



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

**Provincial Gazette**  
**Igazethi Yephondo**  
**Provinsiale Koerant**

Vol. 27

**BISHO/KING WILLIAM'S TOWN**  
20 APRIL 2020  
20 APRIL 2020

**No. 4407**



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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**NOTICE 10 OF 2020**

Cape St Francis  
Hankey  
Humansdorp  
Jeffreys Bay  
Loerie  
Oyster Bay  
Patensie  
St Francis Bay  
The Strand

Postal: PO Box 21, Jeffreys Bay, 6330  
Tel: 042 200 2200 / 042 200 8300  
Fax: 042 200 8606  
Email: [registry@kouga.gov.za](mailto:registry@kouga.gov.za)  
Website: [www.kouga.gov.za](http://www.kouga.gov.za)

**PROVINCE OF THE EASTERN CAPE****KOUGA LOCAL MUNICIPALITY (EC108)****PROVINCIAL NOTICE 133/2018****EXTENSION OF LOCAL STATE OF  
DISASTER DECLARATION****DISASTER MANAGEMENT ACT NO. 57 OF  
2002**

The Kouga Local Municipality hereby, in terms of Section 55(5)(c) of the Disaster Management Act No. 57 of 2002, due to the prevailing drought conditions extend the Declaration of Local State of Disaster as published in the Provincial Gazette No.



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

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Website: [www.kouga.gov.za](http://www.kouga.gov.za)

4400 of 16 March 2020 for a further month.

P.O.

Box 21

**C. DU PLESSIS** Jeffreys Bay **MUNICIPAL**  
**MANAGER** 6330

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**FOR PUBLICATION:**

## NOTICE 11 OF 2020



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

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**INTERNAL MEMORANDUM**

**TO: Executive Mayor, Cllr H Hendricks**  
**Municipal Manager, C Du Plessis**  
**Director: Community Services**

**FROM: Municipal Manager**

**DATE: 08 April 2020**

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

1. Introduction

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

2. Background

It is common knowledge that Council is aware of the risk exposure in respect of the St Francis Bay Beach Spit, and which Beach Spit, according to attached report from the Chief Fire Officer, has breached at on two areas and further breach of the beach spit is imminent.

Council should understand that should this spit breach such breach may cause extensive damage to municipal infrastructure and poses and definite threat to the properties situated on the St Francis Bay Canals and lives of the residents and inhabitants of the St Francis Bay canals.

3. Applicable legislation

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



**Declaration of local state of disaster**

- 55.** (1) In the event of a local disaster the council of a municipality having primary responsibility for the co-ordination and management of the disaster may, by notice in the provincial gazette, declare a local state of disaster if— 35
- (a) existing legislation and contingency arrangements do not adequately provide for that municipality to deal effectively with the disaster; or
  - (b) other special circumstances warrant the declaration of a local state of disaster. 40
- (2) If a local state of disaster has been declared in terms of subsection (1), the municipal council concerned may, subject to subsection (3), make by-laws or issue directions, or authorise the issue of directions, concerning—
- (a) the release of any available resources of the municipality, including stores, equipment, vehicles and facilities; 45
  - (b) the release of personnel of the municipality for the rendering of emergency services;
  - (c) the implementation of all or any of the provisions of a municipal disaster management plan that are applicable in the circumstances;
  - (d) the evacuation to temporary shelters of all or part of the population from the disaster-stricken or threatened area if such action is necessary for the preservation of life; 50
  - (e) the regulation of traffic to, from or within the disaster-stricken or threatened area;
  - (f) the regulation of the movement of persons and goods to, from or within the disaster-stricken or threatened area; 55
  - (g) the control and occupancy of premises in the disaster-stricken or threatened area;
  - (h) the provision, control or use of temporary emergency accommodation;
  - (i) the suspension or limiting of the sale, dispensing or transportation of alcoholic beverages in the disaster-stricken or threatened area;
  - (j) the maintenance or installation of temporary lines of communication to, from or within the disaster area;
  - (k) the dissemination of information required for dealing with the disaster; 5
  - (l) emergency procurement procedures;
  - (m) the facilitation of response and post-disaster recovery and rehabilitation; or
  - (n) other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster.
- (3) The powers referred to in subsection (2) may be exercised only to the extent that this is necessary for the purpose of— 10
- (a) assisting and protecting the public;
  - (b) providing relief to the public;
  - (c) protecting property;
  - (d) preventing or combating disruption; or 15
  - (e) dealing with the destructive and other effects of the disaster.
- (4) By-laws made in terms of subsection (2) may include by-laws prescribing penalties for any contravention of the by-laws.
- (5) A municipal state of disaster that has been declared in terms of subsection (1)— 20
- (a) lapses three months after it has so been declared;
  - (b) may be terminated by the council by notice in the provincial gazette before it lapses in terms of paragraph (a); and
  - (c) may be extended by the council by notice in the provincial gazette for one month at a time before it lapses in terms of paragraph (a) or the existing 25

1. That Council, in terms of SECTION 55(1) OF THE DISASTER MANAGEMENT ACT NO 57 OF 2002, declare a local state of disaster.
2. That Administration arrange for the gazetting of said declaration in the Provincial Gazette.
3. That Council release, personnel and funds be allocated for immediate action to mitigate the risks associated with the breach of the St Francis Bay Beach Spit and immediate measures to prevent the imminent further breaching of the St Francis Bay Beach Spit.
4. That the Community Services Directorate develops an emergency Action Plan for immediate implementation.
5. That application be made to Provincial and National Government for additional funds to assist the Kouga Municipality with the implementation of emergency measures.



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**C Du Plessis**  
**Municipal Manager**



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**H. Hendricks**  
**Executive Mayor**

**COMMENT** APPROVED

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**Approved** : **Resolution 20/04/MM1**

**Dated** : **8 April 2020**

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 73 OF 2020**

NELSON MANDELA BAY MUNICIPALITY (EASTER CAPE).

Removal of Restictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

Erf 260, SUNRIDGE PARK, Port Elizabeth, Eastern Cape.

Under section 47 of the Spatial Planning and Land use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions B.5 a, b, c and d in Deed of Transfer No. T46187/2011 applicable for erf 260, Sunridge Park, are hereby removed.

**PROVINCIAL NOTICE 74 OF 2020**

NELSON MANDELA BAY MUNICIPALITY (EASTER CAPE).

Removal of Restictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

Erf 683, SUMMERSTRAND, Port Elizabeth, Eastern Cape.

Under section 47 of the Spatial Planning and Land use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions 5 a, b, c and d in Deed of Transfer No. T4434/1980 applicable for erf 683, Summerstrand, are hereby removed.