Notice is hereby given that an ORDINARY MEETING of the MUNICIPAL COUNCIL of Knysna Municipality will be held in the COUNCIL CHAMBER, Clyde Street, Knysna on THURSDAY, 27 AUGUST 2015 at 9:00 to consider the business set forth in the attached agenda.

Kennis geskied hiermee dat ‘n GEWONE VERGADERING van die MUNISIPALE RAAD van Knysna Munisipaliteit in die RAADSAAL, Clydestraat, Knysna op DONDERDAG, 27 AUGUSTUS 2015 om 9:00 gehou sal word ten einde sake soos uiteengesit in die aangehegte agenda te oorweeg.

Isaziso SENTLANGANISO EQHELEKILEYO yeBHUNGA likaMASIPALA waseKnysna eyakubanjelwa KWIGUMBII LEKHANSILE kwisitalalo iClydee, Knysna lentlanganiso iyakuba NGOLWESINE, NGE 27 kuAUGUSTI 2015 ngentsimibi ye 9:00 umba iyakuba lushishino oluchazwekwi agenda.

CLLR E R J BOUW-SPIES
The Speaker
Die Speaker
Usomlomo

MR G EASTON
Municipal Manager
Munisipale Bestuurder
uManejala KaMasipala

Date: 21 August 2015
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1. OPENING AND WELCOMING

2. SILENT PRAYER

3. CODE OF CONDUCT

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4.1 COUNCILLORS PRESENT
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5. INTRODUCTION OF NEWLY APPOINTED STAFF AND LONG SERVICE AWARDS

June 2015

<table>
<thead>
<tr>
<th>NAME</th>
<th>JOB DESIGNATION</th>
<th>DIRECTORATE</th>
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<tbody>
<tr>
<td>1. Ms A Ketile</td>
<td>Lab Technician</td>
<td>Technical Services</td>
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<tr>
<td>2. Mr I Harricombe</td>
<td>Diesel Mechanic</td>
<td>Technical Services</td>
</tr>
<tr>
<td>3. Mr L Patso</td>
<td>Plant Operator</td>
<td>Technical Services</td>
</tr>
<tr>
<td>4. Mr M Mondi</td>
<td>Plant Operator</td>
<td>Technical Services</td>
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<tr>
<td>5. Mr J Pedro</td>
<td>Artisan Plumber</td>
<td>Technical Services</td>
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<tr>
<td>6. Ms A Mbekwa</td>
<td>Supervisor : Water Purification</td>
<td>Technical Services</td>
</tr>
<tr>
<td>Name</td>
<td>Job Designation</td>
<td>Directorate</td>
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<tr>
<td>Mr E Armoed</td>
<td>Supervisor: Sewerage Purification</td>
<td>Technical Services</td>
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**July 2015**

<table>
<thead>
<tr>
<th>Name</th>
<th>Job Designation</th>
<th>Directorate</th>
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<tbody>
<tr>
<td>Ms H Vogel</td>
<td>PA to the Executive Deputy Mayor and Executive Councillors</td>
<td>Corporate Services</td>
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**August 2015**

<table>
<thead>
<tr>
<th>Name</th>
<th>Job Designation</th>
<th>Directorate</th>
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</thead>
<tbody>
<tr>
<td>Ms S Sihoyiya</td>
<td>Senior Clerk: Procurement</td>
<td>Finance</td>
</tr>
<tr>
<td>Mr C Ruiters</td>
<td>General Assistant</td>
<td>Community Services</td>
</tr>
<tr>
<td>Mr V Jongilanga</td>
<td>General Assistant</td>
<td>Community Services</td>
</tr>
<tr>
<td>Mr A Hartnick</td>
<td>Supervisor: Sanitation</td>
<td>Community Services</td>
</tr>
<tr>
<td>Mr W Sternsdorf</td>
<td>Station Commander: Sedgefield</td>
<td>Community Services</td>
</tr>
</tbody>
</table>
6. PRESENTATION REGARDING SPLUMA

7. CONFIRMATION AND ADOPTION OF MINUTES OF THE MUNICIPAL COUNCIL

7.1 ORDINARY MUNICIPAL COUNCIL MEETING: 29 MAY 2015

RECOMMENDATION OF THE MUNICIPAL MANAGER

That the minutes of the Ordinary Council meeting held on 29 May 2015, be approved.
KNYSNA LOCAL MUNICIPALITY

MINUTES

OF AN ORDINARY MEETING
OF THE
MUNICIPAL COUNCIL OF KNYSNA MUNICIPALITY
WHICH WAS HELD ON
Friday, 29 May 2015
At 14:00
In the Municipal Council Chamber

COUNCILLORS IN ATTENDANCE

Speaker, Cllr Bouw-Spies, E R J [DA]
Executive Mayor, Cllr Wolmarans, G [DA]
Executive Deputy Mayor, Cllr Edge, ED [DA]
Cllr Barrell, R [DA]
Cllr Dawson, RA [DA]
Cllr Dyantyi, M [ANC]
Cllr Gombo, M T E [ANC]
Cllr Grootboom, IWJ [DA]
Cllr Hart, LM [DA]
Cllr Lizwani, M [ANC]
Cllr Litoli, W [ANC]
Cllr Nayler, T [DA]
Cllr Nkam, PP [ANC]
Cllr Tyokolo, B [DA]
Cllr Van Aswegen, EO [COPE]
Cllr Wasserman, M [DA]
OFFICIALS IN ATTENDANCE

Easton, G        Municipal Manager
Ellman, B        Director: Corporate Services
Adonis, D        Director: Community Services
Maughan-Brown, M Director: Planning and Development
Maree, S        Acting Director: Technical Services
Fillies, W       Acting Director: Financial Services
Paulsen, M      Manager: Legal Services
Tyelela, G       Manager: Human Resources
Mattheus, C      Manager: Administration
McCartney, W     Manager: Performance and Risk Management
Kalani, J        Manager: Public Participation
Bezindenhout, C  Manager: Communications and Customer Relations
Sunkar, A        Manager: Budget Office
Phillips, E      Manager: Integrated Development Plan
Kruger, F        Manager: Supply Chain Management
Davidson, J      Controller: Credit Control
Davids, K        Intern: Communication and Customer Relations
Fandese, N       Committee Officer

AUDIT COMMITTEE

N, Metelerkamp   Chairperson

PUBLIC MEMBERS

82 members of the public were present as per attendance register.

1. WELCOMING ADDRESS BY THE SPEAKER

The Speaker welcomed Councillors, officials and members of the public to the meeting.

2. PRAYER

The Speaker requested Cllr Witbooi to open the meeting with prayer.

3. CODE OF CONDUCT


The Speaker drew the attention of Councillors to the Schedule 1 of the Local Government Municipal Systems Act, 2000.
RESOLVED

That the Code of Conduct for Councillors be noted.

3.2 DISCLOSURE OF INTERESTS BY COUNCILLORS

None

4. COUNCILLORS: ABSENT

• WITH LEAVE

Cllr Jantjies, N [Independent]
Cllr De Vries, S [ANC]

• WITHOUT LEAVE

None

5. INTRODUCTION OF NEWLY APPOINTED STAFF AND LONG SERVICE AWARDS

The Director: Community Services, Mr Adonis, introduced the following new appointee in the Community Services Directorate who was appointed in May 2015:

Community Services

Mr TP Sefali Tractor Driver

The Acting Director: Technical Services, Mr Maree, introduced the following new appointee in the Technical Services Directorate who was appointed in May 2015:

Technical Services

Mr M Joordan Artisan Plumber

Corporate Services

The Director: Corporate Services, Mr Ellman, introduced the following new appointee in the Corporate Services Directorate who was appointed in May 2015:

Ms S Mtwa Chief Clerk Administration
6. **2015 – 2016 FINAL IDP REVIEW**

   **RESOLVED**

   [a] That the contents of the report on the 2015/2016 final IDP Review of Knysna Municipality, be noted;

   [b] That the final Integrated Development Plan (IDP) review for 2015/16 as tabled, be approved.


   The Executive Mayor presented her Annual State of the Town Address:

   1. **Introduction**

   Speaker, Deputy Executive Mayor, members of the Mayoral Committee, Councillors, Political leaders, Municipal Manager, Directors and officials, distinguished guests and members of the media.

   Once again, I stand before you to reflect on another year passed. It feels like yesterday that I was doing the same in 2011 – as a newly elected Democratic Alliance Executive Mayor heading up a newly elected Council. Today, I may be presenting to you the last State of the Town and Budget Address for the term of the current Council. Time certainly flies when you are busy!

   During my acceptance speech in May 2011 I said that it was a new start for Knysna, and today, I will reflect on that process that started four years ago. I will reflect on the mandate which this lovely town of ours gave this DA-led Council. This mandate is set out in our Integrated Development Plan, which was tabled today in Council for approval.

   As always I will keep my address this morning brief and to the point. If I report on all we have achieved, and all we are committing to, I will have to keep you here for the rest of the day!

   2. **An effective and efficient organization**

   Of paramount importance has been the appointment of our new Municipal Manager, Mr. Grant Easton. Mr. Easton has a long history in local government and has been integral to this organization for over ten years. Council took a well-considered and wise decision to appoint Mr. Easton, as he certainly is able to hit the ground running and has already made inroads.

   Under Mr. Easton’s management, a comprehensive organisational structure review is in progress and this will go a long way to address the service delivery needs of communities. Council approved the macro structure in 2014, and management and staff
are finalizing the last consultations on the micro structure before the new organogram will come to Council for approval.

One initiative that I am proud of is the Life Skills Training for general workers. This training entails communication skills, time management, customer service, and decision making among other topics. This will not only assist employees in the work situation but also in life generally. I have had wonderful feedback on this as our staff are empowered and this directly impacts on their self-image. Further policy and training initiatives will include the roll out of the retention and succession policy and increased use of the internal bursary opportunities.

Ladies and gentlemen you are aware of the marvelous work that our Ward Committees undertake. We recently held an extremely successful Ward Committee summit for all our Ward Committee members under the leadership of the Speaker. In the year ahead we will be increasingly linking our Ward Committees with our new Customer Care model and I anticipate this will further enhance efficient and effective service delivery to ensure a well-functioning town.

3. **A well-functioning town**

The constraints imposed by the lack of funding to update and expand the town’s infrastructure remain a serious concern. The aging infrastructure represents an environmental threat in terms of potential pollution incidents and also means we must use funds that could otherwise be used to expand the infrastructure capacity. The expansion and modernization of the town’s infrastructure capacity is very important to realise the economic potential of the town. Council is pleased that this issue is enjoying priority attention from the Technical Services Directorate.

Our Technical Services Directorate are finalising the R6 million Grey Street upgrade. I am fully aware of the inconveniences that the upgrade is causing for business, residents and visitors, but I know you will all agree that the current work, as well as the further sewer upgrades which will be undertaken in 2015-2016 are long overdue and imperative.

As we speak, the Rheenendal Water Treatment Works is being commissioned. Rheenendal will also enjoy further upgrading of the roads, the electrification of Lapland and we will commence work on the Rheenendal Multi-purpose Centre.

Our Deputy Mayor, Cllr Esmé Edge, recently officiated over the re-opening of the Red Bridge after its rehabilitation was completed. The work ensured water reticulation security for the Brentons and Belvidere, and is open for pedestrians and runners.

As those of us from Sedgefield will know, this Council has long been concerned about the status of the town’s Waste Water Treatment Works (WWTW). I am pleased to announce that an amount of R6 million has been allocated to the commencement of the upgrade of these works. The long-awaited Multi-purpose Centre (MPC) will be completed next month with an astro-turf field and high mast lighting.

Further technical work to be undertaken in Sedgefield will be the electrification of 70
informal dwellings in Die Gaaitjie. It has been a long battle to get approval for this electrification and the impact it is going to have on the lives of those residents cannot and must not be under-estimated.

We have also electrified an additional 120 houses and installed eight high masts from Nekkies to White Location.

We successfully rolled out the Pavement Management System which presented Council with a hierarchy of roads in order for Council to prioritise its expenditure on roads. In 2015-2016 we will continue to use the System to assist Council to determine how and where roads funds must be used.

With regards to solid waste management, a Waste Minimisation Roadshow was undertaken in September 2014. The objective of the event was to create a waste minimisation culture amongst all residents including households, business, industry and other stakeholders in order to reduce waste generation, reduce waste to landfill and ultimately to minimise the consumption of natural resources within the region in order to ensure a sustainable and healthy environment for future generations. We had 8 Exhibitors at the event exhibiting their products, and 5 schools attended with a total learner attendance of 170. A great success, one which must be repeated and I am sure you will agree.

We have finally received licences for the recycling centre in Sedgefield, a closure permit for the Old Place Garden site and the Brenton on Sea site. This is all in line with National Governments requirements to have all sites permitted for either closure or operating.

I wish to take this time to congratulate all staff who played a role in ensuring that we won three categories in the Greenest Municipality Competition. We also came second overall in the competition.

4. A well-planned and sustainable town

Following a process that was much more challenging and time consuming than had been anticipated the final draft of the Integrated Strategic Development Framework (or ISDF) was prepared and presented to the Inter-Governmental Steering Committee and to Council. The plan provides draft guidelines for the future development of the Municipal Area and identifies a number of catalytic projects that will inject energy into the economic revival of the area. The public participation process will be completed early in the new year and it is anticipated that the final version of the report will be adopted before the end of the calendar year.

Following the highly successful migration of the Building Plans Management system onto the Collaborator electronic platform some years ago, the Town Planning application management system has joined the electronic age with all town planning applications now processed on the electronic system. This has decreased the time required for application processing and created a more comprehensive reporting system.

The next year is going to be a busy and challenging one for the Town Planning Section also. The new Land Use Planning Legislation, including the Spatial Planning and Land
Use Management Act and its regulations, the Western Cape land Use Planning Act and its regulations and the Knysna Municipality By-Law on Municipal Land use Planning are all due to come into effect on 1st July 2015. A Municipal Planning Tribunal will have to be established and a whole new way of dealing with town planning applications will have to be implemented. In addition it is intended to adopt a new Integrated Zoning Scheme By-Law. This whole process should lead to better, more locally driven planning decisions in support of the joint objectives of developing our local economy and conserving our natural resources.

For the last three seasons in a row, we have had the privileged of having two of our beaches designated as Blue Flag beaches. Last year Swartvlei beach in Sedgefield also received Pilot Status and I am hoping for full status this coming season. The Blue Flag program is an international grading system for beaches which looks at the safety, amenities, cleanliness and environmental aspects of beaches. Knysna Municipality is proud to have met these very rigorous standards for our two very beautiful beaches: Buffalo Bay and Brenton On Sea. This program has become a permanent feature for us as we want to be able to provide the best in recreational and tourist facilities for both our residents and visitors. At this stage I must commend the Community Services staff who are responsible for ensuring that the Buffelskop camping site was once again voted as one of the top 3 camping sites in S.A.

A substantial planning project will be undertaken in Heidevallei and the green lung that runs along the steep areas north of the town and joins the Heidevallei area. The object of this project will be to provide for various categories of housing, including fully subsidized units and finance linked subsidy units in Heidevallei. However, it will also include the detailed planning and urban design parameters for a mixed use development in part of Heidevallei, as well as the planning of a so-called “Central Park” in the green lung. This is vital to protect the environment of this area that has some portions of pristine forest, and protects the steep slopes above the town from erosion. The exercise will also focus on the management of the Bongani River catchment to ensure that the siltation and pollution that finds its way into the lagoon is prevented.

5. An economically sound town

We have awarded a tender for the installation of a high speed fibre-optic and microwave based network across the municipality. This will involve the investment of R150 million in the Knysna municipal area by the successful tenderer, including the establishment of businesses in the data management value chain. It will also create a range of economic opportunities in the media, education, business and conferencing sectors.

Various economic development initiatives designed to harness the resources of private sector investors, together with what funding can be obtained from government are planned. These include a Convention Centre, developments along the Concordia Road and in Nekkies, developments in the Hornlee business area and in the centre of town. These will come to light during the course of the year and should place the economy of the town on a clearly upward trajectory by the end of the financial year.

I am sure many of you are aware of the marvelous work being undertaken by the Municipality with regards to contractor development. One such example is the R4 million
we have spent on the 4 SMME contracts to maintain municipal infrastructure such as grass cutting, drain cleaning and litter removal. We have funded this initiative largely through our Expanded Public Works Program grant.

6. **A caring town**

Another such initiative has been the 116 serviced residential sites in Nekkies and Dasse Bos, and 187 new homes which were built by local small contractors. The amount paid to these contractors is of the order of R4 million. The houses being built are slightly bigger than previously, they are of better quality and each has a 3 metre balcony. We are certainly succeeding in providing people with homes and not just shelter.

The Integrated Human Settlements Department will have an extremely busy year ahead, with the following projects already approved and in the tender process:

- Edameni: 25 serviced sites;
- Hlalani: 166 serviced sites;
- Happy Rest: 120 serviced sites;
- Ethembeni: 200 serviced sites;
- Vision projects: 200 service sites and 150 top structures.

In addition the areas of Bloemfontein and Xolweni are in the final stages of planning and it is expected that services will be installed in those areas also.

This will come close to the completion of the development of all the available sites in the already settled areas of the town. In addition, in association with ABSA the implementation of the Hornlee Infill Housing Project, including 93 fully subsidized housing units will begin.

Also in Hornlee, we will commence a densification and back yard dweller project. This project will investigate the potential to formalize existing and possible additional back yard dwellings by addressing the infrastructure constraints, the town planning and building control issues and the ownership issues to explore the possibilities of accessing funding to achieve the in situ upgrading of the shelters already embedded in the existing stable community. If it is successful this should also address some of the infrastructure problems experienced by Hornlee residents. The outcome of this exercise cannot be predicted, but it is hoped that it will address the needs of the people who, for years, have patiently waited for assistance. I am aware we undertook a similar study a number of years ago, but times and technology have changed and we must continuously review and investigate our options.

I now turn to social and community development initiatives.

We have completed the upgrade of the Hornlee Sportsfields. The two fields were ripped, levelled and are now lying fallow as the grass covers the playing surface. New irrigation was also provided. The fields will be ready for play for the Knysna Oyster Festival. These fields are for the use of all our residents and I implore all our residents to look after all our community assets, after all they belong to you!

In Rheenendal we are piloting an exciting initiative with the Provincial Department of Education for the erection of a brand new dual purpose library. We are also opening
library services in Bracken Hill and Buffelskop which will assist our young (and perhaps not so young) residents to continue to improve themselves and their living conditions, as well as inculcate a culture of reading and learning– something very close to my heart. Our ever-active librarians have continued to hold the Annual Spelling Competition that has become a well-established and eagerly anticipated event on our school and library calendars.

The Old Gaol is a wonderful asset that has been under-utilised for a while now. Our Museums Department this year staged a fascinating exhibition on the history of prison gangs. In the year ahead we will upgrade the exhibitions on the Timber Industry, the South African War and the Gold Rush. The Old Gaol has also been host to a number of cultural and art activities, such as the quarterly Arts Festival wherein local artists and indigenous crafters sell their wares. Another exciting new initiative is the arts development project which had 20 participants. At least four of these participants will be able to exhibit at mainstream galleries – a remarkable feat!

Of great concern to myself, and many of you, is the increasing number of homeless people who are moving into our town and establishing themselves along the Lagoon. This is greatly disturbing and is a result of a variety of factors, both social and economic. I have stated previously that I will be engaging with the Provincial Authorities to assist Council to find ways of helping these vulnerable people.

I am also proud to announce the success of our Communication Department’s self-service kiosks. These are equipped with a telephone handset and direct numbers for various customer care departments that offer customers immediate access to various municipal departments in order to improve interactions with customers. Another exciting innovation will be the development of a cell phone app which clients can download to further assist our residents, visitors and businesses in their interaction with the municipality. Knysna Municipality is certainly on the cutting edge of customer service technology.

7. A financially stable town

Councillors, ladies and gentlemen, I now turn to matters pertaining to the budget for 2015/16

The budget for the next financial year continues to reflect the strategy and priorities of this Council. It is a budget that is also aligned to the goals of the Province of the Western Cape and the National Development Plan. This budget has a strong “Back to Basics: thrust, as directed by the Minister for Co-operative Government and Traditional Affairs, Minister Pravin Gordhan.

In an organization this size, changes in policy and direction cannot simply happen overnight but in the last four Council budgets there have been significant shifts in Council thinking whilst maintaining at all times a synergy with the Constitutional requirements of local government in respect of basic services and within the general dictates of National Treasury guidelines. This was the promise made to our town four years ago: good governance and getting the basics right.
The new budget for Knysna Municipality amounts to some R738.5 million. This is made up of R102.7 million for capital expenditure and R635.8 million for operating expenses. It is considerably more than the budget approved for 2014/15, which was R540.7 million and R70.1 million for operating expenditure and capital expenditure respectively. This new budget represents an increase of 21% from the 2014/15 approved budget and 5.1% from the 2014/15 adjusted budget. In the 2013/14 financial year the capital budget spend managed to achieve a level of 91%. A similar capital spend is forecast for the 2014/15 year.

There have been on-going serious concerns in regard to the lack of long term planning necessary for Knysna over the next 20 years. Previous plans were essentially short term and lacked the depth and complexity necessary to move Knysna forward. A decision was taken to begin a new long term planning process, predominantly in-house, by means of a very exhaustive but inclusive Integrated Spatial Development Framework (ISDF).

The proposed ISDF will become the most critical long-term planning tool of the Knysna Municipality and by including the simple word “Integrated” it means that for probably the first time technical, financial and ultimately economic planning will talk to each other. The ISDF looks on a far longer horizon than Integrated Development Plans (IDP) and whilst no specific capital projects have yet been identified for ISDF purposes, they are obviously part and parcel of the revised IDP. The ISDF has now been presented to Councillors and will go through another extensive public participation exercise. The importance of the ISDF cannot be over-emphasised. ALL Council master-planning will be centred within its over-arching umbrella.

In tandem the Finance Directorate has embarked on a major debt restructuring exercise to work in conjunction with the ISDF to finance investment and economic based capital infrastructure identified for inclusion in the budget via the IDP as flowing from the ISDF. This will ensure the MTREF remains practical and therefore economically and financially sustainable rather than the often theoretical and usually meaningless planning followed by public sector bodies.

However the malaise that the Knysna economy is in continues. Whilst there is no doubt that the recent holiday period showed some depth and expansion from previous years. Furthermore there appears to be the beginnings of additional economic activity by way of interest in residential construction linked to higher end property.

Besides tourism, the major economic drivers within Knysna are retail, residential and retirement. These are all heavily dependent upon the economy at a national level and neither could claim to be major forces in the drive for job creation. Many of those in these driving sectors are not resident, or are predominantly situated outside of the town. For example, much of Knysna’s retail property is owned by businesses outside Knysna and any profits obviously flow outside of Knysna.

Further, a number of Knysna property owners do not actually live in the municipality for home purposes and so generate little in the way of economic development.
Hence, the Director: Finance will be looking at a differential rates tariff for businesses owned within Knysna as opposed to those owned externally.

Situated in a national park, it is highly unlikely that our social and revenue profiles will change. Approximately 80% of Council revenue, excluding governmental transfers, comes from the domestic residential sector and some 36% of that is classified as being indigent or on social welfare. There is little scope for cross-subsidisation from the business sector in relief of the domestic account and therefore increases in tariffs impact directly upon domestic consumers and hence almost immediately upon the municipality’s cash flow. Increased taxation will invariably mean increased non-payment.

And so ladies and gentleman, it is highly unlikely that the economic position of Knysna will change much in the next three to four budget cycles at least. Some of the more significant reasons for this is outside of the control of this Council. Here I refer to the infamous Eskom factor with a 14.24% increase, a demand for cost reflective tariffs on water and sewer and a first round union pay demand of a basic 15% rise.

You are all aware of the ironic situation we find ourselves in: Knysna must fund itself and provide services as if it were a twelve month municipality, on a six-month income. There is therefore an obvious mis-match between revenues and service demands, and that is before we can consider eradicating service backlogs in our previously disadvantaged areas or maintaining services in advantaged areas. A classic example of this was in regard to the road maintenance budget which needed to be used to maintain our tourist and therefore revenue generating areas in the first instance over the holiday period.

Knysna Municipality continues to grow, as does the demands of all our residents. It is very clear that more and more demands for services are coming from areas where services and service standards were historically poorer in comparison to more advantaged and well-established areas. It is also very clear that the more advantaged areas are demanding that service levels and standards be maintained at least at current levels and not be allowed to fall. It is the continuing classic legacy of apartheid.

Two realities emerge from this.

Firstly, to believe that all areas can reach the same levels and standards within twenty years is not grounded in financial reality. Many well-established areas of Knysna Municipality have taken, in some instances, hundreds of years and millions of rands to reach their current mature service levels. Other areas have been paid for solely by the property owners themselves.

Secondly, to maintain well-established areas at their current levels and up-grade others at the same time cannot continue under the current funding regime. In the next few years Knysna is going to be doing “less with less”. The movement towards communities wanting and receiving a higher standard level by means of an additional premium will become the norm. Special rating districts or areas already exist in metros and other Municipalities, and these are now being investigated within the greater Knysna community and are welcomed and encouraged.
This type of service level complexity is symptomatic of Knysna. Do we first maintain to perpetuate growth or do we increase levels at the potential expense of growth? To this end the Director: Finance will be undertaking a review and analysis of the utilisation of domestic property by means of measuring electricity usage. The possibility of introducing an absentee property owners charge will then be examined (similar in principle to the electricity daily charge) for possible future introduction.

The continued poor economic conditions mean that Knysna needs to maintain its fiscal discipline. In December 2012, Council took the decision to write-off what ultimately amounted to R30 million in service arrears.

In 2013 Council took the decision to further accelerate the program of prepaid electricity meters. In 2015 a new tender will be awarded to undertake a general valuation of all properties in the municipal area. This will include all transferred properties in the previously informal areas such as Nekkies, Khayalethu and White Location.

From 1 July 2016 all privately owned properties will be fully taxed in all areas. It could be argued that this should have happened years ago but few people outside the municipal process actually understand the complexity that is land ownership between and within governmental bodies.

Knysna Municipality has now attained seven unqualified audit reports in a row with the last two being “clean”. Whilst having a clean audit rather than an unqualified audit has absolutely no effect on the financial stability or performance of this Council it does have a considerably positive effect upon the sentiment of the investment and banking sectors, in all their facets locally and internationally. It is therefore simply remarkable that there remains a very minor, but ignorant and voluble local group, who appear to want nothing more than to criticise Knysna’s very considerable achievements for reasons that are impossible to understand.

Having sketched the scene, I now wish to delve into the capital budget in more detail. As stated, the capital budget for 2015/16 will amount to R102.7 million of which R56.3 million is funded from National and Provincial grants, some R2 million from “public, private partnerships” and the balance from internally generated funds and borrowings.

Council is continuing the process begun two year ago of rebuilding and up-grading municipal buildings and assets including sportsfields, libraries and halls.

An amount of R29 million has been placed on the budget for housing and related infrastructure. As mentioned earlier in this speech, other major capital projects for the next year are R6 million for the Rheenendal MPC; R6 million for high-mast lighting; R16.2 million for roads upgrades, R11.2 million for water projects mainly from Council’s own funding contribution towards our national MIG allocation and R8 million for the new 20MVa transformer station. This project will enable Council to fully up-grade the reticulation networks in Hornlee and our Northern Areas.

The 2015/16 capital projects in wards will remain at R200 000 per ward and an additional R500 000 will be allocated under Community Services for Operating Related Council Projects and this will be fully integrated with the ward based development
program National Treasury insists that all the projects must be identified and specified in the budget if they are of a capital nature. The final projects and programs will be included in the approved municipal budget and performance against the budget will be reviewed quarterly.

And finally, the tariffs:

The National Electricity Regulator (NERSA) has approved an increase in the bulk tariff from Eskom of 14.24%. National Treasury in MFMA Circular Number 74 advises Council “to limit electricity increases to 12.29%” but that excludes a 2c Environmental Levy. An average increase of 14.24% will be implemented. This is dependent upon the amount consumed as per the Inclining Block Tariff.

The water tariff increases will be on average 7.5% depending upon consumption.

The sewer and refuse tariffs will both increase by 7.5%.

Minor tariffs will be increased by 9% on average unless specifically shown in the tariff book.

The increases on the Availability Charges-Vacant land and the water and sewerage augmentation charges will be increased by 7.5%. The innovations introduced in the 2014/15 budget remain in place to encourage development. The electricity augmentation is formula driven and subject to NERSA.

In terms of assessment rates, the increase in the rate in the rand will be 7.5% for domestic properties and for non-domestic properties. The assessment rate rebate currently applied to domestic owners remains at 15%. This is in line with National Government view that rebates should only apply in particular circumstances. It remains the intention to completely phase out the domestic rebate in future budgets. The first R100 000 of property value will remain exempted.

The current Rural Rebate is reduced to 10% and will be phased out completely next year. The reason for this is that Assessment rates are a tax on property value. They are not for services rendered or not rendered by a municipality. There is therefore no justification in maintaining a two-tier rebate system indefinitely.

The green rebate will also be reduced to 10% for the forthcoming financial year and strictly applied. That means that any developments currently in receipt of the rebate but being gated will not qualify. The retention of the green rebate is highly questionable as there is no evidence of it making any difference within the local area.

The current pensioner rebates, heritage rebates and the new business rebates will all remain the same.

Ladies & gentlemen before I close I wish to reflect on the legacy of two DA stalwarts. Today we bid farewell to two Councillors, Cllr Michelle Wasserman and Cllr Richard Dawson. Cllrs Wasserman and Dawson have both served as Speaker to this Council, and have both been on my Mayoral Committee. Hence I have had the wonderful
opportunity to work closely with these two persons of great integrity and wisdom. Furthermore, Cllr Dawson has served our town with me since 2006 – it has indeed been a long and successful journey together. Richard and Michelle, we will miss you, we will think of you with great fondness, and I wish you everything of the best in all your endeavours from hereon.

In closing, putting a budget together is not an easy task and I thank the Municipal Manager, Mr. Grant Easton, and his team for drawing up a budget which may not make everybody happy, but is sustainable and sensible.

I also thank the Directors and staff for their continued hard work in delivering services in line with the municipality’s vision of creating a town where people and nature prosper. Let’s keep it up and each day strive to improve on the day before in order to make tomorrow better.

My thanks to my Executive Deputy Mayor who has always been pivotal to my team. I know that all of you join me in sending our prayers and good wishes to Cllr Edge and her daughter, Nadine, who has been through a traumatic accident and has a long road to recovery ahead of her. Nadine, we are all thinking of you and hope to see you back in town soon.

Members of my Executive Mayoral Committee, Madam Speaker, and the Members of this Chambers. Councillors your voice is that of the voiceless. If we, as Councillors, fail to convey the views and feelings of our Wards and Constituencies, there is a very real chance that those voices will be muted and our people will suffer.

In delivering this State of the Town address I hope I have managed to take you into our confidence with regard to the plans we have for the future of our town. I have further given you a snippet of some of the achievements of our town, in the period that the Democratic Alliance has been in government.

The challenge remains to reverse the legacy of more than three hundred years of discrimination. It is not an easy battle to wage, but I am sure you agree that we are on course. The leadership of your town continues to grow, develop, and innovate in order to ensure change for the better. Ladies and gentlemen I sincerely trust you will join us on our exciting and promising journey forward.

I thank you

Madam Speaker, I hereby refer you to recommendations of Item 9.6 on Page 399 of this Council Meeting Agenda and present to you the 2015/2016 Budget.

RESOLVED

[a] That the annual budget of Knysna Municipality for the financial year 2015/16; and indicative for the two projected years 2016/17 and 2017/18, as set-out in the schedules contained in Section 4 of the attached Medium Term Revenue and Expenditure Framework (MTREF) 2014/2015 – 2016/2017, be approved:

1.1 Table A2: Budgeted Financial Performance
1.2 Table A3: Budgeted Financial Performance
1.3 Table A4: Budgeted Financial Performance
1.4 Table A5: Budgeted Capital Expenditure for both multi-year and single year by vote, standard classification and funding

[b] That property rates reflected in Annexure 3 of the MTREF and any other municipal tax reflected in Annexure 3 of the MTREF are imposed for the budget year 2015/2016;

[c] That tariffs and charges reflected in Annexure 3 of the MTREF are approved for the budget year 2015/2016;

[d] That the measurable performance objectives reflected in Section 7 of the MTREF are approved for the budget year 2015/2016;

[e] That the amended policies for credit control, as summarized in Section 8 (and detailed in Annexure 5 of the MTREF) are approved for the budget year 2015/2016;

[f] That the Draft Service Delivery and Budget Implementation Plan (as detailed in Annexure 7) be noted for the budget year 2015/2016;

[g] That the budget submissions received by the public and relevant provincial departments have been considered and are noted.
8. CONFIRMATION AND ADOPTION OF MINUTES OF THE MUNICIPAL COUNCIL

8.1 Ordinary Municipal Council meeting: 26 March 2015, it was unanimously

RESOLVED

That the minutes of the Ordinary Council meeting held on 26 March 2015, be confirmed and adopted as a true reflection of the proceedings, subject to the following:

[i] That in item G26/02/15, the resolution be amended to read as follows:

“That the item be referred to the next Governance and Economic Development Committee meeting in April 2015.”.

[ii] That in item C11.2, paragraph 2 of the preamble, the last part of the sentence be amended to read: “…, but she could not invite the officials for fear of their safety”

8.2 Special Municipal Council meeting: 7 May 2015, it was unanimously,

RESOLVED

That the minutes of the Special Municipal Council Meeting held on 7 May 2015, be confirmed and adopted as a true reflection of the proceedings, subject to the following:

[i] That under COUNCILLORS IN ATTENDANCE, Cllr De Vries name should be moved between Cllr Dawson and Cllr Dyantyi;

9. REPORTS & COMMUNICATIONS BY THE MAYOR

RESOLVED

That the Reports and Communications by the Mayor be noted, with the following amendments:

[a] That the attendance of the function of 02 May 2015, be deleted as it is not an official function;

10. VERBAL REPORT OF THE MUNICIPAL MANAGER ON LOCAL TOURISM

RESOLVED

That the verbal report of the Municipal Manager on Local Tourism be noted.
11.1 RECOMMENDATIONS: EXECUTIVE MAYOR: 30 APRIL 2015

ITEMS SUBMITTED TO THE GOVERNANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING: 7 APRIL 2015

G01/04/15  EXPANDED PUBLIC WORKS PROGRAMME
Director: Planning and Development

RESOLVED

[a] That the presentation on the Expanded Public Works Programme be noted;

[b] That the report on the Municipality’s performance on the EPWP from the Western Cape Department of Transport and Public Works be tabled at the next Governance and Economic Development Committee meeting in May 2015.

File Number: 9/1/2/14

Execution: Director: Planning and Development
Manager: Local Economic Development

G02/04/15  MONTHLY REPORT: CORPORATE SERVICES [HUMAN RESOURCES]
Director: Corporate Services

RESOLVED

[a] That the monthly report for March 2015 received from the Director: Corporate Services [Human Resources] be noted;

[b] That steps be taken to ensure that statistics contained in the report are consistent and correct.

File Number: 9/1/2/8

Execution: Director: Corporate Services
Manager: Human Resources
G03/04/15  **PUBLIC PARTICIPATION MONTHLY REPORT: FEBRUARY 2015**
Director: Corporate Services

**RESOLVED**

That the monthly report for Public Participation and the Community Development Workers for February 2015, received from the Director Corporate Services [Public Participation], be noted.

File Number: 9/1/2/9

Execution: Director: Corporate Services
Manager: Public Participation

G04/04/15  **MONTHLY REPORT: CORPORATE SERVICES [LEGAL SERVICES] 18 FEBRUARY 2015 – 18 MARCH 2015**
Director: Corporate Services

**RESOLVED**

That the monthly report for Legal Services for 18 February 2015 - 18 March 2015 the Director: Corporate Services [Legal Services] be noted.

File Number: 9/1/2/9

Execution: Director Corporate Services
Manager: Legal Services

G05/04/15  **MONTHLY REPORT: PLANNING AND DEVELOPMENT [ECONOMIC DEVELOPMENT]**
Director: Planning and Development

**RESOLVED**

That the monthly report for February 2015 received from the Director: Planning & Development [Local Economic Development], be noted.

File Number: 9/1/2/13

Execution: Director: Planning and Development
Manager: Local Economic Development
G06/04/15  MONTHLY REPORT: PLANNING AND DEVELOPMENT [INTEGRATED DEVELOPMENT PLANNING]
Director: Planning and Development

RESOLVED

That the monthly report for February 2015 received from the Director: Planning and Development [Integrated Development Planning], be noted.

File Number: 9/1/2/13

Execution: Director: Planning and Development
Manager: Integrated Development Planning

G07/04/15  DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 20 MARCH 2015
Director: Financial Services

RESOLVED


File Number: 9/1/2/10

Execution: Director: Financial Services
Manager: Budget Office
ITEMS SUBMITTED TO THE FINANCE COMMITTEE MEETING: 8 APRIL 2015

F01/04/15 (NATIONAL TREASURY MFMA) MUNICIPAL BUDGET CIRCULARS FOR THE 2015/16 MTREF

RESOLVED

[a] That the 2015/16 National Treasury MFMA (MTREF) Circulars Nos 74 and 75, be noted;

[b] That going forward, all National Treasury MFMA Circulars be brought to Finance Committee section 80 meeting for debate;

[c] That information contained in the Circulars which will impact on this budget be taken into account when preparing the 2015/2016 budget.

File number: 9/1/2/10
Execution: Municipal Manager
             Acting Director: Financial Services

F02/04/15 MONTHLY BUDGET STATEMENT FOR FEBRUARY 2015

RESOLVED

[a] That the Monthly Budget Statement and supporting documentation for February 2015, be noted;

[b] That the concerns of the Committee regarding the Spend, be noted;

[c] That a “Commitments” column be included in the report if practical, failing which a report detailing commitments and items on order, so that a true reflection of the Capital spend can be seen.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
             Accountant Treasury

F03/04/15 KNYSNA AND SEDGEFIELD STORES: ANNUAL STOCK-TAKE REPORT 30 JUNE 2014

RESOLVED

[a] That the contents of the report on the annual stock count performed by Mazars be noted;

[b] That the Surplus of R65 655, be taken into stock;

[c] That the shortages of R13 540, be written off;
[d] That the envisaged approach regarding warehouse activities going forward be noted;

[e] That the concerns of Cllr Van Aswegen with regard to a tender that was awarded to a company outside of Knysna, be noted.

