



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2017-07-19

MINUTES

MAYORAL COMMITTEE MEETING:

2017-07-19 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2017-07-19

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PRESENT: Executive Mayor, Ald GM Van Deventer (Ms) (**Chairperson**)
Deputy Executive Mayor, Cllr N Jindela

Ald: JP Serdyn (Ms)

Councillors: PW Biscombe
J De Villiers
AR Frazenburg
E Groenewald (Ms)
XL Mdemka (Ms)
S Peters
Q Smit

Also Present: Councillor PR Crawley (Ms)
Councillor AJ Hanekom
Councillor N Olayi
Councillor WC Petersen (Ms)
Councillor WF Pietersen

Officials: Municipal Manager (G Mettler (Ms))
Director: Strategic and Corporate Services (A de Beer (Ms))
Chief Financial Officer (M Wüst)
Director: Human Settlements (T Mfeya)
N Langenhoven deputizing for Director: Community and Protection
Director: Economic Development and Planning (D Lombaard)
Director: Engineering Services (D Louw)
Chief Audit Executive (F Hoosain)
Manager: Community Services (A van de Merwe)
Head: Fire and Safety (BJ Brandson)
Head: Disaster Management (S Seigels)
Head: Committee Services (EJ Potts)
Committee Clerk (B Mgcushe (Ms))
Committee Clerk (N Mbali)

1.	OPENING AND WELCOME
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The Executive Mayor welcomed everyone present.

1.1	COMMUNICATION BY THE CHAIRPERSON
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The Executive Mayor thanked everyone that participated in the Mandela Day programs that were held throughout WC024.

(-)

The meeting was informed that the Executive Mayor has introduced a “buddy” system where each Mayco member has a buddy who will attend Mayco meetings. This initiative is aimed at enhancing skills and experience.

(-)

The Executive Mayor explained that Section 80 committees are established to assist the Executive Mayor in the daily performance and exercise of her statutory and delegated functions and powers. The terms of reference and functions of a Section 80 committee are to advise the Executive Mayor, when so requested. Hence, Section 80 committees will only meet after a referral has been made by the Executive Mayor to the relevant member of the Mayoral Committee. The outcome of a Section 80 committee meeting will be discussed with the Executive Mayor, who will then direct whether the matter should be included in a Mayoral Committee Agenda or not.

(-)

1.2	DISCLOSURE OF INTERESTS
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NONE

2.	APPLICATIONS FOR LEAVE OF ABSENCE
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The following application for leave was approved in terms of the Rules of Order of Council:-

Director: Community and Protection Services (G Esau) – 19 July 2017

3.	CONFIRMATION OF PREVIOUS MINUTES
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The minutes of the Mayoral Committee Meetings held on 2017-05-17, 2017-05-17 (In-Committee) and 2017-05-24 (Special Mayco) were **confirmed as correct.**

4.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS MAYORAL COMMITTEE MEETINGS
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NONE

5.	STATUTORY MATTERS
5.1	COMMUNITY DEVELOPMENT AND COMMUNITY SERVICES: (PC: CLLR AR FRAZENBURG)
5.1.1	IMPLEMENTATION PLAN FOR THE ACCESSIBILITY STUDY ON MUNICIPAL FACILITIES AND INFRASTRUCTURE OF STELLENBOSCH MUNICIPALITY

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.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.1.1**RESOLVED**

that the item be referred back to allow the other directorates to provide inputs, whereafter the item be resubmitted to Mayco.

<i>Meeting:</i>	<i>MAYCO:: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>7/7/1</i>	<i>Author</i>	<i>Manager: Community Development</i>
<i>Collab:</i>	<i>450327 (History)</i>	<i>Referred from:</i>	<i>Mayco: 2016-10-19</i>
<i>New Collab</i>	<i>514602</i>		

5.1.2	MUNICIPAL NIGHT SHELTER
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1. PURPOSE OF REPORT

To consider the funding of the Stellenbosch Night Shelter through the Grants-in-Aid Policy.

2. BACKGROUND

Council approved capital funding (**APPENDIX 1**) for the building of a Municipal Night Shelter on a servitude (**APPENDIX 2**) registered in its favour on land donated to the Stellenbosch Night Shelter NPO on condition that an agreement is reached with this organization.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.1.2**RESOLVED****That it be recommended to Council:**

- (a) that Council is prepared to cancel the existing servitude on Erf 8887 in favour of the owner of the property with the purpose to run it as a shelter for the homeless persons. Should the building no longer be used for this specific purpose, the land and the building and other immovable assets will revert back to the municipality;
- (b) that Council continues to fund the administration and operational cost related to this facility through the Grants-in-Aid-Policy which has been determined as the best mechanism to govern this relationship and that an amendment of the said Grants-in-Aid Policy shall be undertaken and that the Stellenbosch Night Shelter shall need to apply for and comply with said Policy where under funding shall be provided for a period of three years subject to review;
- (c) that the Department Community Development, together with Stellenbosch Night Shelter, investigate a new Admission Policy for the Municipal Shelter to contribute to the development of persons living on the street and that such Policy be implemented by the Night Shelter; and
- (d) that the Department Community Development investigates the possibility of financial support to maintain the Municipal Shelter from the Provincial Department Social Development.

<i>Meeting:</i>	Mayco: 2017-07-19	<i>Submitted by Directorate:</i>	Com Development & Com Services
<i>Ref no:</i>	7/1/1/2	<i>Author</i>	Manager: Community Development
<i>Collab:</i>	439588	<i>Referred from:</i>	Comm Serv & Comm Dev: 2017-06-22

5.1.3	REVIEWING OF THE POLICY ON HIRING AND USE OF MUNICIPAL HALLS AND FACILITIES
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1. PURPOSE OF REPORT

To provide a revised By-law relating to hiring and use of halls and municipal facilities, to be approved by Council.

2. BACKGROUND

The Section 80 committee requests the Community Services Department to provide the updated revised by-law relating to hiring and use of halls and municipal facilities.

See attached revised By-law.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.1.3

RESOLVED

that this item be withdrawn.

<i>Meeting:</i>	<i>Mayco : 2017-07-19</i>	<i>Submitted by Dir:</i>	<i>Com Development & Com Services</i>
<i>Ref no:</i>	<i>7/P/1</i>	<i>Author</i>	<i>Head: Sport & Facilities & Man. Com Serv</i>
<i>Collab:</i>	<i>521198</i>	<i>Referred from:</i>	<i>Com Dev & Com Services: 2017-06-22</i>

5.1.4	REVIEWING OF BURIAL PARKS / CEMETERIES BY-LAW
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1. PURPOSE OF REPORT

The purpose of this report is four-fold, namely:

- (i) To provide for procedures, methods and practices to regulate the burial and exhumation of dead bodies, the provision of grave plots and the maintenance thereof as well as the cremation of dead bodies.
- (ii) To provide a revised By-law relating to Burial Parks/ Cemeteries.
- (iii) To ensure that the way in which the Greater Stellenbosch Municipality controls, manages and develops cemeteries and burial space in the long term of the whole community of the WC024, including future generations; and which clearly defines the rights and obligations of the public in relation to cemeteries and burial spaces; and
- (iv) To provide for procedures, methods and practices to regulate the use and management of cemeteries.

2. BACKGROUND

The Section 80 committee requests the Community Services Department to provide the updated revised By-law relating to Burial Park Cemeteries. See attached.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.1.4**RESOLVED**

that this item be withdrawn.

<i>Meeting:</i>	<i>Mayco: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Com Development & Com Services</i>
<i>Ref no:</i>	<i>1/3/1/3</i>	<i>Author</i>	<i>Head: Parks, Rivers & Area Cleaning</i>
<i>Collab:</i>	<i>521193</i>	<i>Referred from:</i>	<i>Com Dev & Com Services: 2017-06-22</i>

5.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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5.2.1	CENTRALISATION OF THE MANAGEMENT OF THE TOTAL ICT BUDGET FOR ALL ICT PROCUREMENT OF HARDWARE, SOFTWARE, TELECOMMUNICATION AND APPLICATION SYSTEMS
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1. PURPOSE OF THE REPORT

To recommend the consolidation of municipal-wide ICT Capital and Operational expenditure on all ICT hardware, software, telecommunication and application system procurement in order to curb irregular ICT expenditure, improve efficiency, reduce duplication and leverage economies of scale.

2. BACKGROUND

In the past, municipal directorates determined their own requirements and often procured expensive bespoke ICT systems and solutions to meet them. As a result, various directorates have been tied into inflexible and costly ICT solutions which together have created a fragmented ICT estate that impedes the efficiencies created by sharing and re-use. It also prevents the municipality from offering joined-up, modern, digitally-based public services that are suited to local requirements.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.2.1

RESOLVED

That it be recommended to Council:

- (a) that the consolidation and centralised management of all ICT capital and operational expenditure votes/sub-functions of the municipality, for the procurement of all ICT hardware, software, telecommunication and application systems to curb irregular ICT expenditure from various departments, is approved;
- (b) that the system of delegations be amended so that the procurement of all ICT goods and services including, hardware, software, telecommunication and application systems resides with the Director: Strategic and Corporate Services for all votes/sub-functions in the municipality in order for the Director: Strategic and Corporate Services to have signing powers for all ICT related expenditure for all individual votes/sub-functions in the municipality; and
- (c) that all ICT procurement be considered and recommended by the ICT Steering Committee to ensure proper ICT governance.

Meeting: Ref no: Collab:	Mayco: 2017-06-21 7/4/1/1/2 520577	Submitted by Directorate: Author Referred from:	Corp & Strategic Services Manager: ICT
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5.2.2	INFORMATION AND COMMUNICATION TECHNOLOGY POLICIES
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1. PURPOSE OF THE REPORT

The purpose of this report is to seek Council approval for the proposed ICT Policies, attached as **APPENDIX 1**.

2. BACKGROUND

Municipalities are required to update and/or replace all ICT policies.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.2.2

RESOLVED

That it be recommended to Council:

that the following proposed ICT Policies be approved with effect from 1st July 2017:

- a) ICT User Access Management Policy
- b) ICT DR Plan :
 - i) ICT Business Impact Assessment
 - ii) ICT Back and Restore Policy
 - iii) ICT DR Policy
 - iv) ICT DR Strategy
 - v) ICT DR Test Guide
- c) ICT Operating Security Policy
- d) ICT Security Controls Policy
- e) ICT Service Level Agreement Management Policy - External Service Provider
- f) ICT Service Level Agreement Management Policy - ICT and Municipality
- g) ICT Strategy Review for 2016/2017

<i>Meeting:</i>	Mayco: 2017-07-19	<i>Submitted by Directorate:</i>	Corp & Strategic Services
<i>Ref no:</i>	7/4/1/1/2	<i>Author</i>	Manager: ICT
<i>Collab:</i>	520613	<i>Referred from:</i>	Corp & Strategic Serv: 2017-06-05

5.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
5.3.1	APPLICATION FOR DEVIATION FROM THE PROVISIONS OF THE BY-LAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 6074, PROVINSIE ROAD, STELLENBOSCH

1. PURPOSE OF REPORT

To enable the Council to make an informed decision on the waiver from the By-Law Relating to the Control of Boundary Walls and Fences. The application is **recommended for approval**.

2. BACKGROUND

The property owner is applying to erect a boundary wall on the street front of his property which does not comply with the By-Law Relating to the Control of Boundary Walls and Fences. The subject property is located along a collector road for this area and due to the orientation of the property the entertainment area with swimming pool is located on the street side / northern side of the property. A portion of the street side of the property is already screened from the street by a portion of wall which is not located on the erf boundary.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.3.1

RESOLVED

That it be recommended to Council:

that **approval be granted** for the application for deviation from the Bylaw Relating to the Control of Boundary Walls and Fences in order to construct a 2,1m high solid street boundary wall on Erf 6074, Provinsie Avenue, Stellenbosch, as indicated on the attached Drawing No. MUN /01, dated August 13, drawn by Sam Pellissier Architect, subject to the conditions of approval contained in **APPENDIX 1**.

APPENDICES

- Appendix 1 : Conditions of Approval
- Appendix 2 : Locality Plan
- Appendix 3 : Plan
- Appendix 4 : Affected property owners comment
- Appendix 5 : Copy of By-law
- Appendix 6 : Photos of Subject property and Streetscape

APPENDIX 1 FILE NO: 6074

In this approval document:

"Council" means the Stellenbosch Municipality

"the owner" means the registered owner of the property.

"the site" means **ERF 6074 STELLENBOSCH**

"scheme regulation" has the meaning assigned thereto by Ordinance 15 of 1985.

EXTENT OF APPROVAL: Deviation from the Bylaw Relating to the Control of Boundary Walls and Fences in order to construct a 2,1m high solid street boundary wall on Erf 6074, Provinsie Avenue, Stellenbosch, as indicated on the attached Drawing No. MUN /01, dated August 13, drawn by Sam Pellissier Architect, attached as **APPENDIX 3.**

CONDITIONS IMPOSED:

1. The approval applies only to the application for the waiver from the subject by-law in question and shall not be construed as authority to depart from any other legal prescription or requirements of Council;
2. That building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
3. That the boundary wall is to be plastered and painted to the satisfaction of the Building Control Officer;
4. That the existing trees and shrubs located between the erf boundary of the subject property and street are not to be damaged or removed;
5. That the owner of the subject property is responsible for the upkeep of the plants located on the sidewalk;
6. That this Council reserves the right to impose further conditions if deemed necessary.

<i>Meeting:</i>	<i>Mayoral Committee: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Planning and Economic Dev.</i>
<i>Ref no:</i>	<i>6074</i>	<i>Author</i>	<i>D Lombaard</i>
<i>Collab:</i>	<i>522653</i>	<i>Referred from:</i>	

5.3.2	STELLENBOSCH MUNICIPALITY: INVASIVE ALIEN PLANT MANAGEMENT PLAN
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1. PURPOSE OF THE REPORT

To present to Council the Stellenbosch Municipality's Invasive Alien Plants Management Plan for consideration and approval.

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. The Stellenbosch Municipality: Alien Invasive Plants Management Plan (the management plan) was prepared and brought before Council during February 2017 (Council Meeting: 2017-02-22: Item 7.3.1) and resolved as follows:

- (a) *that Council approves the Stellenbosch Municipality: Alien Invasive Plants Management Plan (dated September 2016), attached as **APPENDIX 1**, as Stellenbosch Municipality's invasive alien plants monitoring, control and eradication plan prepared in terms of the National Environmental Management Biodiversity Act (NEMBA), **the plan be advertised for public input and additional inputs be incorporated for final adoption of Council**; and*
- (b) *that the Stellenbosch Municipality: Alien Invasive Plants Management Plan be included as a project in the IDP 2016/17 as well as the 4th generation IDP.*

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.3.2

RESOLVED

That it be recommended to Council:

that Council approves the Stellenbosch Municipality Invasive Alien Plants (AIPs) Management Plan (April 2017), attached as **Annexure 3**, as Stellenbosch Municipality's invasive alien monitoring, control and eradication plan prepared in terms of NEMBA.

Meeting: Ref no: Collab:	Mayoral Committee: 2017-07-19 PL183 521123	Submitted by Directorate: Author Referred from:	Planning and Economic Dev. D Lombaard Council: 2017-02-22
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5.3.3	AMENDMENT OF THE EXISTING CATEGORISATION OF APPLICATIONS, AMOUNTS PAYABLE TO THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL AND APPOINTMENT OF AN ADDITIONAL INTERNAL MUNICIPAL PLANNING TRIBUNAL MEMBER IN TERMS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT NO 16 OF 2013 (SPLUMA)
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1. PURPOSE OF REPORT

To motivate and seek approval from Council to amend the existing decisions (approved in Item 8.6 dated 27 May 2015). Further to propose to Council to appoint an additional Internal Municipal Tribunal Members, to amend the existing categorisation of applications and adjust the remuneration of external Municipal Tribunal member's fees in line with market value.

2. BACKGROUND

During 2015 Council authorised the establishment of a Municipal Planning Tribunal (MPT) for Stellenbosch Municipality (WC024) in line with new planning legislation which include the Spatial Planning and Land Use Management Act No 16 of 2013 (SPLUMA), the Western Cape Land Use Planning Act No 3 of 2014 (LUPA) as well as the Stellenbosch Municipal Land Use Planning By-law (2015).

Council took a series of decisions during 2015 [*Resolution 8.6 dated 27 May 2015 as APPENDIX 1*] and [*item 7.4 (36th Council Meeting dated 25 of November 2015 as APPENDIX 2*] in line with the above mentioned land use planning legislation. Amongst others Council approved the appointment of external public Municipal Planning Tribunal Members, the remuneration for external MPT members, the categorisation of applications, and the appointment of an authorised employee (the Director for Planning and Economic Development) to consider and determine certain applications in line with Council's approved categorisation.

During 2016 not one Municipal Planning Tribunal meeting was conducted, amongst others as a result of the existing categorisation of applications approved by Council.

The purpose of this item is to amend the existing categorisation of applications in terms of SPLUMA, LUPA and the Land Use Planning By-law to amend the remuneration of External Municipal Planning Tribunal Members in line with the SACPLAN professional fees and appoint additional secondi Internal Municipal Planning Tribunal members.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.3.3

RESOLVED

That it be recommended to Council:

- (a) that Council rescind the approved categorisation of applications as per resolutions (g) and (h) of Council Item 8.6 dated 27 May 2015 and replace it with the table below in line with Section 35 of SPLUMA:

NO	APPLICATION TYPE	COUNCIL	Category 1		Category 2
			Municipal Planning Tribunal		(AO/AE)
Actions in terms of Sections 11 and 22 of the Western Cape Land Use Planning Act 2014 and Section 35(3) and 47(2) of the Spatial Planning and Land Use Management Act, 2013					
1.	Approval / amendment of Spatial Development Framework	X			
2.	Approval / amendment of Zoning Scheme	X			
3.	Approval / amendment of an Overlay Zone for the zoning scheme 15(2)(j) of the Land Use By-law read with section 12 &13 of MSA	X			
4.	Title Deed Relaxations to enable minor departure applications SPLUMA 47(2)				X
5.	Categorisation of applications	X			
Application types as per section 15 of the Stellenbosch Municipal Land Use Planning By-law (2015)					
6.	15(2)(a) Rezoning of Land		X OBJECTIONS	X NO OBJECTIONS	
7.	15(2)(b) a permanent departure from the development parameters of the zoning scheme		X OBJECTIONS	X NO OBJECTIONS	
8.	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;		X OBJECTIONS	X NO OBJECTIONS	
9.	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;		X OBJECTIONS	X NO OBJECTIONS	
10.	15(2)(e) a consolidation of land that is not exempted in terms of section 24;			X	
11.	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;		X OBJECTIONS	X NO OBJECTIONS	
12.	15(2) (g) a permission required in terms of the zoning scheme ;			X	
13.	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval ;			X	
14.	15(2) (i) an extension of the validity period of an approval			X	
15.	15(2) (j) an approval of an overlay zone as contemplated in the zoning scheme ;	X			
16.	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;			X	
17.	15(2)(l) a permission required in terms of a condition of approval ;			X	
18.	15(2)(m) a determination of a zoning ;			X	
19.	15(2)(n) a closure of a public place or part thereof;		X OBJECTIONS	X NO OBJECTIONS	
20.	15(2)(o) a consent use contemplated in the zoning scheme;		X OBJECTIONS	X NO OBJECTIONS	
21.	15(2)(p) an occasional use of land ;			X	
22.	15(2)(q) to disestablish a home owner's association			X	
23.	15(2)(r) to rectify a failure by a home owner's association to meet its obligations			X	

	in respect of the control over or maintenance of services;			
24.	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.			X
25.	15(2)(6) When the Municipality on its own initiative intends to conduct land development or an activity contemplated in subsection (2), the decision on the application must be made by the Tribunal in accordance with this Chapter and Chapter IV and no official may be authorised to make such a decision.		X	
26.	15(2)(l) Amendment of Site Development Plan			X
27.	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines			X

Note: "OBJECTIONS" above refer only to submissions indicating objection to the proposed development / activity and not comment submitted with proposed conditions and mitigation measures.

- (b) that Council amend resolution e (ii) of Council Item 8.6 dated 27 May 2015 in line with SACPLAN professