Mbandana extended his gratitude to the Muslim community from Johannesburg that visited Patensie and held an effective prayer session on wealth and prosperity to motivate the community. He also applauded the ANC for its hard work and the peaceful elections.

Cllr Heystek congratulated the DA for retaining the majority vote in the Western Cape.

Cllr Alexander congratulated the DA for maintaining high performance within the Kouga region.

Cllr Dhludhlu applauded the DA on its progress in the 2024 National Elections.

At 09:16, Cllr Petersen received a warning for speaking without being recognised.

7. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**

None.

8. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**

Good Morning

After many months of meetings, both here, in this building, and in our many communities with our residents, business sector, religious organisations and many NGOs, we table both the 2024/2025 Annual Budget and the adoption of the amended 2024/2025 Integrated Development Plan (IDP) for this administration.

The best way to tell what a government cares about is by looking at its budget.

Speaker, the budget that we table today begins to make real and visible investments in delivering on our pledges to the public.

This budget offers hope for Kouga residents that are fearful of violent crime, with further investments toward our Law Enforcement and Incident Command Centre.

It offers hope of more plentiful affordable housing for all residents in well-located areas. It offers the hope that we can reduce our reliance on Eskom and it offers hope for unemployed residents that need our economy to grow at a much faster pace.

It offers the hope of an improved road and wastewater treatment infrastructure.

I want to say 'thank you' to each resident who got involved in the public participation processes that we pride ourselves on in this Municipality and for adopting a first of its kind walk-in approach which yielded positive outcomes.

We listened carefully to what you had to say and, where possible, we incorporated what many of you asked for. I want to assure our residents that we have read every written submission and considered every input made in person.

Some proposals are at a level beyond the jurisdiction of a municipality which will be included within the Inter-Governmental Relation meeting's agenda, for which I am pleased to acknowledge that we have had more than any municipality in this Province.

Speaker, we cannot forget that this administration took over a municipality that was sadly in millions of rands of debt and where basic service delivery was at a standstill.

This recovery takes time and does not always reveal itself in ways that residents can touch and feel but is critical to ensure we have a base to implement our goals.

Speaker, whilst we are still recovering from years of neglect, particularly in respect of bulk infrastructure, we are now working harder than ever before to grow the local economy and help people into jobs and out of poverty.

That is why the tabled IDP and budget is underpinned by an Economic Development Strategy to serve as a key enabler for socio-economic transformation and long-term infrastructure planning to support our substantial annual population growth.

Essentially, colleagues, this budget and amended IDP must now move us forward, together, in a manner that brings about real, tangible changes to all families in Kouga Municipality whilst accelerating the vital task of full recovery.

To achieve this, we have tabled a budget with a total operating expenditure which has increased by R67 million (4.71%) from R1,4 billion in 2023/24 to R1,5 billion in 2024/25.

Notably, for reasons I have just stated, Civil and Water Services receives the highest allocation of R81 million which equates to 54% of the total budget.

**Close to 60% of this budget will go toward upgrading formally neglected infrastructure in our informal settlements.**

Some of these capital projects include the upgrade of the sewer pipe in Ocean View, a pump station, rising main and a brand new pipeline in KwaNomzamo as well as the complete upgrade of the KwaNomzamo Waste Water Treatment Works (WWTW).

Other residents will benefit from the reconstruction of the Aston Bay/Paradise Beach causeway and an upgrade to the poorly thought-out Gill Marcus reservoir and pipeline which will now mitigate most of the water related challenges experienced by our residents there.

Speaker, out of control price increases in South Africa are causing serious hardships for our families.

As a caring municipality, we are doing our part to keep inflation down, and to

protect the incomes of struggling families, while still expanding our free services to the poorest residents.

With that, the tariffs will be increased as follows, with effect from 1 July 2024:

Property rates	5.5%
Water	7.25%
Sanitation	6.5%
Refuse	6.5%
Environmental Management Fee	6.5%
Electricity	12.7%

Speaker, like many Kouga residents, I am not happy about the continuous increase in the electricity tariff, set at 12.7% for this financial year, which I know will hit people hard and constitutes 25.66% of our total operating expenditure for 2024/25.

With South Africans enduring loadshedding, which we anticipate commencing again soon, NERSA's unaffordable tariff increases for Eskom are abusive and should be rejected outright.

Eskom cannot be saved by an increase in tariffs.

Eskom is a lost cause that cannot be saved or in any way assisted by making electricity customers pay more.

The regulator has failed to consider its impact on vulnerable persons or to take measures to ensure that those reliant on the subsidy could continue to access power.

Where possible, we will push for more powers to be devolved from the national and Provincial Government to Kouga Municipality.

In the Eastern Cape, 16 of our 39 municipalities are in severe financial distress. Half of our district municipalities are under administration. The municipal debt owed to Eskom has ballooned and is now standing at more than R3,5 billion – Through good governance, this municipality owes ESKOM nothing.

Speaker, through a whole of society approach and by strong Private Public Partnerships (PPP), our forecasted future budgets will include clear allocations to start facilitating the devolution of various national and provincial powers to Kouga such as including energy production, policing and crime prevention.

We cannot sit back and allow our residents to suffer from the lack of services from Provincial/National Government. That is why we have committed to loaning R200M to rehabilitate our road infrastructure in this financial year.

Speaker, today's budget demonstrates the practical manifestation of this government's commitment to our four key objectives:

- Improve customer satisfaction
- Upgrade waste-water treatment works
- Rehabilitate roads and
- Reduce reliance on ESKOM

I wish to thank our ratepayers for their continued support of our goal to make Kouga a flourishing and prosperous home and recommit ourselves to being clean, honest, and accountable custodians of their rates contributions.

I also thank my Mayoral Committee, Top Management and every councillor here and official in this administration – because, in each of these priorities, we have already made incredible progress.

That is not to say there isn't a lot of work still lying ahead—we have only just started and there is so much more that we need to do, and do it with urgency.

This budget and IDP lays the foundation for Kouga becoming a municipality of hope for all; a prosperous, inclusive and safer place where people can look to the future with a sense of optimism.

Thank you.

9. **DISCLOSURE OF INTEREST**

The Speaker noted that Cllr Gunuza had not declared an interest for item 24/05/R&E1 and that Cllr Petersen had not declared an interest for item 24/05/R&E2.

10. **STATUTORY MATTERS**

None.

11. **MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING FOR INFORMATION**

**Resolved (31 May 2024)**

1. That the minutes of the Mayoral Committee meeting held on 19 March 2024 be noted.

12. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**  
12.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 APRIL 2024**

**Resolved (31 May 2024)**

1. That the minutes of the Ordinary Council Meeting held on 30 April 2024 be approved.

Proposed: Ald D Benson

Seconded: Cllr W Gertenbach

13. **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).***

14. **REPORTS OF COMMITTEES OF COUNCIL**

14.1 **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

None.

14.2 **KOUGA AUDIT COMMITTEE**

None.

14.3 **RULES & ETHICS COMMITTEE**

**24/05/R&E1 DISCIPLINARY ENQUIRY HELD BY RULES AND ETHICS COMMITTEE – COUNCILLOR VUYOKAZI GUNUZA**

At 09:23, Cllr Zana requested a breakout session for an ANC caucus.

The Speaker granted a 5-minute caucus at 09:23.

Upon return at 09:30, Cllr Zana stated that the ANC was not in support of the item.

The Speaker called for a vote on the acceptance of the recommendations.

In Favour: 16

Not in Favour: 6

Abstained: 0

**Resolved (31 May 2024)**

1. That the recommendation made by the Rules and Ethics Committee herein be upheld.
2. That the following sanction be implemented against Councillor Gunuza in respect of the charge laid against her and for which charge the Councillor was found guilty.
  - 2.1 That in respect of –  
Charge 1 – the sanction imposed is a fine equal to an amount of 50% of one month's salary;
3. That in respect of the sanction imposed, that the deduction will be implemented and processed in respect of the June 2024 payroll.
4. That the Speaker must report the outcome of the investigation to the MEC for local government in the province concerned within 14 days from the date of the Council resolution.



**24/05/R&E2 DISCIPLINARY ENQUIRY HELD BY RULES AND ETHICS COMMITTEE – COUNCILLOR WAYNE PETERSEN**

Cllr Petersen was placed in the virtual waiting room.

Cllr Zana stated that the ANC was not in support of the item.  
The Speaker called for a vote on the acceptance of the recommendations.

In Favour: 16

Not in Favour: 6

Abstained: 0

**Resolved (31 May 2024)**

1. That the recommendation made by the Rules and Ethics Committee herein be upheld.
2. That the following sanctions be implemented against Councillor Petersen in respect of the charges laid against him and for which charges the Councillor was found guilty.
  - 2.1 That in respect of –
    - Charge 1 – the sanction imposed is a fine equal to an amount of 50% of one month's salary;
    - Charge 2 – the sanction imposed is a fine equal to an amount of 50% of one month's salary;
    - Charge 3 – the sanction imposed is a fine equal to an amount of 50% of one month's salary;
    - Charge 4 – request the MEC to remove Councillor Petersen from office;
    - Charge 5 – the sanction imposed is a fine equal to an amount of 50% of one month's salary.
3. That in respect of charges 1; 2; 3 and 5, the deductions will be implemented and processed over a four (4) month period from June 2024 – September 2024.
4. That the Speaker must report the outcome of the investigation to the MEC for the local government in the province concerned within 14 days from the date of the Council resolution.

*Cllr Petersen was allowed back into the meeting.*

14.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

**24/05/MPAC1 APPROVAL OF AMENDED TERMS OF REFERENCE FOR THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)**

Cllr Ndzelani stated that he was not in support of the item.

The Speaker called for a vote on the acceptance of the recommendations.

In Favour: 17  
Not in Favour: 6  
Abstained: 0

**Resolved (31 May 2024)**

1. That the Terms of Reference for the Municipal Public Accounts Committee be approved.
2. That this Terms of Reference shall repeal and replace the previous Terms of Reference as approved by Council and shall become effective from the date of this Council resolution.

15. **REPORT BACK: MUNIMEC**

None.

16. **REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER**

**24/05/MM2 COUNCIL RESOLUTIONS AS AT 10 MAY 2024**

**Resolved (31 May 2024)**

1. That the updated Action Sheets reflecting resolutions of previous Council meetings, be noted.
2. That the action sheet be tabled at Top Management for discussion and actioning.

**24/05/MM3 ADOPTION OF THE AMENDED 2024/2025 INTEGRATED DEVELOPMENT PLAN (IDP)**

The Executive Mayor proposed that queries and corrections to the IDP document be submitted in writing timeously by the Councillors to ensure that the correct IDP was circulated to the public.

Cllr Maree seconded the proposal.

The Speaker suggested that all inputs be submitted by the close of business on Monday, 3 June 2024.

Cllr Mbandana indicated that he was not in support of the recommendations.

The Speaker called for a vote on the acceptance of the recommendations as amended.

In Favour: 17

Not in Favour: 5

Abstained: 0

#### **Resolved (31 May 2024)**

1. That the 2024/2025 Annual Amended IDP attached as **Annexure A** to the Agenda **BE ADOPTED** as a principal strategic planning instrument which will continue to guide and inform all planning and development, and all decisions regarding planning, management, and development, in the Kouga Local Municipality.
2. That the written submissions received in respect of Draft 2024/2025 Amended IDP attached as **Annexure B** to the Agenda be considered and addressed as part of the wider, holistic and cyclical process of municipal planning.
3. That within 14 days of the adoption of the 2024/2025 Annual Reviewed IDP by Council, the Accounting Officer of the Municipality must in accordance with Section 25 (4) of the Municipal Systems Act –  
Give notice to the public –
  - i) Of the adoption of the plan; and
  - ii) That copies of or extracts from the plan are made available for public inspection at specified places.
  - iii) That the approved IDP and Budget be sent to CoGTA/National and Provincial Treasury within 10 days of approval.
4. That any queries on the IDP report be submitted in writing by close of business on Monday, 3 June 2024.

Proposed: Cllr H Bornman

Seconded: Cllr L Maree

#### **24/05/MM4 ORGANISATIONAL STRUCTURE REVIEW: 2024/2025**

Cllr Mbandana stated that he was not in support of the recommendations.

The Speaker called for a vote on the acceptance of the recommendations.

In Favour: 16

Not in Favour: 5

Abstained: 0

**Resolved (31 May 2024)**

1. That the Organisational Structure be approved by Council and submitted to the MEC for comments.
2. That the filling of positions be prioritised subject to budgetary provision and organisational priorities.

17. **REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS**17.1 **REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT****24/05/FED15 SPONSORSHIP REQUEST - YELLOWWOODS JAZZ FESTIVAL DEVELOPMENT PROJECTS**

Cllr Ndzaleni stated that he was not in support of the item.

The Speaker called for a vote on the acceptance of the recommendations.

In Favour: 17  
 Not in Favour: 6  
 Abstained: 0

**Resolved (31 May 2024)**

1. That Council approves the allocation of R 300,000.00 (Three Hundred Thousand Rand) only, VAT-inclusive, to support the 2024 Yellowwoods Jazz Festival Development Projects.
2. That Council authorizes the Accounting Officer to conclude an addendum to the current Sponsorship Agreement with Gamtoos Tourism to stage the 2024 Yellowwoods Jazz Festival in accordance with the funding allocated in recommendation 1 above.

**24/05/FED16 MEDIUM-TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF)- BUDGET FOR 2024/25 TO 2026/27 FINANCIAL YEARS**

Cllr Ndzaleni indicated that he was not in support of the recommendations.

The Speaker called for a vote on the acceptance of the recommendations.

In Favour: 17  
 Not in Favour: 5  
 Abstained: 0

**Resolved (31 May 2024)**

1. That the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 24 of the Local Government: Municipal Finance Management Act, Act 56 of 2003:

1.1 approves the 2024/25 – 2026/27 Annual Budget, as set out in the “**Annexure A**” on the following tables:

- a) Consolidated Budget Summary [Table A1] [Page 23]
- b) Budgeted Financial Performance (revenue and expenditure by standard classification); [Table A2] [Page 25]
- c) Budgeted Financial Performance (revenue and expenditure by municipal vote); [Table A3] [Page 27]
- d) Budgeted Financial Performance (revenue by source and expenditure by type); [Table A4] [Page 28]
- e) Multi-year and single year capital appropriations by municipal vote and standard classification and associated funding by source. [Table A5]

1.2 That the budgeted financial position, budgeted cash flows, cash-backed reserves/accumulated surplus, asset management and basic service delivery targets be noted as set-out in the following tables:

- a) Budgeted Financial Position; [Table A6] [Page 32]
- b) Budgeted Cash Flows; [Table A7] [Page 34]
- c) Cash backed reserves and accumulated surplus reconciliation; [Table A8] [Page 35]
- d) Asset management; [Table A9] [Page 36]
- e) Basic service delivery measurement. [Table A10] [Page 39]

1.3 That the tariffs be increased as follows, with effect from 1 July 2024:

Property rates	5.5%
Water	7.25%
Sanitation	6.5%
Refuse	6.5%
Electricity (average increase in electricity income)	12.7%
Environmental Management Fee	6.5%

a) Indicative tariffs for 2025/26 and 2026/27 will be increased as follows:

	<u>2025/26</u>	<u>2026/27</u>
Property rates	5.5%	5.5%
Water	7.25%	7.25%
Sanitation	6.5%	6.5%

Refuse	6.5%	6.5%
Electricity (average increase in electricity income)	15.7%	15.7%
Environmental Management Fee	6.5%	6.5%

- 1.4 That the Council approves the tariffs, as reflected in “**Annexure D**”.
- 1.5 That the Council approves the Electricity tariffs subject to the approval from NERSA in “**Annexure D1**”
- 1.6 That the mSCOA road map be approved. “**Annexure E**”.
- 1.7 That the 2024/25 Procurement plan be approved “**Annexure F**”.
- 1.8 That the Council approves the budget-related policies, as reflected in “**Annexure G**”.
- 1.9 That the Provincial Treasury’s Budget Funding Assessment Report be noted, “**Annexure H**”.

**24/05/FED17 REQUEST FOR SPONSORSHIP FOR RENOVATIONS AT THE NEW HUMANSDORP MUSEUM BUILDING ON VOORTREKKER STREET**

Cllr Mbandana stated that he was not in support of the recommendations.

The Speaker called for a vote on the acceptance of the recommendations.

In Favour: 17  
Not in Favour: 4  
Abstained: 0

**Resolved (31 May 2024)**

1. That Council approves the sponsorship of R 200 000 (Two Hundred Thousand Rand) only, VAT-inclusive, to support the Humansdorp Museum to cover the renovations undertaken at the new museum building located on Voortrekker Street.
2. That Council authorizes the Accounting Officer to conclude a funding Agreement with Humansdorp Museum Association to sponsor them for essential renovations undertaken at the new museum building located on Voortrekker Street, in accordance with the funding allocated in recommendation 1. above.

**17.2 REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT**

**24/05/PD5 REQUEST FOR COUNCIL’S IN-PRINCIPLE APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF ERF 170, JEFFREYS BAY (DOLPHIN BEACH ENTERTAINMENT)**

Cllr Ruth requested that recommendation 10.5 be amended to read that the Environmental Authorisation as well as Town Planning activities and other administrative costs, be for the cost of the Municipality and was seconded by Cllr Foley.

Cllr Ndzelani stated that he was not in support of the recommendations.

The Speaker called for a vote on the acceptance of the recommendations as amended.

In Favour: 17

Not in Favour: 5

Abstained: 1

**Resolved (31 May 2024)**

1. That Council **grant in-principle approval** for the alienation (lease) of a portion of Erf 170, Jeffreys Bay to Dolphin Beach Entertainment, represented by Mr. Stephanus Ferreira for a period of 9 years and 11 months, with an option to renew subject to applicable legislation.
2. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.
3. That Council considers the market-related rental valuation per month in line with the use of the approved Asset and Disposal Policy of Council, in line with the intended use of the property.
4. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.
5. That the Environmental Authorisation as well as Town Planning activities and other administrative costs, be for the cost of the Municipality.

Proposed: Cllr S Ruth

Seconded: Cllr R Foley

6. That an escalation be included in the lease agreement.
7. That Council authorises the Accounting Officer to advertise the intended alienation of the immovable property.

**24/05/PD6**

**REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL: ALIENATION LEASE OF LAND FOR A TELECOMMUNICATIONS MAST AND BASE STATION (HEROTEL) – A PORTION OF ERF 406, PARADISE BEACH**

**Resolved (31 May 2024)**

1. That Council grant **in-principle approval** for the lease of Erf 406, Paradise Beach to Herotel to formalize the already existing Telecommunications Mast and Base Station for 9 years and 11 months.
2. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the land is not needed to provide the minimum level of basic municipal services.
3. That Council authorises the Accounting Officer to advertise the intended alienation of the immovable property.
4. That Council authorises the Accounting Officer to obtain the market-related valuation in line with Section 14(2) of the Municipal Finance Management Act.
5. That town planning activities and all other administrative processes be finalized at the cost of the applicant.
6. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.
7. That an annual escalation be included in the lease agreement.

24/05/PD7

**REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF ERF 1, HUMANSDORP – ASPHALT PREMISES (ROADSAVER GROUP (PTY) LTD)**

**Resolved (31 May 2024)**

1. That Council **grant in-principle approval** for the alienation (lease) of a portion of Erf 1, Humansdorp (Asphalt Premises), to Road saver Group (Pty) Ltd. (2022/472566/07) represented by Mr. Wilco Bothma for a period of 9 years and 11 months, with an option to renew.
2. That Council authorizes the Accounting Officer to advertise the intended alienation of the immovable property.
3. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.
4. That Council authorises the Accounting Officer to obtain the market-related valuation in line with Section 14(2) of the Municipal Finance Management Act.
5. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.



6. That the lease be cancelled if purpose applied for is not implemented within 3 years from date of signed lease agreement.
7. That all Town Planning activities, as well as other administrative costs including the valuation, be for the cost of the applicant.
8. That an escalation be included in the lease agreement.

**24/05/PD8 REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL: LEASE OF LAND FOR A TELECOMMUNICATIONS MAST AND BASE STATION – A PORTION OF ERF 406, PARADISE BEACH**

**Resolved (31 May 2024)**

1. That Council grant **in-principle approval** for the lease of Erf 406, Paradise Beach to Orion Trust, to formalise the existing Telecommunications Mast and Base Station for 9 years and 11 months.
2. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the land is not needed to provide the minimum level of basic municipal services.
3. That town planning activities and all other administrative processes be finalized at the cost of the applicant.
4. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.
5. That the lease be cancelled if purpose applied for is not implemented within 3 years from date of signed lease agreement.
6. That an annual escalation be included in the lease agreement.
7. That Council authorises the Accounting Officer to advertise the intended alienation of the immovable property.

**24/05/PD9 REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF A PORTION OF ERF 164, JEFFREYS BAY FOR A HIGH TELECOMMUNICATIONS MAST – (MTN TOWER/NSRI BASE STATION)**

**Resolved (31 May 2024)**

1. That Council **grant final approval** for the alienation (lease) of a portion (100m<sup>2</sup>) of Erf 164 (MTN/NSRI Station), Jeffreys Bay for a 15m high Telecommunication Mast to IHS for 9 years and 11 months.
2. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the land is not needed to provide the minimum level of basic municipal services.

3. That Council considers the market-related valuation of R5,000.00 per month for the lease of immovable property.
4. That town planning processes be finalised, and all other administrative costs be for the account of the applicant.
5. That the position of the towers be as such where it can be disguised if possible.
6. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.
7. That the lease be cancelled if purpose applied for is not implemented within 3 years from date of signed lease agreement.
8. That an annual escalation be included in the lease agreement.

**24/05/PD11 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE DISPOSAL OF ERF 2331, HUMANSDORP TO NEW GOSPEL CHURCH**

**Resolved (31 May 2024)**

1. That the Council **grant final approval** for the out-of-hand disposal of Erf 2331, Humansdorp to New Gospel Church.
2. That Council confirms that the following immovable property is not needed for the provision of the minimum level of basic municipal services.
3. That the subdivision be reinstated, and all administrative processes be finalised at the cost of the applicant.
4. That Council authorises the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.

**24/05/PD15 REQUEST FOR COUNCIL TO WAIVER PENALTIES IMPOSED ON BUILDING PLAN SUBMISSIONS TO THE DEPARTMENT PLANNING & DEVELOPMENT: UNAUTHORISED BUILDING WORK IN TERMS OF THE NATIONAL BUILDING REGULATIONS AND STANDARDS ACT, ACT 103 OF 1977**

**Resolved (31 May 2024)**

1. That Council approves an amnesty exempting penalties on building plans containing historic unauthorised structures for a period of 6 months, from 1 July 2024 until 31 December 2024.
2. That all amnesty applications be submitted together with building plans.
3. That the normal building plan application fees be applicable and be paid before any approval.

4. The proposed period for exemption determined by the Council be published in the local newspaper and all platforms available to the Municipality, including the monthly bills, to inform all residents of the waiver period for penalties.

**24/05/PD16 REQUEST FOR AUTHORISATION TO UNDERTAKE A PUBLIC PARTICIPATION PROCESSES OF THE DRAFT ST FRANCIS BAY & HANKEY CBD PRECINCT PLANS**

**Resolved (31 May 2024)**

1. That Council take notice of the draft Hankey and St Francis Bat CBD Precinct Plans.
2. That Council authorises the commencement of a public participation process as contemplated in Section 21 of the Local Government: Municipal Systems Act for the draft St Francis Bay and Hankey CBD Precinct Plan.

**17.3 REPORTS BY THE CHAIRPERSON: CIVIL & WATER SERVICES**

**24/05/CWS14 RESPONSE REPORT TO MOTION OF EXIGENCY: STATUS UPDATE ON THE KWANOMZAMO WASTEWATER TREATMENT WORKS – HUMANSDORP**

**Resolved (31 May 2024)**

1. That the Item be noted.

**24/05/CWS15 RESPONSE REPORT ON MOTION OF EXIGENCY HUMANSDORP WATER SUPPLY CRISES EXPERIENCED DURING THE PERIOD 18 TO 27 FEBRUARY 2024**

**Resolved (31 May 2024)**

1. That the report on motion of exigency at the Humansdorp water supply crises experienced during the period from 18 to 27 February 2024, be noted.

**17.4 REPORTS BY THE CHAIRPERSON: COMMUNITY & SAFTEY SERVICES**

**24/05/CSS13 REVIEW AND UPDATE OF KOUGA LOCAL MUNICIPALITY DISASTER MANAGEMENT PLAN 2023/2024**

**Resolved (31 May 2024)**

1. That the reviewed Disaster Management Plan be noted.
2. That the reviewed Disaster Management Plan be approved by Council.

17. **CLOSURE**

The meeting closed at 10:16

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**B WILLIAMS**

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**DATE**

**SPEAKER**

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

# REPORTS OF COMMITTEES OF COUNCIL:



# MUNICIPAL PUBLIC ACCOUNTS COMMITTEE





## **MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

### 1. **Introduction**

The purpose of this item is to refer to Council the minutes of the Municipal Public Accounts Committee.

### 2. **Background**

The confirmed minutes of the Municipal Public Accounts Committee are referred to Council for noting.

### 3. **Discussion**

Council is advised that the Municipal Public Accounts Committee had a meeting on 27 February 2024 and 05 March 2024 and the minutes of the meetings are attached for ease of reference.

### 4. **Financial Implications**

<b>Completed by BTO -</b>	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	
BTO Signature	

### 5. **Applicable Legislation**

Section 79A of the Local Government: Municipal Structures Amendment Act 3 of 2021. Section 79A (4) provides that Reports of MPAC must be submitted to the Speaker, who must table such Reports in the next meeting of the Municipal Council.



6. **Legal Implications**

None

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not applicable

8.2 **Acting Director: Planning & Development**

Not applicable

8.3 **Director: Civil & Water Services**

Not applicable

8.4 **Director: Electro-Mechanical Services**

Not applicable

8.5 **Director: Community Services**

Not applicable

8.6 **Deputy Municipal Manager**

Not applicable

8.7 **Municipal Manager**

Not applicable

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the minutes of the Municipal Public Accounts Committee be noted.

**Item prepared by the MPAC Chairperson:**



<b>MINUTES OF A MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON TUESDAY, 27 FEBRUARY 2024 AT 09:00 IN THE COUNCIL CHAMBERS</b>
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<b>Present: Committee Members</b>	Cllr. B Dhludhlu Cllr. C August Cllr W Gertenbach Cllr. M Nicholls Cllr. H Murray Cllr. W van der Linde Cllr. F Heystek Cllr. L Nkilishane	(Chairperson)
<b>Observers</b>	Ald. B Williams	
<b>Officials:</b>	Mr. C du Plessis Mr. D de Jager Mr. R Lorgat Mr. C de Kock Ms. N Machelesi Mr. T Madatt Mr. L Ramakuwela Ms. L Opperman Mr. A Koegelenberg Mr. S Abrahams Ms. M Rossouw  Ms. M Julius Mr. S Sidjiyo	(Municipal Manager) (Deputy Municipal Manager) (Chief Financial Officer) (Director: CWS) (Director: Community Services) (Acting Director: EMS) (Acting Director: PD) (Manager: Legal Services) (Manager: PMS) (Manager: BTO) (Manager: Administration & Auxiliary Services) (Senior Admin Officer: Committees) (Scribe)
<b>Stakeholders:</b>	Ms. L Mostert Adv. A Klopper Mr. C Welch	(Public Representative) (Public Representative) (Auditor General: SA)

1. **OPENING AND WELCOME**

The Chairperson read the notice convening the meeting.

He requested Cllr Nkilishane to open with prayer.

2. **DECLARATION OF INTEREST**

None of the members had anything to declare.

3. **APPLICATION FOR LEAVE OF ABSENCE/ABSENT WITH APOLOGY/ABSENT WITHOUT APOLOGY**

3.1 **ABSENT WITH APOLOGY**

Cllr B Human

3.2 **ABSENT WITHOUT APOLOGY**

Cllr P Oliphant

Cllr M Mbandana

#### 4. **PRESENTATIONS**

Mr Welch from the Auditor General South Africa presented the 2022/23 MPAC briefing document on promoting a Culture of Accountability. The presentation highlighted the following matters:

- The Culture Shift 2023 – Strategic Aspiration
- The Accountability Ecosystem
- The Council's critical role in the Accountability Ecosystem
- The KLM Audit Outcomes
- Financial Reporting 2022/23
- Performance Information
- The delivery of key municipal services
- The findings and key recommendations

He further encouraged Committee members to visit the AGSA website for a more detailed audit outcome report, thereafter, he was excused from the meeting.

#### 5. **CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

##### 5.1 **MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON 23 JANUARY 2024**

##### **Resolved (27 February 2024)**

1. That the minutes of the Municipal Public Accounts Committee meeting held on 23 January 2024 be accepted.

Proposed by: W Gertenbach

Seconded by: H Murray

#### 6. **MATTERS FOR DISCUSSION**

##### **24/02/MPACC1**

##### **ACTION SHEETS**

The Chairperson proposed that the Performance Management Policy be submitted to the next Policy Workshop for review and update.

The Municipal Manager requested that it should be added in the Performance Management Policy that a Performance Management System was adopted, and it is currently advertised on a tender.

Cllr Heystek sought an update and progress on the Roads Master Plan.

In response, the Director: Civil and Water Services indicated that the Roads Master Plan was underway with assessments and cost estimates in progress.

He further highlighted that the anticipated start date for the road program rollout is 1 July in the new financial year.

Mrs Mostert sought clarity on the implementation of an electronic booking system for the Caravan Parks.

The Director: Community Services responded that the matter would be finalised as of the end of February 2024.

The Chairperson advised the Committee that a Virtual Special MPAC meeting will be scheduled for 5 March 2024 to table the Oversight Report.

**Resolved to Recommend (27 February 2024)**

1. That the updated Action Sheets reflecting outstanding resolutions of MPAC as at 23 January 2024 be noted.

**24/02/MPACC2**

**KOUGA MUNICIPALITY: DRAFT: 2022/23 ANNUAL REPORT**

Mrs Mostert presented her proposed amendments, adjustments, and comments for the draft Annual Report and mentioned that she has forwarded the proposed amendments to the Manager: PMS for action.

She further noted that there was a notable increase in the telephone bill and requested that the reason for the increase be included in the report.

At 11:05 Director: Civil and Water Services was excused from the meeting to attend to a water supply emergency in the department.

The Chairperson requested that all the proposed corrections be effected and assurance be given to the Committee on the 5 March 2024 Special MPAC meeting.

The Deputy Municipal Manager indicated that via the recently adopted ICT Strategy, a service provider was appointed to roll out the internet connectivity and the Libraries in the Kouga region would also benefit.

The Manager: PMS stated that some of the matters raised by the Committee relate to issues that are ordinarily not in the Annual Report, but MPAC may request separately such reports and information from the relevant directorates for interrogation to avoid inclusion of confidential information in the Annual Report. The Chairperson emphasised the importance of directorates offering support to the PMS unit and that the unit be capacitated with personnel as highlighted by the AG Report.

Cllr Gertenbach proposed that all the directorate's Service Delivery Overview sections be reflected in one section of the Annual Report.

**Resolved to Recommend (27 February 2024)**

1. That the Municipal Public Accounts Committee prepare an Oversight Report on the Draft 2022/23 Annual Report for submission to Council in terms of the provisions of Section 129 of the Local Government Municipal Finance Management Act, 56 of 2003.

**24/02/MPACC3**

**MID-YEAR INSTITUTIONAL PERFORMANCE REPORT: 2023/24**  
**FINANCIAL YEAR: PERIOD 1 JULY 2023 TO 31 DECEMBER 2023**

On page 460 Mrs Mostert proposed that the 14 December 2024 date be corrected to reflect December 2023 under the EESDM expenditure.

The Chairperson sought progress and current percentage expenditure on the supply and delivery of LED lights.

In response, the Director: Electro-Mechanical Services indicated that expenditure for the project will be 80% before the end of the month.

On page 471 the Chairperson further sought progress on the Ward 4 water issue and the capital expenditure thereof.

The Director: Civil and Water responded and stated that receiving water in Wards 4, 5, and 15 was very challenging, and recently the water availability in the area has declined tremendously. However, support was received from the Nelson Mandela Bay Metro to upgrade the water pressure in the Churchill pipeline.

Cllr Heystek enquired if the 20 MW Solar Plant would assist in water or sewage pumps.

The Acting Director: Electro-Mechanical Services responded that the 20 MW Solar Plant would reduce the reliance on Eskom and improve the impact of water issues.

The Municipal Manager added that a financial feasibility study will be done on the Solar Plant project as it is a long-term investment.

Cllr van der Linde highlighted that MPAC must work in the past and not in the future as the report tabled would still serve in the Portfolio Committees.

In response, the Chairperson indicated that MPAC must take corrective measures as some of the Committee members are

observers in the Portfolio Committees and do not have the right to speak or interrogate the reports.

### **Resolved to Recommend (27 February 2024)**

1. That the Municipal Public Accounts Committee scrutinize the 2023/24 Mid-Year Performance Report and where applicable submit comments in this regard to Council.

**24/02/MPACC4**

### **MPAC TERMS OF REFERENCE**

The Chairperson indicated that the 19 September 2023 MPAC minutes were tabled at the 30 January 2024 Ordinary Council meeting for noting. However, the minutes were withdrawn due to unclarity on the issue of quorum and legitimacy of that meeting.

The Chairperson further highlighted that he attended a SALGA Workshop for MPAC Chairpersons and the issue of quorum and voting rights was clarified. Following the workshop, a letter was written to the Speaker with the motivation of what the MPAC Terms of Reference should clarify.

The Committee proposed that the following changes be effected in the MPAC ToR:

- That a definition of the MPAC quorum that clearly differentiates from voting be included.
- That an alternative list of members to serve on the Committee be considered.
- That MPAC allow up to a 20-minute delay before the start of the meeting and thereafter proceed if 40% of the serving members are present. The decisions are to be adopted unanimously.
- That MPAC proceeds with the agenda to avoid fruitless and wasteful expenditure due to the financial implications related to serving external members who are receiving the sitting allowance.

That under the Attendance of Meetings section, the following additions and amendments be made:

- 6.4 That a quorum shall be a majority of all serving members of MPAC.
- 6.8 That the voting be only the domain of the serving Councillors, and no other members may vote.
- 6.9 That alternative Committee members be elected.

The Committee further proposed the amendment of the recommendation, that the MPAC ToR be discussed, amended, adopted, and submitted to Council for approval.

**Resolved to Recommend (27 February 2024)**

1. That the MPAC ToR be discussed, amended, adopted, and submitted to Council for approval.

**7. DATE OF NEXT MEETING**

5 March 2024

**8. CLOSURE**

The Chairperson thanked the Committee members and all officials for their contribution.

***The meeting adjourned at 12:03***



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**CLLR B DHLUDHLU  
CHAIRPERSON**

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**21 May 2024**

**DATE**

<b>MINUTES OF A VIRTUAL SPECIAL MUNICIPAL PUBLIC ACCOUNTS COMMITTEE MEETING HELD ON TUESDAY, 05 MARCH 2024 AT 13:00 PM</b>
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<b>Present: Committee Members</b>	Cllr. B Dhludhlu (Chairperson) Cllr W Gertenbach Cllr. M Nicholls Cllr. H Murray Cllr. W van der Linde Cllr. F Heystek Cllr. P Oliphant Cllr. L Nkilishane
<b>Officials:</b>	Mr. C du Plessis (Municipal Manager) Mr. D de Jager (Deputy Municipal Manager) Mr. C de Kock (Director: CWS) Ms. N Machelesi (Director: Community Services) Mr. T Madatt (Director: EMS) Mr. L Ramakuwela (Acting Director: PD) Ms. L Opperman (Manager: Legal Services) Mr. A Koegelenberg (Manager: PMS) Mr. S Abrahams (Manager: BTO) Mr. N Swart (Manager: Investments & Assets) Mr. I Fakir (Manager: Risk & Internal Audit) Ms. C Venter (Manager: Waste & Environmental) Ms. M Julius (Senior Admin Officer: Committees) Mr. S Sidjiyo (Scribe)
<b>Stakeholders:</b>	Ms. L Mostert (Public Representative) Adv. A Klopper (Public Representative)

1. **OPENING AND WELCOME**

The Chairperson read the notice convening the meeting and welcomed all present to the Special MPAC meeting.

He requested Cllr Murray to open with prayer.

2. **DECLARATION OF INTEREST**

None of the members had anything to declare.

3. **APPLICATION FOR LEAVE OF ABSENCE/ABSENT WITH APOLOGY/ABSENT WITHOUT APOLOGY**

3.1 **ABSENT WITH APOLOGY**

Cllr B Human  
Cllr M Mbandana  
Mr. R Lorgat (Chief Financial Officer)



### 3.2 **ABSENT WITHOUT APOLOGY**

Cllr. C August

### 4. **PRESENTATIONS**

None.

### 5. **MATTERS FOR DISCUSSION**

#### **24/03/MPACC1 FIRST DRAFT OVERSIGHT REPORT**

The Chairperson tabled the First Draft Oversight Report for scrutiny and comments.

The Municipal Manager highlighted that it was important for recommendations to not be statements but structured with clear targets for execution in an action plan. He further highlighted that the Audit General's Report indicated a regress or findings in Performance Management which was caused by the changes in the Department of Infrastructure and Engineering.

The Municipal Manager added that a tender has since been advertised for the replacement of the Performance Management System to address the identified gaps by the AG and ensure compliance. He highlighted the state of the Waste Water Treatment Works as the biggest challenge, the funds spent in improving the WWTW, the staff complement, and the security and fencing of the plants.

The Municipal Manager further outlined to the Committee that there would be a need for a reasonable re-prioritisation, especially with maintenance, budgets, and upgrading of the WWTW.

Cllr Oliphant raised a concern about the pre-empted responses which limited the Committee members to debate about the tabled report and its recommendations.

Cllr Gertenbach highlighted that the First Draft Oversight Report recommendations must be tabled to the Committee first and then the Administration can respond.

The Municipal Manager commented on the MPAC recommendations regarding the Annual Report from 4.1 to 4.19.

The Chairperson highlighted that the Annual Report was published for public comments and the closing date was 4 March 2024. He further enquired if there were any comments received from the public.

The Manager: PMS indicated that no comments were received from the public for the Annual Report.

The Manager: BTO sought clarity on whether the process of Directors formally responding to the public and MPAC comments on the Annual Report has been done before submitting the Oversight Report to the Council for adoption.

In response, the Chairperson indicated that the tabled report was the first draft, and the recommendations would be amended and corrected before submission to Council. He further requested Committee members to submit any comments and clarifications before 9 March 2024 for consideration.

Cllr Gertenbach highlighted that some of the matters that the Municipal Manager proposed and referred to the Portfolio Committees are not supposed to be dealt with by the Section 80 Committees, however, the Audit Committee is supposed to deal with those matters. He further encouraged the Administration to implement the recommendations made by the Audit Committee.

The Committee unanimously agreed that the Final Oversight Report would be sent to all Committee members for scrutiny on 9 March 2024 without calling for another Special MPAC meeting and then submitted to Council.

The Municipal Manager proposed that the Annual Report be compliant with the format guidelines outlined in the National Treasury - MFMA Circular 63.

The Chairperson indicated that some of the meetings on the MPAC Work Plan were moved due to conflicting calendar schedules.

**Resolve to recommend (5 March 2024)**

1. That the Oversight Report be corrected, finalised, and submitted to the next Council meeting for adoption.

6. **DATE OF NEXT MEETING**

12 March 2024

7. **CLOSURE**

The Chairperson thanked the Committee members and all officials for their contribution.

***The meeting adjourned at 14:07***




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**CLLR B DHLUDHLU  
CHAIRPERSON**

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**21 May 2024  
DATE**

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**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) – ANNUAL WORK PLAN**

**1. Introduction**

The purpose of this item is to provide the Council with an opportunity to consider and approve the MPAC Annual Work Plan for the 2024/25 FY.

**2. Background**

The Municipal Public Accounts Committee (MPAC) is established in terms of sections 79 and 79A of the Local Government: Municipal Structures Act, No. 117 of 1998, as amended, and performs an oversight function on behalf of Council and is not a duplication of other committees of Council, such as the Finance Committee or that of the Audit Committee.

MPAC may undertake and manage similar functions and responsibilities for the Municipality, as undertaken by the Standing Committee on Public Accounts in the national and provincial legislature, except for certain powers regarding subpoena of individuals. In the case of irregular expenditure or any fruitless and wasteful expenditure incurred by the municipality, MPAC will have the right to call upon the accounting officer of the municipality or his/her delegatee to appear before it to provide information or clarity.

**3. Discussion**

MPAC must develop its work programme annually and link such programmes to the overall planning cycle of Council. The functions of the Committee are outlined in Section 79A of the Municipal Structures Amendment Act 3 of 2021 as follows:

- (3) The municipal Council must determine the functions of the Municipal Public Accounts Committee, which must include the following: (a) review the Auditor-General's reports and comments of the management committee and the Audit Committee and make recommendations to the municipal Council;
- (b) review Internal Audit reports together with comments from the management committee and the Audit Committee and make recommendations to the municipal Council;
- (c) initiate and develop the oversight report on annual reports contemplated in section 129 of the Local Government: Municipal Finance Management Act;
- (d) attend to and make recommendations to the municipal Council on any matter referred to it by the municipal Council, Executive Committee, a committee of the Council, a member of this committee, a Councillor and the Municipal Manager; and
- (e) on its own initiative, subject to the direction of the municipal Council, investigate and report to the municipal Council on any matter affecting the municipality.

The MPAC Annual Workplan is attached hereto as Annexure A.

4. **Financial Implications**

<b>Completed by BTO -</b>	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

5. **Applicable Legislation**

Local Government: Municipal Structures Act, No. 117 of 1998, as amended.

The MPAC Terms of Reference provides that the MPAC must prepare an annual work plan for approval by the municipal Council prior to the start of the financial year.

6. **Legal Implications**

None

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Not applicable

8.2 **Acting Director: Planning & Development**

Not applicable

8.3 **Director: Civil & Water Services**

Not applicable

8.4 **Director: Electro-Mechanical Services**

Not applicable

8.5 **Director: Community Services**

Not applicable

8.6 **Deputy Municipal Manager**

Not applicable

8.7 **Municipal Manager**

Not applicable

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That the MPAC Annual Workplan be approved.

Item noted by the Chairperson:

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom.

DAY	MONTH	YEAR	REPORTS TO BE TABLED	DEPARTMENT	SECTION	RESPONSIBLE PERSON
N/A	July	2024	None			
20	August	2024	Section 52 report for the 4th Quarter of the previous financial year	Finance	BTO	Manager: BTO
25	September	2024	Report on confirmation of AFS and Draft Annual Report submitted to AG for prior year	Finance	BTO	Manager: BTO
			Section 71 report	Finance	BTO	Manager: BTO
			Draft Annual report	MM	PMS	Manager: PMS
			4th quarter Performance report for the previous financial year (Draft Annual Performance Report)	MM	PMS	Manager: PMS
N/A	October	2024	None			
27	November	2024	Section 52 report for the current year	Finance	BTO	Manager: BTO
			1st quarter Performance report for the current year	MM	PMS	Manager: PMS
			Report on implementation of recommendations from prior year (FY 2022_23) oversight report	MM	MM	MM
			Draft Annual report - I&E	MM	PMS	Manager: PMS
N/A	December	2024	None			
28	January	2025	Review/confirm implementation of annual action plan/audit plan	Finance	BTO	Manager: BTO
			Draft Annual report - Community Services	MM	MM	Manager: PMS
			Submission of Audit Report	Finance	BTO	Manager: BTO
			Section 71 report	Finance	BTO	Manager: BTO
25	February	2025	Section 52 report for the current year	Finance	BTO	Manager: BTO

			2nd quarter Performance report for the current year	MM	PMS	Manager: PMS
			Progress of action plan/audit plan	Finance	BTO	Manager: BTO
			Draft Annual report - Corporate Services & PDT	MM	PMS	Manager: PMS
28	February	2025	Special MPAC Meeting - Draft Annual report - Finance and office of the MM	MM	PMS	Manager: PMS
11	March	2025	Special Meeting for Compilation of oversight report on AR for the prior year			
			Report on unauthorised, irregular, wasteful expenditure	Finance	SCM/Expenditure	Manager: SCM, Manager: Expenditure
N/A	April	2025	None			
27	May	2025	Section 52 report for the current year	Finance	BTO	Manager: BTO
			3rd quarter Performance report for the current year	MM	PMS	Manager: PMS
			Progress of action plan/audit plan	Finance	BTO	Manager: BTO
N/A	June	2025	None			

# REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER







**KOUGA MUNICIPALITY (EC 108)**  
 ORDINARY COUNCIL MEETING  
 OFFICE OF THE MUNICIPAL  
 MANAGER  
 OPEN  
 DATE: 28 JUNE 2024  
 ITEM NO: **24/06/MM1**

## **COUNCIL RESOLUTIONS AS AT 31 MAY 2024**

### 1. **Introduction**

The purpose of this item is to provide a report back on progress of Council Resolutions.

### 2. **Background**

The Action Sheets reflect outstanding Council resolutions for all Directorates.

### 3. **Discussion**

None.

### 4. **Financial Implications**

<b>Completed by BTO -</b>	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	
BTO Signature	

### 5. **Applicable Legislation**

Section 55 of the Local Government: Municipal Systems Act, No. 32 of 2000, provides in subsection 1(k) that a Municipal Manager is responsible and accountable for carrying out the decisions of the political structures and political offices bearers of the municipality.

### 6. **Legal Implications**

Failure to maintain and update the Action sheet may result in the non-compliance to Section 55(1)(k) of the Local Government: Municipal Systems Act, No. 32 of 2000.

7. **Other Implications**

None.

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Acting Director: Planning & Development**

Noted

8.3 **Acting Director: Civil & Water Services**

Noted

8.4 **Director: Electro-Mechanical Services**

Noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Item supported

8.7 **Municipal Manager**

Item supported

9. **Delegated Authority**

Council

10. **Recommendations**

10.1 That the updated Action Sheets reflecting resolutions of previous Council meetings, be noted.

10.2 That the action sheet be tabled at Top Management for discussion and actioning.

Item prepared by: The Deputy Municipal Manager



Item endorsed by: The Chief Financial Officer



Item endorsed by: The Acting Director: Planning & Development



Item endorsed by: The Director: Civil & Water Services



Item endorsed by: The Director: Electro-Mechanical



Item endorsed by: The Director: Community Services



Item approved by: The Municipal Manager:



## COMMUNITY SERVICES: ACTION SHEET - COUNCIL

MEETING	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
30-Jan-24	24/01/CSS2	<b>REVISED PREVENTION OF PUBLIC NUISANCE AND KEEPING OF ANIMALS BY-LAW</b>	That the approved Prevention of Public Nuisance and Keeping of Animals By-Law be workshopped, after the public participation process, with Councillors before its resubmission to Council.	Item submitted for Council Approval 28-Jun-24	Item submitted 12-June-24.	Acting Manger: Rean Nel/Manager: Waste and Environmental	<b>IN PROGRESS</b>
	24/01/CSS3	<b>DRAFT TREE MANAGEMENT POLICY</b>	That the approved Draft Tree Management Policy be workshopped, after the public participation process, with Councillors before its resubmission to Council.	Item submitted for Council Approval 28-Jun-24	Item submitted 12-June-24.	Manager: Waste and Environmental	<b>IN PROGRESS</b>
31-May-24	24/05/CSS13	<b>REVIEW AND UPDATE OF KOUGA LOCAL MUNICIPALITY DISASTER MANAGEMENT PLAN 2023/2024</b>	That the reviewed Disaster Management Plan be approved by Council.	Council Approved 31-May-24 Resolution 24/05/CSS13		Manager: Fire and Disaster	<b>COMPLETED</b>

## PLANNING & DEVELOPMENT: ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
30-May-19	19/05/PD6	<b>PUBLIC WORKS PROPERTIES TO BE TRANSFERRED TO KOUGA MUNICIPALITY</b>	<p>That Council accepts the following erven from Public Works and that they are added to the asset register of Kouga Municipality:</p> <p>Farm 448 portion 15 — Uitenhage RD Pellsrus: 677; 678; 733; 751 ; 753; 794;812 826; 854; 862</p> <p>Humansdorp: 1 968</p> <p>Thornhill: 221 ; 237 333; 334; 342;362;376;751v; 762; 763; 775; 776; 777; 778; 779; 780; 781 ; 782; 783; 784; 785; 788; 789; 790; 791 ; 792; 805; 845; 846; 849; 850; 852; 855; 857; 859; 860; 861 ; 862; 863; 865; 866; 868; 870; 874; 875; 883; 884; 885; 886; 887; 888; 889; 891; 892; 894; 895; 897; 898; 896</p>	The finalisation of the transfer of Public Work properties to Kouga Municipality in progress	<p>The IGR Land Forum was resuscitated on 24 March with intention of bring all outstanding council resolutions to completion. There has been constant communication and information sharing since the mentioned meeting in order to conclude outstanding matters. On 11 October 2023 follow-up was made, Public Works confirmed that bulk submission was approved for transfer of PW properties to Kouga Municipality by Premier and is awaiting signature from MEC. A meeting was held with Public Works in Gqeberha on 27 February 2024 to discuss current status and progress on the transfer of land between Kouga Municipality and Public Works. Public Works indicated that they are still awaiting signature of the MEC. We also resolved to meet regularly until these matters are concluded (11/03/2024). The matter on</p>	Manager: L&PA	In Progress
			<p>That Kouga Human Settlement Department proceed with the transfers of these erven to the owners of the properties as soon as registration to Kouga has been completed</p>	Awaiting Transfer of properties by Public Works.			

					<p>outstanding donations was raised at the IGR on 2 April 2024 requesting the Director-General at Provincial Public Works to assist in expediting the conclusion of transfer process (15 April 2024). On 14 May 2024 our Department met in telephonic meeting with the HOD and Regional Director to discuss progress of the bulk transfer of properties to Kouga. They undertook to submit a formal submission to the Head Office and provide the municipality with feedback in due course. (16 May 2024) <b>Our Department are still awaiting feedback from Public Works and will do a follow-up during the week of 17 June 2024. (12/06/2024)</b></p>		
30-Oct-19	19/10/PD3	<b>SELLING OF 98 HIGH WATER TABLE HUMAN SETTLEMENT ERVEN – KRUISFONTEIN</b>	That all proceeds from the sale of the 98 high water table erven be ringfenced for projects namely the upgrading of gravel roads to paved roads	Matter was referred to top management and it was resolved that the item be sent back to Council with new method of disposal.	The Department had to reevaluate the beneficiaries. Meeting was held with the Cllr to discuss the implication. A new item to be tabled to Council after consultation with the affected beneficiaries. (11/03/2024) It is anticipated that an item will be tabled to the May Council Meeting. (15 April 2024). A meeting was held with the affected residents on 30 April 2024 to discuss the way forward on disposal (free of charge) and different options that residents need to decide upon as well as the implications to take into	CFO/ Dir: PDT	In Progress

					consideration. It was also agreed that residents to visit the office once they have decided on the option they want to go with. (16 May 2024) <b>The Human Settlements Department will visit the 98 Wet Erven residents during the week of 17 June 2024 to do a survey and obtain confirmation from individual residents on the option they have decided upon (12/06/2024)</b>		
29-May-20	20/05/PD2	<b>REPORT ON THE PROGRESS AND STATUS OF THE SOCIAL HOUSING PARTNETSHIP FOR THE DEVELOPMENT OF A SOCIAL AND (FLISP) HOUSING PROJECT ON Erf 335, JEFFERYS BAY</b>	That the plans scrutiny and approval fees be dealt with on the same basis as BNG/RDP housing projects.	The resolution will be implemented upon submission of Building plans for the development. Ongoing, project is still on planning phase.Resolution will be actioned during project commencement	DEDEAT was approached to attend to the outstanding EIA authorisation awaiting feedback from DEDEA. Draft response received from consultants on 18 January 2024. Consolidated response sent to DEDEAT on 05 Feb 2024. latest follow up was sent to DEDEAT on 5 April 2024. To date we have not received any response. <b>8/06/2024</b>	Dir:PDT / Manager: Human Settlements	ongoing
			That the plans scrutiny and approval fees be dealt with on the same basis as BNG/RDP housing projects.	The resolution will be implemented upon submission of Building plans for the development. Ongoing, project is still on planning phase.Resolution will be actioned during project commencement. We had a meeting with Bosch Projects (SP) who was appointment to determine floodline determination for FLISP/Social Housing. Bosch Projects (SP) complete floodline determination was completed by 21 August 2023.	the resolution will be implemented upon submission of Building plans for the development. Ongoing, project is still on pre-planning phase.Resolution will be actioned during project commencement.	Dir:PDT / Manager Human Settlements	ongoing

	20/05/PD3	<b>DONATION AND TRANSFER OF KOUGA MUNICIPAL PROPERTIES FROM KOUGA MUNICIPALITY TO PUBLIC WORKS</b>	That Erf 560 be rezoned in terms of SPLUMA from Residential 1 to Institutional in accordance to existing land use.	Three quotations to be obtained from service providers for the rezoning of erf 560.	Requisition has been received and submitted to SCM in order to prepare a order. Order received from SCM and service provider has been appointed. Instruction was given on 12 December 2023 to proceed with rezoning and service provider busy preparing report for submission. Follow-up was done 13 February on the status and it was confirmed that application will be submitted. Application was submitted on 14 February on Ovvio portal under reference number JC2324-00025 (11/03/2024). The land use right application for rezoning was advertised for public participation in terms of SPLUMA on 21 March 2024 (15 April 2024). Public participation completed (16 May 2024). <b>Application awaiting comments from some service department whereafter it will be allocated to a town planner to prepare report for MPT. (12/06/2024)</b>	Manager :L&PA	In Progress
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	20/05/PDT5	<b>APPROVAL FOR THE COMMENCEMENT TO ESTABLISH "AESTHETICS AND HERITAGE BUILDING COMMITTEE" FOR THE ST FRANCIS BAY VILLAGE AND CANALS, SANTAREME, HARBOUR PRECINCT, CAPE ST FRANCIS, OYSTER BAY, SEA VISTA TOWN, ST FRANCIS BAY LIGHT INDUSTRIAL AREA IN THE KOUGA LOCAL MUNICIPALITY AREA</b>	That Aesthetic Committees be established in all Wards, if required, to maintain uniform architecture design for specific areas be included in the Terms of Reference.	The Department has developed a draft by-law which will make provision for Aesthetics and Heritage Committee.	The item has served before Council to establish a "Aesthetics Committee" for SFBay area , but was put on hold due to the "guidelines" is not legally enforceable and a way was seek to have it enacted in a "by-law" or within the town planning scheme. Council has granted permission to proceed with amendment of the ILUS. Notices already published for I&A to register in January 2024. The department is finalising the draft by-laws. The intention is to include it in the next policy workshop. <b>10/06/2024</b>	Dir: PDT / Manager P&D	In Progress
26-Jun-20	20/06/PD4	<b>DEVELOPMENT PROPOSAL: PRECINCT PLAN FOR Erf 8783: OCEAN VIEW, JEFFREYS BAY</b>	That the precinct plan and development proposal of Erf 8783 Ocean be subject to public participation.	Proposal received from consultant and to be discussed internally. Item will be submitted as part of Quarter 2 Portfolio Committee report.	An item will be tabled at the next Portfolio Meeting recommending that a development proposal for Erf 8783 Ocean View be included in the Review of the SDF. <b>10/06/2024</b>	Dir: PDT	In Progress
			That the registration of Erf 8783, Ocean View to Kouga Municipality be continued and concluded.	Transfer in progress	This erf was subdivided from erf 335 portion 125 Humansdorp RD as part of the Ocean View low-cost housing development. The erf is currently zoned as "Authority Zone. The SG Diagram and Regulation 38 Certificate to be submitted, the transfer process is ongoing.	Manager: Legal Services	In Progress

11-Dec-20	20/12/PD8	<p><b>APPROVAL FOR THE COMMENCEMENT TO DRAFT “AESTHETICAL AND HERITAGE BUILDING BY-LAW” FOR THE ST FRANCIS BAY VILLAGE AND CANALS, SANTAREME, HARBOUR PRECINCT, CAPE ST FRANCIS, OYSTER BAY, SEA VISTA TOWN, ST FRANCIS BAY LIGHT INDUSTRIAL AREA IN THE KOUGA LOCAL MUNICIPALITY AREA IN TERMS OF SECTION 13 OF THE MSA,2000: OBJECTIONS RECEIVED</b></p>	<p>That the Department: Planning &amp; Development facilitate the process to address the “Objectors Objections” by convening a virtual meeting with the objectors as well as other Interested and affected parties.</p> <p>That a date and venue be determined as to when such meeting will take place for a virtual hearing and that it be published in the local newspaper and on the website.</p> <p>That all the objectors be notified timeously of the date and venue for the virtual hearing.</p>	<p>Draft completed.Legal to check it .Published document for comments in March . See previous comments for 20/05/PDT5. Draft By-Law with attorneys.Had discussion with Attorneys to find an alternative way to promulgate said regulations. Attorneys to confirm way forward.Manager Legal to appoint a SP to assist with draft.Advised that the by-law route would cumbersome and that the matter can be addressed under the Land Use Scheme - overlay. An item has been approved by Council to commence with the amendment of the Land Use Scheme.</p>	<p>The Dept P&amp;D has commence with an inhouse review and will be escalated to Legal for further comments/inputs. Permission was granted by Council to commence with review. The department is finalising the draft document. Intention is to include in the nextl Policy Workshop.</p> <p>All parties that objected will be notified during the Public Participation process.</p>	<p>Manager: LPA See previous comments on item)</p>	In progress
31-Mar-21	21/03/PD1	<p><b>TRANSFER OF RESIDENTIAL SITE: HISTORIC CONDITION OF SALE: ERF 1331 PELLSRUS: PIENAAR FAMILY</b></p>	<p>That Council grant approval for the closure of a public open space with regard to the subdivided erf contemplated in (a) and that transfer herein be dependent on the formal closure of the public open space.</p>	<p>Gazetting of public place closure of erf 1331 has been finalised. Quotations for rezoning of subdivided portion to residential purposes in process.</p>	<p>Subdivision and gazetting completed. The department is in the process of appointing a service provider to finalise the rezoning. Three qoutations has been received and requisition will be prepared and submitted to SCM. (15/04/2024). <b>The service provider who initially did the subdivision informed the office that the subdivision was not completed due to outstanding approval letter hence rezoning cant be commence until the erf has been formally subdivided. Approval letter was provided to the service provider to finalise</b></p>	<p>Director: PDT/ Manager: LPA</p>	In Progress

					subdivision whereafter we will finalise rezoning (10/06/2024)		
	21/03/PD3	Application to Purchase a Portion of Erf 552 Sea Vista (Mr. M. Johansens)	That the applicant be responsible and carry the cost for the closure of public open space and subdivision of erf 552.	Power of Attorney was granted to the applicant to enable him to bring land use application.	POA was provided to applicant. Awaiting application from applicant. It was indicated that Mr. Johansens is out of the country. Follow up will be done on 2 February 2024 with no success reaching applicant. Made contact with former Councillor Rheeder in an attempt to obtain contact details and whereabouts of Mr. Johansens (11/04/2024) <b>Still no success in making contact with the applicant. (10/06/2024)</b>	Manager: Legal Services / Manager L&P	In Progress
			That the newly created erf be transferred only once the formal closure has been concluded, and the conveyance cost be carried by the applicant.	Will be incorporated in the deed of sale	Will form part of the transfer process.	Manager: Legal Services / Manager L&P	In Progress
31-May-21	21/05/PD1	PROGRESS REPORT: ALIENATION OF 98 WET ERVEN: KRUISFONTEIN	That Council grant authorization to the Accounting Officer to conclude Option to Purchase agreements as the Grantor on behalf of the Municipality.	Matter was referred to top management and it was resolved that the item be sent back to Council with new	The Department had to reevaluate the beneficiaries. Meeting was held with the Cllr to discuss the implication. A new item to be tabled to Council after consultation with the affected beneficiaries. (11/03/2024) It is anticipated that an item will be tabled to the May Council Meeting. (15 April 2024). <b>A meeting was held with the affected residents on 30 April 2024</b>	Director:PDT/ Manager L&P	In Progress



30-Jun-21	21/06/CF18	REPORT ON THE ASSESSMENT OF MUNICIPAL PROPERTIES	That Council confirms that the following properties are not needed to provide the minimum level of basic municipal services.  a. Hankey - Erf 543 b. Jeffreys Bay - Erf 5830 c. Kruisfontein - Erf 696, 699 and 1566 d. Pellsrus - Erf 180, 181, 185, 186, 187 and 438 e. Sea Vista - Erf 2317, 2318, 2319, 2320, 2322, 2324, 2330, 2332 2336, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541	Confirmation already obtained	Items circulated for comments	Manager :L&PA	In progress
			That a fair market value be obtained for all properties in (1) above, for Council to consider in line with Section 14(2) of the Municipal Finance Management Act;	Service provider already appointed	valuations to be conducted	Manager :L&PA	In progress
			That In terms of the Regulation 5(1) (b) of the Municipal Approval Transfer Regulations (2008), Council grants in-principle approval for the disposal of all properties in (1) above;	Department in consultation with all the leasees.	All lessees has been notified in respect of the resolution of council.	Manager :L&PA	In progress
			That Council grant authorization to advertise the intended disposal of the immovable properties in (1) above;	In the process to prepare advert.	Advert will be submitted for publication before 30 April 2024. (17/04/2024)	Manager :L&PA	In progress
			That the current lessees be given first option to purchase their current leased property, for all properties in (1) above, subject to a competitive process being followed as per the Council approved Policy;	Notices was send to all lessees.	<b>Two lessees opted to vacate. In the process to evict one lessee who are not willing to pay the new monthly rental. The rest of the lessees requested to continue with the rental agreement. (12/06/2024)</b>	Manager :L&PA	In progress
			That the current lessees be given first option to lease their current leased properties at the fair market value, for all properties in (5) above, prior to following a competitive process as per the Council approved Policy.	Notices was send to all lessees.	<b>Two lessees opted to vacate. In the process to evict one lessee who are not willing to pay the new monthly rental. The rest of the lessees requested to</b>	Manager :L&PA	In progress

					continue with the rental agreement. (12/06/2024)		
			That the interest accumulated from the grant funding be ringfenced for future Human Settlements projects.	To be confirmed	Awaiting confirmation if money can be ringfenced.	CFO	In progress
30-Jul-21	21/07/PD9	APPOINTMENT OF KOUGA MUNICIPALITY AS AN IMPLEMENTING AGENT FOR THE CONSTRUCTION OF INTERNAL SERVICES FOR THE HANKEY 990 HOUSING PROJECT	That monthly, quarterly and annual expenditure reports with supporting documentation be reported to Council and ECDHS; and	Expenditure report was submitted to the Department of Human Settlements (Province) on 17 July 2023	A new expenditure report will be submitted by the end of September 2023. Monthly report is submitted to PDoHS on a monthly basis in respect of interest incurred on grant funding. The interest incurred on the grant funding received from the PDoHS amounts to <b>R 1 538 530.76 as of 02 February 2024</b> . Rudcor Engineering was appointed by KLM on 18 March 2024. <b>Project is in progress(10/06/2024)</b>	Manager HS	In Progress

31-Aug-21	21/08/PD11	ESTABLISHMENT OF AN AUTISM CENTRE - APPLICATION FOR RIGHT TO USE/MANAGE MUNICIPAL LAND: ERF 5812 JEFFREYS BAY	That all the legislative processes contemplated herein commence and be concluded in line with Council resolution 21/02/PD14.	The closure of public place has been completed. Town Planning indicated that the Department is currently under pressure and will not be able to do rezoning in- house. A meeting was also held with the applicant on 6 March to discuss the application and way forward. It was agreed that the applicant proceed and submit designs and site development plan whilst Council finalise the rezoning. Requisition was submitted on 28 July 2023 to SCM for an order.	Three quotations for rezoning was received and requisition has been submitted to SCM on 28 July 2023 under <b>requisition number 150707</b> awaiting order. Order was received from SCM and instruction was given to service provider on 11 September 2023 to proceed with the rezoning of erf 5812. It was requested that the Department establish whether the applicant still want to continue with the project as it would appear the applicant are not proceeding with the development. A letter was sent to applicant to confirm if they still proceeding with development. Written reply was received from applicant on 5 February 2024, applicant indicated that they will still develop the Autism Centre on erf 5812. The rezoning application was formally submitted on the Ovvio System on 31 January 2024 for processing and consideration under reference no. JL2324-00105. (11/03/2024). Rezoning application in progress (17 April 2024). Application for rezoning was advertised in the local newspaper on 16 May 2024 for public participation. (16 May 2024) <b>Public participation will be completed on 17 June 2024 (12/06/2024)</b>	Director:PDT/ Manager L&P	In progress
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30-Sep-21	21/09/PD10	<b>RELOCATION OF THE UNLAWFUL DWELLERS OF THE ASTON BAY CARAVAN PARK</b>	That the Municipal Manager be allowed to negotiate with the Department of Public Works on the relocation costs.	Addressed the matter in the engagement with the department public works	No final decision taken as there is no final eviction order granted.	MM	Ongoing
	21/09/PD16	<b>IN PRINCIPLE APPROVAL: DISPOSAL &amp; ALIENATION OF ERVEN 887, 1259 &amp; 2496 SEA VISTA</b>	That Council authorizes the Planning & Development Department to embark on a process to close and rezone the above public open spaces to Residential.	Service Provider has been appointed for closure of public places.	The Department had to reevaluate the beneficiaries. Meeting was held with the Cllr to discuss the implication. A new item to be tabled to Council after consultation with the affected beneficiaries. (11/03/2024) It is anticipated that an item will be tabled to the May Council Meeting. (15 April 2024). A meeting was held with the affected residents on 30 April 2024 to discuss the way forward on disposal (free of charge) and different options that residents need to decide upon as well as the implications to take into consideration. It was also agreed that residents to visit the office once they have decided on the option they want to go with. (16 May 2024) <b>The Human Settlements Department will visit the 98 Wet Erven residents during the week of 17 June 2024 to do a survey and obtain confirmation from individual residents on the option they have decided upon (12/06/2024)</b>	Director:PDT/ Manager L&P	In Progress
			That a fair market value be obtained for Council to consider in line with Section 14(2) of the Municipal Finance Management Act.	Market valuations will be determined once rezoning has been completed.	Will commence once rezoning is completed	Director:PDT/ Manager L&P	In Progress



			That the revenue generated from the sale be ringfenced for waterborne sewerage systems.	This will done during the sale of properties.	Will commence once the properties has been disposed.	Director:PDT/ Manager L&P	In Progress
	21/10/PD1	ERF 4587 & 4588 (KRUISFONTEIN) ERF 190 (PELLSRUS) ERF 8813 (OCEAN VIEW); VICTORY 4 ALL	That the Finance department expedite the bad debt review process on the outstanding debt and advise the client by 30 October 2021.	Indication was given that a report for write-off was to be tabled to Council.		Finance	In Progress
14-Oct-21	21/10/PD3	SALE OF 98 WET ERVEN	That the proceeds from the Sale of 98 Wet erven be ring-fenced for roads upgrades and social infrastructure in the 98 wet erven area.	Matter was referred to top management and it was resolved that the item be sent back to Council with new method of disposal.	The Department had to reevaluate the beneficiaries. Meeting was held with the Cllr to discuss the implication. A new item to be tabled to Council after consultation with the affected beneficiearies. (11/03/2024) It is aniticipated that an item will be tabled to the May Council Meeting. (15 April 2024). A meeting was held with the affected residents on 30 April 2024 to discuss the way forward on disposal (free of charge) and different options that residents need to decide upon as well as the implications to take into consideration. It was also agreed that residents to visit the office once they have decided on the option they want to go with. (16 May 2024) <b>The Human Settlements Department will visit the 98 Wet Erven residents during the week of 17 June 2024 to do a survey and obtain confirmation from individual residents on the option they have decided upon (12/06/2024)</b>	Director:PDT/ Manager L&P	In Progress

28-Oct-21	21/10/PD5	<b>DISPOSAL AND TRANSFER OF PRE-94 MUNICIPAL HOUSES IN SEA VISTA</b>	That the Accounting Officer be authorised to enter into an Offer to Purchase Agreement with the occupants and appoint conveyancers to effect transfers.	Confirmation has been requested from the Provincial Department of Human Settlements on 04 April 2023 to give confirmation on the appointed service provider. De Wet & Stryder . W Langson and Associates were appointed by the Dept of Human Settlements to attend to the pre-94 transfers.	Meeting where held on the 20th September 2023 at the Provincial Dept of Human Settlements and Municipalities in SBD to discuss TOR of appointed conveyances. Deed of sales will be submitted on the 27th of September 2023. All Deed of Sales submitted to appointed service provider. Power of Attorneys and Rates Clearance signed in December 2023 and submitted to Conveyancer. Awaiting transfer of properties. <b>Transfer of properties in progress. (12/06/2024)</b>	Director:PDT / Manager Human Settlements	In Progress
31-Mar-22	22/03/PDT7	<b>DEVOLUTION (OFFER) OF LAND PARCELS OWNED BY THE FORMER NATIONAL HOUSING BOARD TO KOUGA LOCAL MUNICIPALITY</b>	That Council grants authorization to the Accounting Officer to enter into relevant agreement with the Provincial Department of Human Settlement for transfer of the property to KLM.	Council resolution has been taken to accept the land the Department of Human Settlements wants to devolve to Kouga Municipality. Matter was discussed at the IGR Land Forum Meeting on 24 March 2023. KLM met with officials from Department of Human Settlements during the week of 08 May 2023 and discuss the devolution of these land parcels and revert back to the Municipality	Awaiting feedback from the Provincial Department. <b>An email was sent to the Provincial Department of Human Settlements on 28 August 2023 to enquire on the request to consider devolving former National Housing Board properties which includes Papiestfontein properties to Kouga Municipality. Papiestfontein to be transferred to DEDEAT. (12/06/2024)</b>	Dir. PD&T	In Progress
	22/03/PDT8		That Council engage in Change management and Intensive 1 month testing of the implementation before implementation.	The testing before implementation of new system	<b>End user training is currently being conducted with user departments (16 May 2024)</b>	MM / PDT	In Progress