File number: 6/1/1
Execution: Acting Director: Financial Services
Manager: Expenditure SCM

F04/04/15  DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 20 MARCH 2015

RESOLVED


File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Budget Office

F05/04/15  SPEND REPORT FOR THE MONTH OF FEBRUARY 2015

RESOLVED

[a] That the spend report for the month of February 2015, be noted;

[b] That a report comparing last year’s performance target for the HDI’s against this year’s performance, be submitted to the Finance Committee section 80 meeting to be held in May 2015.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Expenditure SCM

F06/04/15  ACTUAL DEVIATIONS FOR THE MONTH OF FEBRUARY 2015

RESOLVED

[a] That the report on deviations from the Supply Chain Management Policy competitive bidding process for the month of February 2015 be noted.

[b] That it be noted that the same reasons provided by the administration for the deviations raised by Cllr E Van Aswegen, are still not acceptable.

File number: 9/1/2/10
ITEMS SUBMITTED TO THE COMMUNITY SERVICES COMMITTEE MEETING: 23 APRIL 2015

C01/04/15 REVIEW OF BY-LAWS ROADS AND TRAFFIC AND SPORT FACILITIES
Director: Community Services

RESOLVED

[a] That the report as contained in Annexure “A” be noted;

[b] That the amended Roads and Traffic Bylaw, 2008 be approved, adopted and promulgated;

[c] That the Sporting Facilities by-law, 2008 be held in abeyance until the item on the Leasing of Sporting facilities has been finalised.

Execution: Director: Community Services
Manager: Legal Services

C02/04/15 FINANCIAL IMPLICATIONS OF TRANSLATION OF ALL COUNCIL BY-LAWS
Director: Community Services

RESOLVED

[a] That the report with regard to the financial implications of translation of all Council by-laws, be noted.

[b] That all By-Laws be published in English only and that the by-laws be translated into Xhosa and Afrikaans for information purposes;

[c] That a plan be submitted on the affordability of the publication of by-laws on a yearly basis and which by-laws are to be prioritised.

File Number: 2/1

Execution: Director: Corporate Services
Manager: Legal Services
ORDINARY COUNCIL MEETING
AGENDA
27 AUGUST 2015

C03/04/15 **DRAFT WHITE PAPER ON THE POLICE AND SAFETY AND SECURITY**
Director: Community Services

**RESOLVED**

[a] That the report with regard to the draft white paper on the Police and Safety and Security, be noted.

[b] That it be noted that SALGA responded on behalf of the Municipalities with regard to the draft white paper.

File Number: 12/1/1/21
Execution: Director: Community Services

C04/04/15 **GREATER KNYSNA SPORT AND RECREATION MASTER PLAN**
Director: Community Services

**RESOLVED**

[a] That cognizance be taken of the report with regard to the Greater Knysna Sport and Recreation Master Plan;

[b] That the amendments raised by Councillors to the Greater Knysna Sport and Recreation Master Plan be submitted to the Section 80 in May 2015.

File Number: 7/1/2/5
Execution: Director: Community Services
Manager: Protection Services

C05/04/15 **ICT RURAL CONNECTIVITY PROJECT**
Director: Community Services

**RESOLVED**

That the contents of the report with regard to the ICT Rural connectivity project be noted.

File Number: 9/1/2/5
Execution: Director: Community Services
Manager: Libraries and Heritage
C06/04/15  EDEN DISTRICT MONTHLY REPORT: ENVIRONMENTAL HEALTH: MARCH 2015
Director: Community Services

RESOLVED

That the monthly report for Eden District Municipality for March 2015 received from the Eden District Municipality [Environmental Health] be noted.

File Number: 9/1/2/5
Execution: Director: Community Services
Manager: Environmental Health

C07/04/15  COMMUNITY SERVICES MONTHLY REPORT: TRAFFIC AND LAW ENFORCEMENT: FEBRUARY 2015
Director: Community Services

RESOLVED

That the monthly report for Traffic and Law Enforcement for February 2015 received from the Director Community Services [Traffic and Law Enforcement] be noted.

File Number: 9/1/2/5
Execution: Director: Community Services
Manager: Protection Services

C08/04/15  COMMUNITY SERVICES MONTHLY REPORT: SOCIAL DEVELOPMENT SECTION: FEBRUARY 2015
Director: Community Services

RESOLVED

That the monthly report for Social Development for February 2015 received from the Director Community Services [Social Development] be noted.

File Number: 9/1/2/5
Execution: Director: Community Services
Manager: Protection Services
C9/04/15 COMMUNITY SERVICES MONTHLY REPORT: FIRE AND RESCUE: FEBRUARY 2015
Director: Community Services

RESOLVED

That the monthly report for Fire and Rescue for February 2015 received from the Director Community Services [Fire and Rescue] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Protection Services

C10/04/15 COMMUNITY SERVICES MONTHLY REPORTS: LIBRARIES AND HERITAGE: FEBRUARY 2015
Director: Community Services

RESOLVED

That the monthly reports for Libraries and Heritage for February 2015 received from the Director Community Services [Libraries and Heritage] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Libraries and Heritage

C11/04/15 COMMUNITY SERVICES MONTHLY REPORT: WASTE MANAGEMENT: FEBRUARY 2015
Director: Community Services

RESOLVED

That the monthly report for Waste Management for February 2015 received from the Director Community Services [Waste Management] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Waste Management
C12/04/15  COMMUNITY SERVICES MONTHLY REPORT: PARKS AND RECREATION FEBRUARY 2015
Director: Community Services

RESOLVED

That the monthly report for Parks and Recreation for February 2015 received from the Director Community Services [Parks and Recreation] be noted.

File Number:  9/1/2/5

Execution: Director: Community Services
Manager: Parks and Recreation

C13/04/15  DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 20 MARCH 2015
Director: Community Services

RESOLVED


File number:  9/1/2/10

Execution: Director: Financial Services
Manager: Budget Office

C14/04/15  STATUS REPORT ON THE COMMUNITY DISASTER RISK ASSESSMENT
Director: Community Services

Mr N Rylands from the Western Cape Provincial Government made a presentation on the Community Disaster Risk Assessment at the Community Services Committee meeting held on 22 April 2015.

RESOLVED

[a] That the Community Disaster Risk Assessment’s recommendation as set out in the presentation, be noted;

[b] That a copy of the presentation be submitted to the Mayoral Committee;

[c] That the recommendations from the Western Cape Provincial Government be incorporated into the Greater Knysna Municipal Disaster Management Plan and that the plan be submitted to the Community Services Committee at its next meeting to be held in May 2015.
ITEM SUBMITTED TO THE PLANNING DEVELOPMENT AND INFRASTRUCTURE COMMITTEE MEETING: 24 APRIL 2015

P01/04/15  APPLICATION FOR WAIVER OF AS-BUILT PLAN FEES ON ERF 4670, NO 5 POWELL ROAD, LEISURE ISLE, KNYSNA

RESOLVED

That the waiver of the as-built fees of the amount of. R19 082.80, be approved.

File number: 15/2/5/1
Execution: Director: Planning and Development
Manager: Town Planning and Building Control

P02/04/15 REPORT ON THE REVIEW OF THE CONTROL OF THE SEASHORE AND SEA SITUATED WITHIN OR ADJOINING THE AREA OF JURISDICTION OF THE MUNICIPALITY OF KNYSNA BY-LAW

RESOLVED

[a] That the report on the review of the by-law for the Control of the Seashore and the Sea situated within the area of jurisdiction of the Municipality of Knysna, be referred to the Community Services Committee meeting to be held in May 2015;

[b] That the issues relating to time restrictions at beaches and public amenities be highlighted and a record of where the decision was made be included in the report to be submitted to the Section 80 Committee meeting in May 2015;

[c] That Public Amenities by-law be attached to the report, be noted.

File number: 1/R
Execution: Director: Corporate Services
Manager: Legal Services

P03/04/15 THE REVIEW OF THE WATER BY-LAW

RESOLVED

[a] That the report on the review of the Water By-law, as contained in Annexure “A”, be noted;

[b] That the draft Water Supply and Sanitation Services by-law as contained in Annexure “B” be noted;
That the draft by-law in English, be advertised for public comment.

File number: 1/3/1/3
Execution: Municipal Manager
Director: Corporate Services

**P04/04/15** ERF 1297, (6 QUEEN STREET) KNYSNA: PROPOSED TEMPORARY USE DEPARTURE FOR A CRECHE

RESOLVED

[a] That the following correspondence be noted:
   (i) Application from Marike Vreken Urban and Environmental Planners for Temporary Use Departure dated 31 October 2014;
   (ii) Internal Department comments;
   (iii) Email from Mrs Titley of Knysna Ratepayers Association dated 8 December 2014;
   (iv) Bondholder’s consent dated 22 December 2014;
   (v) Applicant’s response to comment dated 29 January 2015; and

[b] That the Temporary Use Departure to allow the local business property to be used as a Crèche, on Erf 1297, (6 Queen Street) Knysna **be APPROVED** in terms of Section 15 of Land Use Planning Ordinance 1985 (No. 15 of 1985), as applied for on the application from Marike Vreken Town Planners dated 31 October 2014, subject to the following conditions:
   i) The Temporary Use Departure in terms of the Land Use Planning Ordinance (No. 15 of 1985) is valid up to a maximum period of 5 years from the date of approval;
   ii) The onus is on the property owner to ensure that any further application for change in land use rights is submitted before the expiry of the five year departure period;
   iii) The operator is to be the owner or lessee of the property;
   iv) No more than 50 children to be allowed;
   v) Council may, if it is of the opinion that the ECD centre is being conducted in such a manner which is or is likely to be detrimental to the surrounding residential environment or a source of nuisance, serve a notice in writing on the operator calling upon him/her to comply with the instructions set out in such notice and or cease using the premises in question for a ECD centre by a date specified in such notice;
   vi) All advertising must adhere to the Outdoor Advertising Bylaw;
   vii) The operator must comply with all licensing, health and building regulations;
   viii) An application for registration in terms of the Child Care Act must be lodged with the Department of Social Development;
ix) The Eden District Health Department are to assess the extent of the Erf and the floor area of the buildings and any other relevant requirements to determine the maximum number of children that can be accommodated;

x) The operator shall not deviate from this plan without prior consent of Council;

xi) The property is subject to the Knysna Urban Conservation Area guidelines;

xii) Any electrical services encountered will be relocated at the cost of the applicant;

xiii) The applicant is to ensure that there is access to property for meter reading purposes;

xiv) The erf will be limited to one electrical service connection which may not be split into two supplies and will be metered by only one meter (no shared supply);

xv) The electricity meter will be of the split prepayment meter type, the erf is also limited to its existing electrical supply;

xvi) Capital Contribution fees as well as costs to upgrade the MV and LV electrical network will be payable by the applicant should an increase in electrical capacity be required for the erf;

xvii) Solar assisted or gas assisted water heating devices or heat pumps shall be installed by the applicant;

xviii) Load Switch Accommodation is required and it will be wired in accordance to the Electrical Department’ specification and the switch will be purchased by the applicant; and

xix) Low energy lamps are to be used in all fittings.

File number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Town Planning and Building Control
P05/04/15  **SEDFIELD DESALINATION WORKS - PROGRESS REPORT**

RESOLVED

That the Progress report on the Sedgefield Desalination works be noted.

File number:  9/1/2/1  
Execution:  Director: Technical Services  
   Manager: Water & Sewer

P06/04/15  **REPORT ON THE IMPLEMENTATION OF THE ROADS MAINTENANCE PLAN FOR 2014-2015**

RESOLVED

[a] That the contents of the report on expenditure for road maintenance in the current financial year, be noted;

[b] That a break-down of how the additional funds allocated on the adjustment budget to the Roads Maintenance for 2014-2015, were spent be submitted to the Planning, Development and Infrastructure Committee meeting to be held in May 2015;

[c] That the purchase of a new grader be considered at the budget meeting;

[d] That a report on all funds spent in each ward as well as what the remaining funds of each ward were spent on, be submitted to the next Section 80 in May 2015.

File number:  9/1/2/1  
Execution:  Director: Technical Services  
   Manager: Public Works

P07/04/15  **STATUS OF THE WATER SUPPLY IN KNYSNA AND FUNDING NEEDED TO MANAGE THE WATER DEFICIT**

RESOLVED

[a] That the contents of the report on the status of the Water Supply in Knysna and the funding requirements be noted;

[b] That Funding for the interventions be approved;

[c] That the Municipal Manager be tasked to develop emergency water tariffs; and

[d] That a presentation on the water loss and water systems be made at the Planning, Development and Infrastructure Committee meeting to be held in May 2015.
P08/04/15 2015/2016 TECHNICAL SERVICES CAPITAL BUDGET INPUTS

Cllr W Litoli proposed that the White Location Sports field also be accommodated on the Annual Budget allocation.

RESOLVED

[a] That the 2015/2016 Technical Services Capital Budget Inputs be noted; and

[b] That this item be referred to the Annual Budget workshop to be held on 29 April 2015 for discussion.

P09/04/15 THE FOLLOW-UP REPORT ON PHASE 2 UPGRADE OF KNYSNA WASTE WATER TREATMENT WORKS

RESOLVED

[a] That the report on Phase 2 Upgrade of Knysna Wastewater Treatment Works, be withdrawn until it is discussed by the Municipal Manager and Directors at the Top Management Team meeting to be held on 24 April 2015; and

[b] That after the meeting mentioned in [a] above has been held, the report be submitted to the Budget workshop to be held on 29 April 2015, for discussion.
P10/04/15 REPORT ON REVIEW OF ELECTRICITY BY-LAW

RESOLVED

That the proposed new electricity by-law be held over until such a time that the Policy for backyard dwellers and informal settlements has been considered and approved.

File number: 1/3/1/3
Execution: Director: Corporate Services
Manager: Legal Services


RESOLVED

That the Detailed Capital Budget Report: 2014/2015 as at 20 March 2015, be noted;

File number: 9/1/2/10
Execution: Director: Financial Services
Manager: Budget Office

RESOLUTION OF THE PLANNING, DEVELOPMENT AND INFRASTRUCTURE COMMITTEE MEETING

That the matters related to contractors and the Supply Chain database, raised by Councillors be referred to the next Finance Committee meeting in May 2015 as a Supplementary item.

P12/04/15 PLANNING & DEVELOPMENT MONTHLY REPORTS

RESOLVED

[a] That the monthly report for February 2015 received from the Director: Planning and Development Services [Environmental Management], be noted;

(i) That the Manager: Environmental Management, Mr T Mabula, ensures that all Councillors are informed of all programmes and projects that come up and that details of the programmes and projects be made part of the monthly report;

[b] That the monthly report for February 2015 received from the Director: Planning and Development Services [Integrated Human Settlements], be noted;
(i) That a report on the rectification of the Khayalethu houses be submitted to the Planning, Development and Infrastructure Committee meeting to be held in May 2015;

(ii) That arrangements be made by the Manager: Integrated Human Settlements, Mr M Penxa to invite all Councillors to a site visit to the 20 houses that will be handed over in Nekkies;

[c] That the monthly report for February 2015 received from the Director: Planning and Development Services [Town Planning, Building Control], be noted.

(i) That going forward, the total value of plans approved and rejected be clearly stated on the report with a comparison to the previous month’s.

File number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Environmental Management
Manager: Integrated Human Settlements
Manager: Town Planning and Building Control

P13/04/15 TECHNICAL SERVICES MONTH REPORT FOR FEBRUARY 2015

RESOLVED

[a] That the monthly report for February 2015 received from the Director: Technical Services, be noted;

[b] That the Project Management Unit report for February 2015 received from the Director: Technical Services, be noted;

[c] That the Water and Sewer analysis and results report for February 2015 received from the Director: Technical Services, be noted;

(i) That the verbal report on the water usage as presented by the Manager: Sewer and Water Works, Mr R Parry, be noted.


[e] That the Electricity monthly report for February 2015 received from the Director: Technical Services, be noted.

File number: 9/1/2/1
Execution: Director: Technical Services
Engineers: Public Works, Sewer and Water Works
REPORTS SUBMITTED TO THE MAYORAL COMMITTEE

M01/04/15  SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) MINUTES: SECOND QUARTER OCTOBER - DECEMBER 2014/2015
Municipal Manager

**RESOLVED**

[a] That the Top Level Service Delivery and Budget Implementation Plan (SDBIP) Quarterly Reviews of Quarter: October to December 2014, be noted.

[b] That the corrective steps / measures by the Executive Mayor be included in the next report.

File number: 5/3/R

Execution: Municipal Manager
Manager: Performance, Internal Audit and Risk Management

M02/04/15  DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 20 MARCH 2015
Director: Corporate Services

**RESOLVED**


[b] That the progress on the Capital and Operating Projects for 2014/2015 be submitted to each Finance Section 80 meeting as of May 2015.

File Number: 5/12/1

Execution: Director: Financial Services
Manager: Budget Office
11.2 RECOMMENDATIONS: EXECUTIVE MAYOR: 21 MAY 2015

ITEMS SUBMITTED TO THE GOVERNANCE AND ECONOMIC DEVELOPMENT
COMMITTEE MEETING: 5 MAY 2015

G01/05/15 MONTHLY REPORT: CORPORATE SERVICES [HUMAN RESOURCES]
Director: Corporate Services

RESOLVED

[a] That the monthly report for April 2015 received from the Director: Corporate Services [Human Resources] be noted.

[b] That it be noted that the committee expressed their concerns with regard to the advertising of posts while the organisational review has not been finalised.

File Number: 9/1/2/8

Execution: Director Corporate Services
Manager: Human Resources

G02/05/15 PUBLIC PARTICIPATION MONTHLY REPORT: MARCH 2015
Director: Corporate Services

RESOLVED

That the monthly report for Public Participation and the Community Development Workers for March 2015 received from the Director Corporate Services [Public Participation] be noted.

File Number: 9/1/2/9

Execution: Director: Corporate Services
Manager: Public Participation

G03/05/15 MONTHLY REPORT: CORPORATE SERVICES [LEGAL SERVICES] 18 MARCH 2015 – 18 APRIL 2015
Director: Corporate Services

RESOLVED

That the monthly report for Legal Services for 18 March 2015 to 18 April 2015 received from the Director: Corporate Services [Legal Services] be noted.

File Number: 9/1/2/9

Execution: Director Corporate Services
Manager: Legal Services
ORDINARY COUNCIL MEETING
AGENDA
27 AUGUST 2015

G04/05/15 MONTHLY REPORT: PLANNING AND DEVELOPMENT [ECONOMIC DEVELOPMENT]
Director: Planning and Development

RESOLVED

[a] That the monthly report for March 2015 received from the Director: Planning & Development [Local Economic Development], be noted.

[b] That the Executive Mayor be requested to submit a report on the Pink Loerie Festival to the Mayoral Committee meeting in May 2015.

[c] That the matter regarding the Pink Loerie Festival be discussed with all councillors at a different forum / meeting.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Local Economic Development

G05/05/15 MONTHLY REPORT: PLANNING AND DEVELOPMENT [INTEGRATED DEVELOPMENT PLANNING]
Director: Planning and Development

RESOLVED
That the monthly report for March 2015 received from the Director: Planning and Development [Integrated Development Planning], be noted.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Integrated Development Planning

G06/05/15 DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 24 APRIL 2015
Director: Financial Services

RESOLVED

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Budget Office
G07/05/15  **RECORDS MANAGEMENT POLICY FINAL APPROVAL**
Director: Corporate Services

**RESOLVED**

[a] That the report on the approved Records Management Policy, be noted;

[b] That it be noted that the Records Management Policy for Knysna Local Municipality was approved for implementation by the Western Cape Archives and Records Services on 2 April 2015;

[c] That Council formally approves the redrafted policy referred to in [b] above;

[d] That the Policy be submitted to the Audit Committee for noting.

File number:  9/1/2/9

Execution:  Director: Corporate Services
Manager: Administration

G08/05/15  **RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF KNYSNA MUNICIPALITY BY-LAW**
Director: Corporate Services

**RESOLVED**

[a] That the report on the Rules of Order By-law be noted;

[b] That the redrafted and amended Draft Standard Rules of Order By-law as further amended during the meeting be published for public comment.

File number:  9/1/2/9

Execution:  Director: Corporate Services
Manager: Legal Services

G09/05/15  **REVISION OF INFORMAL TRADING AREAS ACROSS MUNICIPAL AREA**
Director: Planning and Development

**RESOLVED**

[a] That the revised informal trading areas, across the Municipal Area, be noted;

[b] That the commencement of workshops with all the ward committees in relation to the proposed new trading zones, be approved.
That the time frames of the workshop mentioned in [b] above, will be submitted to the Mayoral Committee meeting in May 2015.

That a comprehensive report that includes matters raised by the committee regarding informal trading areas be submitted to a forthcoming Governance Committee meeting.

File Number: 9/1/2/13

Execution: Director: Planning and Development
Manager: Local Economic Development

G10/05/15  STATS SA PILOT PROJECT - ADMINISTRATIVE DATA VERIFICATION
Director: Planning and Development

RESOLVED

That the report regarding the Pilot Project with Stats SA to verify data resources be noted.

[b] That the Planning and Development Directorate be congratulated on their initiative.

File Number: 9/1/2/13

Execution: Director: Planning and Development
Manager: Local Economic Development

G11/05/15  TOURISM MARKETING SERVICES
Director: Planning and Development

RESOLVED

That the item with regard to the Tourism Marketing Services be referred to a workshop at a date to be agreed by the Municipal Manager and the Speaker and that all options be reviewed as well as the explanation of the Legal issue with regard to the possible implications of Section 76-78 of the Local Government: Municipal Systems Act, 2000.

File Number: 9/1/2/13

Execution: Director: Planning and Development
Manager: Local Economic Development
ITEMS SUBMITTED TO THE FINANCE COMMITTEE MEETING: 6 MAY 2015

F01/05/15  MONTHLY BUDGET STATEMENT FOR MARCH 2015

RESOLVED

That the Monthly Budget Statement and supporting documentation for March 2015, be noted.

File number: 9/1/2/10
Execution: Municipal Manager
          Acting Director: Financial Services

F02/05/15  QUARTERLY WITHDRAWAL REPORT FOR THE QUARTER ENDING 31 MARCH 2015

RESOLVED

That the Quarterly Withdrawal report for the quarter ending 31 March 2015, be noted.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
          Accountant Treasury

F03/05/15  SPEND REPORT FOR THE MONTH OF MARCH 2015

RESOLVED

That the Spend report for the month of March 2015, be noted.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
          Manager: Expenditure (SCM)
RESOLVED

[a] That the Deviations from the Competitive bidding procedure report for the month of March 2015, be noted;

[b] That a report on the process with regard to the upgrading of the database and the reducing of deviations in all Directorates that Supply Chain Management is embarking on, be brought back to the next Finance Committee meeting to be held in June 2015.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Expenditure (SCM)

RESOLVED


File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Expenditure SCM

RESOLVED

That the Municipal Corporate Governance of ICT Policy attached as annexure to the Finance Committee meeting of 6 May 2015, be approved.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Expenditure SCM
ITEMS SUBMITTED TO THE COMMUNITY SERVICES COMMITTEE MEETING: 12 MAY 2015

C01/05/15  REPORT ON THE REVIEW OF THE CONTROL OF THE SEASHORE AND SEA SITUATED WITHIN OR ADJOINING THE AREA OF JURISDICTION OF THE MUNICIPALITY OF KNYSNA BY-LAW
Director: Corporate Services

RESOLVED

That the item with regard to the Review of the Control of the seashore and Sea Situated be withdrawn, and be resubmitted to the Section 80 Committee meeting in June 2015 once the Internal Environmental Department has added their comments.

File Number: 9/1/2/5

Execution: Director: Corporate Services
Manager: Legal Services

C02/05/15  REPORT ON REVIEW OF FUNERAL PARLOURS, CEMETERIES AND CREMATORIA BY-LAW
Director: Corporate Services

RESOLVED

[a] That the report on the review of the Funeral Parlours, Cemeteries and Crematoria by-law be noted;

[b] That the proposed amendments and amendments as agreed by the Community Services Committee, to the by-law mentioned in [a] above and attached as Annexure “B” to the agenda of the Community Services Committee meeting held on 12 May 2015, be advertised for public comment.

File Number: 9/1/2/5

Execution: Director: Corporate Services
Manager: Legal Services
KNYSNA WAR MEMORIAL
Director: Community Services

RESOLVED

[a] That the plaques on the war memorial include the names of all the town's citizens that had died in both national and international conflicts;

[b] That appropriate wording is used on the memorial to express Council's aversion to war as a means of settling conflict, in line with the spirit and intention of the South African Constitution;

[c] That all relevant conservation bodies be notified of the Municipalities intention to alter the memorial and give them a reasonable period in which to make an objection;

[d] That Heritage Western Cape (HWC) or any relevant agency be notified about the intention to alter the memorial;

[e] That a consultant, who is deemed competent in terms of the National Heritage Act be appointed to draw up concept plans for the Memorial and to submit an application to HWC;

[f] That it be noted that it may not be possible to collect all the names of citizens that had died in conflict, hence the resolution in [a] above should be in principle.

[g] That the committee recommends to the Mayoral Committee meeting for discussion, the establishing of a board committee for the Knysna War memorial.

COMMUNITY SERVICES MONTHLY REPORT: SOCIAL DEVELOPMENT SECTION: MARCH 2015

RESOLVED

[a] That the monthly report for Social Development for March 2015 received from the Director Community Services [Social Development] be noted;

[b] That the Director: Community Services submit a process plan regarding the establishment of a Youth Council and Ward Youth Forums to the Community Services Committee meeting in June 2015;
[c] That the monthly programmes be forwarded to all Ward Councillors and that a meeting be arranged between Ward Councillors and the Social Services Department;

[d] That a report be submitted to the next Community Services Committee meeting in June 2015 regarding the budget spent on the flood lights erected on the tennis courts at Loerie Park;

[e] That a report on the recruitment and selection by Sanparks be submitted to the next Committee meeting in June 2015;

[f] That a report on the leasing of sporting facilities be submitted to the Community Services Committee meeting to be held in June 2015.

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Protection Services

**C05/05/15**

**COMMUNITY SERVICES MONTHLY REPORT: TRAFFIC AND LAW ENFORCEMENT: MARCH 2015**

**RESOLVED**

That the monthly report for Traffic and Law Enforcement for March 2015 received from the Director Community Services [Traffic and Law Enforcement] be noted.

File Number: 9/1/2/5
Execution: Director: Community Services
Manager: Protection Services

**C06/05/15**

**COMMUNITY SERVICES MONTHLY REPORT: FIRE AND RESCUE: MARCH 2015**

**RESOLVED**

That the monthly report for Fire and Rescue for March 2015 received from the Director Community Services [Fire and Rescue] be noted.

File Number: 9/1/2/5
Execution: Director: Community Services
Manager: Protection Services
RESOLVED

That the monthly reports for Libraries and Heritage for March 2015 received from the Director Community Services [Libraries and Heritage] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Libraries and Heritage

RESOLVED

That the monthly report for Waste Management for March 2015 received from the Director Community Services [Waste Management] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Waste Management
C09/05/15  DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 24 APRIL 2015

RESOLVED


File number:  9/1/2/10

Execution:  Director: Financial Services
Manager: Budget Office

C10/05/15  COMMUNITY SERVICES MONTHLY REPORT: PARKS AND RECREATION MARCH 2015

RESOLVED

[a] That the monthly report for Parks and Recreation for March 2015 received from the Director Community Services [Parks and Recreation] be noted;

[b] That a report with regard to the funds spent for bush clearing and amounts allocated for each ward be submitted to the Community Services Committee meeting in June 2015.

File Number:  9/1/2/5

Execution:  Director: Community Services
Manager: Parks and Recreation

C11/05/15  EDEN DISTRICT MONTHLY REPORT: ENVIRONMENTAL HEALTH: APRIL 2015

RESOLVED

That the monthly report for Eden District Municipality for April 2015 received from the Eden District Municipality [Environmental Health] be noted.

File Number:  9/1/2/5

Execution:  Director: Community Services
Manager: Environmental Health
GREATER KNYSNA SPORT AND RECREATION MASTER PLAN

RESOLVED

[a] That cognizance be taken of the report with regard to the Great Knysna Sport and Recreation Master Plan;

[b] That the changes as recommended be approved;

[c] That the Greater Knysna Sport and Recreation Master Plan, be workshopped with the ward committee members and all the sport forums;

[d] That the Greater Knysna Sport and Recreation Master Plan be workshopped with all Councillors, Ward Committees and the Sports Forum.

File Number: 7/1/2/5

Execution: Director: Community Services
Manager: Sport Desk

URGENT MATTER:

C12A/05/15 FIRE AT DUMPING SITE

Cllr Gombo proposed an urgent matter regarding the fire at the dumping site.

Cllr Gombo raised concern with regard to smoke in Khayalethu and how dangerous it is to the community. She advised that this situation has been ongoing for the whole weekend.

The Committee agreed that the matter was urgent

RESOLVED

[a] That the Community Services speed up the process of the relocation of the green waste site below Khayalethu;

[b] That proper procedures with regard to the management of the site mentioned in [a] above, be put in place;
RESOLVED

[a] That the following correspondence be noted:
   (i) Application from Cliff Elion of Rodney Nel Management dated 20 June 2014;
   (ii) Letter of objection from the Wild Oats Community Farmers’ market dated 25 August 2014;
   (iii) Comments from the Engen dated 3 September 2014;
   (iv) Comments from SANRAL dated 18 December 2014 and 20 April 2015;
   (v) Comments from SANParks dated 10 March 2015;
   (vi) Comments from the Eden District Municipality Environmental Management Services;
   (vii) Applicant’s response to objections dated 24 October 2014;
   (viii) Copy of the lease agreement dated 13 December 2014; and
   (ix) Internal comments dated 27 January 2015.

[b] That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a temporary land use departure in order to ensure the continued existence of the Mosaic Market on Erf 4839, Sedgefield;

[c] That approval be granted in terms of Section 138 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974) for the temporary closure of a portion of an undeveloped road adjacent to Erf 4839 Sedgefield for the utilisation of an existing building on the road portion in question for market purposes;

[d] That approval be granted in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) read with Condition V of Council Resolution No. 8.11.26/11/10 taken on 7 December 2010 for the approval of a SDP No. CE21410E drawn by MS Drafting Services dated February 2015.

[e] That approval be granted for the consent of Council in terms of Clause 4(2) of the Fences and Fencing By-law (2008) in order to erect a fence along the street boundary with a height of 1,8m in lieu of 1,2m in order to secure the existing market yard;

[f] That the following conditions be imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and in terms of Clause 4(4) of the Fencing and Fences By-law (2008), that:
i. The approval refers only to the above fence height increase, the approval of the site development plan, the temporary land use departure and the temporary road closure and may not be construed as authority to deviate from any other legal prescription or requirements;

ii. In the event that it becomes necessary and warranted to have the access between the subject Erf and Erf 4308, Sedgefield for purposes of traffic, this shall be done at the expense of the applicant;

iii. Building plans for the fence in question and any other structures which are used in connection with the Mosaic Market shall be submitted to Council for approval and for record purposes;

iv. The applicant shall make provision for the free and unobstructed movement of small animals across the area surrounded by the proposed fence;

v. No parking shall be allowed in the N2 road reserve under any circumstances;

vi. The applicant shall employ safety marshals to ensure the safe accommodation of traffic and to prevent access to the N2 by pedestrians;

vii. No free standing advertising signs will be allowed in terms of Regulations on advertising on or visible from the National Road as published in Government Gazette No. 6968 dated 22 December 2000;

viii. SANRAL reserves the right to close the operation of the market should traffic safety on the N2 be compromised;

ix. All other conditions of approval contained in the letter from SANRAL Ref. No. W11/4/3-2/8-36 dated 20 April shall be adhered to;

x. The applicant shall ensure that proper dust control around the food vending area are in place, as well as around all trading spots on the property;

xi. The applicant shall ensure that there is an availability of ablution facilities on the property;

xii. The applicant shall ensure that there is an availability of water points close to the food vending area;

xiii. There shall be clear visible signs of 'no animals – no smoking' on the area where food vending takes place and where people sit and eat;

xiv. ‘No smoking’ signs shall be displayed in all the entire area where trading takes place;

xv. All previous conditions of approval set out in the approval letter dated 9 December 2010 in terms of which the existing market was approve shall be adhere to; and

xvi. The applicant shall take responsibility to make sure that food venders are registered with the appropriate authorities before trading on his/her property.

File number: 15/2/5/1
RESOLVED

[a] That the following correspondence be noted:
   (i) A copy of the application from VPM Planning dated June 2013;
   (ii) Internal comments dated 28 April 2015;
   (iii) All other documents to be provided to the committee as a separate printout.

[b] That notwithstanding the objection from the Town Electro-technical Engineer, approval be granted in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of Erf 503, Knysna from “Single Residential” to “Institutional Zone”, to allow for an Islamic Centre;

[c] That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure for the following -
   - relaxation of the lateral and rear building lines from 6m to 1.5m;
   - the relaxation of the provision of on-site parking;
   - the relaxation of the coverage from 60% to 61%;
   - the relaxation of the maximum permissible height restriction of 12m to allow a dome of 15.2m in height;

[d] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985):
   i) This application refers to the approvals as set out above and may not be construed as authority to deviate from any other legal prescriptions or requirements;
   ii) That the applicant shall submit for the consideration of the municipality an application for departure in order to have parking bays closer than 4.6m to the street boundary;
   iii) The property owner shall be responsible for the cost of complying with all conditions outlined hereunder;
   iv) The applicant shall submit a parking layout and implementation programme for the portion of Erf 211, Knysna earmarked for parking and such layout shall indicate how access to the municipal mini-sub is to be provided. Such layout shall have to be approved by the Manager: Roads and Stormwater prior to implementation;
   v) Any electrical services encountered will be relocated at the cost of the applicant;
   vi) The applicant is to ensure that there is access to property for meter reading purposes;
   vii) The erf will be limited to one electrical service connection which may not be split and will be metered by only one meter (no shared...
supply). The electricity meter will be of the split prepayment meter type. The erf is also limited to 60Amps Single Phase;

viii) Capital Contribution fees as well as costs to upgrade the MV and LV electrical network will be payable by the applicant should an increase in electrical capacity be required for the erf;

ix) Solar assisted or gas assisted water heating devices or heat pumps shall be installed by the applicant;

x) Load Switch Accommodation is required and it will be wired in accordance to the Electrical Department’ specification and the switch will be purchased by the applicant; and

xi) Low energy lamps are to be used in all fittings;

xii) The amplified broadcasting of prayers or any other form of external broadcasting shall be prohibited;

xiii) Final building plan approval shall be in accordance with the final comments of the Architectural Review Committee;

xiv) The minimum of 8 parking bays shall be provided on the premises;

xv) The height of 17m in respect of the minarets and the height of 14m in terms of the dome shall be adhered to;

xvi) The coverage of the proposed building shall not exceed 61%;

xvii) The habitable portion of the building shall not exceed a height of 10m;

xviii) Access to the property and to the parking area shall be submitted to the Director: Technical Services for approval prior to implementation.
RESOLVED

[a] That the following correspondence be noted:
   (i) Copy of the applicant’s motivation dated 26 September and 28 November and 2014;
   (ii) A request for application to be split into two dated 26 November 2014;
   (iii) Objection letter from Lynne Monsen dated 31 October 2014;
   (iv) Objection letter from RR Bridgman dated 20 October 2014;
   (v) Applicant’s response to comments dated 26 November 2014’
   (vi) Comments from internal departments dated 23 March 2014.

[b] That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure from Regulation 4.18.2.1 of the Knysna Zoning Scheme Regulations (1992) in order to erect a 1,8m high street boundary fence in lieu of 1,2m as indicated on Drawing No. 28/L/14 drawn by Tracy Hepburn Designs dated 10 September 2014;

[c] That approval be granted in terms of Section 4(2) of the Knysna Municipality Fencing and Fences By-law (2008) for the consent of Council to erect a 1,8m high street boundary fence in lieu of 1,2m as indicated on Drawing No. 28/L/14 drawn by Tracy Hepburn Designs dated 10 September 2014.

[d] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985):
   (i) This approval applies to the application as outlined above and may not be construed as authority to depart from any other legal prescriptions or requirement;
   (ii) Building plans of the proposed fence must be submitted for scrutiny and approval prior to any construction work being undertaken;
   (iii) The height of the boundary fence shall be limited to 1,8m above natural ground level;
   (iv) The property owner shall take responsibility for ensuring compliance with all conditions of approval; and
   (v) This approval does not exempt the applicant from the provisions of any act.
P04/05/15 APPLICATION FOR: WAIVER OF AS-BUILT PLAN FEES ON FARM 149 AND 150 OF 205 RUYGTEVALLEY ALSO KNOWN AS FARM RUSHMERE

RESOLVED

That the as-built fees amounting to R22 650.88 relating to top structures on portion 149 and 150 of the Farm no 205 Ruygtevalley be waived.

File number: 15/3/R
Execution: Director: Planning and Development
Manager: Town Planning and Building Control

P05/05/15 SEDGEFIELD, ERF 2003 SEDGEFIELD, SITE DEVELOPMENT PLAN

RESOLVED

[a] That the following correspondence be noted:
   (i) Copy of the application from Marike Vreken Town Planners CC submitted on 1 December 2014;
   (ii) Mr and Mrs Stauffer’s appeal dated 7 October 2013;
   (iii) Appeal resolution from province dated 26 June 2014;
   (iv) Council’s rezoning letter of approval dated 25 September 2014;
   (v) Objection e-mail from K + M Stauffer dated 16 April 2015;
   (vi) Comments from K + M Stauffer dated 10 February 2015;
   (vii) Applicant’s response to comments dated 7 April 2015;
   (viii) E-mail correspondence dated 15 April 2015;
   (ix) E-mail correspondence dated 20 February 2015;
   (x) E-mail correspondence dated 17 March 2015;
   (xi) E-mail correspondence dated 19 February 2015; and
   (i) Internal comments dated 23 April 2015;

[b] That approval be granted in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the approval of the Site Development Plan No. 2014.WD-15 drawn by Henri Santos dated 26 November 2014; and

[c] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), that:
   i) This approval applies only to the abovementioned site development plan and may not be construed as authority to deviate from any other legal prescriptions or requirements;
   ii) All relevant previous approval conditions set out in the rezoning letter of approval dated 25 September 2014 shall be adhered to by 31 July 2015 failing which criminal prosecution in terms of the Land Use Planning Ordinance is to be instituted.

