



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2016-10-19

MINUTES

MAYORAL COMMITTEE MEETING

2016-10-19 AT 10:00

PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) **(Chairperson)**

Councillors: PW Biscombe
J De Villiers
AR Frazenburg (from 10:15)
E Groenewald (Ms)
XL Mdemka (Ms)
Ald JP Serdyn (Ms)
S Peters
Q Smit

Also Present: Councillor NS Louw

Officials: Acting Municipal Manager (R Bosman)
Chief Financial Officer (M Wüst)
Director: Human Settlements (T Mfeya)
Director: Community and Protection Services (G Esau)
Director: Economic Development and Planning (D Lombaard)
Acting Director: Strategic and Corporate Services (V Bowers)
Acting Director: Infrastructure (W Pretorius)
Head: Committee Services (EJ Potts)
Committee Clerk (T Samuels (Ms))
Interpreter

1.1	OPENING AND WELCOME
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The Executive Mayor welcomed all present.

1.2	COMMUNICATION BY THE CHAIRPERSON
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NONE

1.3	DISCLOSURE OF INTERESTS	(3/6/2/2)
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NONE

2.	APPLICATION FOR LEAVE OF ABSENCE	(3/4/1/6)
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The following applications for leave were approved in terms of the Rules Of Order of Council:-

Cllr N Jindela - 19 October 2016
Cllr WC Petersen - 19 October 2016

3.	CONFIRMATION OF PREVIOUS MINUTES	(3/4/1/5)
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The minutes of the Mayoral Committee Meeting held on 2016-09-21 was **confirmed as correct.**

4.	REPORT BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT A PREVIOUS MAYORAL COMMITTEE MEETING	(3/4/2/5)
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NONE

5.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)
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5.1.1	EPWP JOB OPPORTUNITIES CREATED
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1. PURPOSE OF REPORT

To inform Council on the successful implementation of the Expanded Public Works Programme (EPWP) and the achievement of the Provincial target for the number of work opportunities created. (See **APPENDICES 1 & 2**).

2. BACKGROUND

Stellenbosch Municipality acknowledges that unemployment is a major contributing factor to the social decay of our communities in the Greater Stellenbosch. The EPWP programme is a fraction in restoring dignity and pride in the well-being of our citizens. The aim of the programme is to provide short term opportunities, transfer skills and reposition the participants to take part in the mainstream economy. The programme is a key government initiative, which contributes to Governments Policy Priorities in terms of decent work & sustainable livelihoods, education, health; rural development; food security & land reform and the fight against crime & corruption.

RESOLVED

that it be recommended to Council:

that the EPWP Report, **be noted**.

Meeting: Ref No:	<i>Mayco: 2016-10-19 4/5/8/3</i>	Submitted by Directorate: Author: Referred from:	<i>Community Development G Esau</i>
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5.1.2	IMPLEMENTATION PLAN FOR THE ACCESSIBILITY STUDY ON MUNICIPAL FACILITIES AND INFRASTRUCTURE OF STELLENBOSCH MUNICIPALITY
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1. PURPOSE OF REPORT

To obtain Council approval of the Implementation Plan for the Accessibility Study on Municipal Facilities and Infrastructure of Stellenbosch Municipality and to formalise the municipalities response to the commitment to render all services according to the principles of Universal Access.

2. BACKGROUND

After the completion of the Disability Accessibility Study on Municipal Facilities and Infrastructure in June 2015, Council approved the Universal Access Policy Framework (**APPENDIX 1**) in April 2016. Adoption of the Implementation Plan for the Accessibility Study will also give effect to the approved policy.

The study highlighted aspects of physical shortcomings to providing dignified access to disabled persons as prescribed in the National Building Regulations SANS 10400 S, but also looked at municipal processes that citizens are subjected to when wanting to do business with the municipality.

The study focussed on access for persons with disabilities and was a response to local government's responsibility as envisioned through the United Nations Convention on the Rights of Persons with Disabilities, The Bill of Rights in The Constitution of the Republic of South Africa (1996), the Promotion of Equality and Prevention of Discrimination Act (4 of 2000) and the Employment Equity Act (55 of 1998). **However, after the municipality was introduced to and committed itself to the goals and principles of Universal Design (APPENDIX 2), this focus shifted to include older persons, pregnant women and persons accompanied by children under the age of 10.**

A second focus was on physical infrastructure. The study however, also includes a section on municipal processes and procedures. This aspect is crucial as accessible buildings and sidewalks can contribute to persons gaining entrance into a building, but it is of little use if the municipal process still requires persons to move between several buildings to complete a single action.

A process to include the administrative and political spheres of Stellenbosch Municipality in the development of the implementation plan was embarked upon. This process included Common Understanding Workshops and Working Group Discussions to include processes and procedures.