31-May-22	22/05/PDT2	<b>IMPOSING OF MANDATORY INSTALLATION OF RAINWATER HARVESTING TANKS FOR NEW BUILDINGS IN KOUGA MUNICIPALITY IN RESPONSE TO DROUGHT</b>	That the Planning, Development and Tourism Directorate engage in public awareness programmes, including engagement with Kouga Architectural designers' Forums to ensure compliance with the mandatory requirement for the provision of rainwater tanks for all new buildings plans to be submitted.	Building Control to facilitate (July 2022) engagement for comment with Kouga Architectural Designer's Forum (KDF) on implementation of Resolution - 22/05/PDT2 .	Building Control to investigate -legal requirement This a not a statutory Standards but it's a best practise standard. Building Control can advice public/RP to add rain water harvesting to applications- This is a best practise which is not enforceable.-  This should be in terms of R2(2) which refers to R1(1) of the National Building Regulations.Municipalities Stormwater Engineering Department should deal with the aspect as rainwater is related to stormwater. Best Practise is advisable, not enforceable.(as Discussed with Act. Director) It was advised that the matter be dealt with under I&E rainwater harvesting	Building Control to investigate -legal requirement This a not a statutory Standards but it's a best practise standard. Building Control can advice public/RP to add rain water harvesting to applications-This is a best practise which is not enforceable.-  This should be in terms of R2(2) which refers to R1(1) of the National Building Regulations.Municipalities Stormwater Engineering Department should deal with the aspect as rainwater is related to stormwater. Best Practise is advisable, not enforceable.(as Discussed with Act. Director) It was advised that the matter be dealt with under I&E rainwater harvesting	In progress <b>Add to I&amp;E Action Sheet</b>
			That a study be conducted to track the financial implications of the requirement on water usage and the Municipality's water bill.	P&D engaged finance department wrt progress on the study.		Finance	Ongoing
29-Jun-22	22/06/PDT17	<b>REZONING OF A PORTION 1 OF THE FARM HUMANSDORP NO. 499, FROM "AGRICULTURAL</b>	That Council grants in-principle approval principle for the rezoning of a portion of Portion 1 of the Farm Humansdorp No.499, as described in the item.	TOR drafted for appointment of EIA specialist (February 2023) the scope of work has chnge to include "solar farm" and the current Erf 499	The scope of work was amended to commence with feasibility study. <b>Tender already advertised for a</b>	dw	In Progress

		<p><b>ZONE 1" TO "SPECIAL ZONE" FOR THE PURPOSE OF A MIXED USE FOR INDUSTRIAL PURPOSES AND ANXULLARY USE (INTEGRATED INDUSTRIAL DEVELOPMENT ZONE)</b></p>	<p>That Council authorizes the Department Planning &amp; Development to proceed with the rezoning of a portion of Portion 1 of the Farm Humansdorp No.499 from "Agricultural Zone 1" to "Special Zone" to accommodate the intended uses for an "Integrated Industrial Development Zone" as previously described.</p>	<p>development. in terms of SPLUMA- Sec 42(2), no development can be commence without environmental uthorisation.</p>	<p><b>feasibility study.</b> Tender adjudicated on 10/05/2024. Briefing meeting scheduled to take place on 18 June 2024. (11/06/2024)</p>		
			<p>That Council authorizes the Municipal Manager to sign a "Power of Attorney" on behalf of Council and any other applicable documentation in support of the application.</p>				
29-Jul-22	22/07/PDT4	<p><b>EXPANDED DEFINITION OF BUILDING DEPOSITS FEES AND CHARGES FOR THE 2022-23 FINANCIAL YEAR</b></p>	<p>That Council authorize the Accounting Officer/CFO to update the building deposit charges and fees for Planning, Development and Tourism Directorate for 2022/23 financial year to reflect.</p>	<p>That Council authorize the Accounting Officer/CFO to update the building deposit charges and fees for Planning, Development and Tourism Directorate for 2022/23 financial year to reflect.</p>		CFO	On-Going

31-Aug-22	22/08/PDT3	IN PRINCIPLE APPROVAL FOR LONG TERM LEASE OF A PORTION ERF 499, HUMANSDORP TO CD FREIGHT LOGISTICS FOR INDUSTRIAL PURPOSE	That Council grant in-principle approval for the lease of a portion of Erf 499, Humansdorp for 9 years and 11 months.	In-principle Council approval was received.	Item for final approval has been prepared for next Council Meeting, however a condition will be included that the applicant can only proceed with the development once outcome of the hydrological study that is currently conducted on erf 499 has been received. Council granted final approval on 31 October 2023 with conditions that must be met before development commence. (16 May 2024) <b>Confirmation was received from the applicant that they have commenced with the environmental impact assessment and awaiting the outcome thereof (12/06/2024)</b>	Director:PDT/ Manager L&P	On-going
			That a land surveyor be appointed to attend and conclude the subdivision, etc. as well as all other administrative costs for the cost of the applicant.	Town Planning in the process to procure services of a Service Provider to conduct EIA, subdivision and rezoning.	The Town Planning Department busy with the procurement process to appoint service provider to conduct specialist studies. <b>The applicant has commenced with specialist studies (12/06/2024)</b>	Director:PDT/ Manager L&P	On-going
			That all applicable SPLUMA By-Law and ILUS requirements are met prior operations	Application will done in line with SPLUMA legislation	Awaiting appointment of service provider		
			That all bulk services that are required, needs to be provided by the developer with no financial implications to Council.		Applicant to liaise with I&E on bulk service requirements	Director:PDT/ Manager L&P	On-going
	22/08/PDT8	EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF	That all other administrative costs (valuation, advertisement, etc.) be for the cost of the applicant.	Applicant responsible for costs	Cost recovery will commence once final approval received. The applicant was again engaged on 17 January 2024 and referred to Town	Applicant	In progress

		ERF 406, PARADISE BEACH (PARADISE BEACH WATER RESERVOIR)			Planning in order to submit the application for telecom mast. A meeting was scheduled to take place on 5 March 2024 between Vodacom and Town Planning. (11/03/2024) <b>Awaiting land use application submission from applicant (12/06/2024)</b>		
22/08/PDT9		EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF ERF 873, JEFFREYS BAY)	That all other administrative costs (valuation, advertisement, etc.) be for the cost of the applicant.	Applicant responsible for costs	Cost recovery will commence once final approval received. The applicant was again engaged on 17 January 2024 and referred to Town Planning in order to submit the application for telecom mast. A meeting was scheduled to take place on 5 March 2024 between Vodacom and Town Planning. (11/03/2024) <b>Awaiting land use application submission from applicant (12/06/2024)</b>	Applicant	In progress
			That only upgrades be allowed on the municipal property but no new infrastructure.	Will be implemented in accordance with resolution	This will be a condition in the agreement	Manager Land & Properties	In progress
22/08/PDT10		EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF FARM 746, PORTION 72, HUMANSDORP RD (SEA VISTA WATER RESEVOIR)	That all other administrative costs (valuation, advertisement, etc.) be for the cost of the applicant.	All cost for the applicant	Cost recovery will commence once final approval received. The applicant was again engaged on 17 January 2024 and referred to Town Planning in order to submit the application for telecom mast. A meeting was scheduled to take place on 5 March 2024 between Vodacom and Town Planning. (11/03/2024) <b>Awaiting land use application submission from applicant (12/06/2024)</b>	Applicant	In progress
			That only upgrades be allowed on the municipal property but no new infrastructure.	Will be implemented in accordance with resolution	This will be a condition in the agreement	Manager Land & Properties	In progress

		<b>ACQUISITION OF IMMOVABLE ASSET: TRANSFER OF PROVINCIAL ROADS: DA GAMA ROAD, ST. FRANCIS DRIVE &amp; WOLTEMADE STREET TO KOUGA MUNICIPALITY</b>	<p>That Council grant in-principle approval for the transfer of Da Gama Road, St Francis Drive, Main Road-Humansdorp and Woltemade Street to Kouga Municipality in order to manage and maintain the roads contemplated herein.</p>	<p>Council granted in-principle approval on 31 August 2022.</p>	<p>Item for final approval will be submitted to Council once the mandatory public participation has been conducted by the Provincial Roads Department. Municipal Manager Office reported that there was engagement with Provincial Roads recently. <b>A mandatory public participation meeting was held on 30 January 2024 in respect of the de-proclamation of provincial roads in the Newton Hall. Item is dealt with by Roads Department (15/05/2024)</b></p>	<p>Manager Land &amp; Properties</p>	<p>In progress</p>
			<p>That the Council grant authorisation to the Accounting Officer to enter into a transfer agreement with the Provincial Department of Transport in respect of Da Gama Road, St Francis Drive, Main Road-Humansdorp and Woltemade Street.</p>	<p>Accounting Officer and Legal responsible</p>	<p>The deed of sale will be addressed once final approval is obtained</p>	<p>MM</p>	<p>In progress</p>
			<p>That Council make budgetary provision for the management and maintenance of the roads contemplated in point 2.</p>	<p>I&amp;E responsible</p>		<p>I&amp;E</p>	<p>In progress</p>

28-Oct-22	22/10/PDT1	REQUEST FOR COUNCIL AUTHORISATION TO ADVERTISE AND IN-PRINCIPLE APPROVAL FOR ALIENATION OF ERF 2599, SEA VISTA -APPLICATION FROM ROTARY CLUB OF ST FRANCIS FOR THE EXTENSION AND UPGRADE OF ST FRANCIS BAY CLINIC	That Council authorises the applicant to proceed with consolidation of erf 2599 with Erf 2600, Sea Vista (St Francis Bay Clinic) for the intended development.	Council granted final approval was granted on 31 May.	Legal Services has drafted deed of donation and same was provided to the Department of Public Works. Public Works are responsible for the transfer of the property. Public Works indicated they are in the process to finalise the transfer of the property. (11/03/2024) <b>Disposal and transfer in progress. (12/06/2024)</b>	Manager: Land & Property Admin	In Progress
09-Dec-22	22/12/PDT1	FINAL APPROVAL FOR ALIENATION OF UNREGISTERED ERF 4593, KRUISFONTEIN: JABES CHURCH	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.	Legal has been instructed to proceed with the disposal and transfer of the property. Service provider appointed to attend to the transfer.	All processes has been concluded. <b>Transfer of property in progress. (12/06/2024)</b>	Manager: Legal Services	In Progress
	22/12/PDT3	ALIENATION OF ERF 1787, HANKEY (HENRY MASETI)	That based on the information from the transferring conveyancers, the purchaser settles any outstanding balance if any, before the transfer of the property.	Proof of payment received and provided to Legal Services	Completed. Proof of payment was provided to Legal Services. <b>Transfer of property in progress. (12/06/2024)</b>	Manager: L&PA	In Progress
	22/12/PDT4	TOWN PLANNING PROGRESS REPORT: PREPARATION OF ST FRANCIS BAY CBD & HANKEY CBD PRECINCT PLAN: 1 JULY 2022 TO 30 SEPTEMBER 2022	That Council supports that the Service Provider to embark on a Public / Stakeholder engagement Process as outlined in the Project Implementation Plan (Phase 2).	Consultative meeting to be conducted on the 16 & 17 February with I & A parties in St Francis Bay & Hankey. I& A parties for Both Hankey and St Francis were engaged on 16 & 17 February 2023. First Draft Document completed. Final Public Participation round to be conducted before Council Approval in May /June. A meeting was held on 10 August 2023 with the service provider and Ward 12 Councillor to address issues raised	A report requesting Council's permission to allow the service provider to start with public participation processes was prepared for the next Portfolio & Council meeting. Public participation will commence after approval by Council. 26/09/2023. Item to be tabled at the next Portfolio Meeting. 11/03/2024	Manager: P&D	In Progress



				by the members of the Portfolio. Written comments to be sent by members of the Portfolio by no later than 18 August 2023.			
18-Jan-23	23/01/PDT1	<b>AUTHORISATION TO TAKE TO PUBLIC PARTICIPATION THE INTENTION OF COUNCIL TO ALIENATE CERTAIN PORTIONS OF ERF 873, ERF 5478, 5479,5480, 5481 AND 8825 JEFFREYS BAY</b>	That the market related value for the immovable properties contemplated in 1. be confirmed through independent or second latest valuation.	Quotations has been requested from service providers	TOR submitted to supply chain to call for development proposals. 11/03/2024. <b>The TOR advert has been retracted. (15 May 2024)</b>	Manager Land & Properties	In progress
28-Feb-23	23/02/PDT11	<b>ALIENATION OF UNREGISTERED ERF 3085, SEA VISTA: ST FRANCIS BOWLING CLUB</b>	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.	Instruction to Legal Services expanded to included the subdivision registered and application for lost title deed.	Instruction was given to Legal. Service provider appointed to give effect to the resolution and transfer. (11/03/2024) <b>Disposal and transfer in progress. (12/06/2024)</b>	Manager Land & Properties/MM/Legal	In progress
			That the bowling club facility be availed to the Ward 12 Community as a Community Hall.	This will be included as a condition in deed of sale	Instruction was given to Legal. Service provider appointed to give effect to the resolution	Manager Land & Properties	In progress

06-Apr-23	23/03/PDT4	<b>REQUEST FOR COUNCIL AUTHORISATION TO ADVERTISE AN IN-PRINCIPLE APPROVAL TO DEVELOP A SHELTER FOR THE HOMELESS ON ERF 5972, JEFFREYS BAY</b>	That in terms of Reg 5(1)(b)(ii) of the MATR and Policy on disposal of immovable assets, the Council grants in-principle approval to alienate erf 5972, Jeffreys Bay for the development of a Shelter for the Homeless on a long-term lease basis to an NPO.	Objections received against alienation of Erf 5972, Jeffreys Bay.	Three alternative sites has been identified and will be tabled to LEC in February 2024 to get comments and inputs from service departments. Item will be presented to next Portfolio Committee Meeting for consideration. (11/03/2024). Three alternative sites was tabled to the LEC Meeting to obtain comments and recommend to Council. (15 April 2024) An item was taken to the May Portfolio Meeting with the options. (16 May 2024) <b>Item was tabled to the Portfolio Meeting but was withdrawn to investigate other potential land parcels (12/06/2024)</b>	Manager: L&PA	In progress
			That in terms of Reg 6(a) and (b) of the MATR and Policy on disposal of immovable Assets, Council grant authorization to the Accounting Officer to advertise the intended alienation of the immovable property herein.			Manager: L&PA	In progress
			That it be noted that the NPO will be responsible for all administrative costs in respect of the development of the property.			Manager: L&PA	In progress
			That public participation process and stakeholder engagement be embarked on after which an agreement be concluded.			Manager: L&PA	In progress
			That a Service Level Agreement (SLA) be concluded with the successful NPO for the funding of the Shelter.			Manager: L&PA	in progress
31-May-23	23/05/PDT5	<b>PATENSIE 6 RECTIFICATION PROJECT: APPROVAL OF PROJECT</b>	That priority for the construction of these houses be given to SMMEs that reside within the KLM area.	Item submitted to BSC to start with the formal procurement process to appoint suitable service providers for the demolition and construction of 6 houses	TOR was send to SCM for the appointment of contractors for the construction of 6 houses. Meeting will take place on the 28th of September with SCM. Tender was advertised and Virtual Bid Clarification	Act. Manager: Human Settlements	On-going

			That the tender process for the construction of these houses be finalised as a matter of urgency so as to prevent any further delays and inconvenience to the displaced families.		meeting were held on 23 October 2023. The tender closes on 13 November 2023. Currently evaluating bids with Supply Chain.Appointment of Service Provider will be done by end of <b>January 2024</b> . Bid for the construction of six (6) houses in Patensie was awarded by BAC on <b>31 January 2024</b> . It is anticipated that Contractor will start construction of houses once contract is signed. Appointed Contractor currently busy with the submission of building plans and the enrolment of the project to the NHBC. <b>11 April 2024</b> . Contractor to start with demolition of current structures before end of May. Construction of houses will commence first week in June 2024. <b>(09 May 2024)</b>		
23/05/PDT9	<b>ALIENATION OF ERF 2599, SEA VISTA TO THE DEPARTMENT OF PUBLIC WORKS – APPLICATION FROM ROTARY CLUB OF ST FRANCIS FOR THE EXTENSION AND UPGRADE OF ST FRANCIS BAY CLINIC</b>	That the Department of Public Works be liable for all cost derived from the transfer.	See comments 22/10/PDT1	Legal Services has drafted deed of donation and same was provided to the Department of Public Works. Public Works are responsible for the transfer of the property. Public Works indicated they are in the process to finalise the transfer of the property. (11/03/2024) <b>Disposal and transfer in progress. (12/06/2024)</b>	Manager L&P	In progress	
23/05/PDT11	<b>REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL &amp; AUTHORISATION TO ADVERTISE: RELOCATION OF THE HUMANSDORP</b>	That Council grant the Accounting Officer authorisation to enter into a Right-to-Use Agreement with the applicant once all processes are concluded.	This will form part on the finalisation of disposal process.	Cost will be recovered from applicant where necessary. Awaits final approval of application. the process is dependent on final approval	Manager L&P	In progress	

		<b>MUSEUM FROM ERF 216 TO ERF 440, HUMANSDORP</b>						
			That maintenance be done on the municipal building located at Erf 216, Humansdorp and that it be leased, subject to a competitive process being followed as per applicable legislation and the Council approved Policy.	Will commence with maintenance after final approval and relocation.	and relocation of the Museum to the next premises. Council granted final approval on 28 February 2024. (15 April 2024) <b>The Humansdorp Museum has started to relocate the new premises in Voortrekker Road. (16 May 2024) Community Services (Fire) will be utilize the building at erf 216 Humansdorp once the Humansdorp Museum has relocated to the building at erf 440 Humandorp (new premises) (12/06/2024)</b>			In progress
	23/06/PDT4	<b>ALIENATION (LEASE) OF ERVEN 27, 28, 29 AND 30, LOERIEHEUWEL</b>	That a land surveyor be appointed to attend and conclude the subdivision, etc. as well as all other administrative costs for the cost of the applicant.	In the process to appoint service provider	<b>It is anticipated that a service provider will be appointed in the new financial year. (12/06/2024)</b>	Manager L&P		In progress
	23/06/PDT6	<b>ALIENATION (LEASE) OF A PORTION OF ERF 231, PELLSRUS AND ERVEN 36 AND 37, PELLSRUS</b>	That a land surveyor be appointed to attend and conclude the subdivision, consolidation and rezoning and that all other administrative costs be borne by the applicant.	In the process to appoint service provider	Quotations to be obtained and requisition to be prepared.	Manager L&P		In progress
	23/06/PDT8	<b>APPROVAL OF GENERAL CAPACITATION GRANT FUNDING FOR SOCIAL HOUSING</b>	That Council confirms and accepts the General Capacitation Grant for the development process of the Rental housing Strategy/Policy.	No action required	Human Settlements awaits the appointment of Service Provider from SHRA to assist the Municipality with the formalation of Social Housing Policy. Department to follow up. This matter is still outstnading and further engagements with SHRA will be facilitated. (09 May 2024)	Act Manager Human Settlements		In Progress

	23/06/PDT10	<b>PORTION 7 OF FARM GEELHOUTEBOOM 688, HUMANSDORP ROAD, EASTERN CAPE PROVINCE – LAND PURCHASED BY HDA FOR THE KOUGA MUNICIPALITY</b>	That the Acting Director: Planning Development and Tourism submit a development plan indicating that the land will be used for integrated human settlements projects as outlined in the Housing Code.	Town Planning and Human Settlements engaging on the development of a layout plan	Meeting were arranged between GIC Consultatnts, KLM and PDoHs on the 19th of April 2024 to discussed the appointment of a PSP for the development of Portion 7 of the Farm Geelhouteboom 688, Humansdorp. Assurance that project will form part of the scope of GIC was confirmed. Letter of support was sent to the PDoHS w.r.t acceptance of the appointed PSP. GIC has commenced with feasibility study and layout designs. <b>08/06/2024</b>	Act. Manager: Human Settlements	
	23/06/PDT12	<b>ANNUAL REVIEW OF THE KOUGA MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK</b>	That Council approve the review of the Municipal Spatial Development Framework.	Procurement Process to commence for the review of the SDF	TOR submitted to BSC for appointment of Service provider. The tender was advertised, Supply Chain confirmed that Bids were recieved- BID evaluation in progress. <b>Tender adjudicated. Awaitng inception meeting. 10/06/2024</b>	Manager P&D	In progress
			That, before the SDF is circulated for public review, Councillors are workshopped on SPLUMA, the Spatial Development Framework, guides compiled, and the impact that it has on spatial planning and development.	Compilation of Terms of Reference for the appointment of a service provider.	SPLUMA By-law under review. A report has been prepared requesting Council to allow Town Planning to proceed with the amendment of the By-Law	Manager P&D	In progress

			That Council rescind previous council resolution, 21/09/PD9.	Item was presented to the June 2023 Council Meeting	In-principle approval has been obtained from Council. <b>An item will be submitted to June 2024 Council Meeting. The department are in the process to go out on tender to demolish the building on erf 3291 and has submitted specifications to SCM (12/06/2024)</b>	Manager L&P	In progress
	23/06/PDT16	<b>REQUEST FOR COUNCIL TO RESCIND COUNCIL RESOLUTION-21/09/PDT9, GRANT AUTHORISATION TO TAKE TO PUBLIC PARTICIPATION THE INTENTION OF COUNCIL TO ALIENATE ERF 3291, HUMANSDORP (KOUGA CULTURAL CENTRE)</b>	That the market related value for the immovable properties contemplated in be confirmed through independent or alternatively the latest municipal valuation.	In the process to appoint professional valuer	Quotations to be obtained and requisition to be prepared	Manager L&P	In progress
			That an independent valuation report and the section 14 report be submitted to Council after completion of the processes stated in 3. to 5. above.	In the process to appoint professional valuer	Quotations to be obtained and requisition to be prepared	Manager L&P	In progress
			That the Municipal Manager compiles a report on the insurance of municipal buildings.	The structures on Erf 3291 is on our insurance listing. The building burned in 2021 and a process to demolish the building was initiated. Currently the fence and all other items within the vicinity is insured.	Reported by Assets on monthly basis.	MM	On-going
15-Aug-23	23/08/PD3	<b>MORATORIUM ON THE SALE OF MUNICIPAL OWNED LAND</b>	That Council be informed of the progress on a quarterly basis in order to review the moratorium on the sale of land.	Item was submitted to Council for approval on 31 August 2023. (11/03/2024)	A progress report was submitted to March 2024 Portfolio Committee Meeting. (11/04/2024) <b>An item has been prepared for the July Portfolio Meeting. (12/06/2024)</b>	Manager L&P	In progress

			That a comprehensive land audit report on industrial land, public open spaces and residential plots belonging to the Municipality be prepared and submitted to the next Portfolio Committee meeting and Council.	Item was submitted to Council for approval on 31 August 2023.	<b>Report will be submitted to the next Portfolio Committee Meeting. (12/06/2024)</b>	Manager L&P	In progress
	23/08/PD4	<b>ALIENATION OF ERF 2330, HUMANSDORP TO THE MORAVIAN CHURCH OF SOUTH AFRICA</b>	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the said property.	Item was submitted to Council for final approval on 31 August 2023 and final approval was granted.	Instruction given to Legal Services to proceed with disposal and transfer process. <b>Transfer in progress (12/06/2024)</b>	Manager L&P	In progress
	23/08/PD5	<b>EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF ERF 873, JEFFREYS BAY (THE JEFFREYS BAY GOLF COURSE)</b>	That Council authorizes the Accounting Officer to enter into a lease agreement with the applicant for a period not exceeding 9 years and 11 months.	Item was submitted to Council for final approval on 31 August 2023 and final approval was granted.	Cost recovery will commence once final approval received. The applicant was again engaged on 17 January 2024 and referred to Town Planning in order to submit the application for telecom mast. A meeting was scheduled to take place on 5 March 2024 between Vodacom and Town Planning. (11/03/2024) <b>Awaiting land use submission from applicant. (12/06/2024)</b>	Manager L&P	In progress
			That the applicant obtains the necessary land use rights by submitting an application for temporary departure to the Town Planning department for approval before finalizing the lease agreement.	Item was submitted to Council for approval on 31 August 2023.	Approval letter was sent to applicant during the week of 2 October 2023. Meeting requested with Town Planning to finalize application.	Manager L&P	Completed

	23/08/PD6	EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF FARM 746, PORTION 72, HUMANSDORP RD (SEA VISTA WATER RESERVOIR)	That Council authorizes the Accounting Officer to enter into a lease agreement with the applicant for a period not exceeding 9 years and 11 months.	Item was submitted to Council for final approval on 31 August 2023 and final approval was granted.	Cost recovery will commence once final approval received. The applicant was again engaged on 17 January 2024 and referred to Town Planning in order to submit the application for telecom mast. A meeting was scheduled to take place on 5 March 2024 between Vodacom and Town Planning. (11/03/2024) <b>Awaiting land use submission from applicant. (12/06/2024)</b>	Manager L&P	In progress
			That the applicant obtains the necessary land use rights by submitting an application for temporary departure to the Town Planning department for approval before finalizing the lease agreement.	Item was submitted to Council for approval on 31 August 2023.	Approval letter was sent to applicant during the week of 2 October 2023. Meeting requested with Town Planning to finalize application.	Manager L&P	In progress
	23/08/PD7	EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF ERF 406, PARADISE BEACH (PARADISE BEACH WATER RESERVOIR)	That Council authorizes the Accounting Officer to enter into a lease agreement with the applicant for a period not exceeding 9 years and 11 months.	Item was submitted to Council for final approval on 31 August 2023 and final approval was granted.	Cost recovery will commence once final approval received. The applicant was again engaged on 17 January 2024 and referred to Town Planning in order to submit the application for telecom mast. A meeting was scheduled to take place on 5 March 2024 between Vodacom and Town Planning. (11/03/2024) <b>Awaiting land use submission from applicant. (12/06/2024)</b>	Manager L&P	In progress
			That the applicant obtains the necessary land use rights by submitting an application for temporary departure to the Town Planning department for approval before finalizing the lease	Item was submitted to Council for approval on 31 August 2023.	Approval letter was sent to applicant during the week of 2 October 2023. Meeting requested with Town Planning to finalize application.	Manager L&P	In progress



			agreement.				
	23/08/PD8	ALLOCATION OF STREET AND AREA NAMES: VARIOUS GOVERNMENT SUBSIDISED HOUSING PROJECT: KRUISFONTEIN AND PELLSRUS	That the Infrastructure and Engineering Directorate erect the street and area names in accordance with the approved street and area names contemplated in point 1 above.	Item was submitted to Council for final approval on 31 August 2023 and final approval was granted.	Council resolution was circulated to Technical Services to implement resolution in respect of the erection of street names.	Manager L&P	In progress
That the street name register and the cadastral layers on Council's GIS be updated in accordance with resolution 1 above.			Item was submitted to Council for final approval on 31 August 2023 and final approval was granted.	Council resolution was circulated to the GIS Technician to implement resolution in respect of the updating of street names GIS layer.	Manager L&P	In progress	
That the process of allocating street names be restarted in Kruisfontein 391, Kruisfontein 205, Kruisfontein 219 and Jeugkamp 85.			Item was submitted to Council for final approval on 31 August 2023. Council referred the street names back and process needs to be restarted.	Council resolution was circulated to the GIS Technician to implement resolution and restart the process of allocating street names in line with policy provisions.	Manager L&P	In progress	
27-Oct-23	23/10/PD45	REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LONG-TERM LEASE) OF A PORTION ERF 499, HUMANSDORP	That the Town Planning Department conclude all planning activities associated with development of an Industrial Development Zone for a portion of erf 499, Humansdorp.	Ongoing	Item for final approval has been prepared for next Council Meeting, however a condition will be included that the applicant can only proceed with the development once outcome of the hydrological study that is currently conducted on erf 499 has been received. Council granted final approval on 31 October 2023 with conditions that must be met	Manager Planning & Development	On-going

					before development commence. (16 May 2024) <b>Confirmation was received from the applicant that they have commenced with the environmental impact assessment and awaiting the outcome thereof (12/06/2024)</b>		
	23/10/PD46	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL TO ALIENATION OF ERF 588, PELLSRUS TO THE ETHIOPIAN EPISCOPAL CHURCH</b>			Council resolution was referred to Legal Services to implement resolution in respect of the disposal. <b>Disposal and transfer in progress. (16 May 2024). Service provider has been appointed and deed of sale drafted for signature by both parties. The original title deed is not available and a Regulation 68(1) application for a lost title deed is being implemented which may delay the transfer process (12/06/2024)</b>	Manager Legal	In progress
			That Council authorises the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the said property.	Legal instructed to proceed with the disposal and transfer of the property. Service provider to be appointed to attend to the transfer.			
	23/10PD47	<b>REQUEST FOR COUNCIL FINAL APPROVAL: ALIENATION (LEASE) OF ERVEN 27, 28, 29 AND 30, LOERIEHEUWEL</b>	That a land surveyor be appointed to attend and conclude the consolidation of the properties and that all administrative costs be for the cost of the applicant	Service Provider to be appointed.	<b>It is anticipated that a service provider will be appointed in July 2024. (12/06/2024)</b>	Manager L&P	In progress
07-Nov-23	23/11/PD1	<b>REQUEST TO RESCIND PREVIOUS COUNCIL RESOLUTION AND GRANT COUNCIL'S INPRINCIPLE APPROVAL TO ALIENATE (LEASE) OF COUNCIL PROPERTIES TO EARLY</b>	That town planning activities and all other administrative processes be finalized	In-principle approval received from Council.	Department to appoint service provider/s once final approval obtained. Department will now proceed with appointment of service providers to finalise planning activities. (15 April 2024)	Manager L&P	In progress

		<b>CHILDHOOD DEVELOPMENT CENTRES (CRECHES) TO REGISTERED SOCIAL CARE USERS</b>	That Council authorizes the Accounting Officer to enter into long-term lease agreements with creches contemplated herein.	In-principle approval received from Council. <b>Final approval requested at March 2024 Council Meeting.</b> (11/03/2024)	Council will enter into long-term agreements with ECDC's once final approval has been obtained. Instruction was sent to Legal Services to proceed with drafting of long-term agreements (15 April 2024) Draft long term agreements was obtained from Legal Services on 14 May 2024 and has been provided to ECDC principals for consideration and inputs. (16 May 2024) <b>We received back some of the draft lease agreements with some amendments to be made whereafter it should be ready for signing (12/06/2024)</b>	Manager L&P	In progress
14-Dec-23	23/12/PD2	<b>ALIENATION (LEASE) OF ERF 512, HANKEY</b>	That Council grant in-principle approval for the long-term lease of Erf 512, Hankey for 9 years and 11 months.	Item was tabled in December 2023 Council Meeting. Application received one objection during public participation, a meeting has been setup for the week of 11 March 2024 with current lessee to negotiate the possibility of the two parties to work together on the property. An item will then be crafted for the April Council Meeting. (11/03/2024)	In-principle approval received. <b>A meeting had been scheduled for 13 June 2024 with the current lessee.</b> (12/06/2024)	Manager L&P	In Progress
			That Council authorises the Accounting Officer to obtain the market-related rental valuation for consideration.	Quotations to be obtained and requisition to be prepared. <b>The appointment of service provider was hold back awaiting the outcome of negotiations.</b> (11/03/2024)	Service Provider to be appointed and cost be recovered from the applicant.	Manager L&P	In Progress
			That Council authorises the Accounting Officer to obtain the services of a registered professional to submit building plans for approval.	Quotations to be obtained and requisition to be prepared. <b>The appointment of service provider was hold back awaiting the</b>	Service Provider to be appointed and cost be recovered from the applicant.	Manager L&P	In Progress

				<b>outcome of negotiations.</b> (11/03/2024)			
			That the flood line in relation to the building on the property be determined.	In-principle approval received from Council.	Environmental Services, Community Services Department to be requested to determine flood line.  <b>CS Comment: The function for the flood line determination lies with the Water Services authority (Civil and Water Dept) and not Community Services Dept.</b>	Manager L&P	In Progress
			That the project be registered with the LED Section, Finance Department.	In-principle approval received from Council.	Economic Development Section, Finance Department be requested to register the project.	Manager L&P	In Progress
			That the Building Control department engage with the South African Heritage and Resource Agency (SAHRA) on the guidelines to be followed on the renovation of the building by the Applicant.	In-principle approval received from Council.	Building Control department to be requested to engage with the South African Heritage and Resource Agency (SAHRA) on the guidelines to be followed on the renovation of the building by the Applicant.	Manager L&P	In Progress
			That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation.	Manager L&P	In Progress
	23/12/PD3	<b>LEASE OF LAND FOR A 21M MONOPOLE TELECOMMUNICATIONS MAST (MOROPA SITE SOLUTIONS) – A PORTION OF ERF 835, PARADISE BEACH</b>	That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	<b>Instruction was given and our Legal Services is busy preparing long-term lease agreement (12/06/2024)</b>	Manager L&P	In Progress
	23/12/PD4	<b>LEASE OF ERF 1244, PELLSRUS FOR AN OLD AGE SERVICE CENTRE</b>	That Council authorises the Accounting Officer to obtain the services of a registered professional to submit building plans for approval.	Quotations to be obtained and requisition to be prepared	<b>Provision has been made in the 24/25 budget to appoint service providers to finalise outstanding activities.</b>	Manager L&P	In progress

					(12/06/2024)		
			That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation. <b>The draft long-term lease agreement has been received from Legal Services and forward for consideration and inputs to the applicant (12/06/2024)</b>	Manager L&P	In progress
23/12/PD6	ALIENATION (LEASE) OF ERF 1567, PELLSRUS		That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation. <b>Legal Services in the process to draft long-term lease agreement (12/06/2024)</b>	Manager L&P	In progress
23/12/PD7	LEASE OF LAND FOR A 35M MONOPOLE TELECOMMUNICATIONS MAST (ORION TRUST) – A PORTION OF ERF 1996, SEA VISTA		That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation. <b>Legal Services in the process to draft long-term lease agreement (12/06/2024)</b>	Manager L&P	In progress
23/12/PD10	ALIENATION (LEASE) OF ERF 3087, SEA VISTA		That the contract outlines that an approval process be followed for the construction of additional buildings/containers with the Building Control department pending extensive discussions with the Planning & Development Department before construction takes place.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation. <b>Legal Services in the process to draft long-term lease agreement (12/06/2024)</b>	Manager L&P	In progress
			That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation.	Manager L&P	In progress
23/12/PD12	ALIENATION (LEASE) OF ERF 130, PELLSRUS		That Council authorises the Accounting Officer to obtain the services of registered professional to submit building plans for approval.	Quotations to be obtained and requisition to be prepared	<b>Provision has been made in the 24/25 budget to appoint service providers to finalise outstanding activities. (10/06/2024)</b>	Manager L&P	In progress

			That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation. <b>Legal Services in the process to draft long-term lease agreement (12/06/2024)</b>	Manager L&P	In progress
	23/12/PD13	ALIENATION OF ERF 137, PELLSRUS (LIZO PATRICK LETSEKHA)	That Council authorises the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the said property.	In-principle approval received from Council.	Instruction given to Legal Services to proceed with disposal and transfer process. <b>Disposal and transfer in progress (12/06/2024)</b>	Manager L&P	In progress
			That the property be transferred through the Extended Enhance Discount Benefit Scheme (EEDBS) which makes provision for properties erected pre-1994 which is still in the possession of state organs.	In-principle approval received from Council.	Human Settlements will be instructed to proceed with the disposal and transfer of the property through the Extended Enhance Discount Benefit Scheme (EEDBS) after final approval was granted by Council. <b>Disposal and transfer in progress (12/06/2024)</b>	Manager L&P	In progress
	23/12/PD15	REQUEST FOR FINAL APPROVAL TO ALIENATE AND TRANSFER OF ERVEN 2216, 2217, 2225 AND 2226 (UNREGISTERED ERF 2994), HANKEY TO THE OLD APOSTOLIC CHURCH – HANKEY	That Council authorises the Accounting Officer to enter into a Deed of Sale for the property contemplated herein.	Final approval received from Council. <b>Instruction was given to legal services to attend to the transfer of property. (11/03/2024)</b>	Instruction given to Legal Services to proceed with disposal and transfer process. <b>Disposal and transfer in progress (12/06/2024)</b>	Manager L&P	In progress
	23/12/PD16	ALIENATION (LEASE) OF A PORTION OF ERF 164, JEFFREYS BAY	That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation. <b>Legal Services in the process to draft long-</b>	Manager L&P	In progress

					<b>term lease agreement (12/06/2024)</b>		
23/12/PD17	<b>LEASE OF A PORTION OF ERF 164, JEFFREYS BAY FOR A HIGH TELECOMMUNICATIONS MAST – (MTN TOWER/INSRI BASE STATION)</b>	That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation. <b>Legal Services in the process to draft long-term lease agreement (12/06/2024)</b>	Manager L&P	Progress	
23/12/PD21	<b>ALIENATION (LEASE) OF A PORTION OF ERF 843, JEFFREYS BAY</b>	That the departure application be submitted by applicant and all other administrative costs be for the account of the applicant.	Quotations to be obtained and requisition to be prepared	Legal Department to be informed of the annual escalation. <b>Legal Services in the process to draft long-term lease agreement (12/06/2024)</b>	Manager L&P	In progress	
		That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation. <b>Legal Services in the process to draft long-term lease agreement (12/06/2024)</b>	Manager L&P	In progress	
23/12/PD22	<b>REQUEST COUNCIL'S IN-PRINCIPLE APPROVAL TO ALIENATION (LEASE) &amp; AUTHORISATION TO ADVERTISE: ERF 1160, HUMANSDORP: HALALISANA TOWNSHIP INCUBATOR</b>	That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation. Legal Services has drafted the long-term lease agreement and was forwarded to the applicant for perusal and consideration (16 May 2024) <b>Awaiting the lease agreement from applicant (12/06/2024)</b>	Manager L&P	In progress	
23/12/PD23	<b>REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL &amp; AUTHORISATION TO ADVERTISE: ALIENATION (LEASE) OF ERF 7263, JEFFREYS BAY (OCEANVIEW)</b>	That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation. <b>Legal Services in the process to draft long-term lease agreement (12/06/2024)</b>	Manager L&P	In progress	
23/12/PD25	<b>REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL &amp;</b>	That a land surveyor be appointed to attend and conclude the closure of	Quotations to be obtained and requisition to be prepared	<b>Meeting was held with the applicant based on the</b>	Manager L&P	In progress	

		<b>AUTHORISATION TO ADVERTISE: ALIENATE (LEASE): A PORTION OF ERF 1 HUMANSDORP, ERVEN 2084 AND 2085, HUMANSDORP AS WELL AS A PORTION OF ROAD (ERF 2077, HUMANSDORP)</b>	public road, subdivision, consolidation and rezoning as well as all other administrative activities be for the cost of the applicant.		<b>approval that was granted by Council and want to opt for possibly a longer-term than 9 years and 11 months (12/06/2024)</b>		
			That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation.	Manager L&P	In progress
	23/12/PD26	<b>REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL &amp; AUTHORIZATION TO ADVERTISE: ALIENATION (LEASE) OF A PORTION ERF 2, KRUIFFONTEIN</b>	That an annual escalation be included in the lease agreement.	In-principle approval received from Council.	Legal Department to be informed of the annual escalation. <b>Legal Services in the process to draft long-term lease agreement (12/06/2024)</b>	Manager L&P	In progress
	23/12/PD28	<b>ALLOCATION OF STREET NAMES: GOVERNMENT SUBSIDIZED HOUSING PROJECT (WARD 6) &amp; PRIVATE DEVELOPMENTS IN JEFFREYS BAY &amp; CAPE ST FRANCIS</b>	That Council grant in-principal approval for the proposed street names as contemplated in the layout maps for the Kwanomzamo and Kruisfontein in Humansdorp, Fig Tree Estate in Jeffreys Bay, St Francis Field in Cape St Francis	Item was tabled in December 2023 Council Meeting	In-principle approval received. <b>Item will be prepared for final approval for July Council Meeting (12/06/2024)</b>	Manager L&P	In progress
			That Council makes budgetary provision for the erection of the street names contemplated herein, upon the final approval of such street names.	In-principle approval received from Council.	Finance Department be informed accordingly.	Manager L&P	In progress
	23/12/PD29	<b>ALIENATION (LEASE) OF ERF 7292, JEFFREYS BAY (OCEANVIEW)</b>	That Council grant in-principle approval for the lease of Erf 7292, Jeffreys Bay for 9 years and 11 months through a competitive process.	Item was tabled in December 2023 Council Meeting	In-principle approval received. Item will be prepared for final consideration by Council at April Council Meeting however an item has been prepared for the March Council to advise Council on current progress and wayforward. The intention is to request both parties to submit proposal and to dispose through a auction for the rental of the property. (11/04/2024) Both applicants was contacted and given until 31 May 2024 to submit business proposals (16 May	Manager L&P	In progress



					2024) <b>Received proposal only from one of the applicants. Item will be tabled to next Portfolio Meeting (12/06/2024)</b>		
			That an annual escalation be included in the lease agreement	In-principle approval received from Council.	Legal Department to be informed of the annual escalation.		In progress
23/12/PD31	<b>AMENDMENT OF KOUGA LOCAL MUNICIPALITY LAND USE SCHEME, 2021</b>	That the Council approve the establishment of a Project Committee, comprising of the following persons:  i) The Municipal Manager ii) Manager: Legal Services iii) Director: Planning & Development (or representative) iv) Director: Civil & Water Services (or representative) v) Director: Community Services (or representative) vi) Environmental Officer vii) Manager Town Planning viii) Other members to be co-opted as needed.		A letter has been sent to the MEC Cogta, informing him of the Municipality's intention to amend the Land Use Scheme. Furthermore, media notice informing the public of the municipal intention to amend its Land Use Scheme was published. The department is to publish a second notice. 12/02/2024	Notices published January 2024. Draft to be presented at the next Policy Workshop 10/06/2024	Manager: TP	In progress
23/12/PD32	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL: A PORTION OF PORTION 4 OF THE FARM ZWARTENBOSCH NO. 347: TEEN CHALLENGE SA (NEW NAME SALVATION SOUTH AFRICA KOUGA)</b>	That Council grant authorisation to the Accounting Officer to enter into a Deed of Sale with the Salvation SA Kouga		Final approval had been received from Council	Instruction was given to Legal Service during the week of 22 January 2024 to proceed with the disposal process and deed of sale. <b>Finalisation of planning processes as well as the disposal and transfer in progress (12/06/2024)</b>	Manager L&P	In progress

30-Jan-24	24/01/PD1	AMENDMENT OF KOUGA LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016	That the Kouga Municipality By-Law & Policy Review Committee be informed of the intention to amend the Kouga Local Municipality Spatial Planning and Land Use Management By-Law, 2016.	The draft by-law will be presented to the Policy Review Committee before April 2024.	Council Resolution to proceed with the amendment of the By-Law obtained. The notice informing the public of Kouga Municipality's intention to amend the By-Law will be published. Notices published January 2024. It is anticipated that the draft will be presented at the next Policy Workshop. 10/06/2024	Manager P&D	In progress
			That a notice be published informing the public of the Kouga Municipality's intention to amend the Kouga Local Municipality Spatial Planning and Land Use Management By-Law, 2016	Notice to be published in March 2024		Manager: Legal	In Progress
28-Feb-24	24/02/PD6	REQUEST FOR ALIENATION (LEASE) OF A PORTION OF ERF 300, PATENSIE	That Council grant authorisation to the Accounting Officer to advertise Council's intention to alienate a portion of Erf 300, Patensie by way of a longterm lease agreement.	Item was prepared for the February 2024 Council Meeting. Notice for public participation has been prepared and should be placed on 14 March.	In-principle approval received from Council. (11/03/2024) <b>Item for final approval will be tabled to the July Council Meeting. (12/06/2024)</b>	Manager L&P	In progress
			That Council authorises the Accounting Officer to obtain the market-related rental valuation for consideration.	Item was prepared for the February 2024 Council Meeting.	<b>Service provider to be appointed after final approval obtained from Council (12/06/2024)</b>	Manager L&P	In progress
			That an annual escalation on the rental amount be applied.	Item was prepared for the February 2024 Council Meeting.	Will form part of the lease agreement	Manager L&P	In progress
			That a full development plan be prepared and submitted.	Item was prepared for the February 2024 Council Meeting.	The applicant was contacted on 8 March to request the submission of development plan. Still awaiting development plan. (16 May 2024) <b>Follow-up was done on 6 June requesting the applicant to submit the business proposal (12/06/2024)</b>	Manager L&P	In progress

	24/02/PD8	REQUEST FOR COUNCIL'S FINAL APPROVAL & AUTHORISATION FOR THE RELOCATION OF THE HUMANSDORP MUSEUM FROM ERF 216 TO ERF 440, HUMANSDORP AND SUBSEQUENT LEASE OF MUNICIPAL PROPERTY BY WAY OF RIGHT-TO-USE	That the required maintenance be affected to the Municipal building located on Erf 216, Humansdorp and that it be leased, subject to a competitive process being followed as per applicable legislation and the Council approved Policy.	Item was prepared for the February 2024 Council Meeting.	The leading in the process to go out on a process to secure a lessee for house at erf 216 Humansdorp (11/03/2024) <b>It was resolved the Community Services (Fire) will go into the house once the Humansdorp Museum has relocated to the new premises. (12/06/2024)</b>	Manager L&P	In progress
	24/02/PD9	ALIENATION (LEASE) OF A PORTION OF ERF 231, PELLSRUS AND ERVEN 36 AND 37, PELLSRUS	That a service provider be appointed to attend and conclude the subdivision, consolidation, rezoning and that all other administrative costs be borne by the applicant.	Item was prepared for the February 2024 Council Meeting.	<b>Final approval granted. Will now commence with the appointment of service provider. (12/06/2024)</b>	Manager L&P	In progress
			That Council authorizes the Accounting Officer to enter into lease agreement for a period of 9 years and 11 months with Astro Zone.	Item was prepared for the February 2024 Council Meeting.	Draft lease agreement have been sent to applicant for perusal and consideration on 8 March 2024. (11/03/2024) Session was held with the applicant to discuss matters to be amended in the draft agreement on April 2024. Corrections was made and sent to applicant for signature. (17 April 2024) <b>Awaiting signed lease agreement from applicant (12/06/2024)</b>	Manager L&P	In progress
	24/02/PD10	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE DISPOSAL OF ERF 600, PELLSRUS	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.	Item was prepared for the February 2024 Council Meeting.	Instruction was sent legal services to proceed with disposal and transfer. (11/03/2024) <b>Disposal and transfer in progress (12/06/2024)</b>	Manager L&P	In progress
	24/02/PD11	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE DISPOSAL OF ERF 2734, SEA VISTA	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.	Item was prepared for the February 2024 Council Meeting.	Instruction was sent legal services to proceed with disposal and transfer. (11/03/2024) <b>Disposal and transfer in progress (12/06/2024)</b>	Manager L&P	In progress

27-Mar-24	24/03/PD3	<b>LAND AND PROPERTY ADMINISTRATION- PROGRESS REPORT: IMPLEMENTATION OF OUTSTANDING COUNCIL RESOLUTIONS</b>	That the moratorium be extended to 31 June 2024 for the Land and Property Administration Department to finalise outstanding Council resolutions.	Item was tabled for in-principle approval at December 2023 Council Meeting	Outstanding Items to be submitted before 30 June 2024. (15 April 2024) <b>Item has been prepared for the June Portfolio Meeting. (12/06/2024)</b>	Manager L&P	In progress
	24/03/PD6	<b>REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL FOR THE ALIENATION OF MUNICIPAL ERVEN WITHIN THE KOUGA MUNICIPAL AREA</b>	That Council grant in-principle approval for the alienation of the municipal erven, as per the attached report, at fair market related value.	Item was tabled for in-principle approval at December 2023 Council Meeting	In-principle approval received from Council. Application was advertised on 31 April 2024 for public participation (16 May 2024) <b>Public participation process completed on 31 May 2024 (12/06/2024)</b>	Manager L&P	Completed
			That Council authorizes the Accounting Officer to obtain the market-related valuation from the latest valuation roll for consideration in line with Section 14(2) of the Municipal Finance Management Act No.56 of 2003.	Item was tabled for in-principle approval at December 2023 Council Meeting	In-principle approval received from Council. <b>The market related valuations will be confirmed before the item goes back to council for final approval. (12/06/2024)</b>	Manager L&P	In progress
	24/03/PD11	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 1567, PELLSRUS</b>	That Council authorizes the Accounting Officer to enter into long-term lease agreement with Lilungelo Lomntwana Jbay Training Centre NPC (Registration Number: 2022/770104/08) and that an annual escalation clause be included in the written lease agreement.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Legal Services in the process to draft long-term lease agreement. (12/06/2024)</b>	Manager L&P	In progress
	24/03/PD12	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 1160, HUMANSDORP: HALALISANA TOWNSHIP INCUBATOR</b>	That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Halalisana Township Incubator (Registration Number: 2022 / 730757 / 08) and that the lease provides for the annual escalation of the monthly rental.		Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024). Legal Services has drafted the long-term lease agreement and same was forwarded to applicant for perusal and consideration. <b>Awaiting lease agreement from applicant (12/06/2024)</b>	Manager L&P	In progress

	24/03/PD13	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 843, JEFFREYS BAY</b>	That Council authorizes the Accounting Officer to enter into a long-term lease agreement with Smhart Guards Family Trust (2/2012), represented by Mr. Carl Trahms and that an annual escalation clause be included in the written lease agreement.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024). <b>Approval letter was given to applicant to proceed with departure application. (16 May 2024)</b>	Manager L&P	In progress
	24/03/PD14	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF A PORTION ERF 2, KRUISFONTEIN</b>	That service providers be appointed to attend and conclude the subdivision and Environmental Impact Assessment and that all costs be for the applicant.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024). <b>Legal Services has drafted the long-term lease agreement and same was forwarded to applicant for perusal and consideration. (12/06/2024)</b>	Manager L&P	In progress
			That the Accounting Officer be authorized to enter into a written Lease Agreement with the applicant herein and that an annual escalation clause be included in the written lease agreement.	Item was tabled for in-principle approval at December 2023 Council Meeting		Manager L&P	In progress
	24/03/PD15	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF ERF 1, ERVEN 2084 AND 2085 AS WELL AS A PORTION OF ROAD ERF 2077, HUMANSDORP</b>	That a Land Surveyor be appointed to attend and conclude the closure of public road, subdivision, consolidation and rezoning and other administrative costs including the valuation, be for the cost of the applicant.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Meeting was held with applicant who now want to opt for a longer period than 9 years and 11 months. (12/06/2024)</b>	Manager L&P	In progress
			That an escalation be included in the lease agreement.	Item was tabled for in-principle approval at December 2023 Council Meeting		Manager L&P	In progress
	24/03/PD16	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL FOR</b>	That an annual escalation be included in the lease agreement.	Item was tabled for in-principle approval at December 2023	Item was submitted to Council for final approval 27 March	Manager L&P	In progress

		LEASE OF A PORTION OF ERF 1244, PELLSRUS FOR AN OLD AGE SERVICE CENTRE		Council Meeting	2024 and final approval was granted. (15 April 2024) Legal Services in the process to draft long-term lease agreement. (16 May 2024) <b>Draft lease agreement received from Legal Services and forwarded to the applicant (12/06/2024)</b>		
			That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Sunshine Bay Old Age Service Centre, and that the agreement provides for an annual escalation of the monthly rental.	Item was tabled for in-principle approval at December 2023 Council Meeting		Manager L&P	In progress
	24/03/PD17	REQUEST FOR FINAL APPROVAL FROM COUNCIL TO DISPOSE AND TRANSFER: ERF 2593, SEA VISTA (ANNIE DANIELS)	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the disposal of the property.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Disposal and transfer in progress (12/06/2024)</b>	Manager L&P	In progress
	24/03/PD18	REQUEST FOR FINAL APPROVAL FROM COUNCIL TO RESCIND A SECTION OF COUNCIL RESOLUTION, GRANT AUTHORISATION TO DISPOSE: ERF 1044, SEA VISTA (MUNICIPAL HOUSE)	That Council authorises the Accounting Officer to enter into a Deed of Sale for the disposal of the property.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Disposal and transfer in progress (12/06/2024)</b>	Manager L&P	In progress
	24/03/PD19	LAND AND PROPERTY ADMINISTRATION: DISPOSAL OF A PORTION OF ERF 873, JEFFREYS BAY (JEFFREYS BAY BOWLING CLUB)	That the town planning processes be finalized for the portion of Erf 873, Jeffreys Bay and that the cost be for the applicant.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Disposal and transfer in progress (12/06/2024)</b>	Manager L&P	In progress

			That Council authorises the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said portion of the property.	Item was tabled for in-principle approval at December 2023 Council Meeting		Manager L&P	In progress
	24/03/PD20	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION OF ERF 137, PELLSRUS (LIZO PATRICK LETSEKHA)</b>	That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the said property	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Disposal and transfer in progress (12/06/2024)</b>	Manager L&P	In progress
	24/03/PD22	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 130, PELLSRUS</b>	That Council authorizes the Accounting Officer to obtain the services of a registered professional to submit building plans for approval and the costs be for the account of the applicant	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Legal Services in the process to draft long-term lease agreement. (12/06/2024)</b>	Manager L&P	In progress
That Council authorizes the Accounting Officer to enter into a long-term lease agreement with the Hepzibah Community Centre and that an annual escalation clause be included in the written lease agreement.			Item was tabled for in-principle approval at December 2023 Council Meeting		Manager L&P	In progress	
That the building plans and rezoning be finalized, and the costs be for the account of the applicant.			Item was tabled for in-principle approval at December 2023 Council Meeting		Manager L&P	In progress	
	24/03/PD23	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL: DISPOSAL (PURCHASE) OF A PORTION OF ERF 164 (A PORTION OF ROAD RESERVE VERGE IN DROMMEDARIS STREET) TO CONSOLIDATE WITH ERF</b>	That town planning process be finalized and all other administrative costs be for the account of the applicant	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>The department in the process to finalise subdivision, consolidation and rezoning whereafter the disposal and</b>	Manager L&P	In progress

		269, JEFFREYS BAY			transfer process will commence (12/06/2024)		
			That Council authorises the Accounting Officer to enter into a Deed of Sale for the disposal of the property	Item was tabled for in-principle approval at December 2023 Council Meeting		Manager L&P	In progress
	24/03/PD24	REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (RIGHT-TO-USE) OF A PORTION OF ERF 164, JEFFREYS BAY	That town planning process be finalized and all other administrative costs be for the account of the applicant	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Legal Services in the process to draft long-term lease agreement. (12/06/2024)</b>	Manager L&P	In progress
			That the Council authorizes the Accounting Officer to enter into a Lease Agreement (right-to-use) with the National Sea Rescue Institute (NSRI) as a Non-Profit Company, represented by Mr. Willem De Waal.	Item was tabled for in-principle approval at December 2023 Council Meeting		Manager L&P	In progress
	24/03/PD25	REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF A PORTION OF ERF 164 (A PORTION OF ROAD RESERVE VERGE IN FERREIRA STREET), JEFFREYS BAY	That town planning process be finalized and all other administrative costs be for the account of the applicant.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Legal Services in the process to draft long-term lease agreement. (12/06/2024)</b>	Manager L&P	In progress
			That the Accounting Officer be authorised to enter into a written lease agreement with the Applicant, and that the written lease agreement makes provision for an annual escalation of the monthly rental amount.	Item was tabled for in-principle approval at December 2023 Council Meeting		Manager L&P	In progress
			That the administration considers the possibility and feasibility of permanently alienating the land within 1 year.	Item was tabled for in-principle approval at December 2023 Council Meeting		Manager L&P	In progress



	24/03/PD26	REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF LAND FOR A 21m MONOPOLE TELECOMMUNICATIONS MAST (MOROPA SITE SOLUTIONS) – A PORTION OF ERF 835, PARADISE BEACH	That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Insite Towers, and that the written agreement provides for the annual escalation of the monthly rental.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Legal Services in the process to draft long-term lease agreement. (12/06/2024)</b>	Manager L&P	In progress
	24/03/PD27	REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF LAND FOR A 35m MONOPOLE TELECOMMUNICATIONS MAST (ORION TRUST) – A PORTION OF ERF 1996, SEA VISTA	That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Orion Trust, and that the agreement make provision for the annual escalation of the monthly rental.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Legal Services in the process to draft long-term lease agreement. (12/06/2024)</b>	Manager L&P	In progress
	24/03/PD28	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 3087, SEA VISTA	That Council authorizes the Accounting Officer to enter into long-term lease agreement with Little Urchins, Montessori (Registration Number: 2021/497872/07) and which agreement must make provision for an annual escalation of the monthly rental.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Legal Services in the process to draft long-term lease agreement. (12/06/2024)</b>	Manager L&P	In progress
	24/03/PD29	REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 7263, JEFFREYS BAY (OCEANVIEW)	That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Mizamoyethu Community Centre.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024) <b>Legal Services in the process to draft long-term lease agreement. (12/06/2024)</b>	Manager L&P	In progress

	24/03/PD30	TO UPDATE COUNCIL ON THE APPLICATION (LEASE) OF ERF 7292, JEFFREYS BAY (OCEANVIEW) AND TO CALL FOR BUSINESS PROPOSALS FOR A RESTAURANT/TAKEAWAYS/ TSHISANYAMA	That both applicants be requested to submit business proposals for the long-term lease of the municipal property and that the property be disposed through an auction to the highest bidder.	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council on 27 March 2024 to inform Council on progress and feedback on meeting with the two parties. (15 April 2024). Both applicants was contacted and request to submit business proposal by no later than 31 May 2024. (16 May 2024) <b>Only one applicant complied by submitting business proposal (16/06/2024)</b>	Manager L&P	In progress
	24/03/PD31	REQUEST TO GRANT COUNCIL'S FINAL APPROVAL TO ALIENATE (LEASE) OF COUNCIL PROPERTIES TO EARLY CHILDHOOD DEVELOPMENT CENTRES (CRECHES) TO REGISTERED SOCIAL CARE USERS	That town planning activities and all other administrative processes be finalized	Item was tabled for in-principle approval at December 2023 Council Meeting	Item was submitted to Council for final approval 27 March 2024 and final approval was granted. (15 April 2024). <b>Draft long-term lease agreements was prepared by Legal Services and same was provided to ECDC's for perusal and consideration (12/06/2024)</b>	Manager L&P	In progress
			That Council authorizes the Accounting Officer to enter into long-term lease agreements with creches contemplated herein.	Item was tabled for in-principle approval at December 2023 Council Meeting		Manager L&P	In progress
30-Apr-24	24/04/PD5	HOUSING DISPUTE: ERF 1314: KWANOMZAMO: HUMANSDORP: SIBENGILE/LUZIPHO	That Erf 1314 Kwanomzamo, Humansdorp be transferred to the current occupant, Ms TL Luzipho, in line with and subject to the provisions of the National Housing Programme known as the Enhanced Extended Discount Benefit Scheme (EEDBS) and in line with the Deed of Sale dated 16 January 1990		<b>Meeting arranged with all affected parties</b>	Manager:HS	
			That Erf 1439 Kwanomzamo, Humansdorp be transferred to Ms. SF Sibengile in line with and subject to the provisions of the National Housing Programme known as the Enhanced Extended Discount Benefit			Manager HS	

			Scheme (EEDBS).				
24/04/PD6	REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL AND AUTHORISATION TO ADVERTISE: APPLICATION FROM NATIONAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE TO ACQUIRE ERF 275 HUMANSDORP TO CONSTRUCT A NEW MAGISTRATE COURT	That Council consider the request and grant in-principle approval for the alienation of erf 275, Humansdorp to the National Department of Public Works and Infrastructure by way of a land swap.	Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager L&P	In progress	
		That the Council consider a land swap with the Department of Public Works and Infrastructure for Erf 400 Sea Vista, Erf 3010 Hankey and facilitate the demolition of dilapidated structures on Erf 4 Humansdorp.		<b>In-principle approval obtained from council (12/06/2024)</b>			
		That the outcome of the discussion with the NDPWI pertaining to the property being donated to the Municipality be tabled to Council for final approval	Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager L&P	Completed	
		That Council grant authorization to the Accounting Officer to advertise Council's intention to alienate erf 275, Humansdorp by way of a land swap	Advert has been prepared.	Advert for public participation has been prepared and will be placed on 23 May 2024 (16 May 2024) <b>Advert was placed. Completed (12/06/2024)</b>	Manager L&P		
		That the Department retains the Market Building in their designs for new court including maintaining its character and restoring it	Item for in-principle approval was tabled to May Council Meeting.	<b>Will be included as a condition of agreement (12/06/2024)</b>			In progress

31-May-24	24/05/PD5	<b>REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF ERF 170, JEFFREYS BAY (DOLPHIN BEACH ENTERTAINMENT)</b>	That Council grant in-principle approval for the alienation (lease) of a portion of Erf 170, Jeffreys Bay to Dolphin Beach Entertainment, represented by Mr. Stephanus Ferreira for a period of 9 years and 11 months, with an option to renew subject to applicable legislation.	Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager: L&P	
			That the Environmental Authorisation as well as Town Planning activities and other administrative costs, be for the cost of the Municipality.	Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager: L&P	
			That an escalation be included in the lease agreement.	Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager: L&P	
			That Council authorizes the Accounting Officer to advertise the intended alienation of the immovable property.	Item for in-principle approval was tabled to May Council Meeting.	<b>Completed. Advert will be placed on 13 June 2024 (12/06/2024)</b>	Manager: L&P	Completed
	24/05/PD6	<b>REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL: ALIENATION LEASE OF LAND FOR A TELECOMMUNICATIONS MAST AND BASE STATION (HEROTEL) – A PORTION OF ERF 406, PARADISE BEACH</b>	That Council authorizes the Accounting Officer to advertise the intended alienation of the immovable property.	Item for in-principle approval was tabled to May Council Meeting.	<b>Completed. Advert will be placed on 13 June 2024 (12/06/2024)</b>	Manager: L&P	Completed
			That Council authorizes the Accounting Officer to obtain the market-related valuation in line with Section 14(2) of the Municipal Finance Management Act.	Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager: L&P	
			That town planning activities and all other administrative processes be finalized at the cost of the applicant.	Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager: L&P	

			That an annual escalation be included in the lease agreement	Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager: L&P	
	24/05/PD7	<b>REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF ERF 1, HUMANSDORP – ASPHALT PREMISES (ROADSAVER GROUP (PTY) LTD)</b>	That Council authorizes the Accounting Officer to advertise the intended alienation of the immovable property.	Item for in-principle approval was tabled to May Council Meeting.	<b>Completed. Advert will be placed on 13 June 2024 (12/06/2024)</b>	Manager: L&P	Completed
That Council authorizes the Accounting Officer to obtain the market-related valuation in line with Section 14(2) of the Municipal Finance Management Act.			Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager: L&P		
That all Town Planning activities, as well as other administrative costs including the valuation, be for the cost of the applicant.			Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager: L&P		
That an escalation be included in the lease agreement.			Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager: L&P		
That town planning activities and all other administrative processes be finalized at the cost of the applicant.			Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager: L&P		
	24/05/PD8	<b>REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL: LEASE OF LAND FOR A TELECOMMUNICATIONS MAST AND BASE STATION – A PORTION OF ERF 406, PARADISE BEACH</b>	That an annual escalation be included in the lease agreement.	Item for in-principle approval was tabled to May Council Meeting.	<b>In-principle approval obtained from council (12/06/2024)</b>	Manager: L&P	
That Council authorizes the Accounting Officer to advertise the intended alienation of the immovable property.			Item for in-principle approval was tabled to May Council Meeting.	<b>Completed. Advert will be placed on 13 June 2024 (12/06/2024)</b>	Manager: L&P	Completed	

	24/05/PD9	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF A PORTION OF ERF 164, JEFFREYS BAY FOR A HIGH TELECOMMUNICATIONS MAST – (MTN TOWER/NSRI BASE STATION)</b>	That town planning processes be finalised, and all other administrative costs be for the account of the applicant.	Item for final approval was tabled to May Council Meeting.	<b>Final approval obtained from council (12/06/2024)</b>	Manager: L&P	
			That an annual escalation be included in the lease agreement.	Item for final approval was tabled to May Council Meeting.	<b>Final approval obtained from council (12/06/2024)</b>	Manager: L&P	
	24/05/PD11	<b>REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE DISPOSAL OF ERF 2331, HUMANSDORP TO NEW GOSPEL CHURCH</b>	That the subdivision be reinstated, and all administrative processes be finalised at the cost of the applicant.	Item for final approval was tabled to May Council Meeting.	<b>Final approval obtained from council (12/06/2024)</b>	Manager: L&P	
			That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.	Instruction given to legal services to commence with disposal and transfer.	<b>Final approval obtained from council (12/06/2024)</b>	Manager: L&P	
	24/05/PD15	<b>REQUEST FOR COUNCIL TO WAIVER PENALTIES IMPOSED ON BUILDING PLAN SUBMISSIONS TO THE DEPARTMENT PLANNING &amp; DEVELOPMENT: UNAUTHORISED BUILDING WORK IN TERMS OF THE NATIONAL BUILDING REGULATIONS AND STANDARDS ACT, ACT 103 OF 1977</b>	That Council approves an amnesty exempting penalties on building plans containing historic unauthorized structures for a period of 6 months, from 1 July 2024 until 31 December 2024.	Notice was published in the local media. 10/06/2024	<b>Notice was published in the local media. 10/06/2024</b>	Manager: BC	
			That all amnesty applications be submitted together with building plans.				
			That the normal building plan application fees be applicable and be paid before any approval.				

			The proposed period for exemption determined by the Council be published in the local newspaper and all platforms available to the Municipality, including the monthly bills, to inform all residents of the waiver period for penalties.				
	24/05/PD16	<b>REQUEST FOR AUTHORISATION TO UNDERTAKE A PUBLIC PARTICIPATION PROCESSES OF THE DRAFT ST FRANCIS BAY &amp; HANKEY CBD PRECINCT PLANS</b>	That Council authorizes the commencement of a public participation process as contemplated in Section 21 of the Local Government: Municipal Systems Act for the draft St Francis Bay and Hankey CBD Precinct Plan.	The service provider is finalising a public participation plan. 05/06/2024	<b>The service provider is finalising a public participation plan. 05/06/2024</b>	Manager:TP	

## FINANCE & ECONOMIC DEVELOPMENT - ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
29-Apr-22	22/04/PDT14	ESTABLISHMENT AND RECOGNITION OF THE KOUGA SMME FORUM	That the item be deferred to the next Council meeting.	ED & Tourism moved to Finance Department on 1 August 2023. Currently in progress to finalize draft ED Strategy. Will be submitted to Council in 2024 and thereafter all policies and by-laws will be drafted. Part of the Strategy is looking at current structures and new structures needed for implementation within KLM jurisdiction.	ED & Tourism moved to Finance Department on 1 August 2023. Currently in progress to finalize draft ED Strategy. Will be submitted to Council in 2024 and thereafter all policies and by-laws will be drafted. Part of the Strategy is looking at current structures and new structures needed for implementation within KLM jurisdiction.	CFO	
09-Dec-22	22/12/PDT6	GRANT IN AID	That Organizations be workshopped on the application process for Grant in aid	ED & Tourism moved to Finance Department on 1 August 2023. Currently in progress to finalize draft ED Strategy. Will be submitted to Council in 2024 and thereafter all policies and by-laws will be drafted and workshopped. GIA process and policy will be workshopped and looked at after approved ED Strategy for future guidelines and guidance.	ED & Tourism moved to Finance Department on 1 August 2023. Currently in progress to finalize draft ED Strategy. Will be submitted to Council in 2024 and thereafter all policies and by-laws will be drafted and workshopped. GIA process and policy will be workshopped and looked at after approved ED Strategy for future guidelines and	CFO	



					guidance.		
<b>27-Oct-23</b>	<b>23/10/FED17</b>	<b>INCURRING LONG TERM DEBT IN TERMS OF SECTION 17, 19 &amp; 46 OF THE MFMA</b>	That the formal processes of sourcing external loan funding be initiated with immediate effect, in line with section 17,19 & 46 of the MFMA, for an amount of R200 million to repair the roads within Kouga.	DBSA has been engaged. Information is been collected for submission to DBSA.	No Bids were received. DBSA has been re-engaged and Public Participation will follow thereafter.	CFO	
<b>07-Nov-23</b>	<b>23/11/FED3</b>	<b>IMPLEMENTATION OF A WATER AMNESTY FOR A 3 MONTH PERIOD</b>	That the Customer Care Credit Control and Debt Collection Policy be reviewed to take the above challenges into account when the Policy is reviewed during the Budget process	Policy is being reviewed and will be submitted to Council with the Draft Budget on 31 March 2024	Policy has been reviewed and will be submitted to the next Policy Workshop.	CFO	
<b>14-Dec-23</b>		<b>KOUGA LOCAL TOURISM ORGANISATION 2022/2023 ANNUAL</b>	That a strategic planning session be held with the KLTO and LED department within the next 2 months	Part of ED Strategy process	Part of workshops planned for workshopping draft ED strategy.	Acting Manager: ED & Tourism Tourism & Information Officer	

		<b>EXPENDITURE REPORT AND THE KLTO 2023/2024 BUSINESS AND BUDGET PLAN TO MARKET KOUGA AS A DESTINATION OF CHOICE (AMENDMENT)</b>					
	23/12/FED6	<b>SPONSORSHIP AGREEMENT BETWEEN KOUGA LOCAL MUNICIPALITY AND NELSON MANDELA BAY AQUATICS FOR THE 2024 SOUTH AFRICAN NATIONAL OPEN WATER CHAMPIONSHIP</b>	That a full report be provided in respect of the intended local economic benefits that such an event would add to the Kouga municipal area.	EO reminded that a close-out report must be submitted within 1 month after event.	SP reminded to submit Close-out report	Events Management Officer	
	23/12/FED7	<b>HUMANSDORP MUSEUM ASSOCIATION 2022/2023 ANNUAL REPORT AND THE 2023/2024 BUSINESS AND BUDGET PLAN TO PRESERVE THE NATURAL AND CULTURAL</b>	That the Khoi and San structure form part of the Tourism Strategy.	The Khoi and San will be consulted in the development of the ED Strategy.	In Progress with finalization of ED Strategy and will schedule meeting as soon as draft is finalized.	Acting Manager: ED & Tourism Tourism & Information Officer	

		<b>HERITAGE OF KOUGA</b>					
27-Mar-24	24/03/FED12	<b>CAPITAL ITEMS TO BE DISPOSED (MOVABLE ASSETS)</b>	That the condemned/redundant assets listed above be removed from the Asset Register.	Assets will be removed from Fixed Asset Register once disposal process is completed	Assets removed from Fixed Asset Register	CFO	
			That the condemn/redundant assets listed above be disposed of in terms of the Supply Chain Management Policy through a public auction/donation in line with the provisions of section 40(4)(c) and Section 40(4)(h) of the said Policy.	The assets being disposed off will be disposed through a public auction which will take place on 4 June 2024	In Progress	CFO	
31-May-24	24/05/FED15	<b>SPONSORSHIP REQUEST - YELLOWWOODS JAZZ FESTIVAL DEVELOPMENT PROJECTS</b>	That Council approves the allocation of R 300,000.00 (Three Hundred Thousand Rand) only, VAT-inclusive, to support the 2024 Yellowwoods Jazz Festival Development Projects	Item submitted to Council.	Item submitted to Council and approved	CFO	
			That Council authorizes the Accounting Officer to conclude an addendum to the current Sponsorship Agreement with Gamtoos Tourism to stage the 2024 Yellowwoods Jazz Festival in accordance with the funding allocated in recommendation above.	SLA signed by Gamtoos Tourism	Funding paid to Gamtoos Tourism	CFO	

	24/05/FED16	<b>MEDIUM-TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF)- BUDGET FOR 2024/25 TO 2026/27 FINANCIAL YEARS</b>	<p>That the tariffs be increased as follows, with effect from 1 July 2024:</p> <table border="0"> <tr><td>Property rates</td><td>5.5%</td></tr> <tr><td>Water</td><td>7.25%</td></tr> <tr><td>Sanitation</td><td>6.5%</td></tr> <tr><td>Refuse</td><td>6.5%</td></tr> <tr><td>Electricity (average increase in electricity income)</td><td>12.7%</td></tr> <tr><td>Environmental Management Fee</td><td>6.5%</td></tr> </table> <p>a) Indicative tariffs for 2025/26 and 2026/27 will be increased as follows:</p> <table border="0"> <thead> <tr> <th></th> <th><u>2025/26</u></th> <th><u>2026/27</u></th> </tr> </thead> <tbody> <tr><td>Property rates</td><td>5.5%</td><td>5.5%</td></tr> <tr><td>Water</td><td>7.25%</td><td>7.25%</td></tr> <tr><td>Sanitation</td><td>6.5%</td><td>6.5%</td></tr> <tr><td>Refuse</td><td>6.5%</td><td>6.5%</td></tr> <tr><td>Electricity (average increase in electricity income)</td><td>15.7%</td><td>15.7%</td></tr> <tr><td>Environmental Management Fee</td><td>6.5%</td><td>6.5%</td></tr> </tbody> </table>	Property rates	5.5%	Water	7.25%	Sanitation	6.5%	Refuse	6.5%	Electricity (average increase in electricity income)	12.7%	Environmental Management Fee	6.5%		<u>2025/26</u>	<u>2026/27</u>	Property rates	5.5%	5.5%	Water	7.25%	7.25%	Sanitation	6.5%	6.5%	Refuse	6.5%	6.5%	Electricity (average increase in electricity income)	15.7%	15.7%	Environmental Management Fee	6.5%	6.5%	All tariffs will be updated on the Financial System in July 2024.	In Progress	CFO	
Property rates	5.5%																																							
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	24/05/FED17	<b>REQUEST FOR SPONSORSHIP FOR RENOVATIONS AT THE NEW HUMANSDORP MUSEUM BUILDING ON VOORTREKKER STREET</b>	<p>That Council approves the sponsorship of R 200 000 (Two Hundred Thousand Rand) only, VAT-inclusive, to support the Humansdorp Museum to cover the renovations undertaken at the new museum building located on Voortrekker Street.</p>	Item submitted to Council.	Council Item approved	CFO																																		
			<p>That Council authorizes the Accounting Officer to conclude a funding Agreement with Humansdorp Museum Association to sponsor them for essential renovations undertaken at the new museum building located on Voortrekker Street, in accordance with the funding allocated in recommendation above.</p>	Legal to draft SLA	SLA approved and funds transferred to the Humansdorp Museum.	CFO																																		



## CIVIL & WATER: ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
29-Apr-22	22/04/I&E10	<b>REQUEST FOR APPROVAL FOR THE DEVIATION FROM KOUGA MUNICIPALITY AUGMENTATION POLICY</b>	That the time period for the payment of the augmentation levies be set to 18 months and that the agreement be amended accordingly.	Before occupation Certificate is issued, augmentation to be paid, Augmentation policy to be updated.	A first policy workshop was held. Following the guidance from Department of Treasury, new guidelines were issued as Development Charges and recommended to be included in the Local Municipal Policy. Our existing policy together with the said policy from Department of Treasury have to be combined by representatives from a committee (to be established). The process of merging the various inputs from City of Capetown, Mosselbay, Treasury and Kouga is underway (W Hoffmeyr). It is anticipated that this will conclude within the next two(2) months and by end of August.	Director Civil & Water & W Hoffmeyr	On-going

31-Aug-22	22/08/I&E8	<b>STATUS OF THE WESTON WASTE WATER TREATMENT WORKS</b>	That Council secure funding in order to safeguard the area as Kouga is not in compliance with the law in terms of safety.	Tender for Fencing is being prepared by PMU.	Tender is currently at BEC and awaiting finalization. Letter has been send to CIDB for Technical clarification. The PSP has been appointed for the Design of the project on 06 November 2023 and is currently focussing on preparing the specifications for the refurbishment of the Weston WWTW. 11 April 2024: After a discussion with the CFO, the fencing tender is being wrapped up at BEC and should be submitted to BAC for approval by 17 April 2024. 07 May 2024: Tender finalized at BEC. Recommended Bidder's CIDB is not in order so a notice to bidder is being prepared to give them 14 days to sort out their CIDB registration. 10 June 2024: BEC Finalized and Item submitted to BAC.	PMU Manager	In progress
28-Oct-22	22/10/I&E2	<b>APPLICATION OF FRACTIONS OF EQUIVALENT ERVEN (EE) FOR THE CALCULATION OF PAYMENT OF AUGMENTATION FEES</b>	That the Augmentation Policy be reviewed.	The draft augmentation submitted to a policy workshop which has been postponed.	First workshop on draft policy held. Details still to be finalized with Depts of Finance and Legal, before submission for next workshop. Outcome same as Item 22/04/I&E10 above.	Director Civil & Water	completed

09-Dec-22	22/12/I&E2	<b>STATUS OF THE UMZAMOWETHU SANITATION SYSTEM</b>	That the 6 affected households be serviced with new conservancy tanks.	A consultant, Gert Vorster is appointed to approach the Windfarm for funding to replace the 6 conservancy tanks.	Project approved at Council to be registered as a MIG project for the planning phase.  Co-funding to be finalized with Windfarm. Await final evaluation from Windfarm on preferred service providers upon which the cost implication for KLM will be made known.Expected feedback by 21 June upon which a council resolution will be requested for purposes of co-funding the initiative by the Windfarm.	C&W Director	In progress
06-Apr-23	Roads	<b>ROADS TO BE UPGRADED UNDER THE GRAVEL ROADS PHASE 2 CONTRACT</b>	That Council approve that phase 2 proceed as per the approved roads on the project.		Scribante will finish 2 roads in Humansdorp that was part of their original appointment. The bulk of the Phase 2 roads construction will only commence in the 24/25 FY. 11 April 2024: Tender for Phase 2 to be advertised March 2025 as the bulk of the 24/25 FY MIG funding will go to the Kwanomzamo WWTW Upgrade. 07 May 2024. Status as above. 10 June 2024: Draft tender document being prepared.	PMU Manager	In progress
			That the additional roads be identified during the IDP consultation process and be included in a follow-up phase, all wards should benefit accordingly.	A revised Item to Council will be submitted.	Phase 2 Road list to be finalized Tender to be advertised April 2024. 11 April 2024: PH 2 tender will be advertised in March 2025 as it will be implemented in the 25/26 FY. 10 June 2024: Draft tender being prepared.	Manager PMU	completed



31-May-23	23/05/I&E3	REGISTERING OF NEW PROJECTS ON MIG	That a Transversal Committee be appointed, and that their minutes be referred to the Mayoral Committee for oversight purposes.	No action taken yet.	Committee members to be identified by relevant directorates. The purpose of this committee is hopefully to ensure that MIG projects represent KLM in a holistic manner. 11 April 2024: This Item to be escalated to Director Level. 10 June 2024. As above. PMU Manager and Director to finalize and submit proposals via next Portfolio Committee meeting.	Manager PMU	Ongoing
28-Jul-23	23/07/I&E7	SEA VISTA ERF 3854: GRAND COMORES AUGMENTATION FEES	That council approve the phased payment of the augmentation fee, that a first payment of half the total value of augmentation be paid, and the rest be paid in batches per batch of 10 (ten) building plan submissions as proposed within the signed SLA.	To be implemented <b>until all units are paid.</b>	-First payment of 50% plus 40 units was invoiced and paid. - Second payment for next 10 units invoiced and paid.	Manager Civils & Water	completed
			That the SLA be updated based on the recalculated value of the augmentation fee, based on the increased number of equivalent erven.	Addendum to SLA to be prepared.	C&WS met with Developer to agree on calculation of the revised augmentation fee. Target date to complete the addendum is 28 Feb.'23 Second phase of project being discussed with developer. Addendum to include phase 2.	Manager Civils and Legal dept	Completed

			That the augmentation fees be ringfenced and secured and explicitly earmarked for the relevant directorate for the upgrade of bulk infrastructure as intended by the augmentation policy.	To be implemented	First two payments allocated to newly created UKey	Director Finance	completed
28-Feb-24	24/02/CWS13	<b>WATER LOSSES REDUCTION PLAN</b>	That Council approve the Water Loss Reduction Plan		The Water Losses Reduction plan was approved by Council. ( 28 February 2024)	Manager Water Services Authority	completed

## OFFICE OF THE MM: ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	PROGRESS	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
30-Jul-19	19/07/MM4	RESCISSION OF A COUNCIL RESOLUTION – 17/8/F23 OF A COUNCIL MEETING HELD ON 31 AUGUST 2017	That Erf 873, Jeffreys Bay, in extent of 82,908ha be subdivided and rezoned for sporting facilities and that the remainder of Portion Erf 873, Jeffreys Bay, be rezoned for future development.	Due to budget constraints the service provider could not be appointed - sufficient provision has been made on the adjustment budget and the process will now commence. Feed back at next meeting	The submission will now continue since the Golf Club is now excluded from development.	Planning & Development	
31-May-21	21/05/MM9	2019/20 ANNUAL REPORT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE OVERSIGHT REPORT	That it be noted with concern that no attention was given to the Council priority of the conversion of bucket sanitation to more acceptable sanitation system and that an action plan for such conversions be submitted to Council without further delay.		KLM is currently planning together with HDA to deal with the eradication of buckets in the upgrading of informal settlements programme.	Director: I&E	
			That a report on community acceptance of the containerized sanitation for informal settlements be submitted.		the containerized toilets as a solution for bucket eradication has failed and that current containers available will be re-allocated to sporting facilities.	Acting Director: PDT	

			That measures be implemented to ensure that all consumers are billed for service received from Kouga Municipality.		the data cleansing programme is in full swing and should address this issue	CFO	
13-Dec-21	21/12/MM2	<b>REPORT ON DELEGATIONS REGISTER</b>	That the Municipal Manager be instructed to submit a report to the Mayoral Committee with recommendations on any changes to the Delegation Register mentioned in 1 above;	to form part of the Council Agenda following the next Mayoral Committee - to follow after internal review completed	Workshop was held, mayor to decide which powers to be delegated to the different portfolio MMC's, Matter referred to Collective. Awaitig feedback from Mayor	Legal Manager	
31-Mar-22	22/03/MM2	<b>2020/21 ANNUAL REPORT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: OVERSIGHT REPORT</b>	That the bulk water service agreement with the Nelson Mandela Metro be finalized.	In process. As part of the settlement agreement with NM Metro, our legal team is facilitating the new water service agreement.	No progress could be made on this front due to instability at the Metro	Director: I&E	

			That the relocation of residents after removal from informal settlements and the removal of old shacks be guided by a Relocation Plan.	It will be the strategy followed by our Housing Section.	Housing Section will be working with the Dept: Human Settlements to make sure that the re-settlement of residents are done orderly and on a planned basis	Director: PDT	
			To negotiate with the Provincial Roads Department to take over the ownership of the roads that run through Kouga towns.	Formal negotiations need to take place / Formal Council resolution needed	Meeting was held with the department and the public participaton process will be coordinated with provincial Roads Section. Discussions are ongoing.	Director: I&E	
09-Dec-22	22/12/MM1	<b>COUNCIL RESOLUTIONS AS AT 28 OCTOBER AND 11 NOVEMBER 2022</b>	That the Grant in aid policy and rules of order by-law be reviewed in 2023.	Policy submitted	To be submitted to the next Policy Workshop	LED OFFICE	
31-May-23	23/05/MM5	<b>PETITIONS RECEIVED FROM KOUGA LOCAL CLINICS 2023</b>	That all petitions submitted to Kouga Municipality surrounding the circumstances of the abovementioned clinics be referred to the Eastern Cape Provincial Legislature, the MMC for Health, the Provincial Petitions Commission, and the Public Protector.	Meeting held on 7th May 2024 with Department of Health/Public Works/Human Settlements/Eskom together with Rapid Response(COGTA). DOH was absent from the meeting. Ms Athabile will engage with MEC Office - Health to prioritize the matter.	Awaiting response from MEC - Health	Office of the Speaker	

			That the following sanction be implemented against Councillor P Oliphant in respect of the charges laid against him and for which charges the Councillor was found guilty by the Committee: - <b>In respect of Charges 1; 2; 3; 5; 6 and 7 – That Councillor P. Oliphant be removed from office.</b>		Awaiting response from MEC	Office of the Speaker	
	23/05/MM6	<b>DISCIPLINARY ENQUIRY HELD BY THE RULES AND ETHICS COMMITTEE - CLLR. P OLIPHANT</b>	That the following sanction be implemented against Councillor P Oliphant in respect of the charges laid against him and for which charges the Councillor was found guilty by the Committee: - <b>That the Speaker, in line with Item 16(3) of the Code of Conduct for Councillors, within 14 days from the date of the finding inform the MEC, for local government in the Province of the Eastern Cape, of the finding and sanction decided by Council.</b>	08 March 2024 - Referral for Legal Assistance regarding non-responsiveness of the MEC. 05 June 2024, Legal Department received correspondence from the Service Provider. On 13 June 2024, correspondence was forwarded to the Office of the MEC. The office of the Speaker is currently awaiting a response and / or further developments on the matter.	Awaiting response from MEC	Office of the Speaker	
28-Jul-23	23/07/MM5	<b>RESTRUCTURING OF MEMBERS TO SECTION 80 COMMITTEES</b>	That a list of Section-80 Committee Members be supplied to the Office of the Speaker within 7 days.		Awaiting list from ANC	Office of the Speaker	

31-Aug-23	23/08/MM13	<b>SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN: 2023/24 FINANCIAL YEAR</b>	That the Municipal Manager oversees the quarterly submission of departmental progress reports to Council on the implementation of the Service Delivery and Budget Implementation Plan.	Report submitted	3rd quarter report completed	Municipal Manager	
28-Feb-24	MOTION OF EXIGENCY	<b>WATER INTERRUPTIONS THAT OCCURRED IN HUMANSDORP FROM 23 FEBRUARY 2024 TO 27 FEBRUARY 2024</b>	That the Accounting Officer provide a report on what caused the water interruptions in Humansdorp from 23 February 2024 to 27 February 2024.	Report submitted to Council	Completed		
			That an urgent action plan be prepared and implemented by the Civil and Water Services Directorate to prevent a re-occurrence of water outages/interruptions, considering the dire water situation the community experienced.	Interventions and improvements of infrastructure is currently in progress	Completed		

24-Mar-24	24/03/MM4	<p><b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: 2022/23 OVERSIGHT REPORT ON THE 2022/23 ANNUAL REPORT</b></p>	<p>That the recommendations contained in the 2022/23 Oversight Report on the 2022/23 Annual Report be adopted as resolutions of Council:</p> <p>4.1 That measures be put in place to improve financial health of the municipality as per long term financial plan as adopted by council.</p> <p>4.2 That the impairment loss on fines be sufficiently budgeted for in future budgets.</p> <p>4.3 That the findings on performance management be addressed by revising the Performance Management Policy and adopting new performance management software that address the shortcomings of the existing performance management software.</p> <p>4.4 That the Municipal Manager ensures expert advice from external consultants be sourced to ensure that KPIs are developed that are SMART and that sufficient performance evidence could realistically be provided,</p> <p>4.5 That measures be taken to ensure that the billing system of Kouga Municipality is accurate and credible and based on actual readings as far as possible.</p> <p>4.6 That measures be introduced to ensure that the Water and Infrastructure Department be</p>		Completed	MM	
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			<p>strengthened by ensuring that competent technical and administrative staff are appointed to deal with the challenges in the department.</p> <p>4.7 That the Water Services Authority develop a program of action to ensure that all water service points are measured by meters including community water taps.</p> <p>4.8 That the formalization of informal settlements be prioritized to provide acceptable services to such settlements and to reduce illegal connections to the electrical network.</p>				
	24/03/MM5	<b>2023/24: SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: AMENDMENT</b>	That the Municipal Manager affects the required changes to the performance plans of Senior Managers to ensure that the	Draft Adendums to performance plans prepared and submitted to Senior Managers for signature	Submitted for signature to MM Office on 2 April 2024	Manager PMS	

			performance plans are aligned to amended 2023/24 Service Delivery and Budget Implementation Plan targets for implementation with effect 1 March 2024				
			That the addendum to the Performance Agreements of Senior Managers following the amendment of the 2023/24 Service Delivery and Budget Implementation Plan, be submitted to Council	Draft Adendums to performance plans prepared and submitted to Senior Managers for signature, planned submission date to Council 30 April 2024	In progress	Manager PMS	
			That Council notes that the the Draft Amended IDP will serve as the basis for public participation during April/ May 2024 as envisaged in the Local Government: Municipal Systems Act 32 of 2000 as well as the Local Government: Municipal Finance Management Act 56 of 2003.		Completed		
	24/03/MM6	<b>DRAFT AMENDMENTS TO THE 2022-2027 INTEGRATED DEVELOPMENT PLAN</b>	That immediately after the Draft Amended IDP is tabled in Council, the Accounting Officer of the Municipality must in accordance with Section 21A of the Municipal Systems Act –  (i) make public the Draft Amended IDP; (ii) invite the local community to submit comments and inputs in connection with the Draft Amended IDP; and (iii) convene IDP and Budget consultation meetings to provide further opportunity for engagement on proposals emanating from the	Amended IDP drafted and public participation currently taking place	Completed	MM	

			Draft Amended IDP and Multi-Year Budget.				
30-Apr-24	MOTION OF EXIGENCY	INVESTIGATION ON THE KWANOMZAMO WASTE WATER TREATMENT WORKS	That the Accounting Officer provides a detailed report on the work done at KwaNomzamo Waste-Water Treatment Works, and the report to be tabled in the next Council meeting 19 June 2024: Item tabled at the May 2024 Council Meeting.	19 June 2024: Item tabled at May 2024 Council Meeting.	Completed.		COMPLETED
	24/04/MM2	COUNCIL RESOLUTIONS AS AT 27 MARCH 2024	That the action sheet be tabled at Top Management for discussion and actioning				

			<p>That Council approves, in terms of the provisions of Section 54(1)(c) of the Local Government Municipal Finance Management Act, 56 of 2003, that the 2023/24 Service Delivery and Budget Implementation Plan further be amended by the insertion of capital budget expenditure targets as set out hereunder.</p> <p>a) 90% expenditure of capital budget provisions as per the Capital Budget approved during May 2023.</p> <p>b) 50% expenditure of capital budget provisions emanating from the 2023/24 Adjustments Budget, subject thereto that conditional grant funding be excluded from the 50% target.</p> <p>c) That in respect of adjustments of the 2023/24 capital budget emanating from conditional grant funding, the provisions of the conditional grant prevail.</p>	SDBIP amendment completed	Completed	Manager PMS	
	24/04/MM3	<b>2023/24: SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: AMENDMENT</b>	<p>That in terms of the provisions of Section 54(3) of the Local Government Municipal Finance Management Act, 56 of 2003, the amended 2023/24 Service Delivery and Budget Implementation Plan be made public by publication on the Municipal Web Site.</p>	Submitted for publication	Published	Manager PMS	
			<p>That the Municipal Manager affects the required changes to the performance plans of Senior Managers to ensure that the performance plans are aligned to amended 2023/24 Service Delivery and Budget Implementation Plan</p>	Changes made to performance plans and resubmitted to MM Office for signature	Completed	Manager PMS	

			targets for implementation with effect 1 April 2024.				
			That the addendum to the Performance Agreements of Senior Managers following the amendment of the 2023/24 Service Delivery and Budget Implementation Plan, be submitted to Council.	Submitted agreements for signature, but can only submit to Council once agreements have been concluded	In progress	Manager PMS	
31-May-24	24/05/MM2	<b>COUNCIL RESOLUTIONS AS AT 10 MAY 2024</b>	That the action sheet be tabled at Top Management for discussion and actioning.				
	24/05/MM3	<b>ADOPTION OF THE AMENDED 2024/2025 INTEGRATED DEVELOPMENT PLAN (IDP)</b>	That within 14 days of the adoption of the 2024/2025 Annual Reviewed IDP by Council, the Accounting Officer of the Municipality must in accordance with Section 25 (4) of the Municipal Systems Act –  Give notice to the public –  i) Of the adoption of the plan; and ii) That copies of or extracts from the plan are made available for public inspection at specified places.  iv) That the approved IDP and Budget be sent to CoGTA/National and Provincial Treasury within 10 days of approval.				

			That any queries on the IDP report be submitted in writing by close of business on Monday, 3 June 2024.				
	24/05/MM4	<b>ORGANISATIONAL STRUCTURE REVIEW: 2024/2025</b>	That the Organisational Structure be approved by Council and submitted to the MEC for comments.	Completed		HRM	
	24/05/R&E1	<b>DISCIPLINARY ENQUIRY HELD BY RULES AND ETHICS COMMITTEE – COUNCILLOR VUYOKAZI GUNUZA</b>	That the following sanction be implemented against Councillor Gunuza in respect of the charge laid against her and for which charge the Councillor was found guilty.  That in respect of – Charge 1 – the sanction imposed is a fine equal to an amount of 50% of one month's salary;				
That in respect of the sanction imposed, that the deduction will be implemented and processed in respect of the June 2024 payroll.			Salary deduction will be processed and implemented during the June salary run as per correspondence forwarded to the office of the MM and CFO on 31st May 2024.	In progress			
That the Speaker must report the outcome of the investigation to the MEC for local government in the province concerned within 14 days from the date of the Council resolution			The Office of the MEC was notified of the outcome of the Disciplinary Enquiry on the 31st May 2024.	Awaiting response from the MEC.			

	24/05/R&E2	<p><b>DISCIPLINARY ENQUIRY HELD BY RULES AND ETHICS COMMITTEE – COUNCILLOR WAYNE PETERSEN</b></p>	<p>That the following sanctions be implemented against Councillor Petersen in respect of the charges laid against him and for which charges the Councillor was found guilty.</p> <p>That in respect of –</p> <p>Charge 1 – the sanction imposed is a fine equal to an amount of 50% of one month's salary;</p> <p>Charge 2 – the sanction imposed is a fine equal to an amount of 50% of one month's salary ;</p> <p>Charge 3 – the sanction imposed is a fine equal to an amount of 50% of one month's salary;</p> <p>Charge 4 – request the MEC to remove Councillor Petersen from office;</p> <p>Charge 5 – the sanction imposed is a fine equal to an amount of 50% of one month's salary.</p>	<p>Salary deduction will be processed and implemented during the months of June, July, August &amp; September 2024 salary run as per correspondence forwarded to the office of the MM and CFO on 31st May 2024.</p>	In progress		
			<p>That in respect of charge 1; 2; 3 and 5, the deductions will be implemented and processed over a four (4) month period from June 2024 – September 2024.</p>	<p>Reported to the MEC, MM and CFO's office.</p>			

			That the Speaker must report the outcome of the investigation to the MEC for the local government in the province concerned within 14 days from the date of the Council resolution.	MEC was notified of disciplinary enquiry outcome on the 31st May 2024.	Awaiting response from the MEC.		
	24/05/MPAC1	APPROVAL OF TERMS OF REFERENCE FOR THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)	That the Terms of Reference for the Municipal Public Accounts Committee be approved				
			That this Terms of Reference shall repeal and replace the previous Terms of Reference as approved by Council and shall become effective from date of this Council resolution.				





31-May-23	23/05/I&E1	<b>REPORT: INTEGRATED NATIONAL ELECTRIFICATION PROGRAM (INEP) ALLOCATION FOR 2023/2024 FINANCIAL YEAR</b>	That the Human Settlements department of Kouga be ready with registered erven and occupied erven and to benefit from the grant.	The Human Settlements department is currently addressing the issue	The erven are already subdivided. The Department has conducted a beneficiary survey. Sector departments are currently busy with provision of temporary services. Relocation will only commence on completion of services	Manager: Human settlements	
	23/05/I&E2	<b>REPORT: CLEARING OF SERVITUDES THROUGHOUT KOUGA OBSTRUCTING ACCESS TO WATER INFRASTRUCTURE AND POWERLINES FROM KOUGA AND ESKOM</b>	That Council compels the relevant Directorate responsible to keep servitudes clear to do so and apply the law should it be necessary.	No action taken yet.	The clearing of households located in servitude areas will require the Municipality to identify alternative serviced sites for relocation.	Manager: Human settlements	
			That PDT leads the discussions between the departments.	No action taken yet.	The Department is in the process of formalising all informal settlements and the affected households will only be relocated upon completion of the projects. 15 employees has been appointed to assist on this project for the next six months.	Manager: Human settlements	

28-Jul-23	23/07/1&E3	<b>REPORT: KOUGA ENERGY PLAN</b>	That a Kouga Energy Plan be developed to mitigate loadshedding within the Kouga Municipal area.	The Director was tasked to compile a plan to mitigate the risk of loadshedding within Kouga. A draft energy strategy document was compiled and submitted for input.	Application prepared tabling all electrical projects to apply for BFI funding. These projects include the full scope for the current EIA received with supporting infrastructure upgrading projects. Comprehensive feasibility study for an additional 40MW hybrid connection is 75% complete before submission to the department for approval of EIA.	Director: Electro and Mechanical Services	
	23/07/1&E4	<b>ELECTRICAL DEPARTMENT STATUS REPORT</b>	That Council note the report and that an action plan be drawn up to implement the recommendations in the report.	Report was tabled to Council to highlight the plight of the Electro-mechanical department in terms of critical staff challenges. A report for critical positions to be filled was submitted to the HR department to be actioned. Our electrical department need urgent investment in Human resources, the current Mechanical department consist of two permanent employees and two contract workers and we have to maintain 52 pumpstations and 20 generators.	Discussions to prioritise positions discussed with top management and Mayor.	Director: Electro and Mechanical Services	

14-Dec-23	23/12/EMS1	<b>REPORT TRAINING REQUIREMENTS FOR EM DEPARTMENT</b>	That the Directorate submit a full report on training needs to the HR Section.	Resolution taken in Council that the department be skilled.	Report and resolution submitted to HR, HR to add the requirements to their list to be actioned as funds become available.	Director: Electro-mechanical	
28-Feb-24	24/02/EMS6	<b>REPORT: THORNHILL ELECTRICAL NETWORK TRANSFER FROM NELSON MANDELA METROPOLITAN MUNICIPALITY TO KOGUA LOCAL MUNICIPALITY</b>	That Council accept the proposal in-principle to have the Thornhill network transferred to Kouga Municipality subject to a cost assessment and feasibility study being performed	Cost assessment will be part of the exercise.	Due to challenges at the Metro meeting are in abeyance at this stage. No further meetings commences since December 23.	Act. Manager Electrical Mr. M Mangembe	
			That a Committee be established to deal with the project's logistics around the intended network transfer, and all to be in attendance when required. This Committee will be responsible for the determination of this project's financial viability, assets, legal, and all other resources to maintain the network in the future.	Members was identified from both Kouga as well as the Metro to be committee members.	The metro issued an invoice to secure a connection point for the Thoksville community to be electrified. An application will be made to ISUP in order to service this area as well.	Act. Manager Electrical Mr. M Mangembe	
	24/02/EMS7	<b>REPORT: 20MW RENEWABLE ENERGY CONSTRUCTION PLANS FOR KOGUA MUNICIPALITY</b>	That a feasibility study including a detailed cost-benefit financial model be submitted to Council for approval.	Consultants are still conducting the financial feasibility plan. This plan requires detailed information from Eskom to base the financial planning closest to accuracy.	To determine accurate cost, we will compile a tender document to invite service provider based on proposals to submit the financial offer to Kouga. This will be actined in the financial year	Act. Manager Electrical Mr. M Mangembe	
27-Mar-24	24/03/EMS6	<b>APPROVAL OF THE ELECTRICITY LOSSES REDUCTION PLAN</b>	That the electrification of backyard dwellers be included in the Electricity	Bi-weekly meetings commenced to create a more collaboration between revenue and the electrical	Agreements was made and presentations done to understand the different responsibilities and the	Act. Manger Electrical Mr. M Mangembe	

			Loss Reduction plan.	department to action items relevant to both parties.	sharing of relevant information to get process in place.		
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# REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER





**KOUGA MUNICIPALITY (EC 108)**  
 ORDINARY COUNCIL MEETING  
 OFFICE OF THE DEPUTY MUNICIPAL  
 MANAGER  
 OPEN  
 DATE: 28 JUNE 2024  
 ITEM NO: **24/06/DMM1**

## **KOUGA MUNICIPALITY INSTITUTIONAL CALENDAR**

### 1. **Introduction**

The purpose of the item is to table the Institutional calendar for the period 1 July 2024 to 30 June 2025 for Council's approval.

### 2. **Background**

The Institutional calendar is tabled annually prior to the start of the new financial year.

### 3. **Discussion**

The calendar has been drafted to include sittings for all Council and its committees for the 2024/2025 financial year. The institutional calendar is attached hereto as Annexure A.

### 4. **Financial Implications**

<b>Completed by BTO -</b>	Not applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	

### 5. **Applicable Legislation**

Local Government: Municipal Systems Act, 32 of 2000

### 6. **Legal Implications**

Compliance with the Local Government: Municipal Systems Act, 32 of 2000

7. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Acting Director: Planning & Development**

Noted

8.3 **Acting Director: Civil & Water Services**

Noted

8.4 **Director: Electro-Mechanical Services**

Noted

8.5 **Director: Community Services**

Noted

8.6 **Deputy Municipal Manager**

Item supported

8.7 **Municipal Manager**

Recommendations supported.

9. **Delegated Authority**

Council

10. **Recommendations**

- 10.1 That Council approve the institutional calendar for the period 1 July 2024 to 30 June 2025.



Item prepared by the: **Manager: Administration & Auxiliary Services**



Item approved by the: **Deputy Municipal Manager**



Item endorsed by the **Municipal Manager:**



Item noted by **Portfolio Chairperson:**





# REPORTS BY THE EXECUTIVE MAYOR



REPORTS BY THE  
PORTFOLIO  
CHAIRPERSON:  
COMMUNITY & SAFETY  
SERVICES





**KOUGA MUNICIPALITY (EC 108)**  
 ORDINARY COUNCIL MEETING  
 COMMUNITY SERVICES  
 OPEN  
 DATE: 28 JUNE 2024  
 ITEM NO: **24/06/CSS1**

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## **REVISED PREVENTION OF PUBLIC NUISANCE AND KEEPING OF ANIMALS BY-LAW**

### **1. Introduction**

The purpose of this report is to submit to the Council the attached Kouga revised Prevention of Public Nuisance and Keeping of Animals By-Law for approval.

### **2. Background**

Council adopted the revised Prevention of Public Nuisance and Keeping of Animals By-Law, Item No: 24/01/CSS2 with comments on 30 January 2024, the By-law was subsequently discussed at the Policy workshop (virtual) held 19<sup>th</sup> April 2024 and advertised for public comments as per Annexure A. No comments from the public were received.

There are several challenges related to the keeping of animals in Kouga and South Africa as a whole. One of the major challenges is the lack of a comprehensive framework or policy at a national or provincial level regarding the keeping of animals or animal welfare. While there is some existing legislation relating to the keeping and slaughtering of animals, and some cruelty aspects, there is no consolidated or comprehensive approach to animal welfare specifically. Therefore, while the Municipality is mandated to fulfil certain aspects of animal keeping, there is no real direction in terms of principles and the broader context of animal welfare and its intersection with environmental health, noise, and nuisance considerations.

Other challenges the Municipality are facing is the outbreak of diseases, stray animals posing as a traffic nuisance, and the unacceptable living conditions of pigs in residential areas.

### **3. Discussion**

Kouga Municipality recognizes that the keeping of animals has environmental health, noise and nuisance impacts. It is important to ensure that the keeping of animals does not lead to public and environmental health issues and that animals are not a source of danger or nuisance. These impacts also relate to the critical relationship between animal health and animal welfare. Owners and caretakers of animals have the responsibility to ensure the health, safety, and protection of animals from cruelty and neglect.

This By-Law seeks to outline the conditions and responsibilities related to the keeping of animals. The revised By-Law is attached as Annexure B.

#### 4. **Financial Implications**

<b>Completed by BTO -</b>	Not Applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	
BTO Signature	

#### 5. **Applicable Legislation**

As previously mentioned, the legislation relating to animal *welfare* is inadequate, and the keeping of animals is governed by the following:

- The Constitution of the Republic of South Africa, 1996 (Schedule 4 and Schedule 5B).
- Animals Protection Act, 1962 (Act No. 71 of 1962).
- Performing Animals Protection Act, 1935 (Act No 24 of 1935)
- Animal Matters Amendment Act No.42 of 1993.
- Animal Identification Act, 2002 (Act No. 6 of 2002).
- Animal Improvement Act, 1998 (Act No. 62 of 1998).
- Animal Diseases Act, 1984 (Act No. 35 of 1984).
- National Environment Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
- Meat Safety Act, 2000 (Act No. 40 of 2000).
- Veterinary and Para-Veterinary Professions Act, 1982 (Act No. 19 of 1982)
- Promotion of Administrative Justice Act 3 of 2000
- Protection of Personal Information Act 4 of 2013

#### 6. **Legal Implications**

Should Council pass the draft by-law, the by-law must promptly be published in the Provincial Gazette, and on which publication date it becomes effective.

#### 7. **Other Implications**

None

#### 8. **Comments by Directorates:**

##### 8.1 **Chief Financial Officer:**

Report noted

8.2 **Acting Director: Planning & Development**

Supported

8.3 **Acting Director: Civil & Water Services**

Noted.

8.4 **Director: Electro-Mechanical Services**

Item supported.

8.5 **Director: Community Services**

Item supported.

8.6 **Deputy Municipal Manager**

Item noted.

8.7 **Municipal Manager**

Item noted.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That Council approves the revised Kouga Municipality Prevention of Public Nuisance and Keeping of Animals By-Law.

10.2 That the approved Prevention of Public Nuisance and Keeping of Animals By-Law be published in the Provincial Government Gazette.

**Item prepared by the: Manager: Waste and Environmental Management**



**Item approved by the: Director – Community & Safety Services**



**Item endorsed by the Municipal Manager:**



**Item noted by Portfolio Chairperson:**





Cape St Francis  
Hankey  
Humansdorp  
Jeffreys Bay  
Loerie  
Oyster Bay  
Patensie  
St Francis Bay  
Thornhill

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**KOUGA MUNICIPALITY (EC 108)**  
**NOTICE NO 50/2024**

**COMMUNITY SERVICES DEPARTMENT**

**AMENDMENTS TO PREVENTION OF PUBLIC NUISANCE AND KEEPING OF ANIMALS BY-LAW: REQUEST FOR COMMENTS**

Notice is hereby given in terms of Section 160(4) (b) of the Constitution, Act 108 of 1996, read with Section 12 and 13 of the Local Government - Municipal Systems Act, Act 32 of 2000, that the Amendments to the Prevention of Public Nuisance and Keeping of Animals By-law is available for inspection and comments. An electronic copy of the document can be viewed and downloaded on the municipal website: [www.kouga.gov.za](http://www.kouga.gov.za).

Any person or body wishing to provide comments can do so withing 30 days from date of publication of this notice.

Kindly address any comments in writing to the office of the Deputy Municipal Manager, Mr. D de Jager, at 33 da Gama Road, Jeffreys Bay or by way of an email correspondence to [wbetsha@kouga.gov.za](mailto:wbetsha@kouga.gov.za)

**DEPUTY MUNICIPAL MANAGER**  
**MR. David de Jager**

**For Publication: Municipal Website**  
**Local Media**  
**Council Offices**



**ANNEXURE B**



**Prevention of Public Nuisance and  
Keeping of Animals By-law  
JUNE 2024**

## 1. Definitions

In this By-law, words used in the masculine gender include feminine, the singular includes the plural and vice versa, the English text shall prevail in the event of an inconsistency between the different texts, and unless the context otherwise indicates-

"**animals**" means any equine (horse, pony mule, donkey), bovine (ox, cows), sheep, goat, pigs, poultry, camel, dog, cat or other domestic animal or bird, or any wild animal, reptile (snakes, tarantulas) or exotic pets (ferrets, marmosets, hedgehogs, hyrak/dassie) which is in captivity or under the control of a person;

"**animal drawn vehicle**" means a standard designed cart with swivel and shafts which is attached to the working equine by means of a harness;

"**authorised official**" means a designated person-(a) a member of the Service as defined in Section 1 of the South African Police Service Act, 1995 (Act 68 of 1995);(b) a municipal law enforcement officer appointed under any law;(c) a person who has been declared a peace officer under Section 334(1) of the Criminal Procedures Act, 1977 (Act 51 of 1977); or(d) a member of the Animal Welfare Society or SPCA;

"**bird**" means a pigeon, peafowl, pheasant, partridge, canary, budgerigar, parrot, ostrich and any other domesticated bird or wild bird which is in captivity or under control of a person;

"**carcass**" means the remains of any animal or poultry;

"**cat**" means both a male and a female cat of any age, unless otherwise specified;

"**cattery**" means any establishment where cats are bred or boarded;

"**District Municipality**" means the Sarah Baartman District Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and includes any political structure, political office bearer, duly authorised agent thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office-bearer, agent or employee;

"**dog**" means both a dog and a bitch of any age, unless otherwise specified;

"**dog handler**" means a competent adult who is in a position or capable in handling and / or control a vicious dog who is muzzled;

"**dwelling house**" means a single building designed for use as a residence for a single family situated on premises containing not more than two such buildings;

"**dwelling unit**" means an inter-connected suite of rooms including a kitchen or scullery designed for occupation by a single family, other than dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units;

"**guide dog**" means a dog which has been trained to assist a blind or poor-sighted person and includes a service dog which has been trained to assist a person who is mentally or physically incapacitated;

"**health nuisance**" means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practise whatsoever, is /are in the opinion of the Director: Community Services or a duly authorised Municipal employee potentially injurious or dangerous to health or which is /are offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

"**kennel**" means premises in or upon which-

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers;
- or (d) dogs are kept for commercial security purposes;

"**Municipality**" means the Municipality of Kouga established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), Provincial Notice No. 481 dated 4 December 2000 and includes any political structure, political office-bearer, or any employee thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office-bearer, or employee;

"**Municipal Manager**" means a person appointed in terms of Section 54A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and includes any person- (a) acting in such position; and (b) to whom the municipal manager has delegated any power, function or responsibility in as far as it concerns the execution of those powers functions or duties;

"**muzzled**", when describing a dog, means fastened or controlled around the mouth, with an appropriate standard muzzle, so as to prevent the dog from biting but not panting or drinking;

"**owner**" means in relation to any animal, includes the person having possession, charge, custody or control of such animal;

"**permit**" means the written permission granted by the Municipality in terms of this By-law;

"**pet**" means a tame animal which is kept in a household for companionship and amusement;

"**pet parlour**" means an establishment where pets are groomed;

"**pet shop**" means an establishment where pets are kept for trading purposes;

"**poultry**" means fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guineafowl, quails, buttonquails, exotic and indigenous game birds, peacock or peahen or bird whether domesticated or wild;

"**pound**" means a place designated by the Municipality in terms of any law for the impounding, sale and destruction of animals and includes the premises of the organisation and any other animal welfare organisation recognised by the Municipality;

"**pound master**" means a person who has been appointed by the Council to be in charge of;

"**premises**" means-(a)land or portion of land, whether or not a building or structure has been constructed or erected on such land or portion thereof;(b)a building, structure, tent or caravan and the land on which it is situated and includes any vehicles, carriage, ship or boat;

"**public place**" means any parking area, recreational area, area of relaxation, sport grounds, beach, open place, unused or vacant municipal land, cemetery, places at any time having been dedicated to the public or at any time having been declared or rendered as such by the Municipality or other competent authority;

"**public road**" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by public or any section thereof or to which the public or any section thereof has a right of access and having been proclaimed accordingly by the Municipality and/or indicated as such on a Surveyor General approved diagram and includes-

- (a)any services servitude and public passage on public land;
- (b)the sidewalk or verge of any such road, street or thoroughfare;
- (c)any bridge, structure or drift traversed by any such road, street or thoroughfare; and
- (d)any other work of object forming part of or connected with or belonging to such road, street or thoroughfare;

"**responsible authority**" means the Kouga Municipality or any national or provincial department that may in terms of its powers and functions impose conditions or restrictions in respect of the keeping of animals;

"**security dog**" means any dog kept at any time on a non-residential property for the purposes of dissuading unauthorised entry to the property.

"**structure**" means any stable, shed, pigsty, kraal, aviary, pen, paddock, covering structure, poultry house, enclosed run, loft or building used for shelter or the keeping or enclosing of animals.

"**vicious dogs**", means

- (a) a dog that without provocation has bitten or caused injury to a human being or to a domestic animal, but does not include a dog that has bitten or injured a trespasser; and

- (b) a Staffordshire Bull Terrier, Bull Terrier, Pit Bull and any dog generally recognised as such breeds and includes a dog of mixed breed with predominant characteristics of these breeds;
- (c) any other dog which causes a threat and / or disturbance / nuisance to the public;

### **Administration and enforcement**

- (a) The Director: Community Services is responsible for the administration and enforcement of this By-law.
- (b) The Director may delegate in writing any power or duty granted to him/her in terms of this By-law to a competent official in the Directorate, as well as in conjunction with personnel of the SPCA, being the appointed agent of the Municipality and any other Animal Rescue Organisations or service providers.

### **2. Application of By-law**

2.1 For the purpose of managing, prevention and to reduce the nuisance or negative impacts due to the keeping of dogs and/or cats, the Municipality may determine the number of dogs and/or cats that may be kept and the areas within which the keeping of such dogs and/or cats shall be regulated or prohibited.

2.2 The Municipality may by special resolution determine and impose a fee on the keeping of dogs, and cats and categories of dogs of which no fee shall be payable in its Municipal area.

2.3 The Municipality shall issue a licence upon payment of the fee to the Municipality. The fee will be determined in accordance with the Municipality's Policies.

2.4 The public can report any complaints which is in contravention of this By-law, to the authorised person and/or authorised official as defined in this By-law.

2.5 The provisions of Sections 3 and 12(1) are not applicable to-

- (a) premises or land which is used for bona fida agricultural purposes; or
- (b) premises or land identified by the Municipality where the keeper of animals or the operation of pet parlours, pet shops or catteries and kennels is permitted and indicated as such in an approved spatial development framework and zoning scheme.

2.6 A person who keeps animals on premises contemplated in subsection (2.5)(a) and (b), is not exempt from the other provisions of this By-law.

## **Chapter 1**

### **General Provisions Relating to the Keeping of Animals**

#### **3. Permission to keep animals (excluding pets)**

(1) No person shall keep or permit to be kept on any premises or property any animals, or exotic pets excluding household pets, without the written permission of the Municipality.

(2) For the purpose of managing the keeping of animals on premises, the Municipality may determine the number of bee hives, as well as the kind, number of animals that may be kept and the areas within which the keeping of such animals and bees shall be prohibited.

(3) In order to consider an application in terms of subsection (1), the Municipality may obtain the input or comments of the owner or occupants of surrounding premises.

(4) An application to keep animals must be submitted on an application form obtainable from the Municipality, and be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the premises for which the permit is required.

(5) Detailed plans, according to specifications obtainable from the Municipality, of structures in which it is proposed to keep animals must accompany the application in subsection (4) and such plans must be approved by the Municipality.

(6) Where possible, an exposition of the numbers, kinds and genders of animals must accompany the plans in subsection (5).

#### **4. Consideration of applications and imposition of conditions**

(1) The Municipality may grant permission or refuse, after consideration of-

- (a) the input or comments obtained in terms of Section 3(3);
- (b) the location, geographical features or size of the premises in respect of which the application is submitted;
- (c) the documents and expositions submitted in terms of Section 3; or
- (d) any other information relating to the application.

(2) Where consent is refused, the Municipality must furnish the applicant with the reasons for such refusal and at the same time advise him or her of the right to appeal in terms of Section 36.

(3) Where consent is granted, the Municipality may impose conditions.

#### **5. Visibility of structures on premises**

All structures in which animals are kept shall be suitably screened from any street.

#### **6. Waiver of requirements and withdrawal of authorisations**

Notwithstanding the aforementioned provisions, the Municipality may after considering conditions particular to the property and on condition that no objection

is received from the owners or occupants of surrounding premises, waive any or all of the requirements of this part and impose other conditions if appropriate and may further withdraw any authorisation in terms of Section 4 if any of the conditions therein are not adhered to.

## **7. Validity of authorisations**

All authorisations to keep animals granted in terms of any By-law or regulation repealed shall be deemed to have been granted in terms of this By-law.

## **8. Duties of owners or keepers of animals**

The owner of animals or the keeper thereof-

- (a) must provide such animal with bedding, shelter, the necessary veterinary treatment, water and proper food daily; and
- (b) must at all times maintain the premises on which the animals are kept and all appurtenances in good repair and in neat condition so as to prevent the occurrence of a public nuisance or jumping of fences;

Prohibitions relating to the keeping of dogs

No person shall –

- (a) permit any bitch in season owned or kept by him or her to be in any public street or public place;
- (b) urge any dog to attack, worry or frighten any person or animal or through negligence fail to prevent any dog from attacking, worrying or frightening any person or animal, except where necessary for the defence of such first mentioned person or his or her property or of any other person;
- (c) keep any dog which causes damage to public property;
- (d) keep a dog tethered by chain or any other means;
- (e) keep any dog in the faeces of which he or she fails to remove regularly enough to not constitute a health hazard and dispose of such faeces in a suitable manner;
- (f) keep any dog which barks, howls or whines to such an extent that it causes an unreasonable disturbance or nuisance to inhabitants of the neighbourhood, or has another habit that causes an unreasonable disturbance or nuisance to inhabitants of the neighbourhood;
- (g) keep any dog which is starved or under-fed or denied constant access to clean water and adequate shelter;
- (h) keep any dog which causes a nuisance to inhabitants of the neighbourhood by having acquired the habit of charging any vehicle, animals, poultry, birds or persons outside any premises where it is kept; or
- (i) permit any dog owned or kept by him or her –
  - (i) to be in any public street or public place while suffering from any infectious or contagious disease and cannot prove that the dog is under treatment by a registered veterinarian or animal welfare society and is no longer a public health hazard;
  - (ii) to go untreated by a qualified veterinarian if severely sick or injured;
  - (iii) which is in the assessment of the authorised official ferocious, vicious or dangerous, to be in any public street or public place, unless it is humanely muzzled and contained on a leash and under control;
  - (iv) to trespass on private property;

- (v) to constitute a hazard to traffic using any public street;
- (vi) to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept;
- (vii) to be in any public street or public place except on a leash and under control unless the dog is in an area designated by the Municipality as a free running area;
- (viii) to be left alone unattended in an open bakkie in any public place or public street;
- (ix) to be left alone unattended in a closed vehicle / bakkie in any public place or public street;
- (x) to keep a vicious dog on a property without displaying a board outside the property of a possible danger.
- (j) permit any vicious or dangerous dog to be in any public street or public place unless it is humanely muzzled and contained in a leash and under control by a competent adult dog handler.
- (k) keep any dog which does not have on its collar or micro-chip the owner's contact details or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation;
- (l) provoke, harass, terrify or tease any dog;
- (m) may not leave any animals in nature reserves or allow hunting of wild animals or birds; and

## **9. Animals kept in an unsatisfactory manner**

Whenever animals are kept on any premises, whether or not such premises have been approved by the Municipality under this By-law, are a public nuisance, the Municipality may by written notice require the owner or occupier of such premises, within a period to be stated in such notice, but not less than 24 hours after the date of such notice, to remove the cause of and to carry out such action or take such steps necessary to ensure the prevention of such nuisance.

## **10. Euthanasia of animals (including pets)**

In the case where the municipality is unable to reunite animals with their owners or find a suitable home for them, the municipality may with the assistance of a service provider euthanize these animals to reduce health and safety risks. The municipality may also order the service provider to euthanize animals as per the notices of animals involved in attacks on persons or other animals. Animals with incurable diseases or that are badly injured may also be euthanized to minimize suffering and the spread of disease.

## **11. Hawking of animals (including pets)**

No person may hawk an animal:

- (a) in a street or public place; or
- (b) in or from a movable structure or vehicle.
- (c) at public markets



## Chapter 2

### Provisions Relating to the Keeping of Dogs, Cats and Pets

#### Part 1 – General provisions relating to dogs, cats and pets

#### 12. Number of dogs and cats

The maximum number of dogs and cats that are allowed to be kept, depending on the size of the dwelling/property, are as follows:

Type of Property	Size of Property	Maximum Number of Dogs / Cats
Dwelling Unit	E.g. Flat/Duplex	2 Dogs / 2 Cats*
Dwelling House	Less than 600 m <sup>2</sup> erf	2 Dogs / 2 Cats*
Large Dwelling House	More than 600 m <sup>2</sup> erf	2 Dogs/ 2 Cats
Agricultural Property or smallholding	Land no less than 2.5hectares or zoned for Agricultural use	4 Dogs / 4 Cats*

- over the age of four (4) months

12.1 A person residing in a flat as defined in terms of section 12 shall not be allowed to own medium / big dogs and/or vicious dogs.

12.2 Owners and Body Corporates or Homeowners Associations should comply to this bylaw when developing their constitutions.

12.3 The provisions in section 12 shall not apply to-

- (a) premises that is used as a veterinary clinic or veterinary hospital;
- (b) an organisation whose object is the training of dogs to be guide dogs for blind persons or dogs that are used by a blind person as guides;
- (c) a security organisation where dogs are kept for security services or for training purposes;
- (d) a person who, at the proclamation of this by-law, already has more than the allowed number of dogs and such person may not replace any dog exceeding the allowed number without the prior written consent of the Municipality in terms of section 3(1), if such dog die or has been disposed of;
- (e) any person, who resides outside the municipal area, who brings in dogs for a temporary visit not exceeding 30 (thirty) days from time of arrival;
- (f) the Society for the Prevention of Cruelty Against Animals and other registered animal welfare organisations;
- (g) entities which are registered at the Municipality and other related entities, such as dog kennels, pet shops or pet parlours where dogs are given temporary residence.
- (h) working dogs such as hearing dogs, therapy dogs, guide dogs, helping dogs and sport dogs, but that proof of registration with the relevant Association needs to be in place (for example registered by KUSA (Kennel Union of South Africa) Working Dog Federation and SADDA (South African Dog Agility Association)).

### **13. Breeders of dogs and cats**

(1) A breeder of dogs who wishes to keep more than two dogs or a breeder of cats who wishes to keep more than two cats must obtain permission from the Municipality.

(2) An application in terms of subsection (1) must be submitted in the form prescribed by the Municipality and must contain an exposition of breed, gender and number of dogs or cats applied for.

(3) Plans and specifications of structures in which it is proposed to keep the dogs and cats, as well as a site plan indicating all existing or proposed structures and fences on the premises of which the permit is required, must accompany the application in subsection (1) and such plans must be approved by the Municipality.

### **14. Breeders of pets**

(1) A person who breeds with pets must obtain the approval of the Municipality.

(2) The provisions of Section 13(2) and (3) are, with the necessary adjustments, applicable to an application in terms of subsection (1).

### **15. Dog fighting**

**No organised dog** fighting is allowed in the Kouga Municipal area.

(1) Any person who –

(a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purpose of fighting any other animal;

(b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;

(c) for financial gain or as a form of amusement promotes animal fights;

(d) allows any of the acts referred to in paragraph (a) and (c) to take place on any premises place in his or her possession or under his or her charge or control;

(e) owns, uses or controls any premises or public place for the purpose, or partly for the purpose, of presenting animal fights on such premises or public place, or who acts or assists in the management of such premises or public place, or who receives any consideration for the admission of any person to such premises or public place; or

(f) is present as a spectator at any premises or public place where any kind of the acts referred to in paragraph (b) to (e) is taking place or where preparations are being made for such acts, is guilty of an offence.

(2) In any prosecution it is presumed, unless evidence is adduced to the contrary, that an animal that is found at any premises or public place is the property of, or under the control of, the owner of those premises or that public place, or is the property of or under the control of the person who uses or is in control of the premises or public place.

## **16. Conditions and restrictions**

The Municipality's permission in terms of Sections 4, 12, 13 and 14 shall be granted subject to such conditions and restrictions such as the Municipality, in consultation with another responsible authority, may deem fit to impose.

## **17. Withdrawal of permission**

(1) Where a person contravenes or fails to adhere to a condition or restriction contemplated in Section 16, the Municipality may, after hearing that person, withdraw its consent and may order the removal of animals from the premises for care and safekeeping by an animal welfare organisation or pound.

(2) Any cost incurred by the Municipality for the removal and safekeeping of animals contemplated in subsection (1), shall be recoverable from the owner or keeper of such animals.

## **Part 2 – Specific provisions for dogs**

### **18. Keeping of dogs**

(1) No person shall permit any dog owned or kept by him or her which is in the assessment of the authorised official ferocious, vicious or dangerous to be in any public road or public place, unless it is humanely muzzled and held on a leash and under control.

(2) An authorised official may instruct the owner of a dog to properly fence the premises on which the dog is kept and also to erect a sign or signs in conspicuous places warning people that a potentially vicious or ferocious dog is kept on the property and a failure to comply with such instruction within a time specified in such instruction will constitute an offence.

(3) The owner of a dog commits an offence when he did not exercise reasonable precautions to prevent a dog from biting or attacking or posing a menace to the safety of persons or domestic animals.

(4) A designated law enforcement officer may be issued with a warrant to seize a dog from a particular location where it is not desirable in the interests of public safety that the dog be so located.

(5) In urgent circumstances where there are reasonable grounds to believe that entry without warrant is necessary to prevent imminent bodily harm or death to any person or domestic animal, designated peace officers will have a right of entry without a warrant and, if so required, seize and remove such dog to a place of safe-keeping.

### **19. Sterilisation of dogs**

(1) An authorised official may cause a dog to be sterilised should he or she deem it necessary-

- (a) in the interests of the welfare of the dog
- (b) to prevent nuisance
- (c) when the dog is stray
- (d) on the request of the owner

(e) in accordance with this by-law

(2)The owner of a sterilised dog must obtain from a registered veterinarian proof that the dog has been sterilised and must produce such documents for inspection to any authorised official.

## **20. Dogs in public places**

(1)The owner or keeper of a dog may not bring or allow it in a public road or public place; unless the dog is kept on a leash by a responsible person.

(2)Except in the event of a blind person being led by a guide dog, a person in charge of a dog in a public road or public place must remove any faeces left by the dog, by wrapping it in paper or plastic and disposing of it in a receptacle provided for litter or refuse.

(3)No dogs are allowed at blue flag beach areas during advertised periods of the blue flag season.

## **21. Control of dogs**

(1)No person may-

(a)permit a bitch on heat owned or kept by him or her to be in a public road or public place without supervision;

(b)urge a dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property;

(c)keep a dog if the premises where such a dog is kept is not properly and adequately fenced to keep such a dog inside when it is not on a leash;

(d)permit a dog owned or kept by such a person-

(i)to trespass on private property;

(ii)to be in any public road or public place whilst such dog suffers from an infectious or contagious disease;

(iii)to constitute a hazard to traffic on any street;

(iv)to constitute or likely to constitute a source of danger or injury to persons outside the premises on which such dog is kept;

(v)to be a source of danger to employees of the Municipality entering upon such premises for the purpose of carrying out their duties;

(e)keep any dog which-

(i)by barking, yelping, howling or whining; or

(ii)by having acquired the habit of charging persons, vehicles or animals outside any premises where it is kept, interferes materially with the ordinary comfort, convenience, peace or quiet or neighbours.

(2)The Municipality may seize and impound at a place designated by the Municipality, a dog which is found in a public road or public place in contravention with the provisions of subsection (1).

(3)Notwithstanding the provisions of subsection 20(2), no person or authorised official may take any dog or other animal into custody for the purpose of having it impounded if there are reasonable grounds to believe that the dog or other animal is a female with un-weaned young, unless such animal and un-weaned young are taken into custody together.

(4) A dog impounded in terms of subsection (2) may be released to the owner of such dog upon payment of a fee determined by the Municipality.

(5) A dog impounded in terms of subsection (2), may be sold or euthanised after having been kept in custody for ten working days.

## **22. Fencing of property**

No person shall keep a dog on his or her premises which is not properly and adequately fenced to keep such dog inside when it is not on a leash.

## **Part 3 – Animal cruelty**

### **23. Animal cruelty**

(1) Any person who-

(a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purposes of fighting any other animal;

(b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;

(c) for financial gain or as a form of amusement promotes animal fights;

(d) allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his or her possession or under his or her charge or control;

(e) owns, uses or controls any premises or place for the purposes or partly for the purpose of presenting animal fights on such premises or place or who acts or assists in the management of such premises or place, or who receives any consideration for the admission of any person to such premises or place; or

(f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (b) to (e) is taking place or where preparations are being made for such acts, is guilty of an offence.

(2) In any prosecution it is presumed, unless the contrary is proved, that an animal that is found at any premises or place is the property or under the control of the owner of those premises or that place, or is the property or under the control of the person who uses or is in control of the premises or place.

## **Chapter 3**

### **Dog Kennels, Catteries, Pet Shops and Pet Parlours**

#### **24. Permission to operate**

(1) No kennel, cattery, pet shop or pet parlour may be operated without the permission of the Municipality, which permission may be subject to conditions.

(2) Applications for permission must be done on an application form obtainable from the Municipality.

(3) The person operating a kennel, cattery, pet shop or pet parlour may not conduct the business in such a manner so as to cause any nuisance or annoyance to other people.

(4) A person who contravenes any provision of this Section commits an offence.

## **Chapter 4**

### **Co-operation Between Municipalities animal rescue bodies (add)**

#### **25. Service delivery arrangements**

In an effort to achieve optimal service delivery in terms of this By-law, the Municipality may enter into agreement with the district Municipality with which legislative and executive powers is shared, in respect of the following-

(a) the practical arrangement with regard to the execution of the provisions of this By-law;

(b) the imposition and enforcements of conditions with regard to any application in terms of this By-law, in so far as such conditions pertain to the functions and powers performed by the district Municipality;

(c) the recovery of costs and expenses related to any action in terms of this By-law;

(d) subject to the provisions of Section 86 of the Local Government: Municipal Structures Act, No. 117 of 1998 mechanisms for the settlement of disputes with regard to execution of powers of functions in terms of this By-law or the matters on which have been agreed;

(e) any other matter regarded necessary by the parties to achieve optimal service delivery in terms of this By-law.

Reference what arb do with what they do for us (what they spend it on and their rights and obligations.

## **Chapter 5**

### **General Provisions**

#### **26. Right of entry and inspection**

(1) Any duly authorised employee of the Municipality is authorised to inspect any premises within the municipal area when there are reasonable grounds to suspect that there is non-compliance with the provisions of this By-law.

(2) When entering premises in terms on subsection (1), the authorised employee must on request by any person, identify him/herself by producing written proof of authorisation.

(3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspections.

(4) Any person who fails to give or refuses access to any authorised employee if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this By-law, or who fails or refuses to give information that he may lawfully be required to give to such employee, or who gives false or misleading information knowing it to be false or misleading, shall be guilty of an offence.

#### **27. Service of documents and process**

(1) Whenever a notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person-

(a) when it has been delivered to him personally;

(b)when it has been left at his place of residence or business in the Republic with a person apparently over the age of 16;

©when it has been posted or registered by certified mail to his/her last known residential or businesses address in the Republic and an acknowledgement of the posting thereof is produced;

(d)if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by Section (a), (b) or (c);(e)if his address and agent in the Republic is unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.

(2)When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him, but shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

## **28. Animal licensing, branding and identification**

The municipality will be phasing in dog and cat licenses over a period of 6 months from promulgation of this By Law in the Government Gazette.

All cat and dog owners will have to register their cats and dogs and pay a fee for a license to be able to have cats and dogs identified. The fee will be communicated during the budget process of 2024/25 and will be affected 6 months from this By Law been promulgated. Application forms will be on the Kouga website and copies at all municipal offices.

All cattle must be branded and other animals to be tagged. (Visible at night)

## **29. Fireworks**

(1) No person may intentionally or negligently terrify, distress or harm any animal with fireworks or by any other means.

## **30. Designation of public places as free-running, on leash or off-limits**

(1) The municipality may designate public places, with appropriate signage, as areas where dogs are allowed to be free-running, on leash or off-limits and the designation may vary according to time of day and season.

## **31. Removal of excrement**

(1) If any animal defecates in any public street, public place or public road, any person in control of such animal, excluding a person assisted by a guide dog, shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

(2) No person shall walk an animal, other than a guide dog, in a public street, public place or public road, without carrying a sufficient number of plastic or paper bags or wrappers, within which to place the excrement of the animal, in the event of the animal defecating.

### **32. Welfare facilities for the care and accommodation of animals**

(1) All entities purporting to be animal welfare organisations must be registered not-for-profit entities whose main mission and objectives is the reduction of animal suffering and improvements in animal welfare.

(2) All animal welfare organisations other than a statutory organisation which also functions as rescue and shelter organisations must apply for a permit from the municipality, which permit must be issued prior to the commencement of operations.

(3) Such permit may only be granted if the applicant–  
 (a) has appropriate dedicated facilities in terms of relevant municipal by-laws; and  
 (b) will employ at least one professional, qualified and registered welfare expert to be continuously involved in the management of the organisation or enterprise.

### **33. Standards and Requirements for Keeping of Animals on Premises**

(1) Premises used in connection with the keeping of animals and poultry must be operated under a permit issued in terms of this By-Law, except premises used for the keeping of animals and poultry on property zoned for agricultural farming or agricultural purposes, where the primary use of the land is for farming with animals and poultry.

(2) No person may keep, breed or operate the following animals on any residential premises without applying to the municipality for a permit –  
 (a) keep, cattle, horses, mules, donkeys or any animal of similar or bigger size;  
 (b) keep goats or sheep or any animal of similar or smaller size;  
 (c) any poultry, excluding 5 chicken hens;  
 (d) keep more than 5 birds;  
 € keep or breed any rabbits; and  
 (f) operate a kennel or cattery.

(3) No person shall keep any varieties of rock dove or feral pigeons of the species *Columba livia* on any residential premises, unless under a valid permit issued in terms of this By-Law and proof of Pigeon Racing Club or Show Pigeon Club Membership.

(4) Applications to keep any varieties of rock dove or feral pigeons of the species *Columba livia* on any residential premises must be in writing in the prescribed format and may be considered and resolved by the municipality after consideration of substantiated comments received from abutting and affected neighbours and proof of Club Membership.

(5) No person may keep any pigs on any residential premises in the municipality.

(6) No person may keep any roosters on any residential premises in the municipality.



### **34. Keeping and slaughtering of animals for religious, cultural, ceremonial and own consumption purposes**

(1) Subject to subsection (2), no person may:

- (a) slaughter any animal at any place other than at a registered abattoir;
- (b) permit the slaughter of any animal at any place under their control unless that place is a registered abattoir; or
- (c) sell or provide meat for human consumption and animal consumption unless it has been slaughtered at an abattoir.

(2) Subsection 1 does not apply to a slaughter for religious, cultural, ceremonial, and own consumption purposes, in terms of the Meat Safety Act, 40 of 2000.

(3) No meat or animal product obtained from an animal slaughtered as contemplated in subsections 1 may be sold to any person.

(4) In the case of religious and cultural slaughtering, an application must be made in writing, fourteen (14) days prior to the event.

(5) The slaughtering of the animal must be conducted in a position as to not allow observation by any person on neighbouring premises or any member of the public.

(6) The meat from the slaughtered animal may only be used for religious, cultural, ceremonial and own consumption purposes and may not be sold to any person.

(7) The meat must be always handled in a hygienic manner.

(8) Blood and other waste products from the carcass must be disposed of in a manner which will not become a public health nuisance.

(9) The animal to be slaughtered must not be kept on the premises for a period more than twelve (12) hours, prior to slaughtering.

(10) Measures must be taken to ensure that no health nuisance is created or exists on the premises because of the slaughtering.

(11) The services of an authorised official or any person deemed as a meat inspector in terms of the Meat Safety Act, 2000 (Act No. 40 of 2000), may be requested for conducting a post-mortem examination of the slaughtered animal at a cost determined by the municipality.

(12) Animals selected for slaughter, in terms of the Red Meat Regulations promulgated in terms of the Meat Safety Act, 2000 (Act No. 40 of 2000), must be in a healthy condition.

(13) Persons intending to keep animals for slaughter shall:

- (a) Keep the animal off feed for twelve (12) hours but provide access to water.
- (b) Ensure that the legs of the animal are not bound.
- (c) Not run or excite the animal prior to slaughtering because this may cause poor bleeding and give the carcass a bloody appearance.
- (d) Minimise pain and suffering as per the Meat Safety Act, 2000 (Act No. 40 of 2000).

- (e) Provide written proof of notification to abutting neighbours which must be submitted with the application in residential areas only; and
- (f) Ensure all areas are kept free of animal waste.

(14) Standard consent form must be completed by applicant.

(15) Number of animals and duration of event must be indicated by the applicant.

(16) No noise nuisance shall occur prior to and during the slaughtering process.

(17) All waste products to be disposed on in a manner approved by the Director: Community Services selected for slaughter.

### **35. Transitional provisions**

A person who, at the commencement of this By-law, owns a larger number of animals than the number contemplated in Section 12, may continue to keep such larger number of animals, but may not replace any animal in excess of that number should one or more of the animals die or be disposed of, unless permission is obtained from the Municipality for exceeding that number.

### **36. Appeal**

(1) A person whose rights are affected by a decision taken by a political structure, political office-bearer, or staff member of a Municipality in terms of a power of duty delegated or sub-delegated by a delegating authority to the political structure, political office-bearer, or staff member may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) When the appeal is against a decision taken by-

- (a) a staff member other than the municipal manager, the municipal manager is the appeal authority;
- (b) the municipal manager, the executive mayor is the appeal authority;
- (c) a political structure or office bearer, a committee of councillors who were not involved in the decision and appointed by the Municipal Council for this purpose is the appeal authority.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(6) The provisions of this Section do not detract from any appropriate appeal procedure provided for in any other applicable law.

### **37. Offences and penalties**

(1) A person who-

(a) contravenes or fails to comply with any provisions of this By-law or with any order or notice lawfully issued thereunder commits an offence; and

(b) continues to commit an offence after notice has been served on him or her to cease committing such offence or after he has been convicted of such offence shall be guilty of a continuing offence.

(2) Any person convicted of an offence under this By-law shall be liable to a fine not exceeding R20 000 or imprisonment for a period not exceeding two years.

(3) Any court convicting any person of keeping any animal which is not kept under control in accordance with the provisions of the By-law may, in addition to the penalty referred to in subsection (2), order the euthanasia of the animal concerned, and thereupon an authorised official may euthanise such animal.

### **38. Exemption**

Notwithstanding the provisions of this By-law, the Municipality may exempt any person and/or class of persons from any or all of these requirements and may impose any other requirements it deems appropriate.

### **39. Repeal of By-laws**

The By-laws relating to the Prevention of Public Nuisances and Keeping of Animals previously applicable in the Municipality of Kouga are hereby repealed.

### **40. Short title and commencement**

This By-law shall be known as the "By-law relating to the Prevention of Public Nuisances and Keeping of Animals" and shall come into operation on the date of publication thereof in the *Provincial Gazette*



**KOUGA MUNICIPALITY (EC 108)**  
 ORDINARY COUNCIL MEETING  
 COMMUNITY SERVICES  
 OPEN  
 DATE: 28 JUNE 2024  
 ITEM NO: **24/06/CSS2**

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## **TREE MANAGEMENT POLICY**

### **1. Introduction**

The purpose of this report is to re-submit the Kouga Municipality Tree Management Policy to Council for approval.

### **2. Background**

Council adopted the Draft Tree Management Policy, Resolution No: 24/01/CSS3 with comments on 30 January 2024, and the Policy was subsequently discussed at a virtual Policy workshop held on 19<sup>th</sup> April 2024 and advertised for public comments as per Annexure A. No comments were received from the public.

The strategic frameworks and policies of Kouga Municipality emphasize sustainable development, environmental protection, and the creation of quality living and work environments. Trees play a critical role in achieving these objectives and therefore trees as valuable environmental assets need to be procured and managed in a manner that will optimise the outcomes of key strategies.

The provision and management of trees within the urban environment is an ongoing challenge because the protection and survival of trees is threatened due to:

- An increasing demand for land for development.
- Competing social needs resulting in trees being considered a nuisance rather than a benefit in some instances.
- Changing environmental laws that redefine how trees are procured and managed.
- Polyphagous Shot-hole Borer infestations which decimate mature trees and target certain species.

### **3. Discussion**

The Tree Management Policy aims to protect and maintain the trees located on municipal property as well as on private properties through accepted sound tree management (arboricultural) practices thus promoting a sustainable development approach. This approach is geared towards making Kouga the greenest municipality in South Africa through Urban Forestry practices which guide investors towards future sustainable development. The purpose of the policy is to ensure that a guideline exists to manage trees within the Kouga Municipality by improving the aesthetics of all areas in the planting and maintenance of trees.

Due to increasing urbanization demands, tree management must be carefully considered to ensure acceptable tree survival rates, whilst reducing potential risks that trees can pose to people, property, infrastructure, and the environment in the event of poor selection of planting sites, tree placements, or inappropriate choices of species.

The Tree Policy attached as Annexure B with forms to be completed as additional Annexures, is a living document that will change as the need arises and circumstances require a change in approach to resolve the situation. The Tree Management Policy is attached as Annexure.

#### 4. **Financial Implications**

<b>Completed by BTO -</b>	Not Applicable
Project Description	
Ukey no.	
Budgeted Amount	
Amount spent and committed to date	
Amount Available	
Comment	
BTO Signature	

#### 5. **Applicable Legislation**

The following legislation but not limited applies:

- Constitution of the Republic of South Africa, 1996 Chapter 2: Bill of Rights.
- National Water Services Act, 1997 (Act 103 of 1997).
- Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).
- National Environmental Management Act, 1998 (Act 107 of 1998).
- National Environmental Management: Biodiversity Act 2004 (Act 10 of 2004).
- The Forest Act, 1998 (Act 1984 of 1998).
- National Heritage Resources Act, 1999 (Act 25 of 1999).
- Land Use Planning Act 3 of 2014.

#### 6. **Legal Implications**

Should Council approve the draft Policy, the custodian department may commence with the implementation and application of the policy provisions.

#### 7. **Other Implications**

None

8. **Other Implications**

None

8. **Comments by Directorates:**

8.1 **Chief Financial Officer:**

Report noted

8.2 **Acting Director: Planning & Development**

Supported

8.3 **Acting Director: Civil & Water Services**

Noted.

8.4 **Director: Electro-Mechanical Services**

Item supported.

8.5 **Director: Community Services**

Item supported.

8.6 **Deputy Municipal Manager**

Item noted.

8.7 **Municipal Manager**

Recommendation supported.

9. **Delegated Authority**

Council.

10. **Recommendations**

10.1 That the Council approves the Tree Management Policy.

10.2 That the approved Policy be placed on the Kouga Municipal Website.

**Item prepared by the: Manager: Waste and Environmental Management**

**Item approved by the: Director – Community & Safety Services**


**Item endorsed by the Municipal Manager:**

A handwritten signature in black ink, appearing to read "du Plessis".

**Item noted by Portfolio Chairperson:**

A handwritten signature in black ink, appearing to read "Benson".



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**KOUGA MUNICIPALITY (EC 108)**  
**NOTICE NO 49/2024**

**COMMUNITY SERVICES DEPARTMENT**  
**DRAFT TREE MANAGEMENT POLICY: REQUEST FOR COMMENTS**

Notice is hereby given in terms of Section 160(4) (b) of the Constitution, Act 108 Of 1996, read with Section 12 and 13 of the Local Government - Municipal Systems Act, Act 32 of 2000, that the Draft Tree Management Policy is available for inspection and comments. An electronic copy of the document can be viewed and downloaded on the municipal website: [www.kouga.gov.za](http://www.kouga.gov.za).

Any person or body wishing to provide comments can do so withing 30 days from date of publication of this notice.

Kindly address any comments in writing to the office of the Deputy Municipal Manager, Mr. D de Jager, at 33 da Gama Road, Jeffreys Bay or by way of an email correspondence to [wbetsha@kouga.gov.za](mailto:wbetsha@kouga.gov.za)

**DEPUTY MUNICIPAL MANAGER**  
**MR. David de Jager**

**For Publication: Municipal Website**  
**Local Media**  
**Council Offices**





# **TREE MANAGEMENT POLICY**

## **JUNE 2024**

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## DEFINITIONS AND ABBREVIATIONS

<b>Term</b>	<b>Definition</b>
<b>Adaptation</b>	In human systems, the process of adjustment to actual or expected climate and its effects, in order to moderate harm or exploit beneficial opportunities; in natural systems, the process of adjustment to actual climate and its effects; human intervention may facilitate adjustment to expected climate and its effects.
<b>Aftercare</b>	The tree maintenance regime, which is implemented once the tree has been planted.
<b>Arboriculture</b>	The planting, management and care of trees and shrubs, and the study thereof.
<b>Arborist</b>	A professional with experience and training who has the technical and theoretical knowledge to manage and care for trees and shrubs.
<b>Blanking</b>	The replacement planting of trees in gaps where trees have been lost or died. Infill planting has the same meaning.
<b>Canopy</b>	The upper layer or habitat zone formed by mature tree crowns. Also, the extent of the outer layer of leaves of an individual tree or group of trees.
<b>Champion tree</b>	Extraordinary single trees and groups of trees assigned "champion" status by the national Department of Forestry, Fisheries and the Environment (DFFE). Champion status is assigned according to trees' biological attributes, age or heritage significance and enjoy protected status under section 12 of the National Forests Act 84 of 1998.
<b>Climate change</b>	A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.
<b>Council</b>	The Municipal Council.
<b>Cultural landscape</b>	Landscapes that include both natural and man-made aspects and that have been affected, influenced, or shaped by human involvement. This is expressed in various ways, patterns and elements, the relationship between these, and the meaning they have for people.
<b>Development</b>	In relation to a place, means any process initiated by a person to change the use, physical nature or appearance of that place, and includes— (a) the construction, erection, alteration, demolition or removal of a structure or building; (b) a process to enhance rights (e.g. rezone, subdivide or consolidate land) (c) changes to the existing or natural topography or slopes; (d) the destruction or removal of indigenous or protected vegetation; or (e) submission of a building plan.
<b>Endemic tree</b>	A tree that is native to a certain region and is not found anywhere else. (Compare "indigenous tree".)
<b>Environment</b>	Means the surroundings within which humans exist and that are made up of: (a) the land, water and atmosphere of the earth. (b) micro-organisms, plant and animal life; (c) any part or combination of (a) and (b) and the interrelationships among and between them; and (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being.
<b>Exotic tree</b>	Trees introduced to South Africa from other countries

<b>Felling</b>	Tree removal.
<b>Green space</b>	Open spaces that are generally semi-natural or which have been planted with vegetation.
<b>Heat island effect</b>	Occurs when a Municipality or built-up area experiences much warmer temperatures than nearby rural or natural areas. The difference in temperature is to do with how the surfaces in each environment absorb and hold heat.
<b>Indigenous tree</b>	A tree originating or occurring naturally in a certain geographical area or country. (Compare "endemic tree".)
<b>Invasive alien species</b>	Collectively refers to a species included in the 2016 list of alien and invasive species in terms of the National Environmental Management Biodiversity: Act 10 of 2004 (NEMBA) as well as any invader plant and weed declared in terms of the Conservation of Agricultural Resources Act: Act 43 of 1983 (CARA), which are difficult to control, and may be harmful to indigenous habitats.
<b>Landscape plan</b>	A plan, or set of plans, with supporting drawings that shows how you will be designing the visual appearance of a site around existing natural features, built structures and infrastructure services.
<b>Lopping</b>	The indiscriminate cutting off of lateral tree branches or limbs.
<b>Maintenance Standards</b>	Minimum maintenance standards document, revised regularly by the Parks Section, for all land managed by the Department.
<b>Mature tree</b>	Any tree whether located on public or private land, that has reached a desired size or age for its intended use, completed its natural development or growth and has a well-developed canopy.
<b>Mitigation</b>	In the context of climate change, a human intervention to reduce emissions or enhance the sinks of greenhouse gases.
<b>Municipality</b>	The greater Kouga area in which the Kouga Municipality has jurisdiction.
<b>Planting</b>	The placing of sapling trees or seeds of trees in the ground or container for them to grow.
<b>Public Open Space and Public Space</b>	(a) a public road, parking area, square, park, recreation ground, sports ground, sanitary lane, open space, beach, shopping centre on municipal land, unused or vacant municipal land or cemetery which has – (i) been provided, reserved, or set apart for use by the public; or (ii) been dedicated to the public.
<b>Protected tree</b>	A tree protected in terms of the National Forests Act 84 of 1998.
<b>Pruning</b>	The removal of tree parts to control or enhance their performance or function in the landscape, including crown lifting, reduction and cleaning.
<b>Resilience</b>	The capacity of social, economic, and environmental systems to cope with a hazardous event or trend or disturbance, responding or re-organising in ways that maintain their essential function, identity and

	structure, where appropriate, while also maintaining the capacity for adaptation, learning, and transformation.
<b>Riparian</b>	Adjacent to, or within the floodplain, of a watercourse or wetland.
<b>Road reserves</b>	The municipal land set aside and zoned for the development of roadways and related engineering services.
<b>Root ball</b>	The main base mass of roots of a plant and the soil surrounding them.
<b>Significant tree</b>	A tree that is considered exceptional in terms of cultural, historical, scientific, or aesthetic value.
<b>Skilled tree worker</b>	A person who, through training and experience, has sound tree knowledge, and is familiar with maintaining and removing trees, and the equipment used for such, and has demonstrated ability in the specialised techniques involved.
<b>Specimen tree</b>	A tree that is particularly beautiful, interesting, or unusual, and which is a focus of attention.
<b>Toolkit on Trees</b>	Best practice guidelines developed as part of the Kouga Municipality's Green Infrastructure Programme. These guidelines are not intended to be prescriptive. Instead, the principles contained in this document are meant to guide property owners, Municipality officials, designers, developers, architects, planners and community members in managing and improving our green infrastructure collectively and sustainably to create safe, contextually appropriate environments
<b>Topping</b>	Also "heading", "tipping", "hat-racking", "rounding over". The indiscriminate cutting of tree branches on the main limb and all lateral branches to the same height
<b>Transplanting</b>	The digging out of a tree in one location and replanting it in another.
<b>Tree</b>	A woody perennial plant with an elongated stem, or trunk, supporting branches and leaves in most species, also includes the critical root zone.
<b>Tree health</b>	All factors (biotic and abiotic) that affect the vigour and productivity of a tree.
<b>Tree management</b>	The protection and maintenance of the existing tree asset base in KM, as well as the planning, planting and maintenance of trees.
<b>Tree trunk</b>	Refers to the stem of the tree.
<b>Tree Work Procedures</b>	A document developed to ensure uniform standards for all aspects of tree management on Council-owned land
<b>Urban forest</b>	The sum of all trees growing within an urban area
<b>Wayleave</b>	An approved right of way given for working over or under another ground or property.

## ABBREVIATIONS

<b>Abbreviation</b>	<b>Term</b>
<b>CARA</b>	Conservation of Agricultural Resources Act 43 of 1998
<b>DALRRD</b>	Department of Agriculture, Land Reform and Rural Development
<b>DFFE</b>	Department of Forestry, Fisheries and the Environment
<b>DW&amp;S</b>	Department of Water and Sanitation
<b>ECD</b>	Early Childhood Development
<b>EGS</b>	Economic Growth Strategy
<b>ERM</b>	Environmental Resource Management
<b>IDP</b>	Integrated Development Plan
<b>IRT</b>	Integrated Rapid Transit
<b>ISA</b>	International Society of Arboriculture
<b>KM</b>	Kouga Municipality
<b>NEMBA</b>	National Environmental Management Biodiversity Act 10 of 2004
<b>NHRA</b>	National Heritage Resources Act 25 of 1999
<b>POS</b>	Public Open Space
<b>PSHB</b>	Polyphagous Shot Hole Borer
<b>SAHRA</b>	South African Heritage Resource Agency
<b>SDS</b>	Social Development Strategy

## 1.INTRODUCTION

Planning for and providing trees and parks is important to create a sense of place and to enhance the social and public environment. During the Covid-19 pandemic, the importance of green spaces on the physical and mental health of humans was rediscovered. Trees transform neighbourhoods into desirable areas to live, work, and play. They can be used to transform underutilised spaces in destination sites, change roadways into scenic drives, demarcate community gateways and become symbols as part of Municipality landscapes. In the built environment, trees add beauty, form and structure to urban design, shield undesirable sights, make buildings more “human” in scale, and serve to buffer noise, sun, and wind. In the absence of built structures, trees are tangible and aesthetic features in the historic and cultural landscape. Trees also support wildlife by providing food and habitat as well as providing other essential ecosystem services.

Trees are important for climate change adaptation and mitigation by improving air quality, regulating microclimate, combatting urban heat island effect, assisting with flood mitigation, contributing to carbon sequestration, and optimizing thermal comfort by shading and cooling, thereby decreasing urban energy consumption.

## 2. PROBLEM STATEMENT

The Kouga Municipality's strategic frameworks and policies emphasise sustainable development, environmental protection and the creation of quality living and work environments. Trees play a critical role in achieving these objectives and therefore these valuable environmental assets need to be retained, provided and managed in a manner that will optimise the outcomes of key Municipality strategies.

However, the retention, provision and management of trees within the urban environment is an on-going challenge because the protection and survival of trees is threatened due to:

- An increasing demand on land for development.
- Competing societal needs and demands resulting in trees being considered a nuisance and messy, rather than a benefit in some instances.
- An increased need for tree-related produce for cultural and medicinal need (e.g. bark stripping of certain species).
- Climate change is disrupting weather patterns, leading to unpredictable water availability affecting tree planting due to water restrictions during drought periods, as well as tree survival due to water stress.
- Increasing occurrence of pests and diseases impact greatly on the loss of trees in the urban forest canopy. Examples include Polyphagous Shot Hole Borer (PSHB) that attack a wide range of living exotic and indigenous trees and various fungi, often targeting oak trees.
- Unlawful land occupation; and
- Expansion of infrastructure; road widening and construction.

Due to increasing urbanisation demands, tree management must be carefully approached to ensure acceptable tree survival rates, whilst reducing potential risks, which trees can pose to people, property, infrastructure and the environment in the event of poor selection of planting sites, tree placements, inappropriate choices of species or lack of tree pruning and maintenance.

The Kouga Municipality's current Tree Management Policy was adopted by Council in 2015. Over time the applicability and relevance of the existing policy has diminished, and it has become incumbent to undertake a revision of the existing policy and develop an Urban Forest Policy that is responsive to the changing social,

legislative and environmental context of the Municipality and can be adopted across KM, public and private land. The existing policy lacks sufficient recognition of trees as a network, which compromises on the holistic approach to tree management and the benefits derived from an abundance of trees forming an urban forest.

The current Tree Management Policy was applied and utilised predominantly within the operational environment of the Parks Section. This review (the Urban Forest Policy) aims to develop a transversal policy that applies to the management of all trees growing in KM, including state- and privately-owned land, and can be utilised by all Municipality departments and give guidance to the public and owners of state land. As a result, this policy also aims to widen its scope by addressing the roles and responsibilities of private landowners, providing guidance in relation to tree management, as well as providing decision-making criteria to ensure informed decision-making, transversally, by all municipality departments.

Kouga is one of hundreds of cities across the world affected by water scarcity brought on by climate change, and we face an even drier future. We can no longer rely on potable water to irrigate trees. This is why this policy also promotes efficient watering methods and alternative solutions to watering with potable water, such as groundwater, rainwater, reclaimed effluent or other non-potable water, to ensure trees are watered and maintained to reach maturity.

Currently compliance and enforcement measures for destruction of trees is very limited due to the KM's own operations and that of other user groups, landowners etc. To manage a reduction in the current tree canopy cover, proactive compliance, enforcement and best practice measures are needed.

### **3. DESIRED OUTCOMES**

The aim of this policy is to —

- a) ensure the retention, enhancement and management of the KM's urban forest.
- b) ensure that the KM's trees contribute positively to the quality of the local environment.
- c) ensure that trees do not pose a risk to the health and safety of people, or of damage to property.



- d) ensure that trees are protected from unnecessary harm; and
- e) provide for a uniform approach to the management of trees.

This will be accomplished by providing or referring to standards, guidelines, and recommended practices that result in a safe, healthy urban forest that contributes to a quality environment.

The outcome of the implementation of a uniform and transversal policy for the management of trees within the boundaries of the Municipality will be clustered around the following four key components:

### **3.1. Promote sustainable new tree planting.**

3.1.1. Suitable species selection that prioritises the planting of indigenous and drought resistant non-invasive trees in Public Open Spaces, Road Reserves, Parks, Sport fields and within new developments.

3.1.2. Selection of Polyphagous Shot Hole Borer resistant tree species.

3.1.3. Integrated greening and tree planting programmes in new housing developments as well as other suitable areas, as identified through service level agreements between municipality departments for the planting of new trees.

3.1.4. Engagement with all stakeholders and role-players responsible for planting trees on Municipality land to ensure alignment and integration of tree planting initiatives.

3.1.5. Ensuring that sustainable irrigation with non-potable water is available, where possible, to establish and maintain trees.

3.1.6. Focus on high profile locations such as major through routes, intersections, relevant areas identified for Green Infrastructure Network corridors and areas highlighted as being particularly vulnerable to urban heat stress.

3.1.7. Plant large trees rather than many small trees to reduce maintenance, depending on circumstances. In windy areas sometimes better to plant smaller, bushier trees.

3.1.8. A diversity of species to withstand future pests and diseases.

3.1.9. Greening of townships.

### **3.2. Ensure the sustainable management of current trees.**

3.2.1. Establish guiding principles, standards, and practices for Recreation and Parks staff, other departments, agencies and contractors.

3.2.2. Reduce risks related to ad hoc approaches to tree maintenance by various internal and external role-players.

3.2.3. Mitigate tree loss due to insufficient watering programmes and tree damage caused by construction activities, improper pruning practices, and tree diseases and pests.

3.2.4. Regulate the protection, planting, pruning and removal of trees by ensuring an integrated KM-wide approach based on sound arboriculture practices.

3.2.5. Implement integrated management frameworks and service level agreements between municipality departments to prevent unnecessary damage to trees during construction or maintenance works or related activities.

3.2.6. Undertake research on international examples of best management practices.

### **3.3. Reinforce the importance and value of trees (ecological, social, economic, health)**

3.3.1. Improve understanding and awareness of the importance of trees and the tree lifecycle within a given habitat or environment, including their contribution to climate change adaptation and mitigation, building resilience and contributing to a more liveable KM.

3.3.2. Develop partnerships with suppliers, property development companies, ratepayers' organizations and environmental groups, amongst others, to promote tree planting and management on both public and private land. Emphasise the importance of trees within the urban context, and promote the protection of cultural landscapes, qualifying individual trees, tree lanes and tree avenues of heritage significance and trees in general. Give special attention to site species matching.

3.3.3. Develop specific programmes with ECDs and youth organisations in collaboration with Arts and Culture and Social Development and Early Childhood Development, and other stakeholders.

3.3.4. Highlight the traffic calming effect of trees, as well as the benefits of roadside tree planting on the health and well-being of communities, such as stress relief and shelter from the elements when commuting. Pollution assimilation, the amenity value and recreational benefits of such trees, also needs to be emphasised.

### **3.4. Encourage adequate tree management on private land**

3.4.1. Facilitate and encourage the planting and maintenance of trees by residents and other stakeholders wherever and whenever possible.

3.4.2. Ensure clear guidelines for any development and construction near trees - no disturbance: trenching, building, excavation or compaction too close to trees.

3.4.3. Encourage protection of existing trees, especially mature and significant trees.

3.4.4. Allow qualifying indigent<sup>2</sup> occupants to request assistance from Recreation and Parks, through appointed contractors, where trees pose a risk of damages or injury on private property, to trim, cut down and remove trees on their property.

As prescribed by the Credit Control and Debt Collection Policy.

## **4. IDP AND STRATEGIC PRIORITY ALIGNMENT**

Reviewing the Tree Management Policy is necessary to incorporate the strategic vision for the Kouga Municipality as outlined in the Five-Year Integrated Development Plan 2017 -2022 (IDP). The diverse value of trees makes it a contributor to all the strategic pillars of the IDP but in particular to:

The Opportunity Municipality– trees contribute to creating quality living and work environments which in turn attracts businesses and skills to the region. Trees as part of urban landscapes and streetscapes contribute significantly to the aesthetic beauty of the Municipality and play a role in the socioeconomics of the urban environment, which is important for the tourism industry. Trees can also reduce the heat island effect and provide shade through focused tree planting programs.

The Caring Municipality– the management of trees in the urban environment is pivotal to creating liveable communities and improving the quality of life of people within the urban context. There has also historically been an unfair distribution of trees based on socio-economic lines, which needs to be addressed to create greater equity.

The Inclusive Municipality—addressing the lack of trees in certain areas of the Municipality will reduce the stark contrast between the areas that have and those that do not have the benefit of trees and contribute towards an environment where people feel included and have a sense of belonging. Trees are an important feature in place making and can thus be used to enhance social cohesion.

Alignment to Strategic Priorities:

- Forward-looking, globally competitive Municipality
- Resource efficiency and security
- Safe communities
- Excellence in basic service delivery
- Mainstreaming basic service delivery to informal settlements and backyard dwellers
- Building integrated communities
- Operational sustainability

Explanation of how it addresses climate resilience:

Tree planting will form an important part of the KM's Climate Change Action Plan. The more man-made the surface is, the hotter it is. Trees, therefore, play an important role in adapting to climate change by reducing the effect of heat on the Municipality through shading and evapotranspiration. This also reduces the heat island effect, which affects densely urbanised, and inner Municipality areas and can cause temperature disparities of around 5°C. Urban trees also have a role, although smaller, to play in climate change mitigation, due to their ability to sequester carbon. However, due to the large scale of Kouga's carbon emissions, tree planting and other types of carbon sequestration projects will only have a limited impact.

To give effect to the Resilience Strategy of the Municipality a baseline for tree canopy cover is important. This will enable the implementation of a comprehensive municipal-wide plan to prioritise tree planting. Stresses due to climate change on trees needs to be incorporated in a tree management plan.

## **5. POLICY PARAMETERS**

The focus of this policy is the protection and management of all trees that grow within the city. This includes council-owned land, council-owned land that is leased to individuals, groups, or organisations state-owned and private land.

Goals of this policy is to grow the urban forest through new planting, to protect the urban forest from threats and loss by preserving the KM's existing trees, to manage and maintain the urban forest to ensure sustainability, to engage with stakeholders and implement awareness campaigns and to monitor and value trees.

This policy will consider the management requirement related to the full life cycle of a tree, the conditions for tree removals, trees growing within the urban environment and the appropriateness of the selection of species, planting locations and local contexts.

This policy deals with trees, forest and arboriculture elements, but it does not deal with other horticultural elements such as shrubs, groundcovers and other flowering plants.

## **6. TRANSVERSAL IMPLICATIONS**

Due to the large number of trees on Municipality land, the total management responsibility cannot practically reside only with one Municipality department. It is accepted that Recreation and Parks is the lead department responsible for tree management including streetscapes and avenue planting, cluster planting, historic trees and all other occurrences of trees within KM. However, trees occur in various places and therefore the respective land "owner" departments in the Municipality must manage the trees within their areas of responsibility in accordance with this policy.

The Parks Section will play an advisory and consultative role to other departments with regards to the management of trees, although it remains the responsibility of each department to ensure that they carefully consider the Toolkit on Trees: Best practice guidelines developed as part of the Kouga Municipality's Green Infrastructure Programme.

Recreation and Parks may conclude Service Level Agreements with relevant departments should they need assistance with the management of trees on their properties.

The following internal departments are affected:

- Electro - mechanical - Maintenance of trees under overhead electrical cables or streetlights.
- Civil and Water - Management of trees in rivers and other storm water infrastructure; Regulation of the use of water for the management and maintenance of trees.
- Environmental Management - Planting and maintenance of trees in nature reserves and other nature conservation areas. Inputs into landscape plans submitted by developers and other stakeholders for Municipality approval. Protection and conservation of trees with heritage, cultural and environmental value, including significant or mature trees. Input into the management and control of alien and invasive trees on municipality land as required by the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEMBA). Promoting the importance of trees as green infrastructure assets and for climate change adaptation.
- Human Settlements - Opportunity to plant trees and create landscapes in human settlements, inclusive of road reserves.

The following departments play an important role in the enhancement and management of the KM's urban forest.

- Law Enforcement - Enforcement of municipality by-laws and other legislation.
- Waste Management - To protect the environment by providing reasonable measures for reducing, re-using, recycling, and recovering of waste as per the National Environment Management Waste Act, 2008 (Act 59 of 2008).
- Urban Planning and Design – ensuring that trees are properly considered during the urban planning and design process, including the retention, planting, and maintenance of trees, can assist with ensuring proper management and protection of trees within developments, especially protected, significant or mature trees, during the planning or building plan approval process.
- Property Management – planting and maintenance of trees on land purchased by the Municipality for municipal purposes and residents who need to lease or buy Council-owned buildings and land.

To ensure retention of existing trees, all departments to consider trees and undertake to mitigate loss. Where not possible, to seek ways to compensate for loss or damage.

## **7. EXTERNAL STAKEHOLDERS**

There are many external stakeholders and role-players, most of who are interested in the provision, availability and benefits of trees and not necessarily in the management and maintenance thereof. The following lists some of the stakeholders and role-players that the municipality will engage with regarding tree management:

- National, Provincial and Local Government
- General public
- Developers and private companies
- Environmental groups
- NGOs and community organisations
- Schools and other education institutions
- Nursery traders
- Landscaping industry
- Residents associations
- Homeowners associations
- Academic institutions
- Professional bodies

## **8. LEGISLATIVE AND POLICY FRAMEWORKS**

### **8.1. LEGISLATION:**

- Constitution of the Republic of South Africa, 1996
- Conservation of Agricultural Resources Act 43 of 1983
- National Building Regulations and Building Standards Act 103 of 1977
- National Environmental Management Act, 1998 (Act 107 of 1998)
- National Environmental Management: Biodiversity Act 10 of 2004 (NEMBA) and its associated regulations, and 2016 Alien and Invasive Species list
- National Forests Act 84 of 1998 and its associated regulations
- National Heritage Resources Act 25 of 1999

- Water Services Act, 1997 (Act 108 of 1997)
- Local Government: Municipal Finance Management Act, 2003, (Act 56 of 2003)
- Spatial Planning and Land Use Management Act (Act 16 of 2013) (SPLUMA)
- Municipal Planning Bylaw, 2015
- Water Act, 1998 (Act 36 of 1998)

## 9. THE VALUE AND BENEFITS OF TREES

Trees are an essential part of our natural landscape and form part of Kouga's cultural and aesthetic backdrop. Trees have a large part to play in making Kouga a resilient Municipality that can adapt to climate change. Whether trees are indigenous or exotic, collectively, they form part of our urban forest, and offer valuable social, ecological and economic benefits.

Trees offer a number of environmental, social and economic benefits. The most notable under these sections are as follows:

<b>Environmental</b>	<b>Social</b>	<b>Economic</b>
Provide shade and cool the cities. Through the process of transpiration and the provision of shade, trees help reduce day and nighttime temperatures, especially during summer when temperatures are high.	Improving community cohesion. Green open space provides places for events, festivals and celebrations throughout KM. These can bring diverse groups of people together within a public realm that is available for everyone to enjoy	Reducing energy costs. Restoring natural systems is often more cost-effective than technological substitutes or building new infrastructure. Major economic benefits come through shading buildings in summer, reducing the need for air conditioning, in turn cutting energy costs. Increasing tree cover by 10%, or strategically planting about three shade trees per building lot, saves



		annual heating and cooling costs.
Reduce stormwater flows and nutrient loads. Tree canopies intercept and mitigate the impact of heavy rainfalls. Healthy tree roots help reduce the nitrogen, phosphorus and heavy metal content in stormwater.	Reducing heat related illnesses. The shade provided by trees on hot summer days helps to reduce localised temperatures by up to 2 degrees Celsius.	Decreasing health costs. Research suggests that a healthy green Municipality helps alleviate the burden on national health systems.
Reduce air pollution, airborne particulates and greenhouse gas emissions. Vegetation ameliorates air pollution and reduces greenhouse gases. Through the process of photosynthesis trees remove carbon dioxide, nitrous oxides, sulphur dioxide, carbon monoxide and ozone from the atmosphere	Improving mental wellbeing. Access to, and views of, green spaces and trees have positive effects on people's wellbeing. Many studies have explored relationships between greenery in the landscape and levels of depression and wellbeing	Marketing the Municipality green spaces play a role in defining the culture and image of KM. A better image makes a Municipality more competitive, thus expanding its political and economic influence. Tourism is of increasing importance to many cities, and green space can help to promote tourism, as main attractions or more commonly as attractive 'settings' or various types of events and activities that boost the local economy.

## 10. POLICY DIRECTIVES

The following are the key elements of this policy and must be considered as a single Tree Management System, namely:

1. Grow the urban forest through new planting to maximize benefits of trees and urban greening
2. Protect the urban forest from threats and loss by preserving the KM's existing trees
3. Manage and maintain the urban forest to ensure sustainability
4. Stakeholder engagements and awareness campaigns
5. Tree monitoring and valuation

## **10.1 GROW THE URBAN FOREST THROUGH NEW PLANTING TO MAXIMIZE BENEFITS OF TREES AND URBAN GREENING**

The Municipality aims to maximise sustainable planting of trees to increase percentage canopy cover and address disparity between leafy areas vs non-leafy areas.

The Kouga Municipality has a low tree canopy percentage cover, the world norm to qualify as an "urban forest" is 10%. It is therefore imperative to expand the number of trees, and thereby the canopy cover.

Planting new trees that are appropriate will contribute to increasing biodiversity, greening and adding aesthetic value throughout Kouga, softening and lending a 'human scale' to buildings, creating tree avenues that encourage non-motorised transport, serve as a traffic-calming measure and provide shade and reduce heat.

### **10.1.1. NEW TREE PLANTING**

The Municipality shall plan for the planting of new trees and encourage the planting of new trees by private landowners.

10.1.1.1. When choosing tree species consideration should be given to the following:

- a) available planting space and the size of the mature tree.
- b) the planting distance between trees to be based on species selected, services encountered, taking all local factors and context into consideration.
- c) diversification of species planted to increase biodiversity value that will serve as an effective buffer against the impacts of climate change, droughts, pests and other shocks.

- d) planting of appropriate local indigenous, water-wise, or resilient tree species dependant on local conditions such as wind tolerance, sun and water table, as well as cultural landscapes; and
- e) planting of new trees need not exclude the use of appropriate exotic species if they are non-invasive and are suited to local conditions.
- f) species selected should complement the existing treescape and the concept of the "Milkwood Town" should be maintained wherever possible.
- g) it is prohibited to plant any invasive tree in terms of applicable legislation.

10.1.1.2. The Parks Section will promote the planting of new trees by any other department and residents of Kouga.

10.1.1.3. Areas prioritised for planting by KM, will be based on urban planning proposals, new areas for human settlement, road upgrade projects, existing residential and business areas where the tree canopy is very limited or non-existent, programs to reduce the heat-island effect, green infrastructure network corridors and climate change adaptation imperatives.

10.1.1.4. New tree planting can also take place when developers, residents or other parties request to plant trees on municipality land. These requests will be processed via the Parks Section using Tree Planting Request/Commitment forms (Annexure A) or wayleaves for the planting of new trees.

10.1.1.5. Tree planting is generally undertaken during the rainy season from May to August of each year. Planting during warmer summer months is not encouraged unless a sustainable water source is available.

10.1.1.6. Trees shall not be planted in these circumstances (see detail in Tree Work Procedures):

- a) where ground space is insufficient to provide for tree planting;
- b) where sustainable water sources are not available;
- c) where it may interfere with any underground or overhead services;
- d) close to a driveway or road intersection where it is likely to impair sightlines of motorists, cyclists or pedestrians;
- e) where it will may obstruct sightlines to traffic signs, signals or direction signs;

f) where pedestrian paths may be obstructed in such a way to cause people to walk in the street, or which makes passage by wheelchairs or pushcarts difficult.

10.1.1.7. Existing streetlights and lighting shall be taken into consideration whilst planting is undertaken. Private planting is not permitted on council-owned or leased land without prior consultation with the Director: Community Services or his/her delegated authority.

### **10.1.2. REPLACEMENT (OR BLANKING) PLANTING**

Tree blanking is exercised when an individual tree is removed and replaced with a new suitably appropriate tree, to ensure the planned tree planting programme remains in place for uniformity purposes. In the case of Milkwood trees, the blanking method will be to replace on a like-for-like basis to retain the treescape of the area.

Tree blanking may only be done under the following circumstances:

- Planned by the municipality.
- Tree(s) has died or is more than 75% dead.
- Trees damaged beyond recovery due to the impact of human activity both accidental and deliberate (vandalism).
- On condition that the relevant permits have been obtained from the relevant authorities.

10.1.2.1. Where trees have died or are damaged due to drought, vandalism, lightning or the impact of human activity the individual tree may be removed and replaced with an appropriate tree, to ensure continuity of the planned tree planting programme remains in place.

10.1.2.2. Replacement planting can also take place where existing streetscapes or avenues of trees are ageing, and new trees are inter-planted to ensure that as a tree comes to the end of its natural lifecycle the aesthetic view of the streetscape or avenue is not negatively impacted on.

10.1.2.3. Existing trees identified to be unsuitable may, after being authorised by the Director: Community Services or his/her delegated authority, be removed and replanted with a suitable species. Removal of trees, will only, after all reasonable measures have been considered, such as pruning, be authorised.

10.1.2.4. Replacement planting will take place when problematic trees have to be removed due to the damage caused to public and/or private property, in line with the policy.

10.1.2.5. Replacement planting can also be a requirement where trees are lost due to construction works on private land. If replacement trees cannot be planted elsewhere on the private land where construction works occur, consideration is to be given for the construction company or landowner to plant trees on municipality land.

### **10.1.3. APPLICATIONS MADE BY PUBLIC FOR TREE PLANTING**

10.1.3.1. Applications by the public for individual tree planting on sidewalks must be in writing and addressed to the Director: Community Services or his/her delegated authority. Such applications to be made on a prescribed form (Annexure A) from individual property owners to ensure adequate aftercare of trees. The prescribed form must include instructions about after care and a maintenance agreement. Residents may indicate their preference for tree species to be planted but local circumstances will determine the final choice.

10.1.3.2. Residents requesting individual tree planting must undertake to water the tree for a specified period until it becomes established, and the use of non-potable water is encouraged.

10.1.3.3. The property owner must be informed that such trees, once planted on municipal land, becomes the property of KM.

10.1.3.4. In the event of trees being planted on public land without authority, the Parks Section will only have the tree removed if absolutely required and if, in its opinion, the tree will cause danger to persons or property in the future and all reasonable measures have been taken to avoid unmanageable risk, or violates the conditions mentioned under the chapter "Tree Pruning and Removal".

10.1.3.5. Trees that are planted on municipality land that cause damage to private property must be reported to Parks Section. Any claims that may arise should be lodged with the Municipality Insurance Section for investigation.

10.1.3.6. Existing infrastructure will be taken into consideration when trees are planted by means of wayleaves. The wayleave will determine whether an area is conducive for tree planting.

Trees shall not be planted under the following circumstances:

- Where it may interfere with any underground services;
- Close to a driveway or road intersection where it is likely to impair sight lines of motorists, cyclist or pedestrians;
- Where pedestrian paths will be obstructed in such a way to cause people to walk in the street, or which makes passage by wheelchairs or push carts impassable.
- Where they may encroach on service infrastructure such as electricity, telecommunication lines, water and sanitation services, except where root barrier has been installed;
- Where wayleaves was not conducted, particularly if trees interfere with existing services, namely electricity, street lights, water, sewerage and fibre lines;
- Within 5 metres of an intersection, an existing driveway, electricity lamp pole or under power lines /overhead lines.
- Excavate, open up or remove the ground above, next to, under or near any part of the supply mains.
- Damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains; or
- Should the owner fail to observe this provision the municipality may, after prior written notification, or at any time in an emergency, order the owner to repair damages, cut or prune the trees or other vegetation in such a manner as to comply with this provision.

#### **10.1.4. WATERING**

Trees should preferably be planted in the higher rainfall months of the year (May to August). Due to the hot, windy and dry summer season in KM, irrigation is crucial for successful tree establishment. To ensure establishment of trees, a watering program is

needed for at least 3 years after planting. Effective watering methods may include the use of groundwater, rainwater, reclaimed effluent or other non-potable water. Refer to the Tree Work Procedures: Best Practice Guidelines: Trees.

#### **10.1.5. TREES DONATED BY THE MUNICIPALITY**

10.1.5.1. Trees may be donated to institutions and community facilities such as schools and community greening projects where trees are required as part of a project, according to the KM's policy regarding donations and in accordance with the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

10.1.5.2. Trees may be donated as part of a Municipality initiative, project or campaign such as Arbor Month. For donations to be considered maintenance agreements need to be in place.

10.1.5.3. On pavements not wide enough to accommodate trees (less than 1.2 meters wide); or where the pavement is not suitable for planting due to impenetrable surface, traffic sightlines or municipal services, a tree / trees may be donated for the adjacent private property at the discretion of the Director: Community Services or his/her delegated authority.

#### **10.2 PRESERVE THE KM'S EXISTING TREES**

Trees enhance the natural and built environment and the cultural landscape. Moreover, trees are becoming increasingly important in the fight against climate change. Therefore, all trees must be protected and maintained to increase their vigour and lifespan.

It is important to recognise trees for their special contribution to the KM's landscape and in preserving this asset, strive towards net zero canopy cover loss. Owners of land, with trees on, especially protected, significant or mature trees, are encouraged to carefully consider the KM's Green Infrastructure Programme (GIP) Best Practice Guidelines for the management of the trees. The guidelines provide a better understanding of the important role played by trees and offers reasonable and practical guidelines to ensure the longevity of the urban tree population and good tree health. Promoting the benefits of preserving, maintaining and planting trees by

providing standards, guidelines and recommended practices ensures an urban forest that contributes to the quality of life for all.

Some special categories of trees exist that deserve a higher level of protection.

### **10.2.1. SPECIAL CATEGORIES OF TREES**

#### **10.2.1.1. Champion trees:**

These are trees of exceptional importance that deserves national protection because of their remarkable size, age, aesthetic, cultural, historic or tourism value. In line with the DFFE Champion Trees Project, the Parks Section will establish and maintain a database of Champion Trees within the Kouga municipal boundaries.

a) Any person or organisation can nominate trees for Champion status and submit the said nomination the KM's Parks Section to consider or to the to the DFFE for consideration. Nominated trees may be indigenous or exotic. Selected trees that comply with the national criteria will be gazetted as Champion Trees and will then have to be managed and maintained as such.

b) Champion trees will have special protected status in terms of the National Forests Act of 1998. No such trees may be cut, disturbed or damaged without a license. A strict approach will be taken to protection, and licenses will be issued only under exceptional circumstances, such as a tree posing a danger to life or property. Licences for the removal or pruning of champion trees are only obtainable from the DFFE and not from KM.

c) Additional protective measures may be necessary for some trees, such as the erection of fencing enclosures.

#### **10.2.1.2. Significant Trees:**

10.2.1.2.1. The Municipality identified the need to elevate the status of certain individual or groups of trees, occurring on Municipal land, that have significant qualities in order to ensure a higher level of maintenance and protection. This will allow for trees nominated for Champion tree status to still receive an additional layer of protection, by KM, if Champion status is not given at a national level.

The criteria used to identify Significant trees are:

a) Outstanding aesthetic quality;



- b) exceptional height;
- c) stem circumference or canopy spread;
- d) commemoration or association with particular historical or cultural events;
- e) association with a well-known public figure or ethnic group;
- f) tree/s of great age;
- g) outstanding example of a specific species, rare or unusual species; or
- h) likely to be a remnant or regrowth of a historical avenue.

10.2.1.2.2. Nominations for Significant trees status will be invited by the Parks Section and considered on an annual basis. A register of Significant trees will be kept and revised annually. Significant trees will deserve special attention in terms of management and protection. Significant and mature trees should be protected as per the Toolkit on Trees: Best practice guidelines. Removal of Significant trees may only be authorised by the Director: Community Services or his/her delegated authority, and when no other management options are feasible.

### **10.2.1.3. Protected Trees:**

In terms of the National Forests Act (Act 84 of 1998) forest trees or protected tree species may not be cut, disturbed, damaged, destroyed and their products may not be possessed, collected, removed, transported, exported, donated, purchased or sold, except under license granted by the DFFE.

10.2.1.3.1. The criteria used to select tree species for inclusion in the protected tree list are:

- a) Red List Status (rare or threatened species);
- b) Keystone Species Value (whether species play a dominant role in an ecosystem's functioning);
- c) Sustainability of Use (whether a species is threatened by heavy use of its products such as timber, bark etc.);
- d) Cultural or Spiritual Importance (outstanding landscape value or spiritual meaning attached to certain tree species); or
- e) Legislation (whether a species is already adequately protected by other legislation).

10.2.1.3.2. Trees declared as a protected species in terms of the National Forests Act (Act 84 of 1998), may not be pruned or removed without the permission from the DFFE. Annexure C provides a list of protected trees that can be planted in the Kouga Municipal area. Annexure D provides a list of trees that needs to be eradicated.

#### **10.2.1.4. Trees in Heritage Protection Overlay Zone and Heritage areas:**

In terms of section 162(1)(b)(v) and 1(e) of the Kouga Municipality Development Management Scheme (schedule 3 to the KM's Municipal Planning By-law, 2015), no one may destroy or remove a tree, boundary hedge or mature plantings in a heritage protection area without prior Municipality approval.

In terms of section 38(1) of the National Heritage Resources Act (NHRA), any person who intends to undertake a development, which in the NHRA includes "any removal or destruction of trees", must submit a Notification of Intent to Develop (NID) to, and receive approval from, Heritage Eastern Cape.

Any area designated as a heritage area in terms of the NHRA, requires special consent from the responsible authority for any proposed alteration or development that affects such heritage area. This includes the removal or destruction of trees.

#### **10.2.1.5. Trees impacted on by Development:**

Trees may also be protected through title deeds, planning approval conditions or town planning schemes. The KM's requirements for building plan submission, in terms of section A6(g)(ii) of the National Building Regulations and Buildings Standards Act, require that trees on Municipality land that could be affected by proposed vehicular access routes be shown. The applicant would also have to show if any protected trees or Municipality trees on the property and the neighbouring property, whose root zone extends onto such property, would be affected by development proposals. An omission of relevant information in this regard could constitute fraud/misrepresentation on the part of the applicant, as it could cause the Municipality to approve a plan that does not comply with all other legislation.

### **10.2.3. IMPACT STREETSCAPES AND TREE AVENUES**

Parks Section will continue to strive for the development and protection of special streetscapes and tree avenues, which have historic significance, positive visual impact and economic benefits such as impact on tourism, amenity value and recreational benefits.

Existing tree avenues are to be categorised and management plans developed. Replacement planting and blanking to be done proactively to maintain the impact of the streetscape or avenue.

### **10.2.4. THREATS TO DAMAGE AND LOSS OF TREES**

It is prohibited to mark, paint or attach any advertisements to a tree in a public park or public road. In addition, no one may break or damage a tree.

Where trees occur on Public Open Space, developers and utility companies/contractors are required to obtain permission from the Parks Section prior to commencing construction work, to prevent unnecessary damage to trees. Consideration should be given to the GIP Toolkit: Best practice guidelines for trees prior to commencing construction work.

This includes, amongst other measures:

- 10.2.4.1. ensuring protective hoarding (fencing) for trees to be retained,
- 10.2.4.2. to ensure trees are watered before construction begins and after completion,
- 10.2.4.3. preventing root exposure to sun and air,
- 10.2.4.4. not storing heavy equipment under trees and placing unnecessary stress on tree roots,
- 10.2.4.5. not rinsing harmful chemicals near tree roots and not trenching near roots.

### **10.3 MANAGE AND MAINTAIN THE URBAN FOREST TO ENSURE SUSTAINABILITY**

To ensure that trees remain a part of the KM's asset base, and continue to provide social, economic and environmental benefits, efficient tree management and maintenance is critical. As buildings, public spaces and other assets and infrastructure require maintenance, so does the urban forest.

The driving principles of management and maintenance are sustainability and preservations. Through these practices, the municipality aims to achieve zero net loss of tree canopy cover, and with planting ensure substantial increase in the urban forest cover.

These outcomes will be undertaken according to accepted best practice in urban forest management and maintenance. This includes skill and competency development of staff and service providers.

### **10.3.1. TREE MANAGEMENT**

Key aspects of tree management and maintenance, including pruning and removal, are discussed below.

#### **10.3.1.1. Tree Pruning and Removal:**

##### **10.3.1.1.1. Circumstances for Pruning and Removal**

The premise that underpins the management of trees in the Municipality is that all trees are valuable and therefore any request or decisions for removal of trees needs to be carefully considered on a case-by-case basis by the Parks Section. Trees will only be removed if necessary.

Removal of a tree on a Public Open Space or road reserves will only be considered if it presents an unmanageable threat to human life or property, or if the tree has died.

I. The Municipality may undertake planned **tree removals** for purposes of legislative compliance or public safety and where it is in the interest of the environment.

This includes:

- a) Trees classified as "declared weeds" (Category 1) in terms of the Conservation of Agriculture Resources (Act 43 of 1983) and the National Environmental Management: Biodiversity (Act 10 of 2004);
- b) Trees that are diseased beyond effective arboriculture remedial work;
- c) Trees causing a traffic, electrical or health hazard;
- d) Trees that interfere with essential services where no other suitable alternatives can be found;
- e) Road widening projects where no alternate routes are available;

f) Trees planted by residents that are considered as being unsuitable for the area or which interfere with other services. Affected parties shall be notified in writing prior to removals;

Where trees need to be removed for reasons mentioned above, suitable replacements shall be considered by the Parks Section where applicable.

II. **Pruning or removal** may be considered where:

- a) Trees cause damage to structures;
- b) Trees obstruct pedestrian or vehicular movement or impedes traffic sight lines;
- c) Trees obstructing solar powered electricity and heating devices;
- d) Trees known to cause long term repetitive problems for various reasons: such as aggressive roots, producing any product that may lead to irritations and allergies, based on specialist medical opinion;
- e) Trees affecting security: such as sightlines of security cameras, wireless signals; electrical fences, razor wire.

Pruning or removal of trees on private property or state-owned land where these trees interfere with overhead or underground services is not the responsibility of the Parks Section except for trees causing unmanageable risk to people, property or infrastructure, but the Parks Section will give guidance where required. If such trees are on private land and the occupants are qualifying<sup>3</sup> indigent occupants, the municipality will cover costs of such pruning or removal. Where a private landowner (that is not a qualifying indigent occupant) refuses to prune or remove a tree that is causing unmanageable risk to people, property or infrastructure as instructed by the KM, the municipality may choose to undertake such pruning and removal itself and recover the costs from the landowner.

Only those owners/occupants that are registered as indigent as prescribed by the Credit Control and Debt Collection Policy.

III. The municipality shall consider the following factors before pruning:

- a) Safety (public, staff, contractors and property);

- b) Legal factors- upon written request for the removal of any offending branches or roots encroaching upon the complainant's property;
- c) South Africa Road Safety Manual guidelines.
- d) Generally, trees are only to be pruned for sound arboriculturally reasons.

IV. It is vital that residents or applicants should exhaust all other practical options before making an application for tree pruning or removal. There are several instances or reasons for which the municipality may refuse to prune or remove trees, such as:

- a) interference with radio, TV and internet reception;
- b) shedding of leaves, fruits, seeds or any other plant material;
- c) allergic reactions without specialist medical opinion;
- d) causing excessive shade;
- e) view obstruction including pedestrian movement, an exception would be if pruning is required to improve visibility of traffic sightlines;
- f) obscuring private advertising boards and signs;
- g) causing a nuisance in respect of swimming pools;
- h) hampering the growth of other plants; or
- i) attracting insects, birds or bats and other creatures because of its flowers and/or fruit.

V. The pruning technique described as "topping, lopping or lobbing" shall only be applied in the following circumstances:

- a) Where other conventional pruning techniques do not adequately correct the problem situation;
- b) Above very busy roads and transport corridors;
- c) Where previously topped and new coppice growth is dangerous; and
- d) Any other circumstances considered necessary by the Director Community Services.

VI. All topping instances to be approved by the Director: Community Services or his/her delegated authority.

VII. Always first check for any wildlife in the branches — such as birds or squirrels and their nests — before removing the tree. Remove and protect such wildlife before felling starts. If there are fledglings, wait until they have left the nest before felling the tree.

VIII. Milkwood and other protected plant species may only be removed, cut or controlled in accordance with the determination of the Minister of Forestry, Fisheries and Environment. In urban areas, Milkwood's may be trimmed by a maximum of 25% without obtaining a permit (only applicable if it is an emergency). Topping of tree crowns and of trees growing in a natural forest ecosystem is excluded from this exemption. Destruction of protected trees or natural forest or any other protected / endangered plant species without a permit obtained from the Department of Forestry, Fisheries and Environment is a criminal offence.

All tree pruning, cutting or removal must be approved by the municipality. Applications must be submitted to the municipality on the Form: Request for trimming/pruning and removal of a tree. (Annexure B)

#### **10.3.1.2. Removal of Trees on Public Open Space and Road Reserves**

Trees form part of the green infrastructure asset base of the municipality and removal should only be considered if the tree poses an unmanageable risk.

When trees are removed it is found that the stump is often left behind and whilst this is often fine, there are instances where this could be a public safety hazard. Should the entire stump be removed; this must be disposed of at a licenced Municipality disposal site. It is incumbent upon the municipality to remove a tree, which constitutes a hazard to the public or an obstruction, to a level where such hazard or obstruction is eliminated.

If the stump needs to be removed, the relevant Municipality landowner departments must accept and execute this responsibility for removals accordingly. Where it is not on a public open space, the Parks Section can facilitate the removals of such tree hazards on behalf of other municipality departments.

Trees on municipality land, will be considered for removal on request of adjacent property owners for vehicle access, subject to pre-approval by the Parks Section before building plans are submitted. Approval shall not be granted if removal of the

tree is not necessary, for example, if pruning is more appropriate, or if the removal will be a significant loss given the tree's maturity or contribution to local context. The cost of removal will be the applicant's responsibility.

The Manager Parks, or his/her delegated authority, needs to be consulted, prior to the pruning and removal of trees that form part of:

- a) an avenue;
- b) an area of heritage or cultural value, specifically zoned or protected for heritage or cultural value;
- c) an area where many mature trees are located that add to the heritage or cultural context of the location.

All efforts should be made to retain the trees.

#### **10.3.1.3. Tree application form for felling of trees (Annexure C)**

An Application Form must be completed and submitted to initiate an investigation. Any approved tree felling requests must be accompanied with photographs to proof that the tree requires felling. Records will be kept of all applications received for pruning and felling.

#### **10.3.1.4. Dealing with Disputes**

The decision to remove a tree lies with the Director: Community Services or his/her delegated authority or his/her delegated authority. Prior permission should be given in writing before ANY tree may be removed.

In cases where a resident or applicant is dissatisfied with a Parks section's decision regarding a tree; the dispute may be elevated to the Director: Community Services or his/her delegated authority.

Should the dispute not be resolved it will be referred to the Municipality Ombudsman for final decision.

#### **10.3.1.5. Emergency Removal of Trees**

10.3.1.5.1. In the event of a tree falling on municipality land, the Parks Section operations or emergency teams will ensure the removal of such a tree/s.



10.3.1.5.2. The Parks Section will respond in the event of fallen trees on public land posing a threat or endangering persons or property. Such tree/s will be removed, if necessary, by the Parks Section.

10.3.1.5.3. In an emergency where a tree (or part of a tree) on private property has fallen or is imminent to fall or cause damage, the Parks Section, with authorisation from the Director: Recreation and Parks or his/her delegated authority, may remove the tree (or part) to ensure the safety of persons and property.

10.3.1.5.4. This action may be taken in conjunction with the Kouga Municipality's Disaster Risk Management Section.

10.3.1.5.5. Where other Service Departments need to remove trees (guideline: taller than 4 meters) to prevent damage, or repair damage, the Director: Community Services or his/her delegated authority, must be consulted. After hours: through the KM's Call Centre, Parks duty supervisor needs to be consulted and his/her permission obtained.

10.3.1.5.6. Qualifying owners/occupants registered as indigent as prescribed by the Credit Control and Debt Collection Policy can apply to the Parks Section to trim, cut down and remove trees that pose a risk of damages or injury on private property, at the cost of the Department. Qualifying owners/occupants must, in writing, indemnify the Municipality against any damages prior to commencement of work and resulting from work being carried out.

10.3.1.5.7. Emergency work on private land will be limited to "making safe" the immediate unsafe situation.

10.3.1.5.8. Final cutting, tidying up and removal of debris will be the responsibility of the landowner. The municipality will not be responsible for any damages / losses caused during the operation.

## **10.3.2. TREE MAINTENANCE**

### **10.3.2.1. Maintenance Standards**

Trees on POS that the Parks Section manages, are maintained according to the Departmental Minimum Maintenance Standards that is revised regularly.

Focus is on the first three years of the tree's life cycle, to ensure the successful establishment and survival of the newly planted trees.

The Tree Work Procedures document provides for uniform standards for all aspects of tree management only on municipal-owned land. The Toolkit on Trees best practice guideline, developed as part of the Kouga Municipality's Greening Programme provides good tree maintenance guidelines for property owners, Municipality officials, councillors, designers, developers and community members in managing and improving our green infrastructure collectively and sustainably to create safe, contextually appropriate environments.

### 10.3.2.2. Control of Pests and Diseases

Kouga trees are affected by several pests and diseases. Pests and diseases need to be treated in an effective, but safe and environmentally friendly and cost-effective manner. Where applicable other municipality departments, external stakeholders, academic institutions, government departments may be involved.

It is recommended that trees be kept in healthy and vigorous condition as this increase's resistance to pests.

<b>Pest name</b>	<b>Target species</b>	<b>Action taken</b>
Fungal diseases	Oak species, plane trees	Full canopy cover spray is possible but seldom applied due to environmental impact and cost.
Insects: Aphids (and related sooty mildew) is a particular nuisance during late months of summer and autumn.	Wide range of shrubs and trees. Common on elms and some oaks.	Systemic insecticide is recommended.
PSHB: Polyphagous shot hole borer is an invasive beetle. They carry the Fusarium euwallacea fungus from one tree to the next, which grows in the tunnels to serve as a	PSHB attacks a wide range of species	The KM's Invasive Species Unit leads action. Infested trees are cut down, chipped and incinerated. There is currently no registered treatment for control of the pest.

<p>'vegetable food garden' for larvae and adult beetles. This fungus disrupts the flow of water and nutrients in the tree, causing branch dieback and, ultimately, tree death.</p>		
<p>Bats: Egyptian fruit eating bats create problems in some areas; mostly in leafy areas close to the mountain. The bats consume the ripe berries of the trees and then defecate against painted walls and cars causing nasty stains.</p>	<p>Yellowwood, cape ash, figs, palm, and other fruit trees.</p>	<p>Various control methods exist; picking of berries, chemical treatment, illumination of trees, thinning of trees. Current manual picking of berries and thinning of the trees seems to be most efficient. The planting of male (non-fruiting) trees is encouraged.</p>

### 10.3.2.3. OWNERSHIP OF TREES

10.3.2.3.1. All trees growing on Municipality owned land are considered Municipality property.

10.3.2.3.2. In cases where the tree is shared, ownership is determined by considering the position of the base of the tree at ground level where anything greater than 50% determines ownership.

10.3.2.3.3. Where a private owner refuses to remedy tree related problems, the municipality may carry out work to safeguard municipal infrastructure at the cost of the owner, unless he/she is registered as indigent as prescribed by the Credit Control and Debt Collection Policy.

10.3.2.3.4. Should the owner fail to execute this work, the municipality may trim any branches overhanging a road or footway for safety or other reasons. Tree roots may also be trimmed for safety or other reasons.

10.3.2.3.5. Similarly, any private resident may trim any part of a municipality owned tree overhanging his/her boundary line (cadastral boundary). This includes the root structure of a tree. It is advisable to consult with the Parks section. In the case of

Special trees then the Parks Section must be consulted. Refer to Categories of Special trees.

### **10.3.3 NATURAL VEGETATION PROTECTION**

Indigenous fauna and flora are continually under pressure from encroaching development and invading exotic plant species. It is the responsibility of Council to ensure that development takes place with as little impact as possible on the environment and that ecologically sensitive areas are protected. Especially vegetation that acts as a buffer zone in a particular ecosystem, referring specifically to indigenous riverine, aquatic and wetland vegetation (r.a.w. zones hereafter); grassland areas, ridge areas and important water catchment areas.

Riverine vegetation refers to the typical forest areas near water where trees such as *Celtis africana*, *Halleria lucida*, *Combretum erythrophyllum*, *Rothmania capensis* and *Ilex mitis* occur. Aquatic vegetation refers to plants that grow directly on the watercourse embankment and in (or under) the water such as sedge grasses, indigenous reeds water lilies etc. Wetland vegetation refers to grasses, shrubs and herbaceous plants such as sedges, juncus, sagewood and bulrush that grow within the wetland.

No development will be allowed in these r.a.w. zones without the compilation of an Environmental Impact Assessment (E.I.A.) by an independent Environmental consultant. Development in this context includes roads, pedestrian walkways, bridges, buildings, sewer pipes, water pipes, electrical and communication lines. None of these trees may be removed or disturbed without the approval of the Environmental Specialist (ES) of the council. The rehabilitation program should be to the satisfaction of the ES. If the development is approved, then the parks section and National Botanical Institute (NBI) should have the opportunity to collect endangered plant material from the site before development commences. A properly researched rehabilitation program, which includes the control of invader plants in disturbed areas for a minimum period of five years after development, must be submitted to the ES for approval.

Grassland areas may not have too many trees but there are still plants in these areas that receives protection status. These plants refer mainly to some bulbous and pseudo-bulbous plants such as *Boophane stricta* and all the orchid species.

Grasslands should be investigated for the presence of these plants. If high concentrations of these plants occur in an area it should receive protection status from development to protect these declining habitats.

An EIA is also required for development in these vegetation types. A properly researched rehabilitation program, which includes the control of invader plants in disturbed areas for a minimum period of five years after development, must be submitted to the ES for approval. This applies to Council Directorates and private property developers. No development will be permitted within 20m from *Protea roupelliae* subsp.. *roupelliae* populations since this protea species is endangered. All water catchment areas must be kept clear of invader trees such as Bluegums and Blackwattles. The same rule applies to the r.a.w. zones. This objective is in line with the Department of Forestry and Water Affairs' 'work for water' project. If the ES is of the opinion that invader plants on a private property is having a negative impact on a watercourse, then such owner will be ordered to control the trees within a reasonable time to the satisfaction of the ES.

#### **10.3.4 INVASIVE ALIEN SPECIES REMOVAL**

No invader tree removal should take place without proper approval and a permit by the ES or Parks Section and with a properly research rehabilitation program, which includes the control of regrowth and replacement.

### **10.4 STAKEHOLDER ENGAGEMENTS AND AWARENESS CAMPAIGNS**

Urban Forestry is as much about the citizens of the Municipality as it is about the trees in KM. Through an effective public awareness and education campaign the value placed on trees and the urban forest, as an integral part of the KM's sustainable infrastructure will be increased.

#### **10.4.1. AWARENESS AND PROMOTION**

The municipality may:

- a) Develop an education and awareness programme to create greater awareness with regards to the environmental, social, economic and heritage importance of trees as green infrastructure within the urban context. Such an

education and awareness programme will also be highlighting the role the urban forest plays in climate change adaptation and the recreational and resilience benefits and amenity value of trees. This programme will be funded and implemented by the Parks Section together with other relevant departments, in accordance with the KM's priorities.

b) Enter into multi-stakeholder partnerships in relation to trees and particularly their green infrastructure, climate change, recreational and resilience benefits as well as amenity values.

c) Create experiential opportunities by engaging with groups to establish partnerships to transfer special skills and knowledge. Encourage participation in the planting, establishment and maintenance of trees through Community Gardens, Friends Groups.

d) Campaign for private landowners and owners of state land to participate in tree planting and tree maintenance and protection of existing trees to reduce the heat-island effect within identified high-risk areas. Participate in national and international awareness campaigns relating to trees such as Arbor Month and Arbor City Awards.

e) Increase knowledge and engagement among residents, community groups, private sector, public agencies.

#### **10.4.2. TREE REFERENCE GROUP**

The policy makes provision for the establishment of a tree reference group comprising of various internal and external role-players, tasked with considering matters relating to trees and the urban forest.

#### **10.5 TREE MONITORING AND VALUATION**

Each tree and the entire urban forest are an asset to KM. For the municipality to understand the economic, heritage, environmental and social value of its tree asset base, existing trees need to be inventoried or mapped and a valuation method established.

A tree inventory (or tree census) is an important instrument in managing the urban forest. Trees in cities promote urban sustainability, resilience and is an impactful way to mitigate and adapt to climate change.

There are several possible indicators that may indicate progress with the KM's urban forest process:

- a) Increased canopy cover: An increase of canopy cover will be a positive indicator.
- b) Increased number of trees: The current number of trees should be known.
- c) Increased tree planting and survival numbers.
- d) Public opinion / surveys: Public satisfaction.
- e) Cooler Towns: Average temperature trends may be measured. Trees may play a role reducing local temperatures.
- f) Attractive Towns: Citizen surveys.
- g) Reduced tree related incidents and claims. Claim related data is available from the KM's insurance department. This may be analysed to determine trends. A drop in tree related claims might be an indicator of improved tree management and maintenance.

### **10.5.1. TREE MAPPING**

The Tree Canopy Mapping project will allow for retrieving information, which includes:

- a) Area of vegetation (road reserves, parks, private land);
- b) Leafy versus non-leafy areas suburbs for planning purpose; and
- c) Percentage of tree canopy baseline to compare to future surveys and monitor canopy cover changes

### **10.5.2. TREE VALUATION**

This is to determine the monetary value of a tree to recover costs for trees removed.

It is recommended that the Helliwell Method be used (until a better valuation system is found). Helliwell is an easy-to-use British method that gives immediate outcome.)

As an alternative: the full replacement cost of the tree may be used which, includes full cost of tree as supplied, delivered, planted and maintained until established.

A section may be included in the Tree Work Procedures to guide officials to determine the value of a tree.

### **10.5.3. RECORD KEEPING**

10.5.3.1. Operational records must be kept to:

- a) Report to Management.
- b) To encourage good Arboriculture practices e.g. regular watering, pruning, staking, feeding and use of pesticides.
- c) To be able to deal with enquiries from public in an efficient and professional manner.
- d) Support for litigation where required.

10.5.3.2. The following minimum records should be kept:

- a) Tree planting
- b) Tree Work Register containing similar information
- c) Tree Inspection Register
- d) High Risk Tree register

## **11. LAND/ PLOT / PUBLIC OPEN SPACE CLEARING POLICY**

Kouga's Tree Management Policy must be read in conjunction with KM's LAND/ PLOT / PUBLIC OPEN SPACE CLEARING POLICY available on KM's website.

## **12. POLICY REVIEW**

12.1. The monitoring and evaluation of the policy objectives will be captured within the Service Delivery Business Implementation Plan of the Parks Section.

12.2. The Policy will be reviewed on a 5-year cycle, or if there are legislative changes requiring a review of the Policy.





Cape St Francis  
Hankey  
Humansdorp  
Jeffreys Bay  
Loerie  
Oyster Bay  
Patensie  
St Francis Bay  
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330  
Tel: 042 200 2200 / 042 200 8300  
Fax: 042 200 8606  
Email: [registry@kouga.gov.za](mailto:registry@kouga.gov.za)  
Website: [www.kouga.gov.za](http://www.kouga.gov.za)

## **ANNEXURE C**

### **TREE PLANTING REQUEST/ COMMITMENT FORM**

**SUBMIT TO:** [mengelbrecht@kouga.gov.za](mailto:mengelbrecht@kouga.gov.za)

<b>APPLICATION DETAILS</b>	
<b>Date of planting:</b>	
<b>Name and Surname:</b>	
<b>Address (or erf number)</b>	
<b>Contact Details:</b>	
<b>Email address</b>	
<b>Tree Species:</b>	
<b>Number of Trees planted:</b>	
<b>Tree number:</b>	
<b>Type of Event (if applicable)</b>	
<b>WAY LEAVE APPLICATION SUBMITTED?</b>	



Cape St Francis  
Hankey  
Humansdorp  
Jeffreys Bay  
Loerie  
Oyster Bay  
Patensie  
St Francis Bay  
Thornhill

Postal: PO Box 21, Jeffreys Bay, 6330  
Tel: 042 200 2200 / 042 200 8300  
Fax: 042 200 8606  
Email: [registry@kouga.gov.za](mailto:registry@kouga.gov.za)  
Website: [www.kouga.gov.za](http://www.kouga.gov.za)

## ANNEXURE D

### KOUGA MUNICIPALITY APPLICATION FOR TRIMMING/REMOVAL OF A TREE

SUBMIT TO: [mengelbrecht@kouga.gov.za](mailto:mengelbrecht@kouga.gov.za)

<b>Reference Number</b>					
<b>Date of Application</b>					
<b>Name and Surname</b>					
<b>Physical Address of Tree.</b>					
<b>Email Address of Applicant</b>					
<b>Telephone Number</b>					
<b>Tree Location</b>	Park		Pavement		
	Public Open Space		River		
<b>Reason for Removal of Tree (s)</b>	<b>Description</b>	<b>Please tick</b>	<b>Comment</b>		
	Dead				
	Dangerous				
	Diseased				
	<b>Other- please motivate:</b>				
<b>Tree Species</b>					
<b>Details of Tree Replacement Plan</b>					
<b>Was commitment form signed?</b>	Yes/ No				
<b>Pictures attached</b>	Yes/ No				

**ANNEXURE E****RECOMMENDED STREET TREES FOR KOUGA MUNICIPALITY****ENQUIRIES: [mengelbrecht@kouga.gov.za](mailto:mengelbrecht@kouga.gov.za)****TREES for HUMANSDORP, HANKEY, PATENSIE and surrounding areas**

Apodytes dimidiata, White Pear, Witpeer.
Calodendrum capense, Cape Chestnut, Wildekastaiing
Celtis africana, White Stinkwood, Witstinkhout
Cussonia spicata, Common Cabbage Tree, Kiepersol
Dais cotinifolia, Pompon Tree, Kannabas
Ekebergia capensis, Cape Ash, Essenhout
Harpephyllum caffrum, Wild Plum, Wildepruim
Kiggelaria africana, Wild Peach, Wildeperske
Nuxia floribunda, Forest Elder, Bosvlier
Olea europaea ssp africana, Wild Olive, Olienhout
Pittosporum viridiflorum, Cheesewood, Kasuur
Podocarpus falcatus, Outeniqua Yellowwood, Outenikwageelhout
Podocarpus henkelii, Henkel's Yellowwood, Bastergeelhout
Podocarpus latifolius, Broad-leaved Yellowwood, Opregte Geelhout.
Portulacaria afra, Spekboom
Ptaeroxylon obliquum, Sneezewood, Nieshout
Pterocelastrus tricuspidatus, Candlewood, Kershout
Rapanea melanophloeos, Cape Beech, Kaapse Boekenhout
Rauvolfia caffra, Quinine Tree, Kinaboom
Schotia latifolia, Forest Boer-boon, Bos-boerboon
Searsia chirindensis, Redcurrant, Bostaibos
Sideroxylon inerme, White Milkwood, Wit-melkhout
Syzygium cordatum, Water Berry, Waterbessie
Trichilia emetic ssp emetic, Natal Mahogany, Rooi-essenhout
Vepris lanceolata, White Ironwood, Witysterhout

**TREES at ST FRANCIS**

Candlewood (Pterocelastrus tricuspidatus). Small to medium-sized tree, slow growing, but worth waiting for. A good windbreak, tolerant of sea breezes. Small creamy-white flowers, but eye catching with its bright orange fruit.
Cape Beech or Boekenhout (Rapanea melanophloeos) Moderate growth rate, up to 20m tall with a dense narrow to spreading crown. Grows well in shade and in full sun and is tolerant of sea winds.
Cheesewood (Pittosporum viridiflorum) Moderate growth rate. Up to 15 m in woodland, but 30 m in forest with a dense roundish to upright crown. Grows well in full sun or light shade. Prefers well drained soils, likes reasonable amount of water. Sweetly scented flowers in dense, terminal clusters.

Quar ( <i>Psydrax obovata</i> ) Medium-sized tree tall with glossy green leaves. Usually 2 – 17 m tall with beautifully scented flowers in dense clusters.
Wild or Coastal Camphor ( <i>Tarchonanthus littoralis</i> ) Fast growth rate. Height 4 – 9 m with greyish-green leaves that have a delightful camphor scent when crushed. Most attractive with its panicles of flowers at the ends of the branches. Tolerant of sea breezes.
White Milkwood ( <i>Sideroxylon inerme</i> ) Slow growing initially but increases later once established. Excellent as a windbreak. Dark shiny green leaves. Tolerant of sea winds.
White Pear ( <i>Apodytes dimidiata</i> ) Slow growing initially, but increases later, up to 25 m with an open spreading crown. A good screen plant in the garden with its dense glossy foliage. Can be grown as a hedge and reacts well to pruning. When in full flower it's a magnificent hedge.

**You might also consider other indigenous trees which occur naturally elsewhere in South Africa and do well in St Francis gardens such as:**

Waterbessie or Water Berry ( <i>Syzygium cordatum</i> ) Aggressive root system so don't plant too close to buildings. Fast growing, an attractive screen plant or shade tree up to 20 m. Abundant creamish white flowers and purplish-black edible fruit.
Wild Elder or Wildevlier ( <i>Nuxia floribunda</i> ) Fast growing up to 20 m with a dense rounded crown. Small white flowers in terminal clusters are eye-catching. They attract many insects which in turn attract insect-eating birds. It likes a protected position with regular watering throughout the year. Evergreen to semi-deciduous.
Wild Plum ( <i>Harpephyllum caffrum</i> ) Female trees only have fruit so plant more than one if possible. Fast growing, up to 20 m tall with a dense, rounded crown. Grows in full sun or shade. Flowers small in branched sprays at the tips of branches. Attractive, edible fruit, 20-25 mm long, bright red when ripe.

**ANNEXURE F****TREES THAT NEED TO BE ERADICATED:**

Rooikrans ( <i>Acacia cyclops</i> ) An Australian evergreen shrub or small shrub up to 6 m. Very low and wind clipped at the coast. Flowers bright yellow blobs, pods curved and twisted, persisting after seeds shed. Seeds encircled by a bright red ring. Invades fynbos, dunes, forest gaps and roadsides. A fire hazard.
Port Jackson Willow ( <i>Acacia saligna</i> ) An Australian evergreen shrub or tree up to 10 m. Stems often deformed by, large, brown, irregularly shaped swellings caused by an introduced rust fungus which eventually kills the tree. Bright yellow striking globular flowerheads. Invades fynbos, coastal dunes and roadsides particularly water courses.
Inkberry ( <i>Cestrum</i> species) This South American tree grows to about 15 m on the coast. Crushed leaves have an unpleasant smell. Tubular flowers in clusters are greenish yellow. Berries are purplish-black and eaten by birds thus spreading Inkberry rapidly in forest, rivers and coastal dunes. The whole plant is poisonous.
Brazilian Pepper ( <i>Schinus terebinthifolius</i> ) This Brazilian tree grows up to 15 m with wide spreading branches. The creamy white flowers are very small, and the berries are bright red and eaten by birds thus spreading them. It invades coastal bush, riverbanks, and wetlands. Fruit eaten in quantity is poisonous.
Manatoka or Salt & Pepper ( <i>Myoporum</i> species) This wide spreading Australian tree grows to 6 m. It invades coastal fynbos, riverbanks, coastal dunes. The flowers are white, bell-shaped, 5-8 mm long in clusters. The purple fruit is up to 8 mm long. Whole plant is poisonous.
Red Sesbania ( <i>Sesbania punicea</i> ) This South American tree grows up to 6 m. The red or orange flowers are in showy, dense, drooping sprays up to 250 mm long. Pods are up to 80 mm long x 10 mm wide and are four winged. Invades riverbanks, wetlands, roadsides, and ditches. Seeds, leaves and flowers are poisonous.
Syringa ( <i>Melia azedarach</i> ) This deciduous tree grows to about 23 m. The lilac flowers are in large, heavily perfumed sprays. The berries change from green to yellow to brown. It invades roadsides, riverbanks and any open spaces. Leaves, flowers, bark, and ripe fruits are poisonous.
Beefwood ( <i>Casuarina</i> species) This Australian tree grows up to 38 m with gracefully arching branchlets. Flowers very small, fruits small, brown and cone-like. Invades coastal dunes and sandy seashores and riverbeds.
New Zealand Christmas Tree ( <i>Metrosideros excelsa</i> ) Usually grows up to 6 m but stunted in windy sites. Flowers crimson in bottlebrush like clusters. Invades coastal fynbos.