File number: 15/2/3/R
Execution: Director: Planning and Development
Manager: Town Planning and Building Control

P06/05/15  REZONING AND SUBDIVISION OF ERF 2022, SEDGEFIELD

RESOLVED

[a] That subject to the closure of a portion of Erf 2022, Sedgefield indicated on Dwg. No. S2022/Rev3 drawn by VPM Planning dated 2 June 2014, approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the subdivision of Erf 2022, Sedgefield in accordance with Dwg. No. S2022/Rev3 drawn by VPM Planning dated 2 June 2014 to allow the transfer of the Portion A (±2 000m²) that contains the Sedgefield Clinic to the provincial authority;

[b] That subject to the closure of a portion of Erf 2022, Sedgefield indicated on Dwg. No. S2022/Rev3 drawn by VPM Planning dated 2 June 2014, approval be granted for the rezoning of the subdivided portion from “Public Open Space” to “General Residential Zone” with consent for an “Institutional Building” in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985);

[c] That subject to the closure of a portion of Erf 2022, Sedgefield indicated on Dwg. No. S2022/Rev3 drawn by VPM Planning dated 2 June 2014, approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the relaxation of the western lateral building line from 4.5m to 0m to accommodate the existing temporary structures and carport indicated as such on Dwg. No. S2022/Rev3 drawn by VPM Planning dated 2 June 2014;

[d] That subject to the closure of a portion of Erf 2022, Sedgefield indicated on Dwg. No. S2022/Rev3 drawn by VPM Planning dated 2 June 2014, approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) of the relaxation of the south western lateral building line from 4.5m to 0m to accommodate the existing clinic building, associated structures and outbuildings indicated as such on Dwg. No. S2022/Rev3 drawn by VPM Planning dated 2 June 2014;

[e] That the Director: Land Management (Region 3) be advised that Knysna Municipal Council supports the closure of a portion of public place indicated on Dwg. No. S2022/Rev3 drawn by VPM Planning dated 2 June in terms of Section 137 of Municipal Ordinance 20 of 1974 in order to allow the subdivision, rezoning and transfer of that portion from the ownership of the Knysna Municipality on to the ownership of the provincial authority;

[f] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985).

i. Building plans of all existing structures shall be submitted to the municipality for scrutiny, approval and for record purposes;
ii. Parking shall be provided in accordance with Dwg. No. S2022/Rev3 drawn by VPM Planning dated 2 June 2014;
iii. That notwithstanding uses permitted in the Zoning Scheme Regulations under the “General Residential Zone”, flats, licensed hotels and residential buildings are not permitted;
iv. All standard subdivision conditions of approval shall be applicable;
v. Upon approval of the site diagram the applicant shall furnish the municipality with an electronic and hard copy format of such diagram for record purposes;
vi. That notwithstanding heights permitted in the Zoning Scheme regulations under the “General Residential Zone”, no building or structure on the property shall exceed 2 storeys in height;
vii. That notwithstanding the provisions of the Zoning Scheme regulations, the maximum permissible coverage shall not exceed 50%;
viii. All augmentation levies in respect of the subject proposal shall be waived;
ix. That all future development on the property shall be in accordance with an approved Site Development Plan which will be submitted for approval by the Manager: Town Planning and Building Control prior to building plan approval.

Such a plan is to include the following:
- Boundary edge definition;
- A layout plan showing the position of all roads, sidewalks, parking areas, access points, refuse storage and removal, the allocation of uses, the position and orientation of all buildings, building development parameters, including heights, coverage and associated bulk, setbacks;
- A Cadastral Plan showing erf boundaries;
- A plan of services showing, inter alia, all existing and proposed new services traversing the property and connection points for such services; and

x. All development shall be generally/substantially in conformance with an approved Site Development.

File number: 15/2/5/2
Execution: Director: Planning and Development
Manager: Town Planning and Building Control
RESOLVED

[a] That the following correspondence be noted:
   (i) Application from Mr. D. Bingham dated 04 November 2014;
   (ii) Comments from the Town Electro-technical Engineer dated 17 November 2014;
   (iii) Comments from the Director: Technical Services dated 21 November 2014;
   (iv) Comments from Building Control Officer dated 28 November 2014;
   (v) Response from Mr. D. Bingham dated 23 April 2015.

[b] That the application in terms of Section 40(1)(a)(ii) of the Land Use Planning Ordinance for the determination of a contravention levy in respect of an existing boundary wall fence with a height of 1.8m in lieu of 1.2m on Erf 3941, Sedgefield be approved, subject to the following conditions:
   a) That the above approval may not be construed as authority to deviate from any other legal prescriptions or requirements;
   b) That the applicant will be responsible for complying with the conditions imposed hereunder:
      i) That the erf shall at all times be used in accordance with the zoning of Single Residential;
      ii) The street boundary fence shall at all times remain palisade;
      iii) This approval shall lapse in the event of the applicant not complying with any of the conditions as imposed by Council;
      iv) The applicant is to ensure that there is access to property for meter reading purposes;
      v) That the applicant submit “as-built” plans for approval in terms of the National Building Regulations and Standards Act ( Act No. 103 of 1977).

[c] That approval be granted in terms of Section 4(2) of the Knysna Municipality Fencing and Fences By-law (2008) for consent to allow a 1,8m high street boundary wall in lieu of 1,2m on Erf 3941 Sedgefield;

[d] That the applicant pay the contravention levy and thereafter submit “as-built” plans for approval.

File number: 15/2/5/4
Execution: Director: Planning and Development
          Manager: Town Planning and Building Control
ERF 4932 (WELBEDACHT LANE) KNYSNA: PROPOSED REZONING, SUBDIVISION AND DEPARTURE

RESOLVED

[a] That the following correspondence be noted:

(i) Copy of the applicant’s motivation dated August 2014;
(ii) Copy of the Traffic Impact Statement dated August 2014;
(iii) Copy of the Civil Services report dated 16 April 2014;
(iv) Copy of the Electrical Services Report dated August 2014;
(v) Copy of the amended Traffic Impact Statement dated January 2015;
(vi) Copy of the amended Civil Services report dated 12 February 2015;
(vii) Copy of the Electrical Implementation Plan Proposal dated January 2015;
(viii) Council approval dated 16 April 213;
(ix) Comments from Eskom, dated 14 August 2014;
(x) Comments from Department of Health, dated 17 September 2014;
(xi) Comments from Department of Health, dated 5 February 2015
(xii) Comments from SANParks, dated 8 October 2014,
(xiii) Comments from Department of Forestry, dated 9 October 2014
(xiv) Comments from Heritage Western Cape, dated 13 June 2014
(xv) Comments from SANRAL, dated 19 September 2014
(xvi) Comments from Western Cape Department of Agriculture, dated 28 November 2014
(xvii) Comments from Knysna Municipality: Environmental Services
(xviii) Comments from Knysna Municipality: Housing
(xix) Comments from Knysna Municipality: Director Technical Services
(xx) Comments from Knysna Municipality: Electro Technical
(xxii) Comments from Knysna Municipality: Building Control
(xxxi) Comments from Cape Nature dated 11 November 2014
(xxxii) Comments from Department of Water & Sanitation dated 12 November 2014
(xxxiii) Comments from Eastford Downs HOA dated 9 October 2014
(xxxiv) Comments from Eastford Downs HOA dated 2 February 2015
(xxxv) Comments from Carmen Coppestake dated 12 October 2014
(xxxvi) Comments from Elizabeth Vertue dated 7 October 2014
(xxxvii) Comments from Paul Dixon Savage dated 9 October.
(xxxviii) Comments from Halstead dated 13 October 2014
(xxxix) Comments from AV Waterston dated 15 September 2014
(least) Comments from L Hewitt dated 20 September 2014
(xiii) Comments from CGM Van Stegeren undated
(xiv) Comments from Knysna Ratepayers undated
(xv) Comments from Carmen Coppestake undated
(xvi) Comments from Wendy Cornah dated 7 October 2014
(xvii) Comments from Glyn Manley dated 9 October 2014
(xviii) Comments from Barbara & Charles Timms dated 9 October 2014
(xix) Comments from Kurtzenhof HOA dated 7 October 2014
(xxxviii) Comments from Thomas & Monique Sluijter dated 10 September 2014

(xxxix) Comments from Errol & Nicola Welch dated 9 October 2014

(xi) Comments from Eastford Ridge HOA dated 9 October 2014

(xii) Comments from W Cornah dated 4 November 2014

(xiii) Comments from Garden Route Quarries dated 17 September 2014

(xliii) Comments from Mike Pellet 19 September 2014

(xlv) Applicant’s response to comments dated 6 February 2015

(xlvii) Applicant’s application for amendment of pending application dated 20 February 2015 including amended Site Development Plan and amended Subdivision Plan

(xlviii) The Final Basic Assessment Report 23 February 2015

(xlviii) The applicant’s additional information containing the updated services report, dated 24 April 2015.

[b] That approval be granted in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the subdivision of Remainder of Knysna Erf 4932 into two portions, Portion A measuring 17.7ha and a remainder measuring 26.2ha;

[c] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the rezoning of Portion A of Remainder of Knysna Erf 4932 from Agricultural zone to Educational Zone in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985);

[d] That approval be granted in terms of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for a departure from the parameters applicable to the Knysna Zoning Scheme (1992) for Educational Zone to relax the maximum allowable height from 8m to 12m to allow for the proposed development;

[e] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985):

i. This approval refers to the proposals as outlined above and may not be construed as authority to deviate from any other legal prescriptions or requirements;

ii. Building plans for the proposed school campus shall be submitted to Council for scrutiny and approval and no building work shall be undertaken prior to such approval being granted;

iii. Building plans shall serve before the Aesthetics Committee prior to approval and such approval shall take into consideration any comment or suggestions that the committee shall make;

iv. The applicant shall enter into a services agreement with the municipality in terms of which services are to be provided. Capital contributions towards services are to be calculated at such a stage;

v. Quality water and effluent results must be done and concluded in a services level agreement with regard to frequency of sampling;
vi. The proposal detailed in the amended services report dated 24 April 2015 with regard to the provision of water and sewer shall be adhered to;

vii. Access to the development shall be provided as per the Site Development Plan;

viii. The final Site Development Plan shall be submitted for approval after Environmental Authorisation, all development must be in accordance with this final plan;

ix. Only indigenous vegetation shall be used for landscaping;

x. Water quality management, monitoring and reporting measures will be determined in the services agreement;

xi. Effluent quality management monitoring and reporting measures will be determined in the services agreement,

xii. The proposal detailed in the amended services report dated 24 April 2015 with regard to the provision of water and sewer shall be adhered to (Annexure H)

xiii. The development on the site shall be limited to the scope of work defined as Phase 1 in the letter from Marike Vreken Town Planners CC dated 24th April 2015. Any development in excess of Phase 1 shall require Council approval;

xiv. The developer shall pay the full proportional cost of any necessary upgrade of Welbedacht Lane to cater for Phase 1 of the development. This cost and the timing of the payment shall be specified in the services agreement;

xv. Any additional contributions to infrastructure that may be necessary for development beyond Phase 1 will be addressed in the Council approval for such development;

xvi. The conditions as imposed by the Department of Water and Sanitation shall be adhered to;

xvii. Quality water and effluent results must be done and concluded in a services level agreement with respect to frequency of sampling, etc.

xviii. The final conditions as imposed by the Department of Health shall be adhered to.

xix. The conditions as imposed by SANRAL shall be adhered to.

xx. Local labour and contractors from within the Knysna Municipal area shall be utilised wherever possible and a monthly report on labour and contractors shall be submitted to the Manager: Economic Development for information of Council;

xxi. Any electrical services encountered will be relocated at the cost of the applicant;

xxii. The Erf will be metered by means of an 11kV Bulk Metering unit and the applicant will ensure that there is access to the property for meter reading purposes. The Erf will also be limited to one service connection;

xxiii. The developer shall pay the full proportional cost of any necessary upgrade of electrical infrastructure to cater for Phase 1 of the Development

xxiv. The developer shall make such additional contributions as may be necessary and agreed with Council in order to install necessary
external infrastructure in advance of the installation of such infrastructure in terms of Council’s plans.

xxv. The quantum and timing of payments referred to in XXIII and XXIV above shall be specified in the services agreement.

xxvi. The services agreement shall be submitted to Council for approval.

xxvii. Capital contribution costs will be payable by the applicant once the Electrical Consultant confirms in writing the what the Development’s Notified Demand will be;

xxviii. Solar assisted or gas assisted water heating devices or heat pumps shall be installed by the applicant;

xxix. Load switch accommodation is required and it will be wired in accordance to the Electrical department specification and the switch will be purchased by the applicant;

xxx. As in terms of legislation, the applicant will have to provide sufficient proof of the developments energy saving plan;

xxxi. Low energy lamps are to be used in all streetlight and residential light fittings.

xxxii. All costs pertaining to the implementation of these conditions will be for the account of the applicant.

File number: 15/2/5/2
Execution: Director: Planning and Development
Manager: Town Planning and Building Control

P09/05/15 KEY ACTIONS REQUIRED BEFORE THE IMPLEMENTATION OF SPLUMA, LUPA AND THE KNYSNA MUNICIPAL LAND USE PLANNING BY-LAW ON 1 JULY 2015

RESOLVED

[a] That Council takes note of the anticipated implementation date of SPLUMA, being 1 July 2015;

[b] That the establishment of a Joint Municipal Planning Tribunal be supported in principle;

[c] That authority be delegated to the Municipal Manager to negotiate and conclude on behalf of Council with other participating Local Municipalities an agreement regarding the establishment of the Joint Municipal Tribunal;

[d] That a report be submitted to Council by the Municipal Manager on the outcome of the negotiations with participating Local Municipalities in establishing a Joint Municipal Planning Tribunal in terms of the Spatial Planning Land Use Management Act (Act No. 16 of 2013);

[e] That authority be delegated to the Municipal Manager to carry out all required procedures, in conjunction with the Municipal Managers of the
other participating municipalities to identify members for appointment to the Joint Municipal tribunal and to agree terms of appointment with them; and that the Municipal Manager be instructed to bring an item to Council at its meeting in July 2015 for the appointment of the Tribunal members;

[f] That authority is delegated to the Municipal Manager to determine the categorisation of land development applications, in line with the principles set out in this report;

[g] That authority to delegated to the Municipal Manager to appoint an Authorised Official or more than one Authorised Official from among the staff currently in the full time employment of the municipality, and to designate full time members of staff of the municipality to carry out any other functions prescribed by the Act or the relevant Regulations

[h] That the Legal Services section submit a clarification report, on the delegations to the Executive Mayor regarding the appeals and also on the role of the Section 80 Committee as Advisory Body to the Executive Mayor, to the next Planning, Development and Infrastructure Committee meeting to be held in June 2015.

File number: 1/2/1/5
Execution: Director: Planning and Development
Manager: Town Planning and Building Control

P10/05/15 PORTIONS 14, 15 AND 18 OF THE FARM RONDE VALLEY NO. 187, WEST OF THE SWARTVELI LAKE, SEDGEFIELD: PROPOSED SUBDIVISION AND CONSOLIDATION (Collab No. 672)

RESOLVED

[a] That the following correspondence be noted:
   (i) Copy of the applicant’s motivation dated February 2014;
   (ii) Consent letter from the National Department of Agriculture, Forestry and Fisheries dated 3 March 2015;
   (iii) Correspondence from Dave Martin dated 14 April 2014;
   (vi) Correspondence from Des and Lea Downing dated 25 April 2014;
   (vi) Comments from the Western Cape Department of Agriculture dated 25 May 2014;
   (vii) Comments of the Western Cape Department of Transport and Public Works dated 26 May 2014;
   (viii) Comments from the Trails End Homeowners Association dated 24 April 2014;
   (ix) Comments from the Trails End Homeowners Association dated 4 May 2014;
   (x) Comments from SANParks dated 9 May 2014;
   (xi) Applicant’s response to internal departments dated 12 May 2014;
(xii) Applicant’s response to all comments dated 2 May 2014

(xiii) Response to comments letters from Marike Vreken dated 30 March 2015, 1 May 2014, 2 May 2014 and 12 May 2014;

(ii) Comments from the Western Cape Department of Health dated 1 April 2014; (xv) Comments from internal comments dated 29 April 2015;

[b] That the consolidation of Farms 187/14 (±8,4430ha) and 187/15 (±14,0371) George to create a new property measuring ±22,58ha in extent, be supported;

[c] That notwithstanding the objection from the Western Cape Department of Agriculture, approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) for the subdivision of the above consolidated unit into three portions namely Portion A (±5,90ha), Portion B (8,33ha) and Portion C (8,33ha) as indicated on the subdivision plan drawn by Marike Vreken Town Planners CC (undated); and

[d] That the consolidation of Farm 187/18 George with Portion A to create a new property measuring ±36,45ha as indicated on the subdivision plan drawn by Marike Vreken Town Planners CC (undated), be supported; and

[e] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985):

(a) This application refers to the above subdivision and consolidation only and shall not be construed as authority to deviate from any other legal prescriptions or requirements;

(b) All standard subdivision conditions of approval shall be applicable;

(c) The applicant shall be responsible for all costs of complying with these conditions of approval;

(d) Upon the approval of the subdivision diagrams, the applicant shall submit copies to the municipality in both soft and hard copy formats for record purposes;

(e) All future applications for rezoning shall be forwarded to the Western Cape Department of Health for comment;

(f) A no-development/protea planting setback line shall be established along the shores of Swartvlei to create a natural buffer of indigenous wetland vegetation;

(g) A buffer of at least 15m should be kept free from protea planting to allow for local fynbos to re-establish along the GRNP boundary;

(h) Alien clearing should be undertaken in a phased approach on the properties in areas not planted with Proteas;

(i) The existing access at ±km 0,17 LHS off Minor Road 6913 in favour of proposed Portion A shall remain and serve as the only access to the portion of that farm off that road;

(j) The existing access at ±km 16 RHS off Minor Road 6913 shall be altered in order to serve as a shared access (on common
boundary) in favour proposed Portions A (access to edge of the lake) and B;

(k) A shared access off Minor Road 6912 at ±km 0,36 RHS (on common boundary) in favour of proposed Portions B and C shall be created;

(l) All accesses and erection of fences along the Minor Roads must be constructed in accordance to the accepted standards of the roads department of Eden District Municipality;

(m) Simultaneously with the registration of transfer the portion measuring approximately 5,91 hectares (Pt A) must be consolidated with Portion 18 of the Farm Ronde Valley No. 187, in extent of 30,0188 hectares, Division George, Western Cape Province;

(n) This consent from the National Department of Agriculture does not imply that the abovementioned subdivisions are assured of a permanent water supply;

(o) The consent from the National Department of Agriculture does not exempt the property from the provision of any other law, with special reference to the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) and does not purport to interfere with the rights of any person who may have an interest in the agricultural land; and

(p) This consent is valid for 5 years from the date of this grant.

P11/05/15 REMAINDER ERVEN 214, 4958 & 5043, XOLWENI INFORMAL SETTLEMENT, KNYSNA: PROPOSED REZONING, SUBDIVISION AND DEPARTURES (COLLAB NO. 969)

RESOLVED

[a] That the following correspondence be noted:
   (i) Copy of the applicant's motivation dated 31 March 2015;
   (ii) Comments from internal departments printed out on 29 April 2015.

[b] That approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the Subdivision of the Remainder Erf 214, Knysna into Portion A (± 1.05ha), Portion B (±1.51ha) and a Remainder as indicated on the Subdivision Plan No Xolweni Rev.4 drawn by VPM Planning dated January 2015;

[c] That approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the Subdivision of Erf 4958, Knysna into Portion C (± 3884m²) and a Remainder as indicated on the Subdivision Plan No Xolweni Rev.4 drawn by VPM Planning dated January 2015;

[d] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of Portion A, B
and C, as described above, from “Undetermined” to “Subdivisional Area”, to allow for the formalisation of an existing informal settlement as indicated on the Subdivision Plan No Xolweni Rev.4 drawn by VPM Planning dated January 2015;

[e] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of Remainder of Erf 5043 from “Undetermined” to “Subdivisional Area”, to allow for the formalisation of an existing informal settlement as indicated on the Subdivision Plan No Xolweni Rev. 4 drawn by VPM Planning dated January 2015;

[f] That approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the further Subdivision of Portions A, B, C and Remainder of Erf 5043 into 220 Informal Residential erven, 1 Public Open Space Erf and a Remainder Road as indicated on Subdivision Plan Nr Xolweni Rev. 5 dated January 2015;

[g] That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the relaxation of all building lines from 1m to 0m to allow for attached units to be constructed and subdivided along common walls;

[h] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985):

i. This approval refers to the proposals as outlined above and may not be construed as authority to deviate from any other legal prescriptions or requirements;

ii. This approval shall be subject to the issue of a positive Environmental Authorisation by the competent authority and any other conditions that the competent authority may impose;

iii. This approval shall accommodate all departures that may be required in order to ensure that existing structures are accommodated within newly created boundary lines and no additional departures will be required in respect of non-residential erven;

iv. All new structures on non-residential erven shall comply with application zoning scheme parameters;

v. Existing building infrastructure must be accommodated in the layout;

vi. Localised buildings such as the sewer pump station must be upgraded to accommodate the sewer through the Old Place drainage area;

vii. Normal building plan approval in terms of the National Building Control and Building Regulations Act shall be applicable;

viii. All costs pertaining to the implementation of these conditions will be for the account of the developer;

ix. No development on the 1:100 year flood line;
x. Erosion control measures and Sustainable Urban Drainage Systems (SUDS) principles should be implemented during construction and post construction;

xi. Energy-saving light bulbs are to be installed in all fittings where feasible;

xii. Only indigenous vegetation shall be used for landscaping;

xiii. Alien vegetation shall be removed in a phased approach;

xiv. Council’s standard waste management conditions must be adhered to for construction and on-going operational stages of the development;

xv. Local labour and contractors from within the Knysna Municipal area shall be utilised wherever possible and a monthly report on labour and contractors shall be submitted to the Manager: Economic Development for information of Council;

xvi. The following conditions of title must be registered against each of the subdivided portions and the remainder, except where similar conditions have, in the opinion of the Conveyancer, already been registered against the original property or properties:

a] The owner of this erf shall without compensation, be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other water pipes and the sewage and drainage including stormwater of any other erf or erven to be conveyed across this erf, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if considered necessary by the local authority in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above;

b] The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

xvii. Energy-saving lamps to be installed in all fittings where feasible; and

xviii. Council’s standard waste management conditions must be adhered to for construction and on-going operational stages of the development;

File number: 15/2/5/2
Execution: Director: Planning and Development
Manager: Town Planning & Building Control
P12/05/15  REPORT ON ADOPTION OF THE MUNICIPAL PLANNING AND LAND USE MANAGEMENT BY-LAW

RESOLVED

[a] That the Municipal Planning and Land Use Management by-law be approved for advertising for public comments;

[b] That prior to final approval, the by-law be sent to a workshop with Councillors following the Mayoral Committee to be held in May 2015.

File number: 1/2/1/5
Execution: Director: Corporate Services
Manager: Legal Services

P13/05/15  SUBMISSION OF THE INTEGRATED STRATEGIC DEVELOPMENT FRAMEWORK FOR PUBLIC CONSULTATION

• PRESENTATION

At 12:10, in the meeting of the Planning Development and Infrastructure, the Director: Planning and Development made a presentation on the highlighted priorities of the Final draft ISDF. He thereafter informed Cllrs that the full and final draft of the ISDF is available for all to access on the shared drive

RESOLVED

[a] That Council notes the presentation made by the Director: Planning and Development and the draft documents of the ISDF made available to all Councilors on the Municipal intranet;

[b] That Council approves the publication of the draft reports of the Integrated Strategic Development Framework, including the Draft Spatial Development Framework, the Draft Integrated Human Settlement Strategy, the Draft Economic Development Strategy and the draft Strategic Environmental Assessment, for purposes of public participation;

[c] That Council notes that the approval of the publication of the draft documents for public participation purposes does not imply approval of Council for any or all aspects of the documents and does not commit Council to the adoption or implementation of any aspect of the plans;

[d] That the final ISDF and the final version of each of the component plans are to be submitted to Council after public participation for consideration of their approval.
The ANC Councillors requested that it be recorded that they are not in agreement with the process that was followed and are therefore against the above the resolution.

P14/05/15

ERF 276, CNR WESTHILL DRIVE, FLETCHER STREET & ERICA STREET, WESTHILL, KNYSNA: PROPOSED DEPARTURES, TEMPORARY LAND USE DEPARTURE, CONSENT USE AND CONSENT TO ERECT A HIGHER STREET BOUNDARY WALL (Collab No. 854)

RESOLVED

[a] That the following correspondence be noted:

   (i) Copy of the applicant’s motivation dated 31 October 2014;
   (ii) Minutes of the Knysna Architectural Review Committee held on 24 October 2014;
   (iii) Consent from Heritage Western Cape dated 24 December 2014;
   (iv) Applicant’s response to comments dated 27 January 2015;
   (v) Letter of objection from Brymer & Associated dated 12 December 2014;
   (vi) Comments from internal departments dated 27 January 2015;
   (vii) Letter of objection from C L Brink dated 15 December 2014;
   (viii) Copy of an objection from Charles van Tonder;
   (ix) Letter of objection from J A Warne dated 14 December 2014;
   (x) Letter of objection from Emma Lindeque as per letter dated 16 December 2014;
   (xi) Copies of subsequent e-mails from the objectors as listed under “public participation”;
   (xii) Internal comments dated 30 April 2015.

[b] That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a temporary land use departure to allow an accommodation establishment with 3 lettable rooms on the proposed additions to the existing main dwelling unit indicated on Plan No. Plan 01-02 drawn by Johan Grobler Architects dated September 2014 (Annexure G);

[c] That approval be granted in terms of Section 4(2) of the Knysna Municipality Fencing and Fences By-law (2008) for Council’s consent to allow a street boundary wall height of 1.8m in lieu of 1.2m for improved privacy and safety for guests;
[d] That approval be granted in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure to allow a street boundary wall height of 1.8m in lieu of 1,2m for improved privacy and safety for guests;

[e] That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, that:

i. This approval refers to the proposals as outlined above and may not be construed as authority to deviate from any other legal prescriptions or requirements;

ii. That the proposed boundary wall shall be limited to 1,8m in height and shall consist of a solid wall up to 1,2m in height from the natural ground level, the rest being transparent materials;

iii. The corners of the property between Westhill, Fletcher and Erica Streets shall be splayed appropriately to the satisfaction of the Manager: Town Planning and Building Control and shall consist only of palisade fencing from a height of 1,2m upwards;

iv. Normal building plan approval in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) shall be applicable;

v. Building plan approval shall be subject to the approval of the plans by Heritage Western Cape;

vi. The parking layout must be submitted with building plans for the approval of the Director: Technical Services;

vii. Stormwater management measures shall be indicated on the plans for the approval of the Director: Technical Services;

viii. The applicant is to ensure that there is access to property for meter reading purposes;

ix. The erf will be limited to one electrical service connection which may not be split into two 30 amp electrical supplies and will be metered by only one meter (no shared supply);

x. The electricity meter will be of the split prepayment meter type.

xi. The erf is also limited to 60Amps Single Phase;

xii. Capital Contribution fees as well as costs to upgrade the MV and LV electrical network will be payable by the applicant should an increase in electrical capacity be required for the erf;

xiii. Solar assisted or gas assisted water heating devices or heat pumps shall be installed by the applicant;

xiv. Load Switch Accommodation is required and it will be wired in accordance to the Electrical Department’ specification and the switch will be purchased by the applicant;

xv. Low energy lamps are to be used in all fittings; and

xvi. All costs pertaining to the implementation of these conditions will be for the account of the property owner.

[f] That the application in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure to allow the relaxation of the Eastern Street Building line from 4.5m to 2m, to allow a swimming pool in the south eastern corner be refused and that the
following reason be given - the proposed swimming pool does not take into account the proposed splaying of the corner of Westhill and Fletcher Streets for the safety and welfare of motorists; - The position of the pool lacks privacy and its position will inevitably necessitate that it be screened from the corner view-line of pedestrians and motorists alike. Such screen, when implemented, will severely impact the sight distances that the purpose of the splay aims to preserve.

File number: 15/2/5/1
Execution: Director: Planning and Development
Manager: Town Planning & Building Control

P15/05/15 REMAINDER ERF 214 AND ERF 14076, BLOEMFONTEIN TOWNSHIP, KNYSNA: PROPOSED REZONING, SUBDIVISION AND DEPARTURE

RESOLVED

[a] That the following correspondence be noted:
   (i) Copy of the applicant’s motivation dated 02 April 2015;
   (ii) Comments from The South African National Roads Agency SOC Limited (SANRAL) dated 17 April 2015;
   (iii) Comments from internal departments.

[b] That approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the Subdivision of the Remainder of Erf 214 Knysna into Portion A (± 5 349m²), Portion B (±2 831m²) and a Remainder;

[c] That approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the Subdivision of unregistered Erf 14076 Knysna into Portion C (± 3 819m²) and a Remainder;

[d] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for rezoning of Portion A and B from “Undetermined” to “Subdivisional Area”, to allow for the formalisation of an existing informal settlement;

[e] That approval be granted in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for rezoning of Portion C from “Public Open Space” to “Subdivisional Area”, to allow for the formalisation of an existing informal settlement;

[f] That approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the further Subdivision of Portions A into 75 Informal Residential erven, 1 Public Open Space Erf and a Remainder Road as indicated on Subdivision Plan Nr BLOEM/SUB3 dated OCT2014;
That approval be granted in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the further Subdivision of consolidated Portions B and C into 150 Informal Residential erven, Public Open Space Erven and a Remainder road as indicated on Subdivision Plan Nr BLOEM/SUB3 dated OCT2014;

That approval be granted for Departure Applications in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the relaxation of all building lines from 1m to 0m to allow for attached units to be constructed and subdivided along party walls;

That approval be granted for a Departure Applications in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the relaxation coverage from 80% to 100% to allow for attached units to be constructed and subdivided along outside walls;

That approval be granted for the Closure of a Public Place in terms of Section 137 of Municipal Ordinance 20 of 1974 and Section 37(2) of the Land Survey Act 8/1997;

That the following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985):

i. This approval refers to the proposals as outlined above and may not be construed as authority to deviate from any other legal prescriptions or requirements;

ii. Normal building plan approval in terms of the National Building Control and Building Regulations Act shall be applicable;

iii. All costs pertaining to the implementation of these conditions will be for the account of the developer

iv. This approval shall accommodate all departures that may be required in order to ensure that existing structures are accommodated within newly created boundary lines and no additional departures will be required in respect of non-residential erven;

v. All new structures on non-residential erven shall comply with application zoning scheme parameters;

vi. No development on the 1:100 year flood line;

vii. Erosion control measures and Sustainable Urban Drainage Systems (SUDS) principles should be implemented during construction and post construction;

viii. Energy-saving light bulbs are to be installed in all fittings where feasible;

ix. Only indigenous vegetation shall be used for landscaping;

x. Alien vegetation shall be removed in a phased approach;

xi. Council’s standard waste management conditions must be adhered to for construction and on-going operational stages of the development;

xii. Local labour and contractors from within the Knysna Municipal area shall be utilised wherever possible and a monthly report on
labour and contractors shall be submitted to the Manager: Economic Development for information of Council;

xiii. The following conditions of title must be registered against each of the subdivided portions and the remainder, except where similar conditions have, in the opinion of the Conveyancer, already been registered against the original property or properties:

a] The owner of this erf shall without compensation, be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other water pipes and the sewage and drainage including stormwater of any other erf or erven to be conveyed across this erf, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if considered necessary by the local authority in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above;

b] The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

xiv. The services must be to A Grade standards as per Provincial circular;

xv. Amendments or motivations for deviation from A Grade standards must be supported by Director Technical Services prior going to province;

xvi. This approval of the sub-division and rezoning is not an approval of the engineering report and such report must be submitted, in terms of the above with the approval for the S.D.P;

xvii. Existing bulk services must be taken into account in the layout and moved to accommodate the sewer flow from Bloemfontein through the CBD sewers the same quantity of erven must be taken of the CBD drainage area into the Old Place systems.

File number: 15/2/5/2
Execution: Director: Planning and Development
Manager: Town Planning & Building Control
P16/05/15  STRUCTURAL REPORT ON KHAYALETHU BUNGALOWS

RESOLVED

[a] That Council take note of the structural report for the Khayalethu Timber framed houses;

[b] That an application for the rectification of all houses in Khalayethu be packaged and sent to Department of Human Settlements for consideration;

[c] That provision be made for rectification of serious and life threatening effects on houses within own funding available on the budget;

[d] That the Manager: Integrated Human Settlements, submit a specific report on extremely damaged houses in Khayalethu that require urgent rectification to the meeting to be held in June 2015.

File number: 9/1/2/13
Execution: Director: Planning and Development
Manager: IHS

P17/05/15  QUARTERLY PROGRESS REPORT: WAIVER APPLICATIONS RECEIVED FOR THE PERIOD JULY 2014 TO SEPTEMBER 2014

RESOLVED

That the total number of waivers for the period July 2014 until September 2014 as reflected in the waiver register be noted.

File number: 15/2/5/1
Execution: Director: Planning and Development
Manager: LED

P18/05/15  QUARTERLY PROGRESS REPORT: WAIVER APPLICATIONS RECEIVED FOR THE PERIOD OCTOBER 2014 TO DECEMBER 2014

RESOLVED

That the total number of waivers for the period October 2014 until December 2014 as reflected in the waiver register be noted.

File number: 9/1/2/13
Execution: Director: Planning and Development
Manager: LED
P19/05/15  ERF 13671, (34 SANDALWOOD DRIVE) KNYSNA: APPLICATION FOR THE DETERMINATION OF A CONTRAVENTION LEVY

RESOLVED

[a] That the following correspondence be noted:
   (i) Letter of rescinding the decision;
   (ii) Minor Land use application for a contravention levy to allow an encroachment of the 8m height restriction from Mr. Anthony Morgan dated 15 August 2014;
   (iii) Objection from Green Pastures Home Owners Association dated 18 September 2014;
   (iv) Internal Departments Comments;
   (v) Response letter to comments and objections dated 27 October 2014;

[b] That the applicant be informed in terms of Section 40(1)(a)(ii) of the Land Use Planning Ordinance (No. 15 of 1985), a contravention levy may be payable in respect of the roof built illegally in contravention of the 8m height restriction on the Erf. The Provincial guideline for such levies is 20% of the standard average building cost, in the open market, of that portion of the building which is contravening, as determined by the Council. The contravention levy is payable within thirty (30) days of date of letter of notification. Upon receipt of the proof of payment of the contravention levy, the height of the roof may be deemed legal and approved subject to the following conditions:
   (i) That the property owner shall take responsibility for ensuring compliance with these conditions;
   (ii) This approval applies to the departure as outlined above and may not be construed and authority to depart from any other legal prescriptions or requirement;
   (iii) Building plans for the existing structure shall be submitted to the municipality for approval and such building plans shall not be approved unless they are endorsed by the Green Pastures Home Owners’ Association;
   (iv) Normal Building plan approval in terms of the National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977) shall be applicable.
P20/05/15  REPORT ON THE IMPLEMENTATION OF THE ROADS MAINTENANCE PLAN

RESOLVED

That the contents of the report on the Implementation of the Roads Maintenance Plan, be noted.

File number: 9/1/2/1
Execution: Director: Technical Services
Manager: Water & Sewer Works

P21/05/15  UPGRADE PHASE 2 OF KNYSNA WASTE WATER TREATMENT WORKS

RESOLVED

[a] That Council note the contents of the contents of the report;

[b] That the Director Technical Services include the feasibility study in its operating budget.

File number: 9/1/2/1
Execution: Director: Technical Services
Manager: Water & Sewer Works

P22/05/15  PLANNING & DEVELOPMENT MONTHLY REPORTS

RESOLVED

[a] That the monthly report for March 2015 received from the Director: Planning and Development Services [Integrated Human Settlements], be noted;

[b] That the monthly report for March 2015 received from the Director: Planning and Development Services [Town Planning, Building Control], be noted;

[c] That the monthly report for March 2015 received from the Director: Planning and Development Services [Environmental Management], be noted.

File number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Integrated Human Settlements
Manager: Town Planning and Building Control
Manager: Environmental Management
RESOLVED


File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Budget Office

RESOLVED

[a] That the monthly report for March 2015 received from the Director: Technical Services, be noted;

[b] That the PMU (MIG & SDBIB) report for March 2015 received from the Director: Technical Services, be noted;

[c] That the Water and Sewer analysis and results report for March 2015 received from the Director: Technical Services, be noted;


[e] That the Electricity monthly report for March 2015 received from the Director: Technical Services, be noted.

File number: 9/1/2/1
Execution: Director: Technical Services
Engineers: Public Works, Sewer and Water Works
Acting Electro-technical Engineer
REPORTS SUBMITTED TO THE MAYORAL COMMITTEE

M01/05/15  DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 24 APRIL 2015

RESOLVED


File Number: 5/12/1
Execution: Director: Financial Services
Manager: Budget Office

M02/05/15  CAPITAL PROGRESS REPORT AS AT 11 MAY 2015

RESOLVED

That the additional report of Capital progress be noted.

File Number: 9/1/2/9
Execution: Director: Corporate Services

*The Speaker granted a body break from 16:15 to 16:43.*
12. NEW ITEMS

C01/05/15 REPORT FROM THE SPEAKER – CHANGES IN WARD 5 WARD COMMITTEE MEMBERSHIP

RESOLVED

[a] That the contents of the report by the Speaker on changes in Ward 5 Ward Committee membership be noted;

[b] That Ms Marjory Jafta be removed as Ward 5 Ward Committee Member;

[c] That Ms Theresa Titus be approved as a Ward Committee Member of Ward 5;

[d] That the Administration takes the necessary steps to remove the persons in [b] from the payroll system and replace her with the person in [c];

C02/05/15 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) ADJUSTMENTS 2014 / 2015

RESOLVED

That revisions to the monthly and quarterly top level service delivery targets and performance indicators in the top level Service Delivery and Budget Implementation Plan be approved to correspond with the approval of the adjustments budget.

C03/05/15 PROCESS FOR THE RECRUITMENT AND SELECTION OF THE CHIEF FINANCIAL OFFICER

RESOLVED

[a] That this report on the process for the Recruitment and Selection of the position of the Chief Financial Officer be noted;

[b] That changes be made to the previously appointed Selection Committee as follows:

Municipal Manager - Chairperson
Chairperson of the Finance Committee
Mr Werner Zybrands

[c] That it be noted that the Full Municipal Council will serve as the Appointment Authority;
[d] That the selection process set out in the report mentioned in (a) above be adopted;

[e] That the timeframes set out in paragraph 13 of the report mentioned in (a) above, be adopted;

Execution: Municipal Manager
Director: Corporate Services
Manager: Human Resources

C04/05/15 DELEGATIONS TO THE EXECUTIVE MAYOR AND THE MUNICIPAL MANAGER DURING THE WINTER RECESS

RESOLVED

[a] That resolution [b] taken on 7 May 2015 be revoked and replaced with the following:

[b] That the Executive Mayor, in concurrence with the Municipal Manager, be delegated to perform all the Municipal Council’s duties, responsibilities and functions from 26 June 2015 to 19 July 2015, with exception of the following:

1. In terms of the Constitution of the Republic of South Africa, 1996:
   [i] the passing of by-laws [S160(2)(a)]
   [ii] the approval of the budgets [S160(2)(b)]
   [iii] the imposition of rates and other taxes, levies and duties [S160(2)(c)];
   [iv] the raising of loans [S160(2)(a)]; and

2. In terms of the Local Government: Municipal Systems Act 2000:
   [i] the power to set tariffs [S59(a)]
   [ii] to decide to enter into a service level agreement for provision of municipal services with a Municipal entity, another Municipality and an organ of state including a Water Services Committee [S59(a) read with S76(b)(iii)]
   [iii] to approve or amend the Integrated Development Plan [S59(a)]
   [iv] to appoint a manager or an acting manager directly accountable to the Municipal Manager [S56(1)(a)(i) and(ii)]; and
   [v] to appoint Municipal Manager as head of the administration of the Municipal Council [S 54 A(1)(a) and (b)
C05/05/15  REPORT ON COUNCIL RESOLUTIONS, EXECUTION AND IMPLEMENTATION

RESOLVED

That Council note the progress and status of Council resolution implementation and that the report be referred to the Governance and Economic Development Committee for perusal.

C06/05/15  APPOINTMENT OF AN ACTING DIRECTOR: FINANCIAL SERVICES / CHIEF FINANCIAL OFFICER

RESOLVED

[a] That the report regarding the appointment of an acting Director: Financial Services/CFO, be noted;

[b] That Mrs Avitha Sunkar be appointed as the Acting Director: Financial Services/CFO from the date of this resolution for not more than three (3) months or until the vacant post is filled.

13. FAREWELL ADDRESS: CLLR R DAWSON

Cllr. Dawson delivered his farewell address and donated two Dale Elliot painting to the Municipality which should hang in the Municipal Council Chamber.

14. URGENT MATTERS

14.1 CLLR E VAN ASWEGEN: Whistle blower on the BAC

After discussion on the matter it was:

RESOLVED

That it be noted that the Municipal Manager indicated that a report regarding the matter will serve at the next Ordinary meeting of the Municipal Council.

14.2 CLLR I GROOTBOOM : Dilapidated building in Wing Street, opposite Hornlee Primary School

After the discussion it was:
RESOLVED

That the Director: Planning and Development (Building Inspectorate) submits a comprehensive report to the Planning and Development Committee at a forthcoming meeting.

15. **ITEMS IN COMMITTEE**

None

16. **CLOSURE**

The Speaker thanked everyone who contributed and the meeting concluded at 17:30.

- oOo-
7.2 SPECIAL MUNICIPAL COUNCIL MEETING: 25 JUNE 2015

RECOMMENDATION OF THE MUNICIPAL MANAGER

That the minutes of the Special Council meeting held on 25 June 2015, be approved.

-oOo-
OF A SPECIAL MEETING
OF THE
MUNICIPAL COUNCIL OF KNYSNA MUNICIPALITY
WHICH WAS HELD ON
Thursday, 25 June 2015
At 14:18
In the Municipal Council Chamber

COUNCILLORS IN ATTENDANCE

Speaker, Cllr Bouw-Spies, E R J [DA]
Executive Mayor, Cllr Wolmarans, G [DA]
Executive Deputy Mayor, Cllr Edge, ED [DA]
Cllr De Vries, S [ANC]
Cllr Barrell, R [DA]
Cllr Dyantyi, M [ANC]
Cllr Gombo, M T E [ANC]
Cllr Grootboom, IWJ [DA]
Cllr Hart, LM [DA]
Cllr Jantjies, N [Independent]
Cllr Lizwani, M [ANC]
Cllr Litoli, W [ANC]
Cllr Nayler, T [DA]
Cllr Nkam, PP [ANC]
Cllr Tyokolo, B [DA]
Cllr Van Aswegen, EO [COPE]
Cllr Witbooi, CK [ANC]
OFFICIALS IN ATTENDANCE

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<td>Sunkar, A</td>
<td>Acting Director: Financial Services</td>
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<td>Manager: Legal Services</td>
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<td>Tyelela, G</td>
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<td>Manager: Public Participation</td>
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<td>Bridge, V</td>
<td>Manager: Information Technology</td>
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<td>Smit, H</td>
<td>Manager: Town Planning &amp; Building Control</td>
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<tr>
<td>Lakay, J</td>
<td>Head: Council, Committee &amp; Council Support</td>
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<td>Fandese, N</td>
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<td>Communications Officer</td>
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<td>Mtwa, S</td>
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AUDIT COMMITTEE

As per attendance register.

PUBLIC MEMBERS

As per attendance register.

1. **WELCOMING ADDRESS BY THE SPEAKER**

   The Speaker welcomed Councillors, officials, Audit Committee members and other guests to the meeting and requested that the meeting be adjourned for a period of 30 minutes in order to finalise another matter that Council was attending to prior to the commencement of the Special Council meeting.

2. **PRAYER**

   The Speaker opened the meeting by requesting all to take a few minutes for personal reflection and silent prayer.
3. **CODE OF CONDUCT**

3.1 **THE PROVISIONS OF SCHEDULE 1 (CODE OF CONDUCT FOR COUNCILLORS) OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT, 2000 [ACT 32 OF 2000]**

The Speaker drew the attention of Councillors to the Schedule 1 of the Local Government Municipal Systems Act, 2000.

**RESOLVED**

That the Code of Conduct for Councillors be noted.

3.2 **DISCLOSURE OF INTERESTS BY COUNCILLORS**

None

4. **COUNCILLORS: ABSENT**

- **WITH LEAVE**
  
  None

- **WITHOUT LEAVE**
  
  None
SC01/06/15 **SCHEDULE OF MEETINGS: JULY 2015 TO DECEMBER 2016**

**RESOLVED**

That the schedule of meetings for the 2015/2016 financial year and until December 2016, be approved.

File Number: 3/3/3/1

Execution Municipal Manager
Director: Corporate Services
Manager: Administration

SC02/06/15 **AMENDMENTS OF THE GRANT-IN-AID POLICY**

**RESOLVED**

[a] That the report regarding the amendments of the Grant-in-Aid Policy be noted;

[b] That the amended Grant-in Aid Policy, attached as annexure to the agenda of the Special Council meeting held on 25 June 2015, be approved for implementation.

File Number: 5/11/P

Execution: Director: Corporate Services
Manager: Administration

SC03/06/15 **REPORT ON THE REVIEW OF THE ORGANISATIONAL STRUCTURE**

**RESOLVED**

[a] That the report on the review of the organisational structure 2015, be withdrawn;

[b] That the Director: Corporate Services submit a report with regard to the advertised posts to the next Council meeting.

File Number: 9/1/2/8
Execution: Director: Corporate Services
Manager: Human Resources
SC04/06/15  **REPORT ON ADOPTION OF THE MUNICIPAL PLANNING AND LAND USE MANAGEMENT BY-LAW**

**RESOLVED**

That the Municipal Planning and Land Use Management by-law be withdrawn and that Council continue with the Workshop of the same after the conclusion of the Special Council meeting.

File number: 1/2/1/5  
Execution: Director: Corporate Services  
Director: Planning and Development  
Manager: Town Planning and Building Control  
Manager: Legal Services

SC05/06/15  **LEASING OF SPORT AND COMMUNITY FACILITIES**

**RESOLVED**

That the matter with regard to the Leasing of Sporting Facilities be withdrawn and submitted to a subsequent meeting in light of new information which was brought to Council’s attention.

File Number: 9/1/2/5  
Execution: Director Community Services

5. Closure

The Speaker thanked everyone present at the meeting and the meeting concluded at 16:21.

-oOo-
7.3 SPECIAL MUNICIPAL COUNCIL MEETING: 24 JULY 2015

RECOMMENDATION OF THE MUNICIPAL MANAGER

That the minutes of the Special Council meeting held on 24 July 2015, be approved.
KNYSNA LOCAL MUNICIPALITY

M I N U T E S

OF A SPECIAL MEETING
OF THE
MUNICIPAL COUNCIL OF KNYSNA MUNICIPALITY
WHICH WAS HELD ON
Friday, 24 July 2015
At 10:00
In the Municipal Council Chamber

COUNCILLORS IN ATTENDANCE

Speaker, Cllr Bouw-Spies, E R J [DA]
Executive Mayor, Cllr Wolmarans, G [DA]
Executive Deputy Mayor, Cllr Edge, ED [DA]
Cllr De Vries, S [ANC]
Cllr Barrell, R [DA]
Cllr Dyantyi, M [ANC]
Cllr Gombo, M T E [ANC]
Cllr Grootboom, IWJ [DA]
Cllr Hart, LM [DA]
Cllr Jantjies, N [Independent]
Cllr Lizwani, M [ANC]
Cllr Litoli, W [ANC]
Cllr Myers, P [DA]
Cllr Nayler, T [DA]
Cllr Nkam, PP [ANC]
Cllr Tyokolo, B [DA]
Cllr Van Aswegen, EO [COPE]
Cllr Willemse, M [DA]
Cllr Witbooi, CK [ANC]
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<td>Phillips, E</td>
<td>Manager: Integrated Development Plan</td>
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<td>Kruger, F</td>
<td>Manager: Supply Chain</td>
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<td>Bezuidenhout, C</td>
<td>Manager: Communications and Customer Relations</td>
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### AUDIT COMMITTEE

As per attendance register.

### PUBLIC MEMBERS

As per attendance register.

1. **OPENING**

   The Speaker welcomed Councillors, officials, the public member and other guests to the meeting.

2. **ATTENDANCE**

   All Councillors were present.

3. **APPLICATION FOR LEAVE OF ABSENCE**

   None

4. **STATEMENTS AND COMMUNICATIONS BY:**

   4.1 The Executive Mayor

   *This item was dealt with after item 5.*
The Executive Mayor presented her speech.

4.2 The Speaker

The Speaker welcomed the newly elected Councillors.

5. CONSIDERATION OF REPORT

SC01/07/15 INAUGURATION OF NEWLY ELECTED COUNCILLORS

RESOLVED

[a] That the report with regard to the Inauguration of the newly elected Councillors, be noted;

[b] That it be noted that Councillor Peter Myers has been sworn in as a member of the Municipal Council of Knysna Municipality;

[c] That Councillor Mark Willemse has been sworn in as a member of the Municipal Council of Knysna Municipality.

File number: 3/1/3/1
Execution: Director: Corporate Services
Manager:

SC02/07/15 DELIMITATION OF WARDS FOR THE 2016 LOCAL GOVERNMENT ELECTIONS

RESOLVED

That the item with regard to the Delimitation of Wards for the 2016 Local Government Elections, be withdrawn.

File number: 15/1/1
Execution: Municipal Manager
Director: Corporate Services
Manager: Administration

5. Closure

The Speaker thanked everyone present at the meeting and the meeting concluded at 10:25.
7.4 SPECIAL MUNICIPAL COUNCIL MEETING : 3 AUGUST 2015

RECOMMENDATION OF THE MUNICIPAL MANAGER

That the minutes of the Special Council meeting held on 3 August 2015, be approved.
KNYSNA LOCAL MUNICIPALITY

MINUTES

OF A SPECIAL MEETING
OF THE
MUNICIPAL COUNCIL OF KNYSNA MUNICIPALITY
WHICH WAS HELD ON
Monday, 3 August 2015
At 10:00
In the Municipal Council Chamber

COUNCILLORS IN ATTENDANCE

Speaker, Cllr Bouw-Spies, E R J [DA]
Executive Mayor, Cllr Wolmarans, G [DA]
Executive Deputy Mayor, Cllr Edge, ED [DA]
Cllr De Vries, S [ANC]
Cllr Barrell, R [DA]
Cllr Dyantyi, M [ANC]
Cllr Gombo, M T E [ANC]
Cllr Grootboom, IWJ [DA]
Cllr Hart, LM [DA]
Cllr Lizwani, M [ANC]
Cllr Litoli, W [ANC]
Cllr Myers, P [DA]
Cllr Nayler, T [DA]
Cllr Nkam, PP [ANC]
Cllr Tyokolo, B [DA]
Cllr Van Aswegen, EO [COPE]
Cllr Willemse, M [DA]
Cllr Witbooi, CK [ANC]
OFFICIALS IN ATTENDANCE

Easton, G  Municipal Manager
Adonis, D  Director: Community Services
Ellman, B  Director: Corporate Services
Rhode, M  Director: Technical Services
Maughan-Brown, M  Director: Planning and Development
Sunkar, A  Acting Director: Financial Services
Jattha, J  Manager: Waste Management
Phillips, E  Manager: IDP
Kruger, F  Manager: Supply Chain Management
Paulsen, M  Manager: Legal Services
Tyelela, G  Manager: Human Resources
Mattheus, C  Manager: Administration
Kalani, J  Manager: Public Participation
Bezuidenhout, C  Manager: Communications
Lakay, J  Head: Council, Committee & Council Support
Fandese, N  Committee Officer
Kalawe, C  Communications Officer

AUDIT COMMITTEE

As per attendance register.

PUBLIC MEMBERS

As per attendance register.

1. OPENING

The Speaker welcomed Councillors, officials, the Audit Committee and other guests to the meeting.

2. ATTENDANCE

The Attendance Register of members of the Municipal Council. Officials and Public was circulated for signature.

3. APPLICATION FOR LEAVE OF ABSENCE

Cllr Jantjies, N [Independent] – Absent Without Leave

4. STATEMENTS AND COMMUNICATIONS BY:

4.1 The Executive Mayor
The Executive Mayor informed Council with regard to progress of the appointment of the Chief Financial Officer and advised that an item will serve at the Council meeting which will be held on 27 August 2015.

4.2 The Speaker

5. CONSIDERATION OF REPORT

SC01/08/15 DELIMITATION OF WARDS FOR THE 2016 LOCAL GOVERNMENT ELECTIONS

Cllr R Barrell proposed, seconded by Cllr P Myers that the recommendation from the Municipal Manager be amended as follows:

"[a] THAT the report from the Municipal Manager relating to the publication in the Provincial Gazette Extraordinary no 7453 Of 21 July 2015 of the Municipal Demarcation Board’s delimitation of wards for the Knysna Municipality for the 2016 municipal election be noted.

[b] THAT Knysna Municipality object to the MDB delimitation for Wards 1, 2, 3, 5, 6, 9, 10 and 11 on the following grounds:

1. In relation to Ward 1, because the Fairview community (which is situated just North of the N2 in the present Karatara VD 97370073) is not accommodated (as it has been requesting for some years) in Ward 1, which is much closer in distance and in terms of community connections than is the town of Karatara;

2. In relation to Wards 2 and 5, because:

a. It does not make any sense to combine the Southern sections of the present wards 2 and 5 into a new Ward 2, together also with the Sedgefield Bowling Club VD 97310044, bearing in mind:

i) The long distances between the towns (Belvidere, Brenton and Buffalo Bay) in the East and Sedgefield Island and Sedgefield Town in the West;

ii) The former are oriented East and North towards the Knysna Town and Lagoon, whereas the two Sedgefield areas are oriented West and South towards the Swartvlei Lagoon and Estuary;

iii) The two areas are in completely different catchment areas;

iv) There are important physical and topographical barriers between the two areas: the road going South from the N2 to Buffalo Bay; the Goukamma River immediately to the West of the road; the Goukamma Nature reserve which constitutes most of the Karatara VD South of the N2; and the largest freshwater lake in South Africa, Groenvlei;"
v) Residents of the two areas have very little community of interest, are opposed to being in the same ward together and suspect that the delimitation of the new Ward 2 is an example of gerrymandering.

b. Combining the Northern sections of the present Wards 2 and 5 also does not hold muster, bearing in mind:

i) Karatara is really a satellite town of Sedgefield, having a close association with Sedgefield since well before the incorporation of both into Greater Knysna;

ii) Some Karatara residents work in Sedgefield and vice versa;

iii) Both Karatara and Sedgefield are in the same catchment area and share the same primary water source, the Karatara River;

iv) Various Sedgefield charitable organisations, such as Masithandane, assist the community in Karatara as well;

v) During the 2006 to 2011 the two areas were in one ward (the then Ward 3) and the Karatara community were not happy with the arrangement – one of the reasons why the MDB, in its delimitation for 2011, put the Karatara VD into the current Ward 2;

vi) Recent consultations with representatives of the communities by the Ward 2 and 5 ward councillors have confirmed that both the Rheenendal and Karatara communities do not want to share a ward.

3. In relation to Wards 6, 9 and 11, because the six Hornlee/Hornlee-related VDs (97270139, 97270050, 97270140, 97270038, 97270049 and 97370028) are spread over these three wards whereas they can and should, as originally proposed by the Municipality, be fully accommodated in two of these wards so as fully to avoid the fragmentation of the community which presently exists.

4. In relation to Ward 3, because the refusal by the MDB to move the Hlalani section of the Hornlee Community Hall VD 97270139 into Ward 3 (with whose residents the Hlalani people have a greater community of interest), as the Municipality suggested in its original proposals to the MDB, is an impediment to the consolidation of the Hornlee community mentioned in 3 above.

5. In relation to Ward 10, because the Knysna Baptist Church VD 97270207 should rather be in Ward 9 so that the numbers of voters in both of these wards are closer to the norm.

[c] THAT no objection be made to the MDB’s delimitation for Wards 4, 7 and 8.

[d] THAT, taking the above considerations into account, the attached alternative proposals (Schedule and Maps), which fully meet the MDB’s criteria, be adopted as the Municipality’s alternative proposals for submission to the MDB
and that the Municipal Manager be instructed to ensure that the Municipality’s objections and proposals be transmitted to the MDB by no later than 3 August 2015.”.

Cllr S De Vries objected to the proposal from Cllr R Barrell and proposed that the recommendation from Demarcation Board, be approved. Cllr W Litoli seconded the proposal from Cllr De Vries.

The Speaker called the matter to the vote.

7 Votes were recorded in favour of the proposal by Cllr De Vries.
10 Votes were recorded in favour of the proposal by Cllr R Barrell.

Cllr E Van Aswegen abstained from voting.

The proposal from Cllr R Barrell was thus carried.

The following Councillors recorded their vote against the decision:

Cllr S De Vries
Cllr W Litoli
Cllr T Gombo
Cllr M Dyantyi
Cllr M Lizwani
Cllr C Witbooi
Cllr P Nkam.

RESOLVED

[a] That the report from the Municipal Manager relating to the publication in the Provincial Gazette Extraordinary no 7453 Of 21 July 2015 of the Municipal Demarcation Board’s delimitation of wards for the Knysna Municipality for the 2016 municipal election be noted;

[b] THAT Knysna Municipality object to the MDB delimitation for Wards 1, 2, 3, 5, 6, 9, 10 and 11 on the following grounds:

1. In relation to Ward 1, because the Fairview community (which is situated just North of the N2 in the present Karatara VD 97370073) is not accommodated (as it has been requesting for some years) in Ward 1, which is much closer in distance and in terms of community connections than is the town of Karatara;

2. In relation to Wards 2 and 5, because:

   a) It does not make any sense to combine the Southern sections of the present wards 2 and 5 into a new Ward 2, together also with the Sedgefield Bowling Club VD 97310044, bearing in mind:
i) The long distances between the towns (Belvidere, Brenton and Buffalo Bay) in the East and Sedgefield Island and Sedgefield Town in the West;

ii) The former are oriented East and North towards the Knysna Town and Lagoon, whereas the two Sedgefield areas are oriented West and South towards the Swartvlei Lagoon and Estuary;

iii) The two areas are in completely different catchment areas;

iv) There are important physical and topographical barriers between the two areas: the road going South from the N2 to Buffalo Bay; the Goukamma River immediately to the West of the road; the Goukamma Nature reserve which constitutes most of the Karatara VD South of the N2; and the largest freshwater lake in South Africa, Groenvlei;

v) Residents of the two areas have very little community of interest, are opposed to being in the same ward together and suspect that the delimitation of the new Ward 2 is an example of gerrymandering.

b) Combining the Northern sections of the present Wards 2 and 5 also does not hold muster, bearing in mind:

i) Karatara is really a satellite town of Sedgefield, having a close association with Sedgefield since well before the incorporation of both into Greater Knysna;

ii) Some Karatara residents work in Sedgfield and vice versa;

iii) Both Karatara and Sedgefield are in the same catchment area and share the same primary water source, the Karatara River;

iv) Various Sedgefield charitable organisations, such as Masithandane, assist the community in Karatara as well;

v) During the 2006 to 2011 the two areas were in one ward (the then Ward 3) and the Karatara community were not happy with the arrangement – one of the reasons why the MDB, in its delimitation for 2011, put the Karatara VD into the current Ward 2;

vi) Recent consultations with representatives of the communities by the Ward 2 and 5 ward councillors have confirmed that both the Rheenendal and Karatara communities do not want to share a ward.

3. In relation to Wards 6, 9 and 11, because the six Hornlee/Hornlee-related VDs (97270139, 97270050, 97270140, 97270038, 97270049 and 97370028) are spread over these three wards whereas they can and should, as originally proposed by the Municipality, be fully accommodated in two of these wards so as fully to avoid the fragmentation of the community which presently exists.

4. In relation to Ward 3, because the refusal by the MDB to move the Hlalani section of the Hornlee Community Hall VD 97270139 into Ward 3 (with whose residents the Hlalani people have a greater community of interest), as the Municipality suggested in its original proposals to the MDB, is an impediment to the consolidation of the Hornlee community mentioned in 3 above.
5. In relation to Ward 10, because the Knysna Baptist Church VD 97270207 should rather be in Ward 9 so that the numbers of voters in both of these wards are closer to the norm.

[c] That no objection be made to the MDB’s delimitation for Wards 4, 7 and 8;

[d] That, taking the above considerations into account, the attached alternative proposals (Schedule and Maps), which fully meet the MDB’s criteria, be adopted as the Municipality’s alternative proposals for submission to the MDB and that the Municipal Manager be instructed to ensure that the Municipality’s objections and proposals be transmitted to the MDB by no later than 3 August 2015.

File number: 15/1/1

Execution: Municipal Manager
Director: Corporate Services
Manager: Administration

5.2 NOTICE : DRAFT KNYSNA MUNICIPAL LAND USE PLANNING BY-LAW

RESOLVED

[a] That the notice in terms of Section 17 of the Local Government : Municipal Systems Act, 2000 that the Municipal Council is hereby affording the public and interested parties or groups the opportunity to submit comments, recommendations or input to the Municipality for a period of 28 days (4 weeks), be noted;

[b] That the date on which interested and affected parties are invited to participate in a hearing / public participation session, where submission can be made, be amended to Thursday, 20 August 2015 at 17:00 – 20:00, in the Council Chamber, Corporate Building, Clyde Street, Knysna, 6570.

File Number : 9/1/2/13

Execution : Director : Planning and Development
Manager Town Planning and Building Control
6. **URGENT MATTER**

**CLLR W LITOLI : DISCOLOURATION OF WATER**

Cllr Litoli raised the matter with regard to the discolouration of the water in Ward 4.

The Speaker enquired whether the matter be discussed as an urgent matter. All Councillors were in agreement that the matter be discussed as urgent and in committee.

The Director : Technical Services advised that a pipe broke in Grey Street and that it has disrupted the whole system and that there is also a problem at the Main Water Works. He further advised that he will provide the Executive Mayor an update as soon as possible.

**RESOLVED**

That the Executive Mayor be provided an update with regard to the discolouration of water in Ward 4 and other areas.

*The urgent matter raised by the Executive Mayor was discussed as an In Committee item.*

7. **CLOSURE**

The Speaker thanked everyone present at the meeting and the meeting concluded at 12:20.

-oo0o-
8.

8.1 REPORTS AND COMMUNICATIONS BY THE MAYOR

REPORT FROM THE OFFICE OF THE EXECUTIVE MAYOR

PURPOSE OF THE REPORT

Listing the Functions, Meetings & Workshops attended by the Executive Mayor for the period of 19 May – 15 August 2015.

BACKGROUND

A full report is available at the Mayor's Office on request should you require any additional information.

DISCUSSION

19 May 2015

Attended the Strategic Breakaway with Mayco and Directors held at Belvidere Manor.

20 May 2015

Attended the Strategic Breakaway with Mayco and Directors and Councillors held at Belvidere Manor.

28 May 2015

Attended a meeting with members from Rhobololo held at the Knysna Council Chamber with Cllr. Gombo and Housing officials

31 May 2015

Attended a ceremony at St. Mary's Church in George as a guest speaker at their high tea.

01 June 2015

Attended a house handover with the Minister of Human Settlements, in Ward 3 at the Nekkies East Housing Project.
03 June 2015
Conducted a site visit in Rhobololo with Councillor Gombo, Municipal Manager, Director of Housing and housing officials.

04 June 2015
Attended a SALGA PEC Meeting held at the Brenton Community Hall.

10 June 2015
Attended the Lemonade Day opening held at Knysna Primary School

16 June 2015
Attended the Hornlee Youth Day Celebrations.

18 June 2015
Attended the Epilepsy SA Candlelight Ceremony held at the Knysna Primary School

26 June 2015
Attended the DCF meeting held at the Eden Municipality

27 June 2015
Attended the opening of the Hornlee Sports Grounds

01 July 2015
Attended and Hosted the Emmy TV Awards judges dinner held at Simola.

03 July 2015
Attended the Ikasi Experience at the Love life Center focusing on child obesity.

04 July 2015
The Mayor officiated the start of the Oyster Festival Pick n Pay Cycling race.
Attended the MM Entertainment Winter Bash featuring Micasa held at Loerie Park

05 July 2015
The Mayor officiated the start of the Oyster Festival Pick n Pay Cycling race.
Attended the Glen Fiddich event held on the Paddle Cruizer
07 July 2015
Attended the celebration breakfast for the navy ships entering through the heads held at the Head Over Hills Guest house.
Attended the Game Of Boccia held in Aid of PDSA at the Knysna Primary School.
Attended the SASSI Fish Braai at the Festival Grounds with the Consul General of China.
Attended the Wine Festival at the Festival Grounds with the Consul General of China.

08 July 2015
Attended the Quays Watron Race held at Knysna Protea Hotel.
Attended the Flavours of Knysna held at the Festival Grounds.

09 July 2015
Conducted a meet and greet with the Minister of Health at the Knysna Provincial Hospital.
Hosted a meet and greet with the Captains and First Lieutenants of the SA Navy in the Council Chamber.
Attended the Oyster Shuckle Competition held at the Festival grounds.
Attended the VIP Cocktail function onboard the Senior Navy Ship.

10 July 2015
Conducted a site visit at the Hornlee Clinic with the Minister of Health.
Attended the Salute by the Navy and navy parade held at Memorial Square.
Attended and hosted the Women’s Day Showcase for Inspired Women Semifinal at Smutsville Community Hall.
Attended the Navy Gala Dinner held at Cruize Café.

11 July 2015
The Mayor officiated the start of the Knysna Forest Marathon
Attended Lemonade Day as a judge at the Festival grounds.

12 July 2015
Attended and opened the Pick n Pay Women’s Walk Attended the Navy Band showcase held at the Knysna Waterfront.
18 July 2015
Attended a Famsa Bikers for Madiba Day function held at Vermont and Chris Hani Hall.

20 July 2015
Attended the Eden FM Soup drive held at Lamco and Vermont in Hornlee.

22 July 2015
Attended the Rastafarian Festival held in Judah Square.

24 July 2015
Attended and hosted the Women’s Day Showcase for Inspired Women Semifinal at Rheenendal Community Hall.

25 July 2015
Attended a dinner held by Noleen Dirkse at Grace Community Centre.

02 August 2015
Attended the “Celebrate the life of Past Rita Borcherds and Noleen Dirkse” held at the Knysna Secondary School Hall hosted by Woman of Strength.

04 August 2015
Attended and hosted a lunch with Women’s Day Showcase for Inspired Women finalists at Belvidere Manor.

Attended the Khoisan footprint cultural tour official launch held at the Old Coal Museum.

06 August 2015
Attended the opening of the Fire Station in Karatara.

07 August 2015
Visited Knysna High School to present sponsorship towards their Sporting codes.

Visited Sunridge Primary School to present sponsoring towards a tour to Cape Town for two students.

Attended and Hosted the Inspired Woman Showcase Finale held at the Knysna Secondary School.
08 August 2015
Attended a Women’s Modeling Show held at Smutsville Community Hall.

13 August 2015
Attended the Knysna Timber Festival Launch and Networking event held at the Premier Hotel.

14 August 2015
Attended a Career Expo Day hosted by the Khayalethu Youth Desk at AFM Ivangeli Loxolo Church in Concordia.

15 August 2015
Hosted the “When you Strike a Women you strike a Rock” Woman’s Day event held at Knysna Secondary School.

Author of report: GR Wolmarans
Executive Mayor

FOR INFORMATION

File Number: 9/1/1/1
REPORT FROM OFFICE OF THE EXECUTIVE MAYOR

File Number
9/1/1/2

PURPOSE OF THE REPORT

To inform Council of Functions, meetings and workshops attended by the Deputy Executive Mayor on behalf of the Mayor from 19 May to 7 August 2015

BACKGROUND

12 May 2015
Attended the unveiling of Red Bridge.

14 May 2015
Attended the UCT Launch in George.

20 June 2015
Attended Knysna Lions Induction Dinner.

11 July 2015
Attended the Sea Cadet Parade which was part of the Oyster Festival celebrations.

12 July to 18 July
Acting Mayor

23 July 2015
Acting Mayor.

14 August 2015
SALGA Governance and IGR Working Group in Cape Town.
RECOMMENDATION OF THE MUNICIPAL MANAGER

That the contents of the report from the Deputy Executive Mayor, be noted.
9 RECOMMENDATIONS FROM THE EXECUTIVE MAYOR

9.1 REPORT: EXECUTIVE MAYOR: 18 JUNE 2015

The minutes of the Mayoral Committee meeting held on 18 June 2015 is attached as Annexure for consideration by Council.

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the recommendations contained in the minutes of the Mayoral Committee meeting which was held on 18 June 2015, a copy of which is attached as Annexure be considered and approved.
KNYSNA LOCAL MUNICIPALITY

MINUTES

of the

MAYORAL COMMITTEE

meeting which took place in the Council Chamber on

Thursday, 18 June 2015

at

08:00
1. Opening and Welcoming

The Executive Mayor welcomed Councillors, officials and members of the public to the meeting.

2. In Attendance:

2.1 Councillors Present

Members:

Cllr G Wolmarans
Cllr I Grootboom
Cllr L Hart
Cllr E Edge
Cllr E Van Aswegen

Other Councillors Present:

Cllr R Barrell
Cllr S De Vries
Cllr M Dyantyi
Cllr T Gombo
Cllr W Litoli
Cllr M Lizwani
Cllr P Nkam

2.2 Officials:

Mr Adonis, D Acting: Municipal Manager
Mr Maughan-Brown, M Director: Planning and Development
Mr Ellman, B Director: Corporate Services
Mr Rhode, M Director: Technical Services
Ms Sunkar, A Acting: Director Financial Services
Ms Kruger, F Manager: Supply Chain Management
Mr Mattheus, C Manager: Administration
Mr Bezeuidenhoudt, C Manager: Communications and Customer Relations
Ms Kalawe, C Communications and Customer Relations Officer
Ms Davids, K Communications and Customer Relations: Intern
Ms Botha, M Legal Services: Intern
Ms Fandese Committee Officer
Ms Lakay, J Head: Council Committees and Councillor Support
2.3. **Members of the Audit Committee Absent with Leave:** 
None

2.4. **Members of the Public Present**

3 members of the public were present as per attendance register.

3. **Members : Absent with leave**

None

4. **Members : Absent without leave**

None

5. **Noting of the Provisions of the Code of Conduct for Councillors.**

**RESOLVED**

That the Provisions of the Code of Conduct for Councillors, be noted.

6. **Declaration of Interest**

**RESOLVED**

That it be noted that no member or other Councillors declared any interest in items on the Agenda.
PRESENTATION BY KNYSNA TOURISM
Director: Corporate Services

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the Mayoral Committee take note of the presentation by Knysna Tourism regarding the Knysna Oyster Festival.

7.1 RECOMMENDATIONS: SECTION 80 COMMITTEE: 2, 9, 10 AND 11 JUNE 2015

7.1.1 ITEMS SUBMITTED TO THE GOVERNANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING: 2 JUNE 2015

G01/06/15 MONTHLY REPORT: CORPORATE SERVICES [HUMAN RESOURCES]

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the monthly report for May 2015 received from the Director: Corporate Services [Human Resources] be noted.

[b] That the verbal report on salary negotiations by the Manager: Human Resources be noted.

[c] That the committee register its concern that the LLF meetings are not held frequently and that the Mayor and Speaker urgently intervene in this regard.

File Number: 9/1/2/8

Execution: Director Corporate Services
Manager: Human Resources

G02/06/15 COUNCIL REPRESENTATION IN THE EMPLOYMENT EQUITY COMMITTEE

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the contents of the report with regard to Council representation in the Employment Equity Committee, be noted;

[b] That Councillor Barrell be appointed to replace Councillor Dawson in the Employment Equity Monitoring Committee.
That the committee register its concerns that the Employment Equity meetings are not held frequently and that the Mayor urgently intervene in this regard and report back to the Councillors.

File Number: 9/1/2/9

Execution: Director: Corporate Services
Manager: Human Resources

G03/06/15  **PUBLIC PARTICIPATION MONTHLY REPORT: APRIL 2015**

**RECOMMENDATION OF THE EXECUTIVE MAYOR**

That the monthly report for Public Participation and the Community Development Workers for April 2015 received from the Director Corporate Services [Public Participation] be noted.

File Number: 9/1/2/9

Execution: Director: Corporate Services
Manager: Public Participation

G04/06/15  **MONTHLY REPORT: CORPORATE SERVICES [LEGAL SERVICES] 19 APRIL 2015 – 18 MAY 2015**

**RECOMMENDATION OF THE EXECUTIVE MAYOR**

That the monthly report with amendments and corrections for Legal Services for 19 April 2015 to 18 May 2015 received from the Director: Corporate Services [Legal Services] be noted.

File Number: 9/1/2/9

Execution: Director Corporate Services
Manager: Legal Services

G05/06/15  **MONTHLY REPORT: PLANNING AND DEVELOPMENT [ECONOMIC DEVELOPMENT]**

**RECOMMENDATION OF THE EXECUTIVE MAYOR**

[a] That the monthly report for April 2015 received from the Director: Planning & Development [Local Economic Development], be noted.

[b] That the Acting Director: Planning and Development liaises with the Manager: Local Economic Development to provide additional information to the Mayoral Committee meeting in June 2015 regarding Training and the upgrading of Templemen Square.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Local Economic Development

G06/06/15  REPORT ON THE KEEPING OF DOGS BY-LAW

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report on the review of the Keeping of Dogs by-law be noted;

[b] That the comments received from Messrs Grobler and Louw respectively be noted;

[c] That it be noted that the relevant Seashore by-law addresses the free running of dogs as is petitioned by Mr. Louw.

[d] That the Keeping of Dogs by-law be approved and promulgated in the Government Gazette.

File Number: 9/1/2/9
Execution: Director: Corporate Services
Manager: Legal Services
KNYSNA MUNICIPALITY


BY-LAW RELATING TO THE KEEPING OF DOGS

Purpose of By-Law

The purpose of this by-law is to provide for the control over the amount of dogs that may be kept, the breeding with dogs, control over dogs by their owners, impounding of stray dogs and the prevention of nuisances through the keeping of dogs.

Definitions

[1] In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa. The English text prevails in the event of any inconsistency between the different texts and unless the content otherwise indicates:

“dangerous dogs” means any dog that according to the records of the Knysna Municipality:
(a) has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;
(b) has severely injured or killed a domestic animal while off the owner’s property; or
(c) has when unprovoked, chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in sworn statement by one or more persons;

“keep” in relation to a dog, includes to have such a dog in possession, under control or in custody or to harbour such dog;

“Municipality” means the Municipality of Knysna established in terms of section 12 of the Municipal Structures Act, 117 of 1998, and includes any duly authorised agent thereof 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 agent or employee;

“nuisance” means any conduct or condition which brings about or may bring about a state of affairs or conditions that is obnoxious and or constitutes a health risk or a source of danger to human lives or property or which interferes or may interfere with the ordinary comfort, convenience, peace or quiet of persons;

“owner” in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control over a dog on any premises within the area of jurisdiction of the Municipality;
“premises” means any piece of land registered in a deeds registry as an erf, plot, or stand as part of a township or subdivision, or a stand or lot forming part of a piece of land laid out as a township or subdivision, but not yet registered, or a portion of such erf, stand or lot and includes residential sites outside townships provided by government departments, semi-government institutions or industries;

“proper enclosure” means a fenced and locked enclosure, suitable to prevent the entry of young children between the ages of 0-7 years, and to prevent the animal from escaping. Such enclosure shall be designed and constructed to prevent the dangerous dog from escaping over, under, or through the structures and shall provide adequate space for the dangerous dog to move around freely and afford protection from the elements;

“public place” means any beach, square, park, recreation ground, sports ground, lane, open space or enclosed place vested in the Municipality or other state authority or indicated as such on the Surveyor General’s records or utilised by the public or zoned as such as in terms of the applicable zoning scheme or at any time declared or rendered such by the Municipality or any other competent authority;

“public road” means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes-

(a) the verge of any such road, street or thoroughfare;
(b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
(c) any bridge or drift traversed by any such road, street or thoroughfare;
(d) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge.

“vicious” for the purpose of this by-law includes a dog, which has bitten/attempted to bite a person or animal other than in defence of itself or its custodian.

Application of by-law

[2] The provisions of section 4 and 9 of this by-law shall not apply to premises, which are zoned for agricultural purposes, provided that a person keeping dogs on premises so zoned shall not be exempted from compliance with any other provision of this by-law or any other legislation, which may be applicable to such premises.

[3] The provision of section 14 shall not apply to a guide dog, which is bona fide utilised to accompany a blind person.

Number of dogs

[4] (1) Subject to the provisions of section 5, no person shall keep more than the prescribed number of dogs on any premises without the prior written consent of the Municipality. A person, who, at the date of promulgation of this by-law keeps more than the prescribed number of dogs, may continue to do so for as long as the dogs may live.

(2) No person may keep more than –
AGENDA
ORDINARY COUNCIL MEETING
27 AUGUST 2015

(a) one dog or allow more than one dog, over the age of two months, to be kept in or at a dwelling; i.e flat/duplex with an erf size of 500 square metres or less;
(b) two dogs, or allow more than two dogs, over the age of two months, to be kept in or at a dwelling house; i.e an erf more than 500 square metres, allowing the dog reasonable access to the property for movements.

[5] No person is allowed to be a breeder without a license.

A licensed breeder of dogs who wishes to keep a greater number of dogs on premises, than the number, permits in section 4 must obtain prior written consent from the Municipality.

[6] An application for the Municipality’s consent in terms of section 5 shall not be considered by the Municipality unless it is satisfied that the size of the premises on which the dogs are to be kept is

adequate for the safety and health of the animals and the ordinary comfort, convenience, peace or quiet of the neighbours.

[7] The Municipality’s consent in terms of section 5 to keep more than the prescribed number of dogs on a premises shall be granted subject to such conditions and restrictions as the Municipality may deem fit to impose.

Control of dogs

[8] No person shall -

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

(b) keep any dog which—

(i) by barking, yelping, howling or whining;
(ii) by having acquired the habit of charging any vehicles, animals, poultry or persons outside any premises where it is kept, or
(iii) by behaving in any other matter—

interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours, or

(c) permit any dog owned or kept by such person –

(i) to be in any public road or public place except on a leash and under control of some responsible person, unless in a free running area specifically designated for that purpose by the Municipality;
(ii) to be in any public road or public place while suffering from mange or any other infectious or contagious disease;
(iii) which is ferocious, vicious or dangerous to be in any public road or public place, unless it is muzzled and held on a leash and under control of himself or some responsible person;
(iv) to trespass on private property;
(v) to constitute a hazard to traffic using any public road.

**Fencing of property**

[9] No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced. **Dogs shall not be a source of danger**

[10] Any person who keeps a dog on any premises shall keep such dog in such manner as not to be a source of danger to employees of the Municipality entering upon such premises for the purpose of carrying out their duties. A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place.

**Classification of dogs as dangerous**

[11] (a) Dogs shall be classified as dangerous according to the definition of “dangerous dogs” in section 1 of the definition clause above.

(b) A dog shall not be declared dangerous, if the threat, injury, or damage was sustained by a person, who, at the time was unlawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.

(c) No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attach or assault.

**Restrictions applicable to dangerous dogs**

[12] (a) A dangerous dog may not be permitted to be kept unless it is under proper control and supervision if it –

(i) is wild or vicious; or
(ii) has acquired the habit of charging passing vehicles, bicycles or persons.

(b) The owner shall immediately notify the Municipality when a dog that has been classified as dangerous:

(i) is loose or unconfined;
(ii) has bitten a human being or attacked another animal;
(iii) is sold, given away or dies;
(iv) is moved to another address.

(c) Prior to a dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Municipality.

(d) Should the new owner reside within the jurisdictional area of the Municipality, he or she must comply with all the requirements of this by-law.

(e) It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is restrained by a substantial chain or leash and under the control of a competent person i.e. a person over the age of 18 years.

(f) When being transported, such dog must be safely and securely restrained within a vehicle.
(g) This by-law does not apply to dogs used by law enforcement official carrying out official duties.

(h) Any person, who fails to comply with any part of this section, shall be guilty of an offence.

**Removal of offensive matter**

[13] If any dog defecates in any public road or public place, any person in charge of such dog shall forthwith remove the excrement by placing it in a plastic or paper bag or wrapper and disposing of it in a receptacle provided for the deposit of litter or refuse.

**Dogs on premises where food is sold**

[14] Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale, shall not permit any dog to be or remain in or at such shop or place.

**Seizure, impounding and destruction of dogs**

[15] The Municipality or an authorised official, may seize and impound at a place designated by it, any dog –

(a) that is found in any public place or public street where such a dog is, in the opinion of the authorised official, not on a leash or under proper control, unless the dog is in an area designated by the council as a free running area or

(b) that is at large and apparently without its owner; or

(c) that is in a public place, not under the control of any person and appears to suffer from mange or any other contagious disease;

(d) that is ferocious, vicious or dangerous in any public road or public place without a leash or under proper control and which poses a danger to the public; or

(e) is being kept in contravention of the provisions of this by-law.

[16] A dog impounded in terms of section 15 may be released to the owner of such dog upon payment of a fee determined by the Municipality in addition to any costs, which the Municipality may have incurred in respect of such dog.

**Liability**

[17] The Municipality shall not be liable for any injury suffered, disease contracted by, or damage caused to any dog as a result or during its seizure, impoundment, detention or destruction in terms of this by-law.

**Penalty clause**

[18] Any person who contravenes or fails to comply with any provisions of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding –

(a) a fine of one thousand rand or imprisonment for a period of six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,

(b) in the case of a continuing offence, to an additional fine of fifty Rands or an additional period of imprisonment of ten days or to such additional imprisonment.
without the option of a fine or to both such additional fine and imprisonment for each
day on which such offence is continued; and
(c)  a further amount equal to any costs and expenses by the court to have been
incurred by the Municipality as result of such contravention or failure.

Repeal of By-Laws

[19]  The following by-laws are hereby repealed with immediate effect:

(a)  By-law relating to the Keeping of dogs: Provincial Notice 458/1999: Brenton Local
Council.
(b)  By-law relating to the Control of dogs: Provincial Notice 257/1984: Knysna
Municipality.
(c)  By-law relating to the Control of dogs: Provincial Notice 848/1985: Sedgefield
Municipality.
G07/06/15  DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 25 MAY 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR


[c] That the concerns raised by the committee on the expenditure of the Ward Capital Budget for Ward Councillors be noted.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Budget Office

G08/06/15  KNYSNA TOURISM — WAY FORWARD

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That it be noted that the Service Level Agreement with Knysna Tourism will come to an end on 30th June 2015.

[b] That the Municipal Manager be instructed to liaise with Knysna Tourism with a view to agree on the following:

i That Knysna Tourism and the Knysna Municipality will enter into a new Service Level Agreement from 1st July 2015 for a period of fifteen months

ii That the Service Level Agreement will cover the same suite of services included in the 2014-15 Service Level Agreement.

iii That, in addition, the Service Level Agreement will include a requirement on the newly constituted organisation to put in place arrangements for the management of the transition of all contracts and relationships entered into by Knysna Tourism on behalf of the Knysna Municipality

iv That the transition arrangements will include comprehensive and effective communication to all stakeholders.

v That the Chief Executive Officer and / or the Chairperson of the Board of the newly constituted organisation submits a monthly report to the Economic Development and Governance Section 80 Committee of the Council and will attend all meetings of the Committee to answer questions regarding the report.

vi That the monthly report will include a report on the expenditure of the grant funding as well as on progress against all agreed objectives

[c] That the Municipal Manager be instructed to draw up the Service Level Agreement referred to in [b] above;
[d] That the Municipal Manager be delegated the authority to sign the Service Level Agreement; mentioned in [b] above.

[e] That the Municipal Manager be instructed to immediately undertake an investigation as per Section 78 of the Local Government: Municipal Systems Act, 2000 regarding the mechanism to provide the local tourism function;

[f] That the Director: Planning and Development be appointed as a member of the Board of Knysna Tourism from 1 July 2015 in place of the Municipal Manager;

[g] That a press release to all stakeholders be issued to inform them of the situation, as implicated above.

File number: 9/1/2/14
Execution: Municipal Manager
Director: Planning and Development
Manager: Local Economic Development
7.1.2 ITEMS SUBMITTED TO THE COMMUNITY SERVICES COMMITTEE MEETING: 9 JUNE 2015

C01/06/15  ESTABLISHMENT OF YOUTH FORUM AND YOUTH COUNCIL

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report regarding the establishment of a Youth Forum and Youth Council be noted.

[b] That the draft Youth Council Policy be submitted to the Community Services Committee meeting to be held in August 2015 with the Constitution, for discussion;

[c] That the policy mentioned in [b] above be circulated to all Councillors prior to the Community Services Committee meeting in August 2015.

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Protection Services

C02/06/15  LIST OF SOCIAL PROGRAMMES

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report regarding the Social programmes taking place in the respective wards be noted;

[b] That a comprehensive report regarding the Social programmes and month of June 2015 activities be circulated to all Councillors;

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Protection Services
CONSTRUCTION OF SPRAYLIGHTS: LOERIE PARK TENNIS COURT

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report regarding the construction of eight (8) lights at the Loerie Park Tennis Court be noted.

[b] That the Municipal Manager be mandated to do a thorough investigation regarding the process followed in the construction of the spray lights at Loerie Park Tennis Court as well as the inclusive total cost of the project;

[c] That the report in [b] above be submitted to the next Community Services Committee meeting in August 2015.

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Protection Services

The Chairperson granted a body break from 10:10 to 10:30.

LEASING OF SPORTING FACILITIES

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the contents of the report with regard to the leasing of sporting facilities, be noted;

[b] That the points under 1 to 10 under the background discussion be accepted for discussion with the relevant sport clubs;

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Protection Services
REPORT ON THE REVIEW OF THE CONTROL OF THE SEASHORE AND SEA SITUATED WITHIN OR ADJOINING THE AREA OF JURISDICTION OF THE MUNICIPALITY OF KNYSNA BY-LAW

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report with regard to the review of the control of the seashore and sea situated within or adjoining the area of jurisdiction of the Municipality of Knysna by-law be noted; and

[b] That the item on the review of the By-law for Control of the Seashore be withdrawn until such time that the new Coastal Management by-law is developed.

File Number: 9/1/2/9

Execution: Director Corporate Services
Manager: Legal Services

EDEN DISTRICT MONTHLY REPORT: ENVIRONMENTAL HEALTH: MAY 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly report for Eden District Municipality for May 2015 received from the Eden District Municipality [Environmental Health] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Environmental Health

COMMUNITY SERVICES MONTHLY REPORT: TRAFFIC AND LAW ENFORCEMENT: APRIL 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the monthly report for Traffic and Law Enforcement for April 2015 received from the Director Community Services [Traffic and Law Enforcement] be noted.

[b] That Law Enforcement concentrates on the areas where learners are crossing the road especially in the morning and afternoon;

[c] That a report on the homeless people and a possible shelter be submitted to the next Community Services Committee meeting in August 2015.

File Number: 9/1/2/5
C08/06/15  COMMUNITY SERVICES MONTHLY REPORT: SOCIAL DEVELOPMENT SECTION: APRIL 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly report for Social Development for April 2015 received from the Director Community Services [Social Development] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services
           Manager: Protection Services

C09/06/15  COMMUNITY SERVICES MONTHLY REPORTS: LIBRARIES AND HERITAGE: APRIL 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly reports for Libraries and Heritage for April 2015 received from the Director Community Services [Libraries and Heritage] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services
           Manager: Libraries and Heritage

C10/06/15  COMMUNITY SERVICES MONTHLY REPORT: WASTE MANAGEMENT: APRIL 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly report for Waste Management for April 2015 received from the Director Community Services [Waste Management] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services
           Manager: Waste Management
C11/06/15 COMMUNITY SERVICES MONTHLY REPORT: PARKS AND RECREATION: APRIL 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly report for Parks and Recreation for April 2015 received from the Director Community Services [Parks and Recreation] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services  
Manager: Parks and Recreation

C12/06/15 COMMUNITY SERVICES MONTHLY REPORT: FIRE AND RESCUE: APRIL 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly report for Fire and Rescue for April 2015 received from the Director Community Services [Fire and Rescue] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services  
Manager: Protection Services

C13/06/15 DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 25 MAY 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR


File number: 9/1/2/10
Execution: Acting Director: Financial Services  
Manager: Budget Office
PRESENTATION

A presentation from the National Department of Human Settlements was postponed for the next Planning, Development and Infrastructure meeting in August 2015.

P01/06/15 SMUTSVILLE DUNE REHABILITATION REPORT

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the contents of the report with regard to the Smutsville Dune Rehabilitation, be noted;

[b] That the Smutsville Dune Rehabilitation Project ad hoc on municipal land: R30000 which will be funded by registering the project as an Expanded Public Works Programme from vote 35-83-50-02-7142., be supported.

[c] That a combined meeting between the South African Police Service, Knysna Municipal Law Enforcement and Provincial Traffic be scheduled to discuss the areas identified as “hotspots” and the policing thereof.

File number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Environmental

P02/06/15 REPORT ON THE STORMWATER MASTER PLAN

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report with regard to the Stormwater Master Plan, be noted;

[b] That the presentation by the department be noted and that it forms part of the minutes;

[c] That the second phase of the masterplan be rolled out to the other hamlets of the Greater Knysna Municipality.

File Number: 9/1/2/1
Execution: Director: Technical Services
Manager:
AGENDA
ORDINARY COUNCIL MEETING
27 AUGUST 2015

P03/06/15 DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 25 MAY 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR


File Number: 9/1/2/10

Execution: Director: Financial Services
Manager: Budget Office

P04/06/15 MONTHLY REPORTS: INTEGRATED HUMAN SETTLEMENTS, ENVIRONMENTAL MANAGEMENT AND TOWN PLANNING AND BUILDING CONTROL

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the monthly report for April 2015 received from the Director: Planning and Development Services [Integrated Human Settlements], be noted;

[b] That the monthly report for April 2015 received from the Director: Planning and Development Services [Town Planning, Building Control], be noted;

[c] That the monthly report for April 2015 received from the Director: Planning and Development Services [Environmental Management], be noted.

File number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Integrated Human Settlements
Manager: Town Planning and Building Control
Manager: Environmental Management
P05/06/15  MONTHLY REPORT: TECHNICAL SERVICES FOR APRIL 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly report for April 2015 received from Director Technical Services, be noted.

File Number: 9/1/2/1
Execution: Director: Technical Services
7.1.4 ITEMS SUBMITTED TO THE FINANCE COMMITTEE MEETING:
11 JUNE 2015

F01/06/15 INSURANCE REPORT JANUARY 2015 TO APRIL 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the Insurance Report for January 2015 to April 2015 be noted.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Budget Office

F02/06/15 STANDARD CHART OF ACCOUNTANTS (SCOA)

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the report on the update on the SCOA implementation be noted.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Budget Office

F03/06/15 MONTHLY BUDGET STATEMENT FOR APRIL 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly budget statement and supporting documentation for April 2015, be noted.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Budget Office
F04/06/15 REPORT TO THE EXECUTIVE MAYOR ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT (SUPPLY CHAIN MANAGEMENT) POLICY FOR THE QUARTER ENDED 31 MARCH 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the contents of the quarterly report for the quarter ended 31 March 2015 regarding the implementation of the Supply Chain Policy, be noted;

[b] That the Supply Chain Management policy for the 2015/2016 financial year as well as the Preferential Procurement Policy be referred to the Legal Department for review and thereafter be submitted to the next Finance Committee meeting in August 2015 for discussion;

[c] That the existing Supply Chain Management policy remain in effect until such time that the new policy has been reviewed and approved;

[d] That the Municipal Manager liaise with the Auditor-General with regard to compliance with the relevant legislation in the event that the new Supply Chain Management Policy is only approved after 1 July 2015.

[e] That a presentation by the Supply Chain Management Section on the database and subsequent list referred to in the report be discussed at a workshop arranged by the Speaker.

File Number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Supply Chain Management

F05/06/15 SCM AND PPPFA – EMERGING CONTRACTOR SUPPORT PROGRAMME – PILOT PROJECT

In the meeting of the Mayoral Committee meeting, the Manager: SCM made a presentation on the Emerging Contractor Support Programme.

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report regarding the Emerging Contractor Support Programme be noted;

[b] That a presentation be made by the Managers : SCM and LED on the Emerging Contractor Support Programme at the Mayoral Committee meeting to be held on 18 June 2015

[c] That the ACM and PPPFA emerging contractor support programme report be submitted to the relevant committee.

File Number: 9/1/2/10
F06/06/15  DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 25 MAY 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR


File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: SCM

F07/06/15  SPEND REPORT FOR THE MONTH OF APRIL 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the Spend report for the month of April 2015, be noted.

[b] That the matter with regard to BBBEE/HDI and recommendations from officials be discussed at the SCM Policy Workshop mentioned in item F01/04/15 at a date to be determined by the Speaker.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Budget Office

F08/06/15  ACTUAL DEVIATIONS FOR THE MONTH OF APRIL 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report on the Deviations from the Competitive Bidding procedure for the month of April 2015, be noted.

[b] That the committee’s concerns regarding the possibility that this is not the full list of the deviations be noted.

[c] That any outstanding items will be included in the new report to be designed by the Acting CFO thereafter it be submitted to the Finance Committee meeting in August 2015.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Expenditure (SCM)
ICT MONTHLY REPORT

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the ICT monthly report for May 2015 received from the Acting Director: Financial Services, be noted;

[b] That the Municipal Manager be instructed to inform the Acting: CFO and Manager: ICT that the report in its current format is unacceptable and that a comprehensive report be submitted in the Finance Committee meeting in August 2015.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Information Technology

VIREMENTS FOR THE MONTH OF APRIL 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the Virements processed for the month of April 2015 be noted.

[b] That a detailed report on Virements for the financial 2014/2015 be submitted to the next Finance Committee meeting in August 2015.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Budget Office
7.2 NEW ITEMS

REPORTS SUBMITTED TO THE MAYORAL COMMITTEE

M01/06/15 DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 25 MAY 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR


File Number: 5/12/1
Execution: Director: Financial Services
Manager: Budget Office

M02/06/15 UNAUTHORISED EXPENDITURE, FRUITLESS AND WASTEFUL EXPENDITURE AND IRREGULAR EXPENDITURE

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the Fruitless and Wasteful Expenditure of R 12 530.66 incurred during March and April of the 2014/15 financial year be noted and that the Municipal Public Accounts’ Committee be requested to investigate and make recommendations thereon to the Municipal Council.

[b] That the comprehensive report with relevant evidence regarding the expenditure as mentioned in [a] above drafted and be submitted to the MPAC by the Municipal Manager and Acting CFO.

File Number: 9/1/2/5
Execution: Director: Financial Services
Manager: Budget Office

M03/06/15 LEASING OF SPORTING AND COMMUNITY FACILITIES

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report regarding the leasing of sport and community facilities, be noted;

[b] That the leasing of sport and community facilities for ten (10) year terms to the following lessees in terms of sub-regulation 34(1)(b) of the Asset Transfer Regulations, 2008, be approved:

I. Boy Scouts of South Africa - A portion of erf 225, Knysna;
II. Naval Cadets Corps - A portion of erf 1316, Knysna;
III. Buffalo Bay Ski Boat Club - A portion of erf 189, Buffalo Bay;
IV. Knysna Tennis Club - A portion of erf 2725, Knysna;
V. Sedgefield Bowling Club – A portion of erf 2058, Sedgefield;
VI. Sedgefield Tennis Club – A portion of erf 2058, Sedgefield;
VII. Knysna Croquet Club – A portion of erf 2725, Knysna;
VIII. Knysna Lions – a portion of erf 211, Knysna;

[c] That it be noted that the leasing of facilities as mentioned in (b) above, is in terms of subregulation 34(2) of the asset Transfer Regulations, 2008, are not subject to a public participation process because the relevant value of the asset to be leased is less than R10m respectively;

d) That the rent to be paid by the respective lessee’s mentioned in (b) above, subject to (e) below, be determined, at 50% of the market rental as determined by the DDP Valuers as follows:

I. Boy Scouts of South Africa - R1450.00 per month (R17 400 per year);
II. Naval Cadets Corps -R1100.00 per month (R13 200 per year);
III. Buffalo Bay Ski Boat Club - R250.00 per month (R3000 per year);
IV. Knysna Tennis Club -R3350.00 per month (R40 200.00 per year);
V. Sedgefield Bowling Club – R4450.00 per month (R53 400.00 per year);
VI. Sedgefield Tennis Club – R3350.00 per month (R40 200.00 per year);
VII. Knysna Croquet Club – R1800.00 per month (R21 600.00 per year);
VIII. Knysna Lions Club – R600.00 per month (R7200.00 per year);

[e] That the rent mentioned in [d] above, be reduced by another 40% of the market rental, if the lessee can show, to be satisfaction of the Municipal Manager and Executive Mayor that a development / expansion programme targeting Previous Disadvantage Individuals is in place, or will be put in place, and maintained and can thus be as follows:

I. Boy Scouts of South Africa - R290.00 per month (R3480.00 per year);
II. Naval Cadets Corps - R220 per month (R2640.00 per year);
III. Buffalo Bay Ski Boat Club - R50.00 per month (R600 per year);
IV. Knysna Tennis Club - R660.00 per month (R7920.00 per year);
V. Sedgefield Bowling Club – R890.00 per month (R10 680.00 per year);
VI. Sedgefield Tennis Club – R670.00 per month (R8040.00 per year);
VII. Knysna Croquet Club – R360.00 per month (R4320.00 per year);
VIII. Knysna Lions Club – R120.00 per month (R1440.00 per year);

[f] That the standard lease agreement attached to the report as Annexure D, be approved with the following amendments:

(i) Replace “8%” with “10%” in clause 2.1;
(ii) Replace clause 2.6 to read as follows:

*Notwithstanding the provisions of paragraph 2.1 above, the lessee may qualify for a further 40% discount on the determined market related rental if the lessee can show to the satisfaction of the lessor, that a development/ membership expansion programme targeting*
Previously Disadvantaged Individuals is in place, or will be put in place within … months of the coming into effect of this lease, and maintained.”
And that the Municipal Manager be authorised to conclude the same with the lessee’s mentioned in [b] above;

That the Municipal Manager be hereby authorised to negotiate the leasing of the Hiking Trail at Buffalo Bay, situated on a portion of the farm Walker Point 215, at 10% of the market rental (R196.00 per month or R2352.00 per year) with the Western Cape Provincial Government;

That the leasing of the Driving Range situated partly on a portion of Erf 1390, Knysna with Mr DB Furguson be held in abeyance until the ownership issue with Eden District Municipality is resolved.

That the following existing leases be rated and dealt with upon expiry:

I. Knysna Golf Club - until 1 June 2038
II. Knysna Bowling Club – until 20 June 2026
III. Leisure Isle Boat Club – until 31 January 2042
IV. Leisure Isle Country Club – until 31 December 2043
V. Knysna Marathon Club – until 30 September 2017
VI. Knysna Primary School -Sport fields - until 2020
VII. Sedgefield Lions Club – until 30 September 2016
VIII. Cearn Memorial Hall – until 31 December 2043

File Number: 17/6/1/1

Execution: Director: Corporate Services
Manager: Administration
Manager: Legal Services
M04/06/15  ECONOMIC DEVELOPMENT FEEDBACK REPORT

RECOMMENDATION OF THE MUNICIPAL MANAGER

That the feedback report with regard to Economic Development received from the Director: Planning and Development, be noted.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Local Economic Development

-oOo-
9.2 **REPORT: EXECUTIVE MAYOR: 18 AUGUST 2015**

The minutes of the Mayoral Committee meeting held on 18 August 2015 is attached as **Annexure** for consideration by Council.

**RECOMMENDATION OF THE EXECUTIVE MAYOR**

That the recommendations contained in the minutes of the Mayoral Committee meeting which was held on 18 August 2015, a copy of which is attached as **Annexure** be considered and approved.
KNYSNA LOCAL MUNICIPALITY

MINUTES

of the

MAYORAL COMMITTEE

meeting which took place in the Council Chamber on

Tuesday, 18 August 2015

at

08:00
7. Opening and Welcoming

The Executive Mayor welcomed Councillors, officials and members of the public to the meeting.

8. In Attendance:

8.1 Councillors Present

Members:

Cllr G Wolmarans
Cllr I Grootboom
Cllr L Hart
Cllr E Edge
Cllr E Van Aswegen

Other Councillors Present:

Cllr R Barrell
Cllr S De Vries
Cllr T Gombo
Cllr W Litoli
Cllr M Lizwani
Cllr N Jantjies
Cllr E Bouw-Spies
Cllr C Witbooi
Cllr M Willemse
Cllr B Tyokolo
Cllr P Myers

2.2 Officials:

Mr Easton, G Municipal Manager
Mr Adonis, D Director: Community Services
Mr Maughan-Brown, M Director: Planning and Development
Mr Ellman, B Director: Corporate Services
Mr Rhode, M Director: Technical Services
Ms Sunkar, A Acting: Director Financial Services
Mr Mattheus, C Manager: Administration
Mr Tyelela, G Manager: Human Resources
Mr Kalani, J Manager: Public Participation
Mr Phillips, E Manager: Integrated Development Plan
Ms Paulsen, M Manager: Legal Services
Mr Maree, S Manager: Roads and Public Works
Mr Ngalo, M Legal Advisor
Mr Vumazonke, S Coordinator: Public Participation
Ms Flepisi, N Community Development Worker
Mr Bezuidenhoudt, C Manager: Communications and Customer Relations
2.3. **Members of the Audit Committee Absent with Leave:**

None

2.3. **Members of the Public Present**

3 members of the public were present as per attendance register.

9. **Members : Absent with leave**

None

10. **Members : Absent without leave**

None

11. **Noting of the Provisions of the Code of Conduct for Councillors.**

**RESOLVED**

That the Provisions of the Code of Conduct for Councillors, be noted.

12. **Declaration of Interest**

**RESOLVED**

That it be noted that no member or other Councillors declared any interest in items on the Agenda.
7.1 RECOMMENDATIONS: SECTION 80 COMMITTEE: 28, 30 JULY AND 4, 5 AUGUST 2015

7.1.1 ITEMS SUBMITTED TO THE GOVERNANCE AND ECONOMIC DEVELOPMENT COMMITTEE
28 JULY 2015

G01/07/15  MONTHLY REPORT: CORPORATE SERVICES [HUMAN RESOURCES]
Director: Corporate Services

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the monthly report for June 2015 received from the Director: Corporate Services [Human Resources] be noted.

[b] That the Employment Equity Plan and Recruitment and Selection Policy be submitted to the next Governance and Economic Development Committee meeting in September 2015 for discussion and review;

[c] That a full report regarding the closure of the traffic testing station be submitted to the next Governance and Economic Development Committee meeting in September 2015 as an In Committee item.

File Number: 9/1/2/8

Execution: Director Corporate Services
Manager: Human Resources

Director: Corporate Services

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the monthly report for Legal Services for 18 May 2015 - 15 July 2015 received from the Director: Corporate Services [Legal Services] be noted;

[b] That a report with regard to the illegal structures opposite Knysna Secondary School, Hornlee Primary and the illegal wood structure in Wing Street be submitted to the next Governance and Economic Development Committee meeting in September 2015

[c] That the Sporting Facilities By-Law be submitted to the next Governance and Economic Development Committee meeting in September 2015, inclusive of all inputs that were made by Councillors;
[d] That a report with regard to electricity supply to backyard dwellers be submitted to the next Planning Development and Infrastructure Committee meeting in September 2015;

[e] That a report on the designated areas and hours on notice boards, in terms on the Public Amenities By-Law be submitted by the Manager : Legal Services in consultation with the Director : Community Services, to the next Community Services Committee meeting in September 2015.

File Number: 9/1/2/9

Execution: Director Corporate Services
Manager: Legal Services

G03/07/15 MONTHLY REPORT: PLANNING AND DEVELOPMENT [INTEGRATED DEVELOPMENT PLANNING]
Director: Planning and Development

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly report for May 2015 received from the Director: Planning & Development [Local Economic Development and Integrated Development Plan], be noted.

File Number: 9/1/2/13

Execution: Director: Planning and Development
Manager: Integrated Development Plan

G04/07/15 MONTHLY REPORT: PLANNING AND DEVELOPMENT [ECONOMIC DEVELOPMENT]
Director: Planning and Development

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly report for June 2015 received from the Director: Planning & Development [Local Economic Development], be noted.

File Number: 9/1/2/13

Execution: Director: Planning and Development
Manager: Local Economic Development
AGENDA
ORDINARY COUNCIL MEETING
27 AUGUST 2015

G05/07/15  PUBLIC PARTICIPATION MONTHLY REPORT: JUNE 2015
Director: Corporate Services

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly report for Public Participation and the Community Development Workers for June 2015 received from the Director Corporate Services [Public Participation] be noted.

File Number: 9/1/2/9
Execution: Director: Corporate Services
Manager: Public Participation

G06/07/15  DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 30 JUNE 2015
Acting Director: Financial Services

RECOMMENDATION OF THE EXECUTIVE MAYOR


[b] That the unspent Ward allocations be rolled over as Councillor projects;

[c] That all savings in Councillor projects on the 2015/2016 Capital Budget be identified on a ward basis in order to ensure reallocation to Ward Councillor projects through the Adjustment Budget process.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Budget Office

G07/07/15  REPORT ON COUNCIL RESOLUTIONS, EXECUTION AND IMPLEMENTATION
Director: Corporate Services

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the progress and status of Council resolution implementation, be noted.

[b] That all the concerns raised by the Councillors be incorporated and submitted to the next Governance and Economic Development Committee meeting in September 2015.

File Number: 3/3/3/3
PERFORMANCE MANAGEMENT FRAMEWORK

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report with regard to the Performance Management Framework be noted;

[b] That the Performance Management Framework be workshopped with all Councillors on a date to be determined by the Speaker.

File Number: 4/1/2/2
Execution: Municipal Manager

REPORT ON THE REVIEW OF RULES OF ORDER REGULATING THE CONDUCT OF MEETINGS OF KNYSNA MUNICIPALITY BY-LAW

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report on the review of the Rules of Order Regulating the Conduct of Meetings of Knysna Municipality By-law, be noted;

[b] That the Rules of Order for Internal Arrangements By-law, be approved and promulgated in the Provincial Gazette.

File Number: 1/3/1/4
Execution: Director: Corporate Services
Manager: Legal Services
G10/07/15 CORPORATE SERVICES SDBIP REPORT FOR THE FINANCIAL YEAR ENDING JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the corporate services service delivery and budget implementation plan for the financial year ending June 2015, be noted.

File Number: 4/1/2/2
Execution: Director: Corporate Services

G11/07/15 REPORT ON THE TIME SCHEDULE FOR THE PREPARATION OF THE 2016/2017 IDP REVIEW AND BUDGET

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report on the time schedule for the preparation of the 2016/2017 IDP review and Budget, be noted;

[b] That the time schedule for the review of the 2016/17 IDP and preparation of the annual budget attached as annexure, be approved.

File Number: 9/1/2/13
Execution: Director: Planning and Development Manager: Integrated Development Plan
## TIME SCHEDULE FOR THE REVIEW OF THE INTEGRATED DEVELOPMENT PLAN (IDP) AND 2016/2017 BUDGET OF KNYSNA MUNICIPALITY

### KNYSNA MUNICIPALITY IDP REVIEW AND BUDGET PROCESS

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<tr>
<th>Phase</th>
<th>Activity</th>
<th>Responsible person / structure</th>
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<td><strong>1. PREPARATION</strong></td>
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<td>1.1</td>
<td>Conduct an assessment of progress of the performance measurements and changing circumstances in the municipality to constitute a review of the IDP</td>
<td>Executive Mayor</td>
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<td>1.2</td>
<td>Planning of 2016-17 IDP Review Process</td>
<td>Municipal Manager</td>
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<td>1.3</td>
<td>Tabling of the draft IDP Review &amp; Budget Time Schedule to the MAYCO meeting</td>
<td>Executive Mayor</td>
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<td>1.4</td>
<td>Tabling of draft IDP Review</td>
<td>Executive</td>
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**July 2015 - June 2016**
|   | 2. ANALYSIS                                                                 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 2.1 | Determine any changes in the Socio-economic conditions & trends of Knysna Municipality | Mayor |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 2.2 | Evaluation of matters identified in IDP Assessment Report received from MEC: Local Government | IDP Manager |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 2.3 | Review of the Performance Management System (PMS) and annual performance against SDBIP’s | Manager: Performance |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 2.4 | Tabling of draft Annual Performance Report | Manager: Performance |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 2.5 | Assess the municipal financial position and capacity (based on the Annual Financial Statements of previous budget year) | Chief Financial Officer |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
### Agenda

**Ordinary Council Meeting**

**27 August 2015**

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<td>2.6 Refine funding policies and review tariff structures</td>
<td>Chief Financial Officer</td>
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<td></td>
<td>3.1 Advertising a schedule of public meetings per ward</td>
<td>IDP Manager</td>
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<td>3.2 Embarking on a public participation process via public meetings per ward to:</td>
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<td>3.2.1 Provide feedback on progress of ward priorities &amp; projects</td>
<td>Executive Mayor</td>
<td>Councillors</td>
<td>Senior Management</td>
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<td>3.2.2 Presentation of IDP Review &amp; Budget time schedule</td>
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<td>3.2.2 Obtain input on community needs for the IDP Review process</td>
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<td>4. Strategic Planning Session to conduct a review:</td>
<td>Executive Mayor</td>
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<td>4.4.1 Council’s Strategic Objectives</td>
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<td>4.4.2 Assessment of the performance of implementation of Council’s 5yr strategic plan (2012-2017 IDP)</td>
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<td><strong>4. STRATEGY</strong></td>
<td><strong>4.4 JPI District alignment workshop</strong></td>
<td>Municipal Manager</td>
<td>14</td>
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<td></td>
<td><strong>4.4.1. Alignment of Strategic objectives of the municipality with that of provincial and national government departments</strong></td>
<td>IDP Manager</td>
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<td><strong>4.5 District IDP Managers Forum Meeting</strong></td>
<td>Eden District IDP Manager</td>
<td>28</td>
<td>20</td>
<td>19</td>
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<td><strong>4.6 Provincial IDP Managers Forum Meeting</strong></td>
<td>Provincial Dept. of Local Government</td>
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<td><strong>4.7 IDP INDABA 2 engagement</strong></td>
<td>IDP Manager</td>
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<td><strong>4.7.1 Identify projects &amp; programmes which require support/financial assistance from other spheres of government</strong></td>
<td>Provincial Dept. of Local Government</td>
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<td><strong>4.7.2 Referring of community issues which have been identified during IDP process but are not competencies of Local Government to the relevant National &amp; Provincial Sector Departments</strong></td>
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<td><strong>4.7.3 Follow up on IDP Indaba agreements</strong></td>
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<td><strong>4.8 Prioritisation of development objectives, projects &amp; programmes by</strong></td>
<td>Ward Councillors</td>
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<td><strong>Ward Committees</strong></td>
<td><strong>4.8.1 Review of Ward Based Development Plans</strong></td>
<td><strong>Committees</strong></td>
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<td><strong>4.8.2. Ensure that ward allocations enhance the development objectives of the Ward Development Plans</strong></td>
<td><strong>IDP Manager</strong></td>
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<td><strong>4.8.3 Facilitate an inclusive consultation process for the prioritisation of ward projects/programmes</strong></td>
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<td>4.9</td>
<td><strong>Identification of new Capex/Opex projects &amp; programmes culminating from the IDP Review Process</strong></td>
<td><strong>All Departments</strong></td>
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<td>4.10</td>
<td><strong>Prioritisation of internal &amp; external Capex &amp; Opex projects &amp; Programmes</strong></td>
<td><strong>IDP &amp; Budget Steering Committee</strong></td>
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<td>4.11</td>
<td><strong>Workshop with Council to finalize:</strong></td>
<td><strong>Executive Mayor</strong></td>
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| **4.8.4 Costing of priority projects & programmes of all wards** | **Senior Management** | 17 29 |
| 4.8.5 Drafting of detailed project plans | | |
| 4.8.6 Submission of priority projects & programmes captured in Ward Based Development Plans to the budget process | | 17 |

| **4.10 Prioritisation of internal & external Capex & Opex projects & Programmes** | | 29 |
| **4.11 Workshop with Council to finalize:** | | 23 |
### STRATEGY

<table>
<thead>
<tr>
<th>4.11.1 Draft IDP Review</th>
<th>Senior Management</th>
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<tr>
<td>4.11.2 Draft Operational &amp; Capital Budget</td>
<td>CFO</td>
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<td>4.12 Workshop for the preparation of Adjustment Budget</td>
<td>22</td>
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<tr>
<td>4.13 Tabling &amp; approval of Adjustment Budget</td>
<td>26</td>
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### 5. INTEGRATION

<table>
<thead>
<tr>
<th>5.1 Quarterly meetings of IDP &amp; Budget Steering Committee</th>
<th>Executive Mayor</th>
<th>CFO</th>
<th>23</th>
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<tr>
<td>5.2 Preparation of draft IDP Review document</td>
<td>IDP Manager</td>
<td>11</td>
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<td>5.3 Circulation of draft IDP Review document to all directorates for their input &amp; comment</td>
<td>IDP Manager</td>
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<td>5.4 Tabling of draft IDP Review &amp; Budget to MAYCO</td>
<td>Municipal Manager</td>
<td>CFO</td>
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<td>5.5 Tabling of draft IDP Review &amp; Budget to Council</td>
<td>Executive Mayor</td>
<td>Council</td>
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<td>5.6</td>
<td>Submission of tabled draft IDP Review &amp; Budget to the MEC: Local Government, National &amp; Provincial Treasury <em>(Within 10 working days after tabling)</em></td>
<td>IDP Manager</td>
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<td>5.7</td>
<td>Publishing of draft IDP Review &amp; Budget (including proposed tariffs) for perusal and public comment</td>
<td>IDP Manager</td>
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<td>6.1</td>
<td>B-Municipalities to comment on the District wide draft IDP Review &amp; Budget</td>
<td>Council Senior Management</td>
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<td>6.2</td>
<td>Embarking on a public participation process via public meetings per ward to obtain final input from stakeholders on the tabled draft IDP &amp; Budget</td>
<td>Executive Mayor Councillors Senior Management</td>
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<td>6.3</td>
<td>LGMTEC 3 engagement with Provincial &amp; National Sector Departments to obtain input on the draft IDP Review &amp; Budget</td>
<td>Provincial Department of Local Government</td>
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### AGENDA
**ORDINARY COUNCIL MEETING**
**27 AUGUST 2015**

#### 6.4 Incorporate notes and comment from MEC: Local Government & Provincial Treasury and DEA&DP on draft IDP Review & Budget
- **IDP Manager**
- **CFO**

#### 7.1 Consideration of all submissions made by community and stakeholders subsequent to the public participation process of the draft IDP Review & Budget
- **IDP Manager**
- **CFO**
- **Executive Mayor**

#### 7.2 Council workshops to finalise draft IDP Review & Budget prior to adoption
- **CFO**
- **IDP Manager**

#### 7.3 Council meeting to adopt the final IDP Review & Annual Budget and the Performance Management measures and targets
- **Executive Mayor**
- **Municipal Manager**
- **Council**

**At least 30 days before the start of the budget year**

#### 7.4 Publish the adopted IDP Review & Budget with all budget related documents and policies on the municipal website
- **IDP Manager**
- **CFO**

#### 7.5 Submit a copy of the adopted IDP Review & Budget to the MEC: Local Government and Treasury
- **IDP Manager**
- **CFO**

**Within 10 working days after**
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<th>8. FINALISATION</th>
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<tr>
<td><strong>8.1 Advertise a public notice of the adoption of the IDP</strong></td>
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<td><strong>8.2 Publish a summary of the IDP and Budget on municipal website</strong></td>
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<td><strong>8.3 Approval of the Service Delivery &amp; Budget Implementation Plan (SDBIP)</strong> (within 28 days of approval of budget)</td>
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REPORT ON THE TRANSFER OF VARIOUS PROPERTIES FROM EDEN DISTRICT MUNICIPALITY TO KNYSNA MUNICIPALITY

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the contents of the report and the attached legal opinions, be noted;

[b] That the Municipal Manager be authorized to reject the proposal received from the Eden District Municipality;

[c] That the Municipal Manager further be instructed to commence the necessary procedures which include continuing with the Intergovernmental Dispute (IGD) and should same fail, to obtain a declaratory order through a competent court, to ensure transfer of Portion 1, 2 & 3 Walkers Point, Erf 2790 Knysna, Erven 20, 21, 22 Belvidere, Portion 22 of the farm Westford, as well as the Swartvlei Caravan Park into the name of the Knysna Municipality.

[d] That Councillors should advocate and follow the mandate which this Council has given its representatives;

[e] That the Executive Mayor liaise with other B Municipalities to support the recommendation to not accept the proposal from Eden District Municipality.

File number: 9/1/2/9

Execution: Director Corporate Services
Manager: Legal Services
7.1.2 ITEMS SUBMITTED TO THE FINANCE COMMITTEE MEETING:
30 JULY 2015

F01/07/15 MONTHLY BUDGET STATEMENT FOR MAY 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That Council notes the monthly budget statement and supporting documentation for May 2015.

File Number: 5/3/R
Execution: Acting Director: Financial Services

F02/07/15 MONTHLY BUDGET STATEMENT FOR JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR


[b] That the concerns and recommendations made by the Mayor on her Mayoral report be noted and implemented.

File Number: 5/3/R
Execution: Acting Director: Financial Services

F03/07/15 DEBTORS AGE ANALYSIS AS AT 31 MAY 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the debtors age analysis report for the month of May 2015, be noted.

File Number: 5/3/R
Execution: Acting Director: Financial Services

F04/07/15 DEBTORS AGE ANALYSIS AS AT 30 JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the debtors age analysis report for the month of June 2015, be noted;

[b] That the accuracy of the Debtors Age Analysis for water accounts, be investigated;
[c] That a comprehensive report on analysis of writing off of arrears for debtors over one year be submitted to the next Finance Committee meeting in September 2015.

File Number: 5/3/R
Execution: Acting Director: Financial Services

F05/07/15  DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 30 JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR


[b] That the Chairperson of the Finance Committee report on responses from Directors and Councillors with regard to the funds transferred from Ward Allocations to the Community Services Department for the Smutsville Multi-Purpose Centre, at the next meeting of the Finance Committee in September 2015.

File Number: 5/3/R
Execution: Acting Director: Financial Services

F06/07/15  REPAIRS AND MAINTENANCE FOR JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the most recent repairs and maintenance report, be noted;

[b] That the Director: Planning and Development report to the Planning Development and Infrastructure Committee on expenditure of the Repairs and Maintenance Line Item Budget Allocation.

File Number: 5/3/R
Execution: Acting Director: Financial Services
Director: Planning and Development
F07/07/15  INSURANCE REPORT JULY 2014 TO JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the Insurance Report for July 2014 to June 2015 received from the Acting Director : Financial Services(Insurance), be noted;

[b] That the Insurance report be submitted to the Audit Committee;

[c] That the Municipal Manager develop a communication strategy to inform the relevant Ward Councillors on a monthly basis of claims of a serious nature instituted against the Municipality and that a report with regard thereto be submitted to the Finance Committee meeting in September 2015;

[d] That a report on houses that have not been transferred and are still the property of Knysna Municipality, be submitted to the next Planning Development and Infrastructure Committee meeting in September 2015;

[e] That a more detailed report on the different sections and types of claims be submitted to the next Finance Committee meeting in September 2015.

File Number: 5/3/R
Execution: Municipal Manager
Acting Director: Financial Services

F08/07/15  CREDITOR PAYMENT REPORT – MAY 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That Council notes the Creditor payment report for the month of May 2015.

File Number: 5/3/R
Execution: Acting Director: Financial Services

F09/07/15  CREDITOR PAYMENT REPORT – JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the Creditor payment report for the month of June 2015, be noted.

[b] That an amended and agreed format of the Creditor Payment Report be submitted to the next Finance Committee meeting in September 2015.
AGENDA
ORDINARY COUNCIL MEETING
27 AUGUST 2015

File Number: 5/3/R
Execution: Acting Director: Financial Services

F10/07/15  MUNICIPAL STANDARD CHART OF ACCOUNTANTS (MSCOA)

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the update of the mSCOA implementation be noted.

File Number: 5/3/R
Execution: Acting Director: Financial Services

F11/07/15  IT STEERING COMMITTEE MINUTES 25 JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the minutes of the IT Steering Committee Meeting held on 25 June, be noted;

[b] That the Municipal Manager be instructed to request the IT Steering Committee to submit a report on the telephone usage to the next Finance Committee meeting to be held in September 2015.

File Number: 5/3/R
Execution: Acting Director: Financial Services

F12/07/15  ICT MONTHLY REPORT

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the ICT Monthly Report for July 2015, be noted;

[b] That the figures for the IT Capital Expenditure, be corrected.

File Number: 5/3/R
Execution: Acting Director: Financial Services

F13/07/15  DEVIATIONS 2014/2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the Deviations report for the 2014/2015 year be noted;

[b] That the Acting Director: Financial Services submit a more comprehensive report identifying each deviation that took place and the reason by why the deviation occurred, to the Mayoral Committee meeting in August 2015.
The Chairperson, in consultation with the members of the Finance Committee agreed to adjourn the meeting at 16:00 and reconvene directly after the Special Council Meeting to be held on Monday, 3 August 2015. The following items were deferred for discussion on 3 August 2015:

F14/07/15 REPORT ON THE REVIEW OF THE SUPPLY CHAIN MANAGEMENT AND PREFERENTIAL PROCUREMENT POLICIES

F15/07/15 ACTUAL DEVIATIONS – APRIL 2015

F16/07/15 LATE INVOICES PROCESS IN JUNE 2015

F17/07/15 TELEPHONE CALL COSTS PER DIRECTORATE – 2014-2015 FINANCIAL YEAR

F18/07/15 COPY COSTS – JUNE 2015

The Chairperson requested that it be recorded that all items requested by Council be submitted on time and before the deadline for items.

The meeting scheduled for 30 July 2015 was adjourned and reconvened on 3 August 2015.

The following items were deferred for discussion on 3 August 2015:

F14/07/15 REPORT ON THE REVIEW OF THE SUPPLY CHAIN MANAGEMENT AND PREFERENTIAL PROCUREMENT POLICIES

F15/07/15 ACTUAL DEVIATIONS – APRIL 2015

F16/07/15 LATE INVOICES PROCESS IN JUNE 2015

F17/07/15 TELEPHONE CALL COSTS PER DIRECTORATE – 2014-2015 FINANCIAL YEAR

F18/07/15 COPY COSTS – JUNE 2015

The Committee agreed that the above item F14/07/15, be discussed after the Community Services Committee Meeting to be held on 4 August 2015.
F15/07/15  **ACTUAL DEVIATIONS – APRIL 2015**

**RECOMMENDATION OF THE EXECUTIVE MAYOR**

That the report on the Actual Deviations for April 2015, circulated at the meeting held on 3 August 2015, be noted.

File Number: 5/3/R  
Execution: Acting Director: Financial Services

F16/07/15  **LATE INVOICES PROCESS IN JUNE 2015**

**RECOMMENDATION OF THE EXECUTIVE MAYOR**

That the report with regard to the Late Invoices processed in June 2015, circulated at the Finance Committee meeting held on 3 August 2015, be noted.

File Number: 5/3/R  
Execution: Acting Director: Financial Services

F17/07/15  **TELEPHONE CALL COSTS PER DIRECTORATE – 2014-2015 FINANCIAL YEAR**

**RECOMMENDATION OF THE EXECUTIVE MAYOR**

That the report with regard to the Telephone Call Costs per Directorate – 2015-2015 financial year, circulated at the Finance Committee meeting held on 3 August 2015, be noted.

File Number: 5/3/R  
Execution: Acting Director: Financial Services

F18/07/15  **COPY COSTS – JUNE 2015**

**RECOMMENDATION OF THE EXECUTIVE MAYOR**

That the report with regard to the Copy Costs for June 2015, circulated at the Finance Committee meeting held on 3 August 2015, be noted.

File Number: 5/3/R  
Execution: Acting Director: Financial Services

*The Chairperson, in consultation with the members of the Finance Committee agreed to adjourn the meeting at 16:25 and reconvene directly after the Community Services Committee meeting to be held on Tuesday, 4 August 2015. The following items were deferred for discussion on 4 August 2015:*
AGENDA
ORDINARY COUNCIL MEETING
27 AUGUST 2015

F14/07/15 REPORT ON THE REVIEW OF THE SUPPLY CHAIN MANAGEMENT AND PREFERENTIAL PROCUREMENT POLICIES

The continuation of the meeting scheduled for 3 August 2015 was adjourned and reconvened on 4 August 2015.

The following items were deferred for discussion on 4 August 2015:

F14/07/15 REPORT ON THE REVIEW OF THE SUPPLY CHAIN MANAGEMENT AND PREFERENTIAL PROCUREMENT POLICIES

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the Acting Director: Financial Services, Manager: SCM in conjunction with the Legal Services Department separate the Supply Chain Management Policy and Preferential Procurement Policy from the Standard Operating Procedure and submit the revised policy to the next Finance Committee meeting in September 2015;

[b] That as part of the separated policy, the paragraph 8.1.4-8 omitted from the policy, which deals with, amongst others, Council’s Oversight Role, be included in the new revised Supply Chain Management Policy.

File Number: 5/3/R
Execution: Acting Director: Financial Services
Manager: SCM
Manager: Legal Services
AGENDA
ORDINARY COUNCIL MEETING
27 AUGUST 2015

7.1.3 ITEMS SUBMITTED TO THE COMMUNITY SERVICES COMMITTEE MEETING:
4 AUGUST 2015

C01/08/15  CCTV CAMERAS

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the contents of the report with regard to the CCTV Cameras, be noted;

[b] That a policy with regard to CCTV cameras and the installation thereof be developed and be submitted to the next Community Services Community meeting in September 2015,

[c] That approval not be granted to Ratepayers Association and Neighbourhood Watch Organizations to install cameras on Municipal Property at this stage until the policy mentioned in [b] above, has been developed and approved;

[d] That the applications for the installation of CCTV Cameras on Municipal property be submitted to the next Community Services Committee meeting in September 2015, for consideration.

File Number: 6/1/4/5

Execution: Director: Community Services
Manager: Protection Services

C02/08/15  REPORT ON REVIEW OF FUNERAL PARLOURS, CEMETERIES AND CREMATORIA BY-LAW

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report on the review of the Funeral Parlours, Cemeteries and Crematoria By-law, be noted;

[b] That the amended Funeral Parlours, Cemeteries and Crematoria By-law be approved and promulgated in the Provincial Gazette.

File Number: 1/3/2

Execution: Director: Community Services
Manager: Legal Services
KNYSNA MUNICIPALITY
FUNERAL PARLOURS, CEMETERIES AND CREMATORIA BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa (Act 106 of 1996), the Knysna Municipality, enacts as follows -

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1. Interpretation

(1) In this By-laws words used in the masculine gender include the feminine, the singular includes the plural and vice versa. The English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates -
“adult” means a deceased person over the age of 12 years and where the word is used to define a corpse, a deceased person whose coffin will fit into the grave opening prescribed for adults in section 19;
“aesthetic section” means a cemetery or section of a cemetery which has been set aside by the Municipality wherein only headstones may be erected;
“approved” means approved by the Municipality;
“ashes” means the cremated remains of a corpse;
“berm” means a concrete base laid at the head of a grave and on which a memorial is erected;
“body” means any dead human body, including the body of any stillborn child;
“burial” means interment in earth, a sepulchre or tomb;
“burial order” means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);
“caretaker” means an official who is designated by the Municipality from time to time in terms of section 7 of this bylaw;
“cemetery” means a land or part of a land within the municipal area set aside by the Municipality as a cemetery;
“ceremony” means any ceremony relating to the interment of a corpse;
“child” means a person who is not an adult and where the word is used to define a corpse, means a deceased person whose coffin will fit into the grave opening prescribed for children in section 18, and includes the corpse of a stillborn child and a foetus;

“coffin” means any form of a solid non-transparent outer shell, which completely encloses the body and is of sufficient strength to bear the weight of a body without collapsing;
“columbarium” means a place set aside in the basement of a crematorium or chapel containing rows of niches for the purpose of placing receptacles containing the ashes of cremated corpses therein;
"corpse" means the remains of a deceased person and includes a still-born child and foetus:
"cremation" means the process whereby a corpse is disposed of by fire;
"crematorium" means a crematorium as defined in section 1 of the Ordinance and includes the buildings in which a ceremony is conducted and the cremation carried out;
"cremated remains" means all recoverable ashes after the cremation;
"exhumation" means the removal of a corpse from its grave;
"funeral undertaker's premises" has the meaning assigned to it in regulation 1 of the Regulations;
"garden of remembrance" means a section of a cemetery or crematorium set aside for the erection of memorial work or a wall of remembrance;
"grave" means a piece of land, within a cemetery or heritage site, excavated for the burial of a corpse and includes the headstone, number or marker of and a structure on or associated with the grave;
"heroes acre" means an area of land set aside for the burial of a hero;
"interment" means any method used for disposing of a corpse;
"medical officer of health" means the officer appointed by Municipality or any other person acting in the capacity of the medical officer of health;
"memorial section" means a section of a cemetery set aside for the erection of memorials;
"memorial work" means any headstone, monument, plaque, other work or object, erected or intended to be erected in a cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;
"municipality" means the Municipality of Knysna established in terms of Section 12 of the Municipal Structures Act, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee 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, councillor, agent or employee;
"name" includes any identifying description of a deceased human being who possessed no name or whose name is unknown;
"niche" means a compartment in a columbarium or wall of remembrance for the placing of ashes;
"ordinance" means the Crematorium Ordinance, 1965 (Ordinance No. 18 of 1965);
"panoramic section" means a section in a cemetery set aside by the Municipality where memorial work is restricted to a plaque or memorial slab;
"prescribed" means prescribed by the Municipality;
"prescribed fee" means a fee determined by the Municipality in its Customer Care and Revenue Management By-law;
"private cemetery" means a cemetery which is used as a cemetery but which has not been set aside as such by the Municipality;
"Regulations" means the Funeral Undertakers' Premises, made under sections 33 and 39 of the Health Act, 1977 (Act 63 of 1977), and published as Government Notice No. 237 of 8 February 1985;
"special maintenance" means any maintenance, which does not fall under the normal general maintenance to be done by the Municipality, e.g. special plants etc.;
"tomb" means an above ground burial vault;
“wall of remembrance” means a structure (in a cemetery) which contains niches in which urns containing ashes can be stored.

(2) If any provision in this by-law vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

2. Principles and objectives
The purpose of this by-law is to control funeral undertaker’s premises, to make provision for the allocation of land for the purposes of the burial of human remains, to develop and maintain existing cemeteries, to permit its residents to dispose of a corpse by cremation and to provide space allowing the preservation of the remains of a cremation in a dignified manner.

CHAPTER 1: FUNERAL UNDERTAKERS’ PREMISES

3. Applicable legislation
The National Building Regulations and Building Standards Act, 103 of 1977 apply in respect of funeral undertaker’s premises.

CHAPTER 2: GENERAL PROVISIONS RELATING TO CEMETERIES AND CREMATORIA

4. Establishment and maintenance of cemeteries

(1) The Municipality may set apart any piece of land within its area of jurisdiction for the purposes of a cemetery and is responsible for the general maintenance of such cemetery.

(2) The Municipality may, within such a cemetery, provide separate areas for exclusive use by different religious groups, taking into consideration the customs or religious conventions of such groups.

(3) The establishment of a cemetery as contemplated in subsection (1), must be preceded by the relevant processes as prescribed by the applicable legislation.

(4) Notwithstanding the provisions of subsection (1), the responsibility for any special maintenance of the areas contemplated in subsection (2), rests with the group to which exclusive use was granted and subject to the approval of the municipality.

5. Alternatives to burial
The Municipality may, if compelled to do so by environmental considerations or the shortage of land for burial purposes, and subject to the provisions of any other law regarding the rights of a person, request that a corpse be disposed of by any other accepted method other than burial.
6. Demarcation of grave plots
   The Municipality shall demarcate grave plots in accordance with an approved layout plan.

7. Designation of caretaker
   
   (1) The Municipality may designate a caretaker for each cemetery or crematorium to control and administer the cemetery or crematorium, including the setting of conditions and the allowing or disallowing of certain activities.
   
   (2) The caretaker must take into account the customs of the deceased person and the people responsible for the burial or cremation and must accommodate these within the framework of this by-law.

8. Hours of admission for public
   
   (1) Every cemetery is open to the public during the following hours: 8:00 and 17:00, however, if it is in the interest of the public, the Municipality may close to the public a cemetery, crematorium, or part thereof for such periods as the Municipality deem necessary.
   
   (2) No person, excluding workers or persons with permission may be in or remain in a cemetery, crematorium, or part thereof before or after the hours mentioned in subsection (1) or during a period when it is closed to the public.
   
   (3) The Municipality must display the hours that every place of interment is open to the public on a notice board that must be placed at each entrance to the place of interment.
   
   (4) A person who contravenes subsection (2) commits an offence.

9. Children
   
   (1) No child under 12 years of age may enter a cemetery or crematorium unless he or she is under the care of a responsible person.
   
   (2) A person who allows a child to enter a cemetery or crematorium in contravention of subsection (1), commits and offence.

10. Keeping to path
    Except for purposes permitted by this by-law, a person may only use a path provided in the cemetery, and failure to do so constitutes an offence.

11. Prohibited conduct within cemetery and crematorium
    
    (1) No person may in a cemetery or crematorium—

    (a) cause a nuisance;
    (b) ride an animal or cycle;
    (c) allow an animal to wander;
    (d) plant, cut, pick or remove a tree, plant, shrub or flower without the permission of the caretaker;
17. Limitation of rights

(e) hold or take part in a demonstration;
(f) interrupt during the performance of his or her duties an official, workman or labourer employed by the Municipality;
(g) obstruct, resist or oppose the caretaker in the course of his or her duty or refuse to comply with an order or request which the caretaker is entitled under this by-law to make;
(h) mark, draw, scribble, erect an advertisement or object on a wall, building, fence, gate, memorial work or other erection;
(i) use water for any form of gardening without the permission of the caretaker;
(j) plant trees, flowers or shrubs on or between graves;

(k) leave any rubbish, soil, stone, debris or litter;
(l) in any way damage or deface any part of a cemetery or crematorium or anything therein;
(m) enter or leave except by an entrance provide for the purpose;
(n) solicit any business, order or exhibit or distribute or leave a tract, business card or advertisement;
(o) treat a grave or memorial work with disrespect, such as, climbing or sitting on a grave or memorial work;
(p) enter an office building or fenced place, except in connection with lawful business;
(q) with the exception of a blind person, bring an animal; and
(r) expose a corpse or a part thereof;
(s) erect any shelter;
(t) interrupt a funeral;
(u) bring in any alcohol or consume any alcohol;
(v) exceed the prescribed speed limit of 20km per hour;
(w) allow or cause any animal to enter with the exception of the caretaker living on site and who is keeping pets with the prior approval of the Municipality;
(x) be in possession of any weapons except in the case of a police or military funeral, and traditional weapons used during participation in a religious or cultural activity at the funeral.

(2) A person who contravenes a provision of subsection (1) commits an offence.

12. Right of interest in ground

(1) No person will acquire any right to or interest in any ground or grave in a cemetery, other than those that may be obtainable under this by-law.

(2) The Municipality may, on payment of the prescribed fee, sell to a person the use of a grave in a section of a cemetery for a period not exceeding 20 years.

(3) (a) The Municipality may set aside different areas in a cemetery for exclusive use by different religious or cultural groups.
(b) The Municipality may promote the environmental advantages of cremation as an alternative to burial.
(c) The Municipality may if compelled to do so by environmental considerations, such as shortage of land for burial, and subject to the provisions of any other law
regarding the rights of a person, request that a corpse be cremated instead of interred.

CHAPTER 3: GENERAL PROVISIONS RELATING TO INTERMENT AND CREMATION

13. Consent required for interment and cremation

(1) No person may inter a corpse in a cemetery or have it cremated in a crematorium without the prior written consent of the caretaker and must comply with any requirements and or conditions set by the Municipality.

(2) A person who wishes to obtain the consent as contemplated in subsection (1) must submit to the caretaker an application together with-

a) the prescribed fee;
b) a death certificate;
c) a burial order issued in terms of the Births and Deaths Registration Act, Act 51 of 1992, and
d) an Identity document.

and the caretaker may not approve the application unless all of the above requirements are met.

(3) An application must be submitted to the caretaker, in respect of-

a) an interment where the Municipality is responsible for the digging of the grave, not later than 12:00 pm, two days before the intended interment or, where the grave exceeds the standard size, not later than 12:00 pm, two days before the intended interment with the exception of the requirements of certain religious customs; and
b) a cremation, not later than 15:00 on the day before the intended cremation.

(4) Should any alteration be made on the day or hour previously fixed for an interment or cremation, or an interment or cremation be cancelled in the instance where the Municipality is responsible for the digging of a grave, notice of the alteration must be given to the caretaker at least six hours before the time fixed for the interment or cremation, and no refund will be made on monies paid in respect of the opening of an existing grave.

(5) The application contemplated in subsection (2) must be signed by the nearest surviving relative of the deceased person, however, if the caretaker is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, or for any other valid reason, he or she may grant an application signed by any other interested person.

(6) Where a person –

a) who at the time of his or her death was suffering from a communicable disease, this must be indicated in the application; or
b) in whom was inserted radioactive material or a pacemaker, it must be indicated in the application if the said material or pacemaker was removed from the corpse.

(7) The Municipality reserves the right to –
(a) inspect the contents of a coffin before interment; and
(b) decide which method of interment may be used.

(8) The Municipality may refuse a person, including a funeral undertaker, to inter a corpse if documentation required by the Municipality has not been submitted.

(9) A person who disposes of a corpse in contravention of subsection (1) or who contravenes subsection (5) or subsection (6) commits an offence.

14. Interment and cremation times

(1) An interment and cremation may take place between 08:00 am and 16:00 on weekdays and between 8:00 am and 14:00 on Saturdays and Sundays.

(2) Despite the provisions of subsection (1), the caretaker may permit interment or cremation outside the times contemplated in subsection (1) in which case the Municipality may levy an additional fee.

(3) A person who inters or cremates a corpse in contravention of the provisions of subsection (1) commits an offence.

15. Register

The caretaker must keep a record of all interments and the record must contain:
(a) the particulars of the person who requested the interment or cremation;
(b) the particulars of the deceased person such as the name, address, and identification number;
(c) the date of the interment or cremation; and
(d) in the instance of an interment, the number of the grave.

16. Indigent and destitute persons

(1) A person may apply to the Municipality for the burial or cremation of the corpse of an indigent person and must provide proof thereof. Applications must be accompanied by a sworn declaration on the income of the immediate family.

(2) Subject to the provisions of the National Health Act, 61 of 2003, and section 10 of the Human Tissue Act, 65 of 1983, the corpse of a destitute person or an unclaimed corpse may be buried or cremated according to conditions determined by the Municipality.

(3) Where a corpse of an indigent person is cremated, the caretaker of the crematorium must retain the ashes, and should the ashes not be claimed, bury the ashes in a grave.

17. Number of corpses in one coffin

(1) Subject to the provisions of subsection (2), only one corpse may be contained in a coffin.

(2) More than one corpse may be contained in one coffin if the consent of the caretaker has been obtained and the prescribed fee has been paid, in the case of-

(a) a mother and child who died during childbirth; or
(b) family members who—

   (i) died together; or
   (ii) died a short while after each other and the burial or cremation of the first dying member has not yet taken place.

(3) A person who contravenes a provision of subsection (1) or who fails to obtain the consent as contemplated in subsection (2), commits an offence.

CHAPTER 4: INTERMENT

18. Burials

   (1) The lid of the coffin, or where one coffin has been buried on top of another coffin, the lid of the top coffin, may not be less than 1200 mm from the natural ground level.
   (2) A person responsible for the burial must ensure that surrounding property is not damaged and must prevent graves from caving in.
   (3) Soil moulds on a grave may be removed by the Municipality one month after the burial.
   (4) On completion of a burial, it is the duty of the undertakers, or the person who dug the grave, to clear the surrounding area (pathways and graves) of soil, debris, etc.
   (5) A person who buries a coffin in contravention of the provisions of subsection (1) or who contravenes subsections (2) or (4), commits an offence.

19. Dimensions of graves and apertures

   (1) The standard dimensions of a grave are as follows:

       (a) Adult:
           (i) Single grave: Length: 2 200 mm; Width: 900 mm.
           (ii) Double grave: Length: 2200 mm; Width: 2700 mm.
       (b) Child:
           (i) Single grave: Length: 1 500 mm; Width: 700 mm.

   (2) Any person requiring a larger hole than the dimensions set in subsection (1) must when submitting an application in terms of section 13, specify the measurements of the coffin and pay the fee prescribed by the Municipality for enlarging the hole.

   (3) A person, other than an employee of the Municipality, who digs a grave in contravention of the dimensions stipulated in subsection (1), commits an offence.

20. Depth of grave

   (1) An adult’s grave is 1 900 mm in depth and that of a child 1 500 mm in depth.
   (2) A person other than an employee of the Municipality, who digs a grave in contravention of the dimensions stipulated in subsection (1) commits an offence.

21. Reservation of grave

   (1) A person desiring to reserve the use of a grave must submit an application to the caretaker and pay the prescribed fee.
(2) A restriction may be placed on the reservation of graves and reservations will only be accepted for adult graves in the monumental section as stated in subsection (3).

(3) In the event of an interment of a husband or wife in the monumental section, only one additional adjoining grave may be reserved for the survivor.

(4) In the event of an interment of a husband or wife in the aesthetic section, an additional adjoining grave may not be reserved for the survivor; however, subject to the provisions of section 17 (2), the interment of the survivor may be permitted in the same grave.

(5) Where another person other than the applicant has mistakenly used a grave, the caretaker must allocate another grave in the cemetery to the applicant.

22. Child’s coffin too large
Should a child’s coffin be too large for the dimensions of a child's grave, it must be placed in an adult grave and the prescribed fee for an adult’s interment must be paid.

23. Construction material of coffin

(1) A coffin interred in a grave must be constructed of wood or biodegradable material.

(2) A person who inter a coffin in contravention of subsection (1) commits an offence.

24. Number of bodies in one grave
Subject to the provisions of section 17(2), more than one corpse may be interred in a single grave.

25. Coffin to be covered with earth
The person responsible for an interment must ensure that a coffin, upon being placed in a grave is covered without delay with at least 300 mm of earth, and failure to do so constitutes an offence.

26. Religious ceremony
The members of a religious denomination may conduct during the interment and at the grave, a religious ceremony in connection with an interment or memorial service.

27. Hearse and vehicle at cemetery

(1) No hearse or other vehicle may enter a cemetery without the prior permission of the caretaker having been obtained.

(2) No hearse or other vehicle enters a cemetery other than by the routes set aside for that purpose.

(3) A person who contravenes subsections (1) or (2) commits an offence.

28. Instruction of caretaker
A person taking part in a funeral procession or ceremony in a cemetery must follow instructions by the caretaker, and failure to do so constitutes an offence.

29. Interment attended by more than fifty people
Where it is probable that more than 50 people will be present at an interment, the Municipality may require that the caretaker be notified.
30. Occupation of chapel or shelter

(1) No person may for the purpose of a funeral occupy a chapel or shelter in a cemetery for more than 45 minutes.
(2) A person who contravenes subsection (1) commits an offence.

31. Number on grave

(1) No person may inter a corpse in a grave on which a peg marked with the number of the grave has not been fixed.
(2) A person who contravenes subsection (1) commits an offence.
(3) CHAPTER 5: EXHUMATION OF CORPSE AND RE-OPENING OF GRAVE

32. Disturbance of mortal remains

(1) Subject to the provisions of an exhumation order given in terms of section 3(4) of the Inquests Act (Act 53 of 1959), and the provisions of any other Act relating to the exhumation of corpses —

   (a) no corpse or mortal remains or ground surrounding it in a cemetery may be disturbed;
   (b) no grave may be re-opened; and
   (c) no corpse may be removed from a grave, without the written consent of the Municipality.

(2) Any person requesting for a corpse to be exhumed or a grave to be opened must provide the Municipality with an affidavit certifying that he or she has the authority to do so, and such an affidavit must be accompanied by any supporting documentation that may be required in terms of any Act relating to the exhumation of corpses.

(3) The prescribed fee for exhumation must be paid to the Municipality at least two days before the date fixed for the exhumation or removal of the corpse.

(4) The Municipality must notify the Eden District Municipality’s Environmental Health department on every exhumation or grave opening.

(5) Eden District Municipality’s Environmental Health department must be present at every exhumation or a grave opening as per subsection (2).

(6) A person who contravenes subsections (1) commits an offence.

33. Time of exhumation

(1) No person may exhume or cause a corpse to be exhumed during such time as the cemetery is open to the public.

(2) A person who contravenes subsection (1) commits an offence.

34. Re-opening of grave
(1) No person may re-open a grave for the purpose of interring a second corpse in the same grave unless—

(a) the grave was initially made deeper for this purpose;
(b) if not made deeper, then only after 10 years have passed since the interment of the first corpse;
(c) for purposes of burial of a receptacle containing ashes, the depth does not exceed 300 mm;
(d) the consent contemplated in section 32 (1) has been obtained; and
(e) the fee prescribed by the Municipality has been paid.

(2) A person who contravenes a provision of subsection (1)(a) to (d) commits an offence.

(3) In the event of a police investigation, a corpse may be exhumed on receipt of a written request from the investigating officer, provided that the provisions of the Inquest Act, (Act 58 of 1959) have been complied with.

(4) The Municipality has the right to re-open a grave for the purpose of establishing, by reading the inscription on the coffin, the identity of the corpse.

(5) The provisions of section 32 (4) and (5) above also apply in this section.

CHAPTER 6: CARE OF GRAVES

35. Shrubs and flowers
The Municipality may at any time prune, cut down, dig up or remove any shrub, plant, flower, foliage, wreath or adornment if it becomes unsightly, is damaged or wilted.

36. Care of grave

(1) The maintenance of a grave is the responsibility of the person contemplated in section 12(2).
(2) The Municipality may, on application by a person contemplated in subsection 12(2) and upon payment of the fee prescribed to the Municipality, undertake to keep any grave in order for any period.
(3) The Municipality may at its discretion undertake to keep, at its own expense, any grave in order for any period.

CHAPTER 7: CREMATION

37. Receptacles and ashes

(1) Unless the ashes are to be buried by the Municipality, the person contemplated in section 13(2) must provide a receptacle, on which the full name of the deceased person is indicated.
(2) The ashes must, after the cremation, be collected by the person contemplated in section 13(2), and should he or she fail to collect the ashes, the ashes will be dealt with in terms of section 38 (1).
(3) Where a receptacle is intended to be placed in a niche in the columbarium—
38. Burial and exhumation of ashes

(1) In the absence of an arrangement between the caretaker and the person contemplated in section 37 regarding the ashes, the caretaker may bury or scatter the ashes in a garden of remembrance, where such facility is available.

(2) A person may deposit ashes in a—
   (a) grave; or
   (b) niche in a—
      (i) columbarium;
      (ii) wall of remembrance; or
      (iii) memorial work.

(3) A person must obtain the consent of the caretaker if he or she wishes to—
   (a) bury ashes in a grave;
   (b) exhume ashes from a grave; or
   (c) scatter ashes,
   and the caretaker must, on receiving payment of the prescribed fee—
      (i) give written consent to the applicant to bury, exhume or scatter the ashes; and
      (ii) in the instance of burial or exhumation, prepare the grave for burial or exhumation.

(4) A grave for the burial of ashes or a niche in a columbarium must measure 610 mm in length, 610 mm in width, and 610 mm in depth.

39. Cremation certificate

(1) On completion of a cremation, the caretaker must supply a cremation certificate to the person contemplated in section 38(1).

(2) The caretaker must on application and after receipt of the prescribed fee, issue a duplicate cremation certificate to a person.

CHAPTER 8: ERECTION AND MAINTENANCE OF MEMORIAL WORK

40. Consent of Municipality

(1) No person may bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon in a cemetery without the written consent of the Municipality.

(2) When erecting memorial work, the Municipality may require the submission of the following:
(a) a plan which gives an indication of the measurements and the position;
(b) specification of the material of which the material work is to be constructed; and
(c) the wording of the epitaph.

(3) The plan must be submitted 30 days before the erection commences and must be accompanied by the prescribed fee, and the Municipality may impose conditions.

(4) No person may bring any material for the construction of memorial work into a cemetery unless the provisions of subsection (1) to (3) have been complied with and unless all charges due in respect such grave have been paid.

(5) The Municipality’s consent of the proposed work is valid for six months only, and in the event of the memorial work not being erected within the prescribed time a new application must be submitted.

(6) The grave number must be indicated, in a workmanlike manner, in figures 30 mm in size, and failure to do so constitute an offence.

(7) A person who contravenes a provision of subsection (1) or (4) commits an offence.

41. Requirements for erection of memorial work

(1) A person erecting a memorial work must comply with the following:

(a) he or she must be in possession of a plan approved by the Municipality;
(b) conditions imposed in terms of section 40(3) must be complied with;
(c) no damage may be caused to any structure and no offence may be given;
(d) where a memorial has a pedestal on ground level or on the berm, the pedestal may not be more than 900 mm in length, 250 mm in width, and 250 mm in height for a single grave, and not more than 2 700 mm in length, 250 mm in width, and 250 mm in height for a double grave;
(e) with the contractor’s permission, the name of the maker can be displayed on a memorial work, but no address or any other particulars may be added thereto, and the space utilized for it may not be larger than 40 x 100 mm; and
(f) tiles in the Garden of Remembrance must be 240 mm x 300 mm large and must be manufactured out of non-corrosive metal.

(2) A person who does not comply with a provision in subsection (1) commits an offence.

42. Position, movement and removal of memorial work

(1) No person may erect a memorial work on a grave before the position has been indicated by the Municipality.

(2) Should the provisions of subsection (1) not be complied with the Municipality has the right to alter the position of the memorial work and recover the costs from the person who erected the memorial work.

(3) Where a memorial work has originally been placed in a certain position with the express consent of the Municipality or its employee, any alteration of the position in terms of the provisions of this section is executed at the expense of the Municipality.
(4) Memorial work in conflict with the provisions of this by-law may be removed after due notice by the Municipality at the cost of the person who erected the memorial work, and without payment of any compensation.

43. Repairs to memorial work

(1) If the person who erected a memorial work allows it to fall into such a state of disrepair that it may cause danger or deface the cemetery, the Municipality may serve a Notice of Compliance, as contemplated in section 66, on such person.

(2) If the person contemplated in subsection (1) fails to comply with the notice of compliance, the Municipality may demolish or remove the memorial work and recover the cost for demolition or removal from the person served with the notice of compliance.

(3) If the person contemplated in subsection (1) cannot be traced, the Municipality may demolish or remove the memorial work.

44. Supervision of work

A person engaged in work in a cemetery is under the supervision of the caretaker and failure to follow his or her instructions constitutes an offence.

45. Damaging of memorial work

Unless due to the negligence of its employees, the Municipality is not responsible for any damage to a memorial work.

46. Conveying of memorial work

(1) No person may convey any stone, brick or memorial work in a cemetery upon a vehicle or truck, which may cause damage to the paths or grounds or structures of the cemetery.

(2) A person who contravenes subsection (1) commits an offence.

47. Vehicle and tools

Every person engaged with work upon a grave or plot must ensure that the vehicles, tools or appliances do not block any road and failure to do so constitute an offence.

48. Complying with Municipality’s directions

A person carrying on work within a cemetery must in all respects comply with the directions of the Municipality and failure to do so constitute an offence.

49. Times for bringing in material and doing work

(1) No person may bring material into or do any work other than the dismantling of memorial work for burial purposes, within a cemetery except during the following hours: Mondays to Fridays between the hours of 7:00 and 18:00.

(2) No person may engage in work, which may be disturbing when a funeral takes place, and for the duration of the funeral.

(3) A person who contravenes subsections (1) or (2) commits an offence.
50. **Inclement weather**

(1) No people may fix or place any memorial work while the soil is declared by the caretaker to be in an unstable condition.

(2) A person who contravenes subsection (1) commits an offence.

**51. Production of written permission**

A person engaged in work or on his or her way to or from work within the cemetery must upon demand from the Municipality or its authorized official, produce the written consent issued in terms of section 40 and failure to do so constitute an offence.

**52. Memorial work in crematorium**

(1) Unless a corpse was cremated in the crematorium, or a cremation certificate issued by another crematorium is submitted, no person may, without the consent of the caretaker first having been obtained, erect a memorial work in a crematorium.

(2) A memorial work-

   (a) if erected in a garden of remembrance-
      (i) must be made of marble or granite; and
      (ii) may not exceed a size of 250 mm in width, 305 mm in length, and 25 mm in thickness;
   (b) if intended to seal a niche, must conform in size and material to the memorial work next to it and may have a photograph of the deceased person affixed to it; or
   (c) erected on a grave, may not exceed 1, 2 m in height, 610 mm in length, and 610 mm in width.

(3) A person who erects a memorial work in contravention of subsection (1) or who contravenes a provision of subsection (2) commits an offence.

**CHAPTER 9: SECTIONS IN CEMETERY**

53. **Municipality may establish sections**

(1) The Municipality may establish one or more of the following sections in a cemetery:

   (a) monumental section;
   (b) garden of remembrance;
   (c) heroes acre;
   (d) aesthetic section;
   (e) panoramic section; or
   (f) open section.

54. **Monumental section**

(1) Memorial work may be erected upon the whole surface of the grave subject thereto that the provisions of section 41 must be complied with and that the following measurements may not be exceeded:
(a) Height: 2 000 mm.
(b) Width: 900 mm in case of a single grave and 700 mm in case of a double grave.
(c) Thickness: 250 mm.

(2) The Municipality may in the course of time level all graves and plant grass thereon.

(3) Flowers, foliage, wreaths or any adornment may only be placed upon the berm of graves.

(4) A person commits an offence if he or she-
   (a) exceeds the measurements stipulated in subsection (1); or
   (b) contravenes section (3).

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55. Garden of Remembrance

(1) This section contains the Wall of Remembrance with niches and a garden area in which plaques can be erected.
(2) A container intended to be placed in a niche may not exceed 300 mm x 150 mm x 150 mm in size.
(3) Flowers and wreaths may only be placed in the places provided therefore.
(4) A person who contravenes a provision of subsection (2) or (3) commits an offence.

56. Heroes Acre

(1) A heroes’ acre consists of a structure erected for the purpose and contains no corpse but is a memorial only.
(2) No person may erect such structure without the written approval of the Municipality.
(3) The size of the structure must be 500 mm X 350 mm and must be manufactured from a non-corrodible metal or masonry.
(4) A person who inter a corpse in contravention of subsection (1) or contravenes subsection (2) or who fails to comply with the requirements of subsection (3) commits an offence.

57. Aesthetic section

(1) Only a headstone may be erected, and a slab may not be erected on, and a kerb may not be erected around a grave.
(2) The dimensions of a headstone are as follows:
   (a) Adult’s grave:
      (i) Single grave: 900 mm in length by 260 mm in width.
      (ii) Double grave: 2 200 mm in length by 260 mm in width.
   (b) Child’s grave:
      (i) Single grave: 610 mm in length by 260 mm in width.
      (ii) Double grave: 1 200 mm in length by 260 mm in width.
(3) No headstone may exceed a height of 1 500 mm above the berm.
(4) A person who contravenes a provision of this section commits an offence.
58. Panoramic section

(1) Only a plaque may be embedded, and it must be-
   (a) made of marble, granite or stainless steel;
   (b) 500 mm in length, 500 in width, and 30 mm thick;
   (c) Embedded -
       (i) 30 mm below the level of the grass;
       (ii) horizontally on ground level; and
       (iii) on a concrete foundation.
(2) A person who contravenes a provision of subsection (1) commits an offence.

59. Open section

This section allows for the purchase of the grave only, and at a later stage, applicants may request permission to erect memorial work on payment of the prescribed fee.

CHAPTER 10: PRIVATE CEMETERIES

60. By-laws apply
The provisions of this by-law apply mutatis mutandis to private cemeteries.

61. Establishment and continued use of cemeteries

(1) No person may, without the prior consent of the Municipality, establish a private cemetery, and no proprietor of a private cemetery already in existence may, if the use of the cemetery was not previously authorised by the Municipality, continue to use the existing cemetery for burial purposes.
(2) A person who wishes to apply for the Municipality’s consent to establish a cemetery or use as cemetery as contemplated in subsection (1), must submit a written application to the Municipal Manager together with-
   (a) a locality plan to a scale of not less than 1: 10000 which shows-
       (i) the position of the proposed cemetery or existing cemetery in relation to the boundaries of the land on which it is proposed to establish it or upon which it is situated;
       (ii) the registered description of the site;
       (iii) all streets, public places and privately-owned property within a distance of 100 metres of the site;
   (b) a “block” plan to a scale of not less than 1 :500 showing the position of external boundaries, internal roads and paths, subdivisions, grave sites, drainage and any buildings existing or proposed to be erected;
   (c) a plan and sections to a scale of not less than 1: 100 of any building existing or proposed to be erected, and which must in this case conform with the National Building Regulations and the Water Services and Sanitation By-law of the Municipality;
   (d) a list of registers or records kept or proposed to be kept with reference to—
       (i) identification of graves;
(ii) sale or transfer of grave sites; and
(iii) interments;
(e) the full name and address of the proprietor;
(f) particulars regarding the nature of the title under which the proprietor will hold or holds the land on which the cemetery is to be established or which is being used as a cemetery and whether such land is subject to any mortgage or trust; and
(g) a schedule of the burial fees proposed to be charged or actually in force.

(3) On receipt of an application, the Municipal Manager must publish a notice in one or more newspapers circulating in its area stating the nature of the application and specifying a date, being not less than 14 days after the date of publication of the notice, by which objections to the granting of an application may be lodged with the Municipality.

(4) The Municipality may, upon receipt of the payment by the applicant of the prescribed fee and if satisfied after consideration of the application and any objections which may have been lodged that no interference with any public amenity, or nuisance or danger to the public health is likely to take place or arise, in writing grant consent for the establishment of the private cemetery or the continued use of the private cemetery.

(5) No departure from the plans as approved are permitted without the written prior approval of the Municipality.

(6) A person who contravenes a provision of subsection (1) or (5) commits an offence.

62. Duties of Proprietors

(1) The proprietor of a private cemetery for which the consent of the Municipality has been obtained must –
(a) comply with any conditions imposed by the Municipality;
(b) keep a record which shows –

(i) the number of each grave site and the ownership of the site; and
(ii) the number of interments in each grave site and the name, age, gender, last known address, date and cause of death of the deceased;
(d) maintain the grounds, fences, gates, roads, paths and drains in good condition and clear of weeds and overgrowth;
(e) provide for the identification of grave sites by subdividing the cemetery into blocks and -
   (i) each block must be demarcated by means of signs showing the number and situation of each block;
   (ii) the graves or grave sites in each block must be separately numbered by means of durable number plates; and
   (iii) all signs and number plates must be maintained in a neat and legible condition.
(f) allow an official to enter or inspect the cemetery and all records kept in connection therewith;
(g) render a monthly return to the Municipal Manager on or before the 7th day in each month of all burials which sets out the-
   (i) name, last known address, age, sex, date and cause of death of each deceased person interred in the cemetery;
(ii) name of the medical practitioner who issued the death certificate;
(iii) authority who issued the burial order;
(iv) block and grave site number;
(v) date of burial; and
(vi) particulars of a change in the identity of the caretaker or of a person newly appointment.
(h) render an annual return to the Municipal Manager on or before the 31st day of June each year, which contains a detailed list of the names and addresses of all trustees, committee members or persons controlling the place of interment; and
(i) appoint a caretaker to manage the cemetery and to keep the records.
(2) The owner of a private cemetery or private property may refuse permission to have a corpse interred in the cemetery.
(3) A person who contravenes a provision of subsection (1) commits an offence.

CHAPTER 11
MISCELLANEOUS

63. Use of disused cemeteries

(1) Notwithstanding any provision in this by-law and subject to the provisions of subsection (4), the Municipality may use any cemetery or portion thereof, which has been closed or disused for a period of not less than 20 years, and of which the Municipality is the cemetery authority, for such purpose as will not desecrate the ground, any human remains or any memorials in such cemetery.
(2) The Municipality may, subject to the provisions of subsection (4), remove to another cemetery the human remains, memorials and other structures from a cemetery of which it is the cemetery authority, which has been closed or disused for a period of not less than 20 years and which has been approved for other usage.
(3) All rights possessed or enjoyed by any person in respect of a cemetery contemplated in subsection (2) shall thereupon cease.
(4) Before acting in terms of subsections (1) and (2) the Municipality must give notice of its intention to do so in terms of its public participation policy.

64. Authentication and service of order, notice or other document

(1) An order, notice or other document requiring authentication by the Municipality must be sufficiently signed.
(2) Any notice or other document that is served on a person in terms of this by-law is regarded as having been served –
(a) when it has been delivered to that person personally;
(b) when it has been left at that person’s place of residence or business in the Republic with a person apparently over the age of sixteen years;
(c) when it has been posted by registered or certificate mail to that person’s last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
(d) if that person’s address in the Republic is unknown, when it has been served on that person’s agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
(e) if that person’s address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates; or
(f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate.

(3) Service of a copy shall be deemed to be service of the original.

(4) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager’s office.

65. Complaint
A person wishing to lodge a complaint must lodge it in writing with the Municipal Manager.

66. Notice of compliance and representations

(1) A notice of compliance served in terms of section 43 must state—
(a) the name and residential and postal address, if either or both of these be known of the person;
(b) the nature of the state of disrepair;
(c) in sufficient detail to enable compliance with the notice, the measures required to remedy the memorial work;
(d) that the person must within a specified time period take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specific date;
(e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence;
(f) that written representations as contemplated in subsection (3) may, within the time period stipulated under paragraph (d) above, be made to the Municipality at a specified place.

(2) The Municipality, when considering any measure or time period envisaged in subsections (1)(d) and (e), must have regard to-
(a) the principles and objectives of this by-law;
(b) the state of disrepair;
(c) any measures proposed by the person on whom measures are to be imposed; and
(d) any other relevant factors.

(3) A person may within the time period contemplated in paragraph (1)(f), make representations, in the form of a sworn statement or affirmation to the Municipality at the place specified in the notice.

(4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and the Municipality condones the late lodging of the representations.

(5) The Municipality may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to
the person who must be given an opportunity of making a further response if he or she so wishes, and the Municipality must also consider the further response.

(6) The Municipality must, after consideration of the representations and any responses received, make an order in writing and serve a copy of it on the person.

(7) The order must -
(a) set out the findings of Municipality;
(b) confirm, alter or set aside in whole or in part, the notice of compliance; and
(c) specify a period within which the person must comply with the order made by Municipality.

(8) If the notice of compliance is confirmed, in whole or in part or is altered but not set aside, the Municipality will inform the person that he or she –
(a) must discharge the obligations set out in the notice; or
(b) may elect to be tried in court.

(9) If the person elects to be tried in court he or she must within seven calendar days, notify the Municipality of his or her intention to be so tried.

(10) If the person does not elect to be tried in court, he or she must, within the prescribed manner and time discharge his or her obligations under the order.

(11) Where there has been no compliance with the requirements of a notice, the Municipality may take any steps necessary to repair the monumental work and the cost thereof must be paid to the Municipality in accordance with section 67.

67. Costs
Should a person fail to take the measures required of him or her by notice, the Municipality may recover all costs incurred as a result of it acting in terms of section 66 (11) from the person.

68. Appeal
A person whose rights are affected by a decision delegated by the Municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000, to the Municipal Manager within 21 days of the date of the notification of the decision.

69. Charges
Should a person fail to pay a prescribed fee, the Municipality may act in accordance with the provisions of its Customer Care and Revenue Management by-law.

70. Penalties
A person who has committed an offence in terms of this by-law is, on conviction, liable to a fine or in default of payment, to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

71. Limitation of liability
The Municipality is not liable for any damage or loss caused by the exercise or failure to exercise any power or the performance of any duty in good faith under this by-law.

72. Exemptions

(1) Any person may by means of a written application in which the reasons are given in full, apply to the Municipality for exemption from any provision of this by-law.
(2) The Municipality may grant or refuse an application for exemption or impose conditions and it may alter or cancel any exemption or condition in an exemption.
(3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.

(4) If any condition of an exemption is not complied with, the exemption lapses immediately.

73. Liaison forums in community

(1) The Municipality may establish one or more liaison forums in a community for the purposes of -
   (a) creating conditions for a local community to participate in the affairs of the Municipality;
   (b) encouraging a local community to participate in the affairs of the Municipality; and
   (c) promoting the achievement of a healthy environment.

(2) A liaison forum may consist of -
   (a) a member or members of an interest group, or an affected person;
   (b) a member or members of a community in whose immediate area a cemetery or crematorium exists;
   (c) a designated official or officials of the Municipality; and
   (d) the councillor responsible for cemeteries.

(3) (a) The Municipality may, when considering an application for consent, permit or exemption certificate in terms of this by-law, where applicable, request the input of a liaison forum.

(b) A liaison forum or any person or persons contemplated in subsection (2) may, on own initiative, submit an input to the Municipality for consideration.

74. Indemnity

(1) The Municipality shall not be responsible for any damage, loss or injury sustained by any person making use of its facilities in terms of this by-law at any time caused as a result of any negligent act or omission by any person making use of its facilities in terms of this by-law.

(2) The Municipality must display this indemnity clause at every place of interment open to the public on a notice board that must be placed at each entrance to the place of interment.

75. Revocation of by-laws

The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.
76. Short title and commencement
   This by-law may be cited as the Knysna Funeral Parlours, Cemeteries and Crematoria by-law and commences on the date of publication thereof in the Provincial Gazette.
C03/08/15  COMMUNITY SERVICES MONTHLY REPORTS: WASTE MANAGEMENT: MAY AND JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly reports for Waste Management for May and June 2015 received from the Director Community Services [Waste Management] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Waste Management

C04/08/15  COMMUNITY SERVICES MONTHLY REPORT: TRAFFIC AND LAW ENFORCEMENT: JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the monthly report for Traffic and Law Enforcement for June 2015 received from the Director Community Services [Traffic and Law Enforcement] be noted.

File Number: 9/1/2/5

Execution: Director: Community Services
Manager: Protection Services

C05/08/15  COMMUNITY SERVICES MONTHLY REPORT: SOCIAL DEVELOPMENT SECTION: MAY 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the monthly report for Social Development for May 2015 received from the Director Community Services [Social Development] be noted.

[b] That the Director: Community Services draft a plan to effectively utilize the Chrysalis interns in all Directorates and thereafter a report be submitted to the next Community Services Committee meeting in September 2015 for consideration;

[c] That a progress report regarding the installation of computers at the Hornlee Youth Centre be submitted to the Mayoral Committee meeting in August 2015;

[d] That all the concerns raised by Councillors regarding the Sport Master Plan and the usage and maintenance programs of the Sport fields, be
COMMUNITY SERVICES MONTHLY REPORT: FIRE AND RESCUE: JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the monthly report for Fire and Rescue for June 2015 received from the Director Community Services [Fire and Rescue] be noted;

[b] That a report on where all fire hydrants are situated in each Ward, be submitted to the next Community Services Committee meeting in September 2015.

COMMUNITY SERVICES MONTHLY REPORTS: LIBRARIES AND HERITAGE]: MAY AND JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the monthly reports for Libraries and Heritage for May and June 2015 received from the Director Community Services [Libraries and Heritage] be noted.

[b] That the Director : Community Services follow-up with regard to the number of créches visited and outreach programmes initiated and submit a report to the next Community Services Committee meeting in September 2015.
COMMUNITY SERVICES MONTHLY REPORTS: PARKS AND RECREATION: MAY AND JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the monthly reports for Parks and Recreation for May and June 2015 received from the Director Community Services [Parks and Recreation] be noted.

[b] That the Chairperson and the Director: Community Services together with the Ward 7 Councillor, Cllr T Gombo arrange a site visit to inspect the danger of the play park in Khayalethu;

[c] That a report with regard to the maintenance and inspection of play parks be submitted to the next Community Services Committee meeting in September 2015.

File Number: 9/1/2/5
Execution: Director: Community Services
Manager: Parks and Recreation

DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 30 JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the detailed Capital budget report of 30 June 2015 for Community Services, be referred to the Mayoral Committee meeting in August 2015.

File number: 9/1/2/10
Execution: Acting Director: Financial Services
Manager: Budget Office

DRAFT YOUTH DEVELOPMENT POLICY

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the contents of the report from the Director Community Services with regard to the Draft Youth Development Policy, be noted;

[b] That a process plan for a proposed Youth Summit be brought to the next Community Services committee meeting in September 2015.

File number: 9/1/2/5
Execution: Director: Community Services
7.1.4 ITEMS SUBMITTED TO THE PLANNING DEVELOPMENT AND INFRASTRUCTURE COMMITTEE MEETING: 5 AUGUST 2015

P01/08/15 BRENTON, ERF 472, 893

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the following correspondence be noted:

[i] Application from Gavin Dutton dated 15 December 2014;
[ii] Objection letter from WI & FE Kettles dated 12 February 2015;
[iii] Internal Departments Comments; and
[iv] Response letter from applicant dated 10 March 2015 and 02 April 2015;

[b] That the application for contravention levy in terms of Section 40(1)(a)(ii) of the Land Use Planning Ordinance (No. 15 of 1985), be refused and that the applicant be instructed to demolish the structure for the following reasons:

- Approving the carport as is would formalize the second illegal access; and
- Approving the application could set a precedent.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Planning and Building Control

P02/08/15 BUFFELSBAY, ERF 210196000, 967

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the following correspondence be noted:

[i] Application from Knysna Timber Homes dated 04-09-2015;
[ii] Notices to surrounding neighbours date 16-04-2015;
[iii] Emailed objection from Hjalmar Fuchs dated 12-05-2015;
[iv] Emailed objection from Carine de Beer dated 13-05-2015;
[v] Letter to applicant including departmental comments and objection dated 28-05-2015;
[vi] Response from Knysna Timber Homes dated 19 June 2015;
[vii] Internal Comments undated;

[b] That the relaxation of title deed condition D-6(b), of Title Deed No. T7916/05 of Erf 196, Buffalo Bay BE APPROVED;

i. The applicant should note that this is not a full removal of the restrictive title deed condition but rather a relaxation for the existing carport;
That the application for a determination of a contravention levy in terms of Section 40(1) (a) (ii) of the Land Use Planning Ordinance (No. 15 of 1985) to legalise the existing carport encroaching the street building line from 4.0m to 0.08m, BE APPROVED on Erf 196 (196 Sand Street), as depicted on the attached Drawing No.: N001/03/2015, dated 03-03-2015, drawn by F. Dev. Bosman, subject to the following conditions:

i. This approval applies to the building line contravention application as outlined and may not be construed as authority to deviate or ignore any other legal requirements;

ii. That the applicant submit "as-built" plans for approval in terms of the National Building Regulations and Standards Act ( Act No. 103 of 1977);

iii. The carport shall at all times remain as it is and shall not under any circumstances be converted to a garage without an application to Council;

iv. That the above approval may not be construed as authority to deviate from any other legal prescriptions or requirements.

File Number : 9/1/2/13

Execution : Director : Planning and Development
Manager : Planning and Building Control

RESCINDMENT OF RESOLUTION P03/02/15: PORTION OF ERF 1692 & ERF 4064 SEDGEFIELD: PROPOSED ROAD CLOSURE, SUBDIVISION AND RESERVATION OF LAND USE FOR THE SEDGEFIELD EAST SUB STATION

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the following correspondence be noted:

(i) Application from Marike Vreken Town Planners dated 30 October 2014;

(ii) Letter from the JL Putter dated 27 November 2014;

(iii) Email from Henry Groves dates 11 December 2014;

(iv) Internal Comments undated;

(v) Letter from Dept of Transport and Public Works dates 15 January 2015; and

(vi) Response letter from Marike Vreken dated 13 January 2015;

That Resolution P03/02/15 be rescinded and substituted with the resolution in [c] to [g] below;

That, approval be granted in terms of Section 25 of Ordinance 15 of 1985 for the subdivision of a Portion of Erf 1692, Sedgefield (Uil Street);
[d] That, approval be granted in terms of Section 137 of the Municipal Ordinance, 1974 (No. 20 of 1974) for the closure of a Portion of Erf 1692 and Erf 4064, Sedgefield (Uil Street);

[e] That, approval be granted in terms of Section 30(1) of Land Use Planning Ordinance (No. 15 of 1985) read with Section 37(2) of the Land Survey Act (Act 8 of 1997) for the amendment of General Plan No. S.104 (2070) by the addition of the portion of road to be closed, as shown lettered ABCD on plan SG1692&4064/CL, as one additional erf;

[f] That, the application area be reserved for authority purposes in terms of the Sedgefield Zoning Scheme Regulations; and

[g] The following conditions are imposed in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985):

i) The applicant is responsible for ensuring compliance with all the conditions imposed hereunder;

ii) Council shall effect the closure of the subdivided portion of Erf 1692 and Erf 4064 (Uil Street) Sedgefield by the issuing of a closure notice in the provincial gazette;

iii) That new Surveyor General plans be provided to the Council by the applicant, upon registration of the subdivided portion; and

iv) Should any services require relocation, then it will be for the cost of the owner.

File Number: 9/1/2/13

Execution: Director: Planning and Development
P04/08/15 REPORT ON THE EXPROPRIATION OF NOETZIE ROAD AND PEZULA DEVELOPMENT APPROVALS

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That Council notes the content of the report and the attached legal opinions;

[b] That the Municipal Manager be authorized to appoint a surveyor for the purpose of determining the exact position of the expropriated property and the servitude area;

[c] That all resolutions and background information to the Pezula Sparrebosch Development be submitted to the next Governance and Economic Development Committee meeting in September 2015 for discussion.

File Number: 9/1/2/13
Execution: Director: Corporate Services
Manager: Legal Services

P05/08/15 REPORT ON THE REVIEW OF THE WATER BY-LAW

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report on the review of the Water By-law be noted;

[b] That the draft consolidated Water and Sanitation Services By-law be approved and promulgated in the Provincial Gazette;

[c] That a Water and Sanitation Service Level Policy, be developed and submitted to the Planning Development and Infrastructure Committee in September 2015 for consideration.

File Number: 9/1/2/13
Execution: Director: Technical Services
Director: Corporate Services
Manager: Legal Services

P06/08/15 REPORT ON THE IMPLEMENTATION OF THE REGRAVELLING PLAN FOR 2015-2016

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the contents of the report with regard to the Implementation of the Regravelling Plan for 2015-2016, be noted;

[b] That a meeting / workshop with all relevant stakeholders be arranged by the office of the Speaker, prior to the Council meeting in August 2015, to discuss the Pavement Management System.
REPORT ON THE IMPLEMENTATION OF THE RESEALING PLAN FOR 2015-2016

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the contents of the report with regard to the Implementation of the Resealing Plan for 2015-2016, be noted;

[b] That a meeting / workshop with all relevant stakeholders be arranged by the office of the Speaker, prior to the Council meeting in August 2015 to discuss the Implementation of the Resealing Plan for 2015-2016.

REPORT ON THE IMPLEMENTATION OF THE POTHOLE PATCHING PLAN 2015-2016

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the contents of the report with regard to the implementation of the pothole patching plan 2015-2016, be noted;

[b] That a meeting / workshop with all relevant stakeholders be arranged by the office of the Speaker, prior to the Council meeting in August 2015 to discuss the Implementation of the Pothole Patching Plan for 2015-2016.

URGENT FUNDING REQUIRED TO DEAL WITH DETERIORATED KNYSNA WASTE WATER TREATMENT WORKS EFFLUENT

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the contents of the report with regard to urgent funding required to deal with deteriorated Knysna Waste Water Treatment works effluent, be noted;

File Number: 9/1/2/13
Execution: Director: Technical Services
DETAILED CAPITAL BUDGET REPORT FOR THE 2014/2015 FINANCIAL YEAR AS AT 30 JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR


[b] That the Director: Technical Sewer [Water and Sewer and Public Works] submit a report to the next Planning and Development Committee meeting in September 2015 with regard to the expenditure on the Capital Budget and MIG for 2014/2015 to 2015-2016 financial years;

[c] That the Acting Director: Financial Services investigate all Directorate Line Item Budgets, specifically where there is unspent funds, taking into account any roll-over projects, and thereafter submit a report to the Planning Development and Infrastructure Committee at its next meeting to be held in September 2015.

MONTHLY REPORTS: INTEGRATED HUMAN SETTLEMENTS, ENVIRONMENTAL MANAGEMENT AND TOWN PLANNING AND BUILDING CONTROL

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the monthly report for May 2015 received from the Director: Planning and Development Services [Integrated Human Settlements], be noted;

[b] That the monthly report for May 2015 received from the Director: Planning and Development Services [Town Planning, Building Control] be noted;

[i] That the NHI report be submitted to the next Council meeting in August 2015;

[c] That the monthly report for May 2015 received from the Director: Planning and Development Services [Environmental Management], be noted;

[i] That the water sampling results be advertised in the local newspapers.

File Number: 9/1/2/13
Execution: Director: Planning and Development
Manager: Integrated Human Settlements
Manager: Town Planning and Building Control
Manager: Environmental Management

P12/08/15 MONTHLY REPORT: TECHNICAL DEPARTMENT FOR MAY 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the monthly report for May 2015 received from Director Technical Services, be noted;

[b] That a site visit for all Councillors, to all major infrastructure projects, be arranged by the Director: Technical Services;

[c] That the Executive Mayor be requested to address a letter to the MEC with regard to the roads around Knysna.

File Number: 9/1/2/13
Execution: Director: Technical Services

P13/08/15 FUNDING REQUIREMENTS FOR REGIONAL BULK INFRASTRUCTURE PROJECT (RBIG)

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the contents of the report with regard to funding requirements for regional bulk infrastructure project (RBIG), be noted;

File Number: 9/1/2/13
Execution: Director: Technical Services

P14/08/15 THE UPGRADE OF GRAY STREET

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the contents of the report with regard to the upgrading of Gray Street, be noted;

[b] That the resurfacing of Grey street be postponed until after the expiration of the guarantee period of the sewer pipeline project, i.e in the next financial year;

[c] That Council considers which of the three resurfacing options they prefer to be included in the 2016/17 budget.

File Number: 9/1/2/13
Execution: Director: Technical Services
7.2 NEW ITEMS

REPORTS SUBMITTED TO THE MAYORAL COMMITTEE

M01/08/15 DETAILED CAPITAL BUDGET REPORT FOR 2014/2015 FINANCIAL YEAR AS AT 30 JUNE 2015

RECOMMENDATION OF THE EXECUTIVE MAYOR


[b] That the recommendations regarding the Capital Expenditure as made by the Mayor in her report be implemented and that a progress report with regard thereto be submitted to the Executive Mayor on a monthly basis.

[c] That the budgeting planning process for the following year commences earlier in the current financial year.

File Number: 5/12/1
Execution: Director: Financial Services
Manager: Budget Office

M02/08/15 CBD SEWER: EMERGENCY REPAIRS GREY STREET

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the item on CBD sewer emergency repairs Grey Street, be withdrawn as the matter was resolved in 2014.

File Number: 16/3/2/1
Execution: Director: Technical Services
Manager: Public Works

PRESENTATION

A presentation was made by representatives of the Department of Local Government: Community Work Programme regarding the Community Work Programme.

M03/08/15 COMMUNITY WORK PROGRAMME

RECOMMENDATION OF THE EXECUTIVE MAYOR

[a] That the report regarding the Community Work Programme, be noted;
[b] That participation in the CWP, be supported;
[c] That Council identifies the suitable wards where the CWP will be implemented;
[d] That the Municipal Manager be authorised to finalise arrangements regarding the roll out the CWP;
[e] That the presentation from the Department of Local Government: Community Work Programme regarding the Community Work Programme, be noted.

File Number: 4/4/3/3
Execution: Director: Corporate Services
Manager: Public Participation

M04/08/15 ACTUAL DEVIATIONS FOR THE 2014/2015 FINANCIAL YEAR

RECOMMENDATION OF THE EXECUTIVE MAYOR

That the report on deviations for 2014/15 financial year be noted and be resubmitted to the Finance Committee meeting in September 2015.

File Number: 9/1/2/10
Execution: Acting Director: Financial Services

M05/08/15 COMPUTER HORNLEE YOUTH CENTRE

RECOMMENDATION OF THE EXECUTIVE MAYOR

That it be noted that the new computer was installed at the Hornlee Youth Centre.

File Number: 9/1/2/5
Execution: Director: Corporate Services
10. NEW ITEMS

10.1

REPORT FROM THE DIRECTOR: CORPORATE SERVICES

PURPOSE OF THE REPORT

To submit to the Municipal Council the Internal Audit Charter and the Audit Committee Charter for cognisance.

BACKGROUND

Attached hereto are duly signed copies of the Internal Audit Charter and the Audit Committee Charter respectively. These Charters were approved by the Audit Committee during their meeting held on Thursday, 16 July 2015.

The Local Government: Municipal Finance Management Act, 2000, stipulates in Section 165 that each Municipality must have an Internal Audit unit (subsection 1) and that such Internal Audit function may be outsourced (subsection 3).

It is common knowledge that Knysna Municipality has outsourced the internal audit function to E Y. Furthermore, section 165(2)(a) states that a risk-based audit plan and an internal audit program must be prepared for each financial year.

The attached Internal Audit Charter defines the role, organizational status, authority, responsibilities and scope of activities of the internal Audit function. The establishment of an Audit Committee is enacted in Section 166 of the Local Government: Municipal Finance Management Act, 2000 (MFMA).

The Audit Committee is an independent advisory body which, in terms of Section 166(2) of the MFMA, must perform the following tasks:

(a) Advised the Municipal Council on matters relating to :
    (i) Internal financial control and internal audits;
    (ii) risk management;
    (iii) accounting policies;
    (iv) the adequacy, reliability and accuracy of financial reporting and information;
    (v) performance management;
    (vi) effective governance;
    (vii) compliance to financial legislation;
    (viii) performance evaluation; and
    (ix) any other issues referred to it by the municipality
(b) Review the annual financial statements to provide the Municipal Council with an authoritative and credible view of the financial position of the Municipality, its efficiency and effectiveness and its overall compliance with financial legislation;

(c) Response to the Municipal Council on any issues raised by the auditor-General in the audit report;

(d) Carry out any investigation into the financial affairs of the Municipality as may be requested;

(e) Perform such other functions as may be prescribed.

The Audit Committee Charter sets out the objectives, roles and responsibilities, compositions, structure and membership requirements, relationships with other stakeholders, authority for the Audit Committee to conduct enquiries and access the Municipality’s records and personnel, outlines procedures for meetings, addresses the confidentiality and independence of Audit Committee members, and provides for ethical conduct and reporting.

DISCUSSION

(See background)

RELEVANT LEGISLATION

N/A

FINANCIAL IMPLICATIONS

N/A

APPENDIX / ADDENDUM

1. Internal Audit Charter_June 2015 2. Audit Committee Charter_June 2015

RECOMMENDATION OF THE MUNICIPAL MANAGER

[a] That the duly signed Internal Audit Charter, dated June 2015, be noted;

[b] That the duly signed Audit Committee Charter, dated June 2015, be noted;

File number : 15/1/1

Execution : Municipal Manager
Manager: Performance, Internal Audit and Risk Management
Knysna Municipal Audit Charter
June 2015
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1. Introduction

In conformity with the commitment of the Council to be fully accountable to all stakeholders of the Knysna Municipality (the Municipality), and in accordance with the requirements of Section 165(1) of the Municipal Finance Management Act, no 56 of 2003 (MFMA), the guidance articulated by King III and National Treasury’s Circular 65 (Internal Audit and Audit Committee), an Internal Audit Function has been established. The Municipality has appointed the Manager: Performance, Internal Audit and Risk Management to head the function as Chief Audit Executive (CAE) and act as coordinator between the Municipality and the co-sourced internal Audit service provider (Ernst & Young Advisory Services (Pty) Ltd (EY)), which was appointed in terms of Section 165(3) of the MFMA. This Charter sets out the framework within which the Internal Audit Section will operate to make positive contributions to the Municipality.

The Municipality (collectively the Council, Executive Mayor, Municipal Manager (as Accounting Officer), Chief Financial Officer and senior management) is ultimately responsible for overseeing the establishment of effective systems of internal control in order to provide reasonable assurance that the Municipality's financial and non-financial objectives are achieved. Executing this responsibility includes the establishment of an Internal Audit function in accordance with this document.

Internal control is understood to mean the processes aimed at achieving reasonable assurance about the realisation of the following objectives:
1. The accomplishment of established objectives and goals for operations and programmes.
2. The economical and efficient use of resources.
3. The reliability and integrity of financial and non-financial information.
4. Compliance with relevant policies, procedures, laws and regulations.
5. Safeguarding of assets.

This document defines the role, organisational status, authority, responsibilities and scope of activities of the Internal Audit function. It also includes the principles underlying the realisation of the objectives of the function and the translation thereof into operational activities.

2. Purpose of Internal Audit

Internal audit is an independent, objective assurance and consulting activity designed to add value and improve the Municipality's operations. It helps the Municipality accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes as a service to the Council in particular and to management in general.

The section will furnish the Council and management with analyses, appraisals and recommendations concerning the activities reviewed.

The section, headed by the CAE, will report to the Accounting Officer or to his / her nominee and will have ready and regular access to the Chairperson of the Audit Committee.

In addition the CAE should:
- Be a standing invitee to attend directors meetings.
- Evaluate the quality of work performed by the Auditor-General (AG).
- Act as liaison and main coordinator between the Municipality and the AG to facilitate the relationship between these two parties and to make sure the Municipality adheres to the requirements of the AG.
- Perform such other functions delegated by the Accounting Officer.
The EY Executive Director and staff assigned to the Knysna Municipality Internal Audit engagement shall have no executive or managerial powers and duties in the Municipality, except those relating to the management of the co-sourced Internal Audit function.

3. Authority and independence - Status

The organisational status of Internal Audit should be sufficient to permit objectivity, and to assure the accomplishment of its audit responsibilities.

The section shall have an independent status within the Municipality and will not be involved in the day-to-day internal validation systems in the Municipality. Also, the section shall not be involved in the implementation of internal control systems but may be consulted on the adequacy of controls when they are first implemented.

Internal Audit reports administratively to the Accounting Officer or his nominated deputy and reports functionally to the Audit Committee of the Municipality.

Internal Audit has unlimited access to all premises, officials, records and documents of the Municipality including the Executive Mayor, Chairperson of the Audit Committee and the Accounting Officer.

4. Authority and independence - Organisational structure

The organisational structure must promote the independence of the Internal Audit function as a whole and allow Internal Audit to form its judgments objectively. Internal Audit has free and unrestricted access to management, officials, activities, physical locations and to all information considered necessary for the proper execution of Internal Audit’s work.

The Internal Audit function has full, free and unrestricted access to any of the Municipality’s financial and operational activities, records (either manual or electronic), physical properties and personnel relevant to a review, but subject to strict accountability for safekeeping and confidentiality thereof.

The EY Executive Director and staff of the Internal Audit function are not authorised to:
1. Perform any operational duties for the Municipality.
2. Initiate or approve accounting transactions external to the Internal Audit function.
3. Direct the activities of any official in the Municipality not employed by the Internal Audit function, except to the extent such employees have been appropriately assigned to auditing teams or to otherwise assist Internal Audit.

Internal Audit staff generally do not assume a role other than in an advisory capacity in the design, installation or operation of control procedures.

Subject to the approval of the Audit Committee, the Internal Audit function in the execution of its duties is authorized to:
1. Decide on the nature, scope and timing of audits.
2. Enter all premises of the operations within the Municipality and have access to and inspect all documents and records.
3. Require any official or any Councillor of the Municipality, to supply such information and explanations as may be needed.
4. Have discussions with line managers and officials of the Municipality at any reasonable time.
5. Limitation of scope

Any attempted scope limitation by management must be reported, preferably in writing, to the Accounting Officer and to the Audit Committee. The question of whether an action from management in fact constitutes a scope limitation is at the judgement of the CAE in consultation with the EY Executive Director.

Except in cases of suspected fraud, the Accounting Officer and the Audit Committee may decide to accept a limitation of scope.

In such instances, the CAE in consultation with the EY Executive Director should evaluate from time to time whether the circumstances surrounding the scope limitation are still valid and whether the scope limitation needs to be reported again to the Accounting Officer and the Audit Committee for their renewed consideration.

6. Responsibilities

Internal Audit assurance is provided through applying the Standards for the Professional Practice of Internal Auditing and the Code of Ethics of The Institute of Internal Auditors (IIA). Internal audit provides assurance to the Municipality's stakeholders that the Municipality operates in a responsible manner by performing the following functions:

1. Evaluating the Municipality's governance processes including ethics, especially the "tone at the top".
2. Performing an objective assessment of the effectiveness of risk management and the internal control framework.
4. Providing a source of information, as appropriate, regarding instances of fraud, corruption, unethical behaviour and irregularities.

The scope of possible activities that the Internal Audit function can engage in includes:

1. Monitoring the risk management infrastructure and practices.
2. Review systems and operations to assess the extent to which organizational objectives are achieved, and the adequacy of controls over activities leading to such achievement.
3. Reviewing the reliability and integrity of financial and operational information and the means used to identify, measure, classify and report such information.
4. Appraise utilization of resources with regard to economy, efficiency and effectiveness.
5. Reviewing the means of safeguarding assets and, as appropriate, verifying the existence of assets.
6. Reviewing the systems established by management to ascertain compliance with those policies, plans, procedures, laws and regulations which could have a significant impact on operations and reports, and determining whether the Municipality is in compliance.
7. Recommend improvements in procedures and systems to prevent waste, extravagance and fraud.
8. Advise on appropriate systems of controls and other accounting and operational matters in a consulting capacity.
9. Draw attention to any failure to take remedial action.
10. Provide a written assessment regarding the effectiveness of the system of internal control and risk management.
11. Conduct and document a review of the key financial reporting controls in identified financial systems and processes, which must be submitted to the Audit Committee to enable its recommendations to be included in the annual report.
12. Carry out any ad hoc appraisals, inspections, investigations, examinations or reviews requested by the Accounting Officer or by the Audit Committee (MFMA 5165(2)(c)).
The annual allocation of Internal Audit resources to the different possible activities is established on the basis of an approved Internal Audit plan.

The Audit Committee is responsible for approving the Internal Audit plan based on the available budget and agreed scope of work that needs to be performed.

Subject to the overall guidelines and policies of the Council and of the Audit Committee, the Internal Audit function shall be solely responsible for the planning, implementation and reporting of the audits.

For this purpose, Internal Audit shall:
1. Prepare a risk based strategic plan to set the direction and approach of audits in the long run (MFMA S165(2)(a)).
2. Prepare a detailed annual Internal Audit plan (MFMA S165(2)(a)) and an annual budget in consultation with the Accounting Officer for submission to the Audit Committee for approval.
3. Assess and recruit the necessary personnel to perform the Internal Audit functions necessary, and to invoice the Municipality for work done by such personnel on a basis agreed in a separate letter of engagement.
4. Carry out all activities to conduct the audits in an effective, professional and timely manner.
5. In terms of (MFMA S165(2)(b)) advise the Accounting Officer and report to the Audit Committee on the implementation of the Internal Audit plan and matters relating to:
   - Internal audit,
   - Internal controls,
   - Accounting procedures and practices,
   - Risk and risk management,
   - Performance management,
   - Loss control,
   - Compliance with the MFMA, the annual Division of Revenue Act, and any other applicable legislation.
6. In terms of (MFMA S165(2)(c)) perform such other duties as may be assigned to it by the Accounting Officer.
   - Develop processes to audit the functionality, legal compliance and reliability of the Municipality's performance management system.
   - Assess the functionality and legal compliance of the performance management system.
   - Assess the reliability of the key performance indicators for the purpose of performance measurement.
   - Audit actual performance measures on a continuous basis.
   - Report quarterly to the Accounting Officer, and to the Audit Committee on work performed and related audit findings.
8. Report to the Accounting Officer, and to the relevant Director and Section head responsible for the subject matter of each audit as soon as is practical on completion of each audit.
9. Report to the Audit Committee, normally quarterly but not less than three times per annum on the performance of the section.

7. Management

The Audit Committee is responsible for approval of the scope of Internal audit work, and for recommending the action to be taken on the outcome of or findings from their work.

Management, in conjunction with the Accounting Officer, is responsible for:
1. Ensuring that a risk assessment is conducted regularly to identify emerging risks of the Council.
   A risk management strategy must then be drawn up and used by management to direct Internal Audit effort and priority;
2. Proposing the areas of investigation by Internal Audit;
3. Ensuring the Internal Audit function has -
   - The support of executive management;
   - Direct access and freedom to report to the Accounting Officer and the Audit Committee;
   - Free access to the books of account, records, cash, stores, property and other sources of relevant information,
4. Maintaining internal control, including proper accounting records and other management information suitable for running the Municipality; and
5. Reviewing Internal Audit reports and the timely implementation of recommendations as considered appropriate, in the light of Council's resources.

8. External relationships

Though the Internal Audit function shall have an independent status within the Municipality, the section shall interact with and complement the Departments and Sections to promote the objectives of the Municipality. In particular, the section shall:
1. Co-ordinate its work with that of other assurance providers,
2. Co-ordinate all review, evaluation and/or investigation activities within the Municipality, as may be requested by the Accounting Officer.
3. In order to facilitate effective combined assurance, liaise with the external auditors and:
   - Hold periodic meetings to discuss the planned activities.
   - Confirm that the audit programs are complementary.
   - Exchange and work papers including systems documentation where practical.
   - Exchange management letters.
4. Verify, where necessary, data and information given to external agencies.
5. Comply with Standards, Codes of Conduct and Ethics that are promulgated from time to time by the relevant professional bodies.

Internal Audit must make an assessment of the adequacy of the combined assurance approach adopted by the Municipality. This assessment includes the adequacy of risks covered by the different assurance providers and the reliability of the assurance provided.

9. Operational planning

The parameters for the co-sourced Internal Audit function's operations functioning are set as follows, relating specifically to the EY staff utilised as part of the Internal Audit function and are the responsibility of EY:
1. Staffing:
   - High-level issues relating to the staffing of the function (e.g., training ground for management, skill sets, educational backgrounds, previous experience etc.) are addressed.
   - Also, the following matters are covered:
     - Preparation of written job descriptions for the various levels.
     - Methods of recruiting and selection.
     - Providing training and appropriate career planning and educational opportunities for staff.
     - Evaluating performance at least on a periodic basis.
     - Counselling each member of the staff with respect to his/her performance and professional development.
2. Budgeting systems.
3. Tools and methodologies.
4. Internal audit planning:
The underlying principles and process of preparation and approval of the annual plan of activities.

Setting out the intended scope of the work during the upcoming period(s) are formalised in writing.

Identification and prioritisation of audit areas is to be based on the assessment of risks pertaining to the achievement of the Municipality's objectives and the related audit significance.

Such a risk analysis and determination of audit significance is the basis for the formal assessment of audit needs and the strategic audit plan.

The strategic audit plan should set out the frequency and depth of coverage for each auditable area.

For all major audit activities, this would normally ensure that the most significant audit areas are audited frequently and all auditable areas are covered within the strategic planning period.

A strategic audit plan, which facilitates coverage of the Municipality's operations as a whole, over a time frame of three to five years, is to be maintained and reviewed every year.

An annual audit plan, including priority, timing and resource requirements, is to be prepared for each year.

For each audit, an individual plan is to be prepared and submitted to the EY Executive Director or his nominated EY Senior Manager / Manager.

5. Performance metrics.
6. Quality assurance.
7. Communication strategy:
   The objectives are to ensure that, within the Municipality, all relevant sections and staff are aware of the purpose, organisational status and added value that Internal Audit brings. A deliberate communication strategy enhances the effectiveness of the function.
8. Reporting:
   Internal audit should be supported by an appropriate reporting protocol.
   - This protocol holds that all reports in terms of factual findings and proposed action only, are agreed with management of the Department or section being audited, before they are submitted to higher management levels or the Audit Committee.
   - The only possible exception is where management fraud is suspected.
   - The reporting frequency, style and distribution should be documented.

10. Assessment of effectiveness of Internal Audit function

The Audit Committee should annually assess the effectiveness of the Internal Audit function.

Internal audit should be assessed against the following criteria:
1. Achievement of the annual Internal Audit plan.
2. Compliance with the IIA's professional standards, inclusive of quality assurance assessments on the level of compliance achieved.
3. Achievement of reporting protocols through management to the Audit Committee.
4. Timeliness of reporting of findings and activities.
5. Responsiveness to changing business / operational environment.
6. Management's acceptance of the Internal Audit findings.
7. Quality and relevance of the annual assessment reports.
8. Level of cooperation and interaction with other assurance providers within the agreed combined assurance approach.
9. Maintenance of adequate staffing / sourcing levels to meet the requirements of this charter.
10. Meeting the budget allocated to Internal Audit.
11. Review of charter

This charter must be updated at least once a year but more frequently as circumstances may necessitate. It should be approved by the Accounting Officer and endorsed by the Audit Committee, in order to formally establish the authority of the Internal Audit function.

12. Approval and acceptance

The Knysna Municipality Internal Audit Charter is hereby duly approved and accepted by the following signatories:

Duly approved by:

[Signature]
Chairperson of the Audit Committee
Knysna Municipality

[Date]

Duly approved by:

[Signature]
Municipal Manager
Knysna Municipality

[Date]

Duly accepted by:

[Signature]
Executive Director
Ernst & Young Advisory Services (Pty) Ltd

[Date]
Knysna Municipality

Audit Committee Charter
June 2015

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Building a better working world
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1. Purpose of the charter

The purpose of these terms of reference is to set out the Audit Committee's role and responsibilities, as well as the requirements for its composition and meeting procedures. This is done in accordance with the applicable National and Local Government Legislation and Regulations.

The Audit Committee established in terms of Section 166(1) of the Municipal Finance Management Act no 56 of 2003 (MFMA) also fulfils the functions of a performance management Audit Committee constituted in terms of Regulation 14(2) of the Local Government: Municipal Planning and Performance Management Regulations, 2001.

This charter sets out the objectives, roles and responsibilities, composition, structure and membership requirements, relationships with other stakeholders, authority for the Audit Committee to conduct enquiries and access the municipality's records and personnel, outlines procedures for meetings, addresses the confidentiality and Independence of Audit Committee members, and provides for ethical conduct and reporting.

The charter should be reviewed annually and updated to ensure relevance and consistency with the MFMA, Municipal Systems Act (No 32 of 2000) and other related regulations, guides and best practice.

The charter should be used as a basis for:
- Preparing the Audit Committee’s annual work plan;
- Setting the agenda for meetings;
- Requesting skills and expertise;
- Making recommendations to the Accounting Officer and municipal council;
- Assessing the Audit Committee’s performance by its members, municipal council, management, Auditor-General and internal auditors; and
- Contributions and participation at meetings.

The Code of Corporate Practices and Conduct published in the King III Report on Corporate Governance 2009 requires management to publicly confirm that they have reviewed the effectiveness of the internal control of their organisation.

The implementation of control and information systems is essential to the effective discharge of management's responsibilities.

2. Constitution [MFMA Section 166(1)]

The Municipality has established an Audit Committee as an independent advisory body in terms of Section 166(1) of the MFMA.

The Audit Committee should not perform any management functions or assume any management responsibilities; it provides a forum for discussing business risk and control issues for developing relevant recommendations for consideration by the Council and management.

The Audit Committee should mainly make recommendations to the Council for its approval or final decision.
3. Authority

The Audit Committee is hereby established and authorised to conduct investigations into the financial affairs of the municipality or any matter within the scope of its responsibility as requested by the Council in terms of Section 166(2)(c) of the MFMA.

The Knysna Municipal Council authorises the Audit Committee to fulfill the responsibilities as set out in this charter. In doing so, the Audit Committee is authorised to:

- Have full access to all the activities, records, property and staff of the Municipality. All Municipal employees are directed to cooperate with any request made by the Audit Committee provided that the proper administrative channels and procedures are adhered to;
- Seek any information it requires from external parties; obtain outside independent professional advice and to secure the attendance of any person with relevant experience and expertise if it considers this necessary. Any such appointments shall be made subject to normal tender and procurement procedures upon approval by the Accounting Officer; and
- Assist Council in fulfilling its oversight responsibilities for the financial reporting process, the system of internal control, the audit process and the Municipality's process for monitoring compliance with laws and regulations and the code of conduct.

- Liaise with: (MFMA S166 3(b)) –
  (i) The internal audit unit of the municipality; and
  (ii) The person designated by the Auditor-General to audit the financial statements of the municipality or municipal entity.

Investigate any activity within its terms of reference:

- At the discretion of the Chairperson, request Councillors and officials of the Municipality to attend meetings or parts of meetings;
- Consult with and seek any information it requires from any Councillors or officials and all Councillors and officials shall be required to cooperate with any reasonable request made by the Audit Committee in the course of its duties;
- Meet privately with the external or internal auditors, if so requested, without any Councillor or Official of the Municipality in attendance; and
- Through the Chairperson, request that Councillors or Officials of the Municipality or the internal Auditors in attendance excuse themselves from meetings where warranted by the circumstances.

In the instance where the Audit Committee considers whether to conduct an investigation that might directly implicate the Chief Audit Executive, Accounting Officer, Council or individual Political Office Bearers, the investigation must be pre-approved by the most senior non-implicated Manager or Political Office Bearer.

The financial impact of any such an investigation must be considered and sufficient provision be made on the appropriate municipal budget and concurrence of the Chief Financial Officer (i.e. Director: Finance).
4. Composition of the committee [MFMA: Section 166(4) (a)]

The Audit Committee will comprise of at least three independent members with appropriate experience and skills, which are not Councillors or in the employ of the municipality, to enable the committee to discharge the responsibilities set out in section 166(2) of the MFMA. [MFMA: S166 (2)].

The members of the Audit Committee must collectively have sufficient qualifications, skills and experience to fulfill their duties, including an understanding of the following:
- Private and public sector experience;
- An understanding of service delivery priorities;
- Good governance and/or financial management experience;
- An understanding of the role of Council and Councillors;
- An understanding of the operations of the municipality;
- Familiarity with risk management practices;
- An understanding of internal controls;
- An understanding of major accounting practices and public sector reporting requirements;
- An understanding of public sector reforms;
- Familiarity with legislation applicable to municipalities;
- An understanding of the roles and responsibilities of Internal and external auditors;
- An understanding of the treatment of allegations and investigations;
- An understanding of the performance management system;
- Sustainability issues;
- Information technology governance as it relates to Integrated reporting; and
- Integrated reporting.

Members will at least include -
- At least two members who should preferably have sound financial knowledge;
- A member with sound performance management knowledge;
- Members who have the necessary standing and expertise to provide the Municipality with assurance that the risks are being appropriately managed;
- Members who have sound legal knowledge; and
- Members who have a sound knowledge and experience of local government information Technology systems and structures.

During the appointment process the Council must determine whether an applicant is serving on more than three other Local Government Audit Committees, being the limit as recommended by National Treasury in MFMA Circular 65.

Should Council consider the appointment of such an applicant, the performance of such an applicant must not affect negatively on the performance of the Audit Committee.
5. Terms of office and termination of service

To enhance independence of the Audit Committee, the term of office for members must be strictly adhered to. The Chairperson shall be nominated every three years by the members of the Audit Committee and approved by Council. The Chairperson should be appointed for a minimum of three years to ensure that he/she contributes most effectively and provides stability to the Audit Committee.

Audit Committee members are appointed for a term of three years which may be extended for a further term of three years, based on performance. Recruitment of members should be staggered to prevent a loss of knowledge and skills in the Audit Committee. The recruitment process of new members should be concluded at least three months in advance of the expiry of existing members’ term. The Chief Audit Executive and the Accounting Officer must maintain records of Audit Committee member contracts and ensure recruitment is undertaken as mentioned above.

Rotation of members is encouraged as it enhances the independence of the Audit Committee. Members of the Audit Committee should not be contracted continuously for a period exceeding six years. After serving consecutively for six years, a cooling off period of two years should be provided for, before appointing the same member to the same Audit Committee.

Members should be encouraged not to terminate their contracts until they have shared their knowledge with other new members. An Audit Committee member should give two months’ notice prior to resignation.

The Audit Committee members should have the opportunity to have an exit meeting with the Council to discuss the reasons for leaving and to provide feedback on their experience on the Audit Committee as well as any other issues. The date of resignation should be minuted by the secretariat of the Audit Committee.

Any member, who is absent without leave of absence from two consecutive Audit Committee meetings, may be removed from the Audit Committee by Council, unless an acceptable excuse has been tabled and accepted by the Audit Committee, at the Audit Committee meeting following the second absence.

Audit Committee members can be dismissed by the Municipal Council under certain circumstances. The Accounting Officer or Municipal Council should consult the charter when dismissing members of the Audit Committee. Reasons for dismissal amongst others would normally be detailed in the letter of appointment and contract agreement, such as:

- Where an on-going conflict of interest exists.
- Where a member has not performed to expectations.

The official dismissal processes as they relate to the municipality must be adhered to by the Accounting Officer and Municipal Council when an Audit Committee member is being dismissed.

Where appropriate, the dismissal process must be linked to the charter and member’s performance assessment process. The dismissal of a member must be performed by the Municipal Council and the outcome of the dismissal process should be in writing. The date of dismissal should be minuted by the secretariat of the Audit Committee.

The appointment of a member will be terminated if he/she is declared bankrupt or found guilty of fraud or corruption or any offence where dishonesty is an element, in a court of law, during his/her term of office.

The Municipal Council must concur with any premature termination of services of a member of the Audit Committee.
6. Membership and independence

The Audit Committee should be independent and safeguarded from undue influence in exercising its responsibilities in an objective manner. To enhance the Audit Committee functioning, the following is required:
- The Audit Committee Chairperson and members should be independent of the municipality;
- The Audit Committee Chairperson and members should not be biased but exhibit an independence of mental attitude during deliberations;
- All Audit Committee members should declare private and business interest in every meeting; and
- Members should not carry out any business with the municipality.

7. Induction of members

A formal process of induction must be facilitated by the Chief Audit Executive in consultation with the Accounting Officer.

During the induction of members, the roles and responsibilities of the Audit Committee must be clarified.

The induction process should entail sufficient briefings and information on their roles, responsibilities, accountability and management’s expectations.

Refer National Treasury MFMA Circular 65 for a summary of information to be provided to new members.

8. Roles and responsibilities of the Audit Committee

8.1 Statutory responsibilities in terms of Section 166 (2&3) of the MFMA

The Committee must (MFMA; S166 (2)):

a) Advise the municipal council, the political office-bearers, the Accounting Officer and the management staff of the municipality, on matters relating to:
   (i) Internal financial control and internal audits;
   (ii) Risk management;
   (iii) Accounting policies;
   (iv) The adequacy, reliability and accuracy of financial reporting and information;
   (v) Performance management;
   (vi) Effective governance;
   (vii) Compliance with the MFMA, the annual Division of Revenue Act and any other applicable legislation;
   (viii) Performance evaluation; and
   (ix) Any other issues referred to it by the municipality or municipal entity.

b) Review the annual financial statements to provide the Council of the municipality with an authoritative and credible view of the financial position of the municipality, its efficiency and effectiveness and its overall level of compliance with the MFMA, the annual Division of Revenue Act and any other applicable legislation;

c) Respond to the Council on any issues raised by the Auditor-General in the audit report;
d) Carry out such investigations into the financial affairs of the municipality as the Council of the municipality may request; and

e) Perform such other functions as may be prescribed.

In performing its functions (MFMA: S166 (3)) -

a) have access to the financial records and other relevant information of the Municipality; and

b) must liaise with -

i) the Internal Audit Unit of the Municipality; and

ii) the person designated by the Auditor-General to audit the financial statements of the Municipality.

8.2 Performance Management

The Audit Committee shall consider matters relating to performance management at least quarterly in order to discharge the responsibilities prescribed in terms of Regulation 14(4) of the Local Government: Municipal Planning and Performance Management Regulations, 2001.

The Audit Committee members need to have a good understanding of the performance management system, policy and strategy of the municipality. These include:

- Review and comment on compliance with statutory requirements and performance management best practices and standards;
- Review and comment on the alignment of the Integrated Development Plan, the Budget, Service Delivery and Budget Implementation Plan, performance agreements, alignment with Provincial and National Government frameworks;
- Review and comment on whether the "SMART" principles have been applied on the indicators to ensure they are measurable and relate to services performed by the municipality and its entities;
- Review compliance with in-year reporting requirements;
- Review the quarterly performance reports submitted by internal audit, the results of the review should, amongst others, be used when the bi-annual performance management audit report is prepared;
- at least twice during a financial year submit a performance management audit report to Council;
- Review and comment on municipality's and entities annual financial statements and timely submission to the Auditor-General by 31 August, each year;
- Review and comment on the municipality's and entities annual reports within the stipulated timeframes;
- Review and comment on the municipality's performance management system and make recommendations for its improvement; and
- The Chairperson, or a member in his absence, shall attend the formal evaluation of Section 56 & 57 employees.

8.3 Internal audit

An important role of the Audit Committee will be to monitor, assess and report on the effective functioning of internal audit, ensuring that the roles and functions of the external audit with internal audit are sufficiently clarified and coordinated to provide an objective overview of the operational effectiveness of the municipality's systems of internal control and reporting.

The Audit Committee must in relation to internal audit:

- Ensure that the charter, independence and activities of the internal audit function are clearly understood and respond to the objectives of the municipality and the legal framework;
Regularly advise on the functional and administrative reporting lines of the internal auditor to ensure that the organizational structure is consistent with the principles of independence and accountability;
Review and approve the internal audit charter, including internal audit strategic plan;
Confirm that the annual risk based audit plan makes provision for critical risk areas in the municipality;
Advise the municipality on resources allocated to give effect to the work outputs of the internal audit function;
Confirm whether there is support for the internal audit unit and external auditors from senior management;
Confirm with management that internal audit findings are submitted to the Audit Committee on a quarterly basis;
Confirm actions taken by management in relation to the risk based audit plan;
Consider and review reports relating to difficulties encountered during the course of the audit engagement, including any scope limitation or access to information reported to the Accounting Officer that remain unresolved;
Evaluate the performance of internal audit activity in terms of the agreed goals and objectives as captured in the risk based audit plan annually;
Ensure that the Chief Audit Executive has reasonable access to the Chairperson of the Audit Committee;
Conduct a high-level review of internal audit on an annual basis, to ascertain whether the internal audit unit complies with the International Standards for the Professional Practice of Internal Auditing and
Consult with the relevant structures regarding the appointment and termination of the services of the Chief Audit Executive.
Insist that the internal audit function is subject to an independent quality review as and when the Audit Committee deems it appropriate.

Internal audit unit is accountable to the Audit Committee as follows:
- Maintain open and effective communication with the Audit Committee;
- Develop a flexible annual audit plan using a risk based methodology, addressing any weaknesses in risks or controls identified and submit the risk based audit plan to the Audit Committee for review and adoption;
- Report on the implementation and results of the annual risk based audit plan including special tasks requested by management and the Audit Committee;
- Meet periodically with the Chairperson of the Audit Committee to discuss whether the material and information furnished meets the requirements of the Audit Committee;
- Obtain advice from the Audit Committee whether the frequency and time allocated to the Audit Committee is sufficient to attend effectively to all matters;
- Cooperate with the Audit Committee as they conduct annual reviews of the performance of the internal audit function; and
- Submit the internal audit charter to the Audit Committee for review and adoption on an annual basis and as necessary.

8.4 Control Environment

The Audit Committee members need to have a good understanding of the control environment, in fulfilling this responsibility the committee should:
- Determine whether management follows a sound process to draw conclusions on the adequacy and effectiveness of the system of internal control and comment to management as such;
- Establish whether management has relevant policies and procedures in place and that these are adequate, effective and regularly updated;
- Determine whether appropriate processes are followed and compiled with on a regular basis;
Consider measures applied on any required changes to the design or implementation of internal controls; and
Assess steps taken by management to encourage ethical and lawful behaviour, financial discipline and accountability for use of public resources.

8.5 Risk Management

The Accounting Officer is responsible for the establishment of effective risk management within the municipality.

It is expected that the Audit Committee will provide an independent and objective view of the effectiveness of the municipality's risk management.

Where there is a separate risk management committee, the Audit Committee will be required to review recommendations made and consider these in line with this charter.

The Audit Committee must also provide feedback to the Accounting Officer and municipal council on the adequacy and effectiveness of risk management in the municipality.

8.6 External audit

The Audit Committee will attend to the following matters in conjunction with duly authorised representatives from the Office of the Auditor-General.

The Audit Committee must in relation to external audit:
- Monitor and report on the independence of the external auditor in the Audit Committee's annual activity report insofar as the Auditor-General outsources the external audit function;
- Take cognizance of the scope of work undertaken by the external auditor and the extent of coordination with the internal audit unit;
- Review annual external audit plans, audit fees and other compensation. The review should be included on the agenda of the audit committee on at least an annual basis and the results of the review will be duly minuted;
- Review reports and monitor management's implementation of audit recommendations and municipal council resolutions in the new financial year;
- Review the report on the financial statements and matters raised therein for reasonableness and accuracy;
- Review any interim reports issued in order to take cognizance of the issues raised in determining the follow up work of the internal audit;
- Conduct a review of the extent to which previously reported findings by the external auditor have been addressed by the municipal council;
- Provide advice to the Accounting Officer on actions taken relating to significant matters raised in external audit reports;
- Liaise with the external auditors on any matter that the Audit Committee considers appropriate to raise with the external auditor;
- Confirm whether the external auditors have reasonable access to the management and Chairperson of the Audit Committee;
- Address any potential restrictions or limitations with the Accounting Officer and Council; and
- Address outstanding matters raised by the external auditors and any findings are dealt with conclusively in an expeditious manner.
8.7 Annual Financial Statements

The draft financial statements should be reviewed by the Audit Committee at least two weeks before submission to the Auditor-General. The process and timelines for Audit Committee meetings should be changed accordingly.

The Audit Committee must review the annual financial statements to provide the municipality with an authoritative and credible view of the financial position of the municipality by:

- Confirming if the municipal audit file is prepared in line with the applicable standards and guidance contained in MFMA Circular 50, or as updated;
- Reviewing the unaudited annual financial statements of the municipality to confirm that the quality, integrity and content is consistent with applicable standards and compliant with the legal framework;
- Evaluating the annual financial statements of the municipality for reasonableness, completeness and accuracy, and provide comment thereon, on a timely basis;
- Considering the Auditor-General's opinion on the quality and appropriateness of the municipality's accounting policies; and
- Reviewing efficiency and effectiveness of internal controls over the Annual Financial Statements' preparation and reporting.

Reviewing the expertise, resources and experience of the municipality's finance function and discloses the results of the review in the Audit Committee's report included as part of the Annual Report.

Considering and satisfying itself of the suitability of the expertise and experience of the Chief Financial Officer every year.

Specifically with regards to Annual Financial Statements, the Audit Committee should review and challenge where necessary:

- Arithmetical accuracy and consistency;
- Consistency of, and any changes to, accounting policies, comparing to prior years;
- Methods used to account for significant or unusual transactions where different approaches are possible;
- Whether the Municipality has followed appropriate accounting standards and made appropriate estimates and judgements, taking into account previous audit outcomes;
- The quality of disclosure in the Municipality's financial reports and the context in which statements are made;
- All material information presented with the financial statements, such as the operating and financial review and the corporate governance statement (insofar as it relates to the audit and risk management);
- All material issues in prior reports by the Auditor-General have been appropriately accounted for, resulting in fair presentation; and
- Conduct Analysis of trends and other financial ratio calculations e.g. year-on-year comparisons and composition of primary group e.g. salaries as a component of operations, whether operations are undertaken on a sustainable basis, operations at surplus or deficit, efficiency and solvency ratios, etc.
8.8 Compliance with laws, regulations and ethics

The Audit Committee shall assess whether the management of the Municipality has the necessary mechanisms in place to ensure that there is compliance with pertinent laws and regulations and is conducting its affairs ethically.

This must include maintaining effective controls against conflicts of interest, fraud and corrupt practices.

The specific steps involved in carrying out this responsibility include:
- reviewing policy documents which should incorporate compliance with laws, regulations, ethics, policies and rules regarding conflict of interest;
- monitoring the compliance with the policy documents;
- taking note of significant cases of conflicts of interest, misconduct, or fraud and the resolution of the cases;
- making recommendations regarding any potential conflicts of interest or questionable situations of a material nature, which are brought to its attention;
- reviewing the Internal and External Auditor's written reports concerning the scope of reviews of compliance, any significant findings, and the resolution and follow-up on findings and recommendations;
- monitoring developments and changes in the law relating to the responsibilities and liabilities of management and to monitor and review the extent to which the management is meeting its obligations;
- monitoring developments and changes in the various rules, regulations and laws which relate generally to the Municipal operations and to monitor and review the extent to which the Municipality is complying with such laws;
- reviewing the process for communicating the code of conduct to the Municipality's personnel, and for monitoring compliance therewith; and
- obtaining regular updates from management and where necessary, legal counsel regarding compliance matters.

8.9 Information Technology (IT) and Governance

The Audit Committee also needs to provide advice on IT governance, controls, access, safeguarding of information in the municipality and its entities.

Specific expertise may be required from within or outside the municipality from time to time, to assist the internal audit unit and Audit Committee formulate recommendations on systems and controls. The Audit Committee may have to advise on the appropriateness of disaster recovery and continuity plans supporting IT risks, regular testing and evaluation of plans, systems and processes.

8.10 Combined assurance

The Audit Committee should confirm whether an effective, combined assurance model is applied to provide a coordinated approach to all assurance activities, and in particular the Committee should:
- review whether the combined assurance received is appropriate to address all the significant risks facing the municipality; and
- monitor the relationship between the external assurance providers and the municipality.
9. Reporting and accountability

The Chairperson of the Audit Committee will report on a bi-annual basis, or more frequently if required, to the municipal Council on the operations of the internal audit unit and the Audit Committee. The report should include:
- A summary of the work performed by the internal audit and the Audit Committee against the annual work plan;
- Effectiveness of internal controls and additional measures that must be implemented to address identified risks;
- A summary of key issues dealt with, such as significant internal and external audit findings, recommendations and updated status thereof;
- Progress with any investigations and their outcomes;
- Details of meetings and the number of meetings attended by each member; and
- Other matters requested of Internal Audit and the Audit Committee.

The Audit Committee shall prepare a report annually which will be incorporated into the municipality's annual report and those of its entities covering:
- Describing the functions performed by the Audit Committee and meetings attended;
- Resolutions taken by Council and implementation status of recommendations made; and
- Other relevant comments that may enhance governance and accountability.

The Chairperson of the Audit Committee must submit a copy of its report at least annually, or at other intervals, to the Municipal Public Accounts Committee (MPAC), for consideration during the MPAC engagements on the oversight report. The Chairperson of the Audit Committee or a member in his absence, must always be available whenever MPAC needs clarity on the report of the Audit Committee.

Therefore, the roles and responsibilities and outputs of the internal auditor and Audit Committee assist to inform the work of the MPAC and oversight structures.

The MPAC, in discharging its responsibilities, may make use of any information provided by the Audit Committee to avoid duplication of effort.

10. Meetings and procedure for conducting meetings

10.1 Frequency

Meetings of the Audit Committee will be held as frequently as the Audit Committee considers appropriate, but not less than four times a year. [MFMA - §166 (4) (b)]

Any member of the Audit Committee, the external auditors and the Chief Audit Executive may call special meetings of the Audit Committee when deemed necessary.

The Audit Committee must meet with internal and external auditors at least once a year without management being present.
10.2 Attendance

The secretarial responsibilities are to be performed by the Director: Corporate Services or his nominee. This includes providing all administrative support to the Audit Committee meetings, sending invitations and documentation to members, coordinating and compiling of Audit Committee meeting documentation, taking minutes at Audit Committee meetings, preparing all logistical arrangements relating to Audit Committee meetings, including arrangement for the prompt payment of claims and fees, etc.

The Chief Audit Executive, in consultation with the Audit Committee secretariat in the municipality, must ensure that the required preparation for the meeting of the Audit Committee is finalized at least seven calendar days before the commencement of the meeting and that substantive work would be undertaken for the duration of the meeting.

The following persons must have a standing invitation to the Audit Committee and attend all meetings:
- Municipal Manager / Accounting Officer;
- Chief Audit Executive / Internal Audit;
- Chief Financial Officer;
- IT Manager;
- External Auditor;
- Provincial Treasury;
- National Treasury; and
- Any other person on invitation by the Chairperson of the Audit Committee.

The Chief Audit Executive, in consultation with the Chairperson of the Audit Committee, must determine the time frames of all meetings. In light of the financial implications, the Accounting Officer in consultation with the Chairperson of the Audit Committee must agree, if meetings go beyond a one day sitting.

The Director: Finance, a duly authorised representative from the Office of the Auditor-General and Chief Audit Executive shall be invited to attend the meetings of the Audit Committee and shall have unrestricted access to the Chairperson or any other member of the Audit Committee as is required in relation to any matter falling within the scope of the Audit Committee.

The Chairperson, in his or her discretion, may invite Councillors or Officials to attend and be heard at meetings of the Audit Committee when there is a functional responsibility to be discussed. No such attendee shall have a vote at meetings of the Audit Committee.

10.3 Proceedings

Unless varied by these terms of reference, meetings and proceedings of the Audit Committee will be governed by the Municipality’s code regulating the meetings and proceedings of the Council and sub-committees of the Council.
10.4 Agenda and minutes

The Audit Committee must establish an annual work plan for each year to ensure that all relevant matters are covered by the agendas of the meetings planned for the year.

The annual plan must ensure proper coverage of the matters laid out in the Audit Committee charter; the more critical matters will need to be attended to each year while other matters may be dealt with on a rotation basis over a three-year period.

The number, timing and length of meetings, and the agendas are to be determined in accordance with the annual plan.

The dates of meetings should be determined at least six months in advance and submitted to members as well as the determined invitees as stipulated in paragraph 10.2 above. This will assist members and invitees to diarise meetings in advance.

A detailed agenda, together with supporting documentation, must be circulated, at least seven calendar days prior to each meeting to the members of the Audit Committee and other invitees. For special meetings, the Chairperson can waive this requirement.

Audit Committee members must be fully prepared for Audit Committee meetings, to provide appropriate and constructive input on matters discussed.

The minutes must be completed within seven days after the meeting and circulated to the Chairperson and members of the Audit Committee for review thereof.

The minutes must be formally approved by the Audit Committee at its next scheduled meeting.

Minutes of meetings shall be taken by the Secretariat and shall be reviewed and approved by the members of the Audit Committee.

Audit Committee agendas and minutes of meetings should be forwarded to the Chief Audit Executive for information and for attending to any Council actions as may be required in consequence of such agendas, briefing papers and minutes.

The Chief Audit Executive is responsible for submission of minutes/reports of the Audit Committee to the Council for consideration.

In the event of the duly authorised representative of Office of the Auditor-General not being present at meetings, copies of the agenda and minutes of each meeting shall be forwarded to the Office of the Auditor-General for their information and records.

10.5 Quorum

The quorum for decisions of the Audit Committee will be at least half of the members (with a minimum of two members) present at the meeting of the Audit Committee where the decisions are approved.
11. Performance assessments

The Audit Committee should assess its performance and achievements against its charter on an annual basis. The assessment would cover the performance of the individual member as part of the overall Audit Committee with reference to the particular skills the member has brought to the Audit Committee as a whole.

The aim of the self-assessment is to ensure that the Audit Committee is meeting its objectives efficiently and effectively. The findings of the self-assessment should be presented by the Chairperson to the Accounting Officer and municipal Council. Council and officials may be approached for feedback on the performance of the Audit Committee.

Where the self-assessment highlights a need for enhancements to the role, operational processes or membership of the Audit Committee, the Chairperson should take action to ensure that such enhancements are implemented. The Chairperson may need to consult with the Accounting Officer and municipal Council to obtain appropriate support to ensure all enhancements are implemented.

It may be beneficial for the Audit Committee to use an external facilitator to provide assistance with, or to supervise the self-assessment process. It is up to the Audit Committee to decide whether the services of an external facilitator are required.

An external facilitator can provide an impartial and objective view and can approach the evaluation process without bias or preconceived ideas. The Chairperson and external facilitator should provide feedback to the Audit Committee members and present the findings of the evaluation to the Accounting Officer and municipal Council.

Where the Audit Committee is not performing in accordance with their charter and this has been observed by various stakeholders such as for example, internal audit, external audit or management, it would be appropriate for this or other issues to be brought to the attention of the Accounting Officer and municipal Council.

If an individual Audit Committee member is not performing, then the member must be given an opportunity to address such with the municipal Council. If it is considered necessary to terminate the services of an Audit Committee member prior to the end of the term of appointment, proper procedures should be followed. (Refer “5. Terms of office and termination of service” above)

12. Remuneration

Having regard to the functions performed by the members of the Audit Committee, and pursuant to the powers of the Council, members of the Audit Committee shall be paid such remuneration in respect of their appointment as shall be fixed by the Council from time to time.

Council may be informed by the remuneration Regulations and Guidelines set out by National Treasury, and revised on an annual basis.

Remuneration will only be applicable to persons employed outside the public service. No remuneration for participating in Audit Committees will be payable to officials employed at national, provincial and local government, its agencies or other entities regarded as falling within the definition of an organ of state, except for out of pocket expenses which may be reimbursed.

The reimbursement of all members for travel expenditure must be determined in accordance with the approved Council policy or the rate per kilometre as published and updated by the National Department of Transport.
The Accounting Officer, in consultation with the Chief Financial Officer, is required to approve the reimbursement of all travel expenditure for members of the Audit Committee based on the above mentioned or make alternative arrangements to pay for modes of travel to such meetings, in terms of Council policy.

The Chairperson and members of the Audit Committee will be required to complete all particulars of their respective travel to and from the venue of the Audit Committee meetings.

Members will be remunerated for attending the Provincial Forum for Audit Committee Chairpersons (the Chairperson or delegate in his absence), working on special, approved assignments or investigations, compulsory training and municipal, provincial or national workshops.

13. General

The Audit Committee in carrying out its tasks under these terms of reference may obtain such outside or other independent professional advice, as it considers necessary to carry out its duties upon approval of the Accounting Officer.

These terms of reference may from time to time be amended as required, subject to the approval of the municipal Council.

Duly approved by:

Chairperson of the Audit Committee

Date

Municipal Manager (duly authorised thereto by resolution of the Council)

Date
11. **URGENT MATTERS**

12. **ITEMS IN COMMITTEE**

13. **CLOSURE**

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