RESOLVED

that this matter be referred back for a presentation to Mayco.

Meeting: Ref No:	Mayco: 2016-10-19 7/71	Submitted by Directorate: Author: Referred from:	Economic Development M Aalbers (Ms)
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5.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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NONE

5.3	ECONOMIC DEVELOPMENT AND PLANNING:(PC: ALD JP SERDYN (MS))
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5.3.1	STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT & NOISE CONTROL
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1. PURPOSE OF REPORT

To request Council's designation of an Air Quality Officer and a Noise Control Officer to allow Stellenbosch Municipality to execute its obligated functions in terms of the National Environmental Management: Air Quality Act, 39 of 2004, and the Western Cape Noise Control Regulations, P.N. 200/2013.

2. CONCLUSION

Stellenbosch Municipality has a defined responsibility in terms of the National Environmental Management: Air Quality Act, 39 of 2004, and the Western Cape Noise Control Regulations, P.N. 200/2013. Giving effect to the recommendations put forward in this report will result in Stellenbosch Municipality being compliant in terms of such responsibilities and being able to execute its obligated functions in terms of the said legislation and regulations.

RESOLVED

that it be recommended to Council:

- (a) that Council designates the incumbent of the position Air Quality Control Officer (post 2.4.4.1) as Air Quality Officer in terms of the National Environmental Management: Air Quality Act, 39 of 2004; and
- (b) that Council designates the incumbent of the position of Air Quality Control Officer (post 2.4.4.1) as Noise Control Officer in terms of the Western Cape Noise Control Regulations, P.N. 200/2013.

Meeting: Ref No:	<i>Mayco: 2016-10-19 1/1/1/16</i>	Submitted by Directorate: Author: Referred from:	<i>Economic Development & Planning Environmental Planner</i>
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5.3.2	STELLENBOSCH MUNICIPALITY: INVASIVE ALIEN PLANTS MANAGEMENT PLAN
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1. PURPOSE OF THE REPORT

The purpose of the document, Stellenbosch Municipality Alien Invasive Plants (IAPs) Management Plan (**APPENDIX 1**) is Stellenbosch Municipality's response to this obligation. It also seeks to coordinate Stellenbosch Municipality's approach to invasive alien plant control in order to reduce future control costs in this regard and improve the integrity of the natural areas and ecosystems in Stellenbosch Municipality.

2. BACKGROUND

The National Environmental Management Biodiversity Act, 10 of 2004 (NEMBA), Section 76, states that all organs of state are required to draw up an invasive alien monitoring, control and eradication plan for the land under their control.

A draft version of the Stellenbosch Municipality AIPs Management Plan was sent to all directors on 1 September 2016 for input by 16 September 2016.

RESOLVED

that this matter be referred back for a presentation to Mayco.

Meeting: Ref No:	<i>Mayco: 2016-10-19 PL183S</i>	Submitted by Directorate: Author: Referred from:	<i>Economic Development & Planning Environmental Planner</i>
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5.3.3	REQUEST FOR COMMENCEMENT OF PUBLIC PARTICIPATION ON THE DRAFT INTEGRATED ZONING SCHEME BY-LAW FOR STELLENBOSCH MUNICIPALITY (WC024)
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1. PURPOSE OF REPORT

To obtain approval from Council to commence with Public Participation of the Draft Integrated Zoning Scheme By-law (10.3a) for Stellenbosch Municipality (WC024) in line with the Municipal Systems Act (2000), read together with the new planning dispensation, which includes the Western Cape Land Use Planning Act No 3 of 2014, the Spatial Planning and Land Use Planning Act, No 16 of 2013 and the Stellenbosch Municipal Land Use Planning By-Law (2015).

2. BACKGROUND

Stellenbosch Municipality implemented the above new planning dispensation on 01 December 2015 through Provincial Gazette Notice, number 7539 by repealing the Land Use Planning Ordinance, Nr 15 of 1985 (LUPO). All applications thus submitted since 01 December 2015 has to be submitted in terms of the Land Use Planning By-law which is aligned with the new planning dispensation (LUPA and SPLUMA). With the enactment of the new planning dispensation, Council must adopt a single zoning scheme for its entire municipal area.

A zoning scheme is a by-law adopted by the Municipality, which describes how land may be used and developed. It also contains a zoning map which depicts the zoning of each property. A zoning scheme must ensure the orderly development of an area, and aims to promote and enable the implementation of the municipality's development vision. It must also be consistent with the national and provincial planning legislation and development principles set out in SPLUMA and LUPA.

RESOLVED

that it be recommended to Council:

- (a) that Council authorises the Municipal Manager to:
 - (i) proceed with public participation of the Draft Integrated Zoning Scheme By-law (10.3a) as per attached **APPENDIX 1** read together with paragraph 3.5;
 - (ii) proceed with LUPA Section 27 submitting the Draft Integrated Zoning Scheme By-law (10.3a) to the Provincial Minister for written comment as part of the public participation process;
- (b) that the Draft Integrated Zoning Scheme By-law be resubmitted to Council after the public participation process for final consideration; and
- (c) that the public participation period be for 120 days subsequent to the approval by Council.

Meeting: Ref No:	Mayco: 2016-10-19 PL183S	Submitted by Directorate: Author: Referred from:	Economic Development & Planning D Lombaard
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5.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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NONE

5.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOMBE)
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NONE

5.6	INFRASTRUCTURE: (PC: CLLR J DE VILLIERS)
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5.6.1	THE THIRD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) FOR STELLENBOSCH MUNICIPALITY
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1. PURPOSE OF REPORT

The purpose of this submission is to submit the proposed Third Generation Integrated Waste Management Plan (IWMP) (**APPENDIX 1**) for Stellenbosch Municipality to Council for consideration and in-principal approval, prior to going out for comment from the provincial authorities and the public.

2. BACKGROUND

In terms of the National Environmental Management: Waste Act (Act 59 of 2008) (NEM:WA), each municipality is required to compile an integrated waste management plan and submit to provincial government (D:EA&DP) for assessment, the recommendations of which must be incorporated into the final IWMPs, before being submitted to the municipal council for approval and implementation.

The manner in which the IWMPs are developed must be consultative and municipalities are required to follow the prescriptions of Section 29 of the Municipal Systems Act. Municipalities are obliged to integrate their IWMPs into their integrated development plans (IDP).

RESOLVED

that this matter be referred back for a briefing session with Mayco.

Meeting Ref No:	Mayco: 2016-10-19 16/9/1/2	Submitted by Directorate: Author: Referred from:	Infrastructure Manager: Solid Waste (S Haider)
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5.6.2	CLOSING OF THE PROCLAIMED ROAD 5225 (THE WILLOWS) AND PROCLAMATION OF A MUNICIPAL STREET
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1. PURPOSE OF REPORT

For Council to consider the taking over of Minor Road 5225.

2. BACKGROUND

The proclaimed Provincial road 5225 (The Willows) is the last remaining portion of the Old Helshoogte road. With the construction of the New Helshoogte road this road has lost its significance and only serves as a local access from a municipal street to the Amoi development, four small holdings and access to the Municipal dams.

One of the critical land-use subdivision conditions for the Amoi development from the Department of Transport and Public Works (dated 25 October 2007) was that Stellenbosch Municipality must provide a commitment to take over minor road 5225 from Farm 490, portion 7 to the nearest municipal street and must be in place before any construction vehicles enter this development. (**APPENDIX1**).

RESOLVED

that this matter be referred back for a briefing session with Mayco.

Meeting: Ref No:	<i>Mayco: 2016-10-19 8/1/Engineering Services</i>	Submitted by Directorate: Author: Referred from:	<i>Infrastructure Manager: Transport, Roads and Stormwater</i>
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5.6.3	WATER SERVICES BY-LAW
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1. PURPOSE OF REPORT

The purpose of this submission is to submit the proposed Water Services By-Law for Stellenbosch Municipality to Council for approval

2. BACKGROUND

The current by-law, Water Supply, Sanitation Services and Industrial Effluent: By-Law is not aligned with the Water Services Act 108 of 1997 and its associated regulations.

The proposed Water Supply, Sanitation Services and Industrial Effluent By-Law will in comparison with the existing by-law address a wider spectrum of Water and Sewerage (Sanitation) Management matters thus ensuring that the Municipality conforms to its mandate in terms of the Constitution ensuring for clean and safe water services for its citizens.

RESOLVED

that this matter be referred back for a briefing session with Mayco.

Meeting: Ref No:	<i>Mayco: 2016-10-19 1/3/1/4</i>	Submitted by Directorate: Author: Referred from:	<i>Infrastructure Manager: Water Services</i>
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5.6.4	PROGRESS REPORT: POLICY FOR SELF-GENERATION OF ELECTRICITY
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1. PURPOSE OF REPORT

To inform Council of the progress made regarding potential financial implications that will result from the implementation of the proposed policy on the self-generation of electricity, in terms of the resolution by the Portfolio Committee of 5 February 2014.

2. BACKGROUND

In the light of Eskom's electricity supply problems, as well as the new trend of traditional consumers of electricity to self-generate electricity by means of photo voltaic panel installation, the Engineering Services embarked on a project to develop a policy on self-generation of electricity. Such a proposed Policy on Renewable Energy/ Alternate Energy Generation was submitted to the Portfolio Committee on 5 February 2014. After discussion, it was resolved as follows:

RESOLVED

that this matter be referred back for a briefing session with Mayco.

Meeting: Ref No:	<i>Mayco: 2016-10-19 8/1/Engineering Services</i>	Submitted by Directorate: Author: Referred from:	<i>Infrastructure Acting Manager: Electrical Services</i>
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5.7	PROTECTION SERVICES: (PC: CLLR Q SMIT)
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5.7.1	POUND BY-LAW
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1. PURPOSE OF REPORT

To submit the Pound By-Law for the impoundment of animals to Council for approval.

2. BACKGROUND

Currently, a need exist for the proper control and management of stray animals within the WC024 area of Stellenbosch. Many of these animals are grazing without any supervision, and in some instances creates a health risk due to the locality and conditions these animals are found.

The municipality is in the process of erecting a pound for the safekeeping of impounded animals and has purchased the necessary equipment to transport impounded animals.

RESOLVED

that this matter be referred back for a briefing session with Mayco.

Meeting: Ref No:	<i>Mayco: 2016-10-19 1/3/17</i>	Submitted by Directorate: Author: Referred from:	<i>Protection Services Acting Manager: Law Enforcement</i>
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5.7.2	BY-LAW ON THE PREVENTION OF PUBLIC NUISANCES AND THE KEEPING OF ANIMALS
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1. PURPOSE OF REPORT

To submit the repealed draft "By-law on the Prevention of Public Nuisances and the Keeping of Animals," to the Council for in principle adoption.

2. BACKGROUND

Several complaints regarding various types of nuisances have been received. Methods to address said complaints were investigated by the administration. It was proven that the previous by-laws were not adequate to address the problems experienced. Copies of said By-laws are attached hereto as **APPENDICES 1-5**.

A new By-law has thus been drafted and is herewith submitted to Council for consideration, which is attached as **APPENDIX 6**.

RESOLVED

that this matter be referred back for a briefing session with Mayco.

Meeting: Ref No:	<i>Mayco: 2016-10-19 1/3/18</i>	Submitted by Directorate: Author: Referred from:	<i>Protection Services Acting Manager: Law Enforcement</i>
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5.8	YOUTH, SPORTS AND CULTURE: (PC: XL MDEMKA (MS))
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5.8.1	SPORTS GROUNDS: OUTSTANDING DEBT
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1. PURPOSE OF REPORT

To gain approval from Council to write-off the balance of the long outstanding accumulated debt of all sport councils including Van der Stel and Kayamandi in order to conclude the various lease agreements with the Sport Councils.

2. BACKGROUND

At February 2016 the outstanding debt of 90 days and older of Van der Stel amounted to R1,480,252 and Kayamandi R393,135. The other long outstanding debts of sport councils were less than R1000 each.

Infrastructure investments (lighting) of more than R1 million was made at each of Kayamandi; Pniel; Jamestown; Kylemore; La Motte and Wemmershoek in recent years. Groendal sport facilities received capital investment of about R2,5 million.

RESOLVED

that this matter be referred back for a briefing session with Mayco.

Meeting: Ref No:	<i>Mayco: 2016-10-19 17/6MN</i>	Submitted by Directorate: Author: Referred from:	<i>Community Development G Esau</i>
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6.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
6.1.1	QUARTERLY REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE FOR THE PERIOD: 01 JULY 2016 TO 30 SEPTEMBER 2016

1. PURPOSE OF REPORT

To inform Council of the activities of the Audit and Performance Audit Committee for the period 01 July 2016 till 30 September 2016 (1st Quarter). The Minutes of the meetings held for this period mentioned is herewith attached as **APPENDICES 1 and 2 respectively** which outline the activities of the Audit and Performance Audit Committee and the Internal Audit Unit.

2. BACKGROUND

The Audit and Performance Audit Committee has executed its duties and responsibilities during the period under review in accordance with its terms of reference as they relate to Council's accounting, internal auditing, internal control and financial reporting practices.

RESOLVED

that it be recommended to Council:

that the concerns, the report and the minutes of the meetings of the Audit Committee for the period 01 July 2016 till 30 September 2016, **be noted**.

Meeting: Ref No:	<i>Mayco: 2016-10-19</i> <i>3/5/4/1/AUDIT_COMMITTEE</i>	Submitted by Directorate: Author: Referred from:	<i>Municipal Manager Office</i> <i>Chief Audit Executive</i>
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7.	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

8.	MOTIONS AND QUESTIONS RECEIVED BY THE MUNICIPAL MANAGER
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NONE

9.	CONSIDERATION OF MOTIONS OF EXIGENCY
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NONE

10.	MATTER/S TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 11:00.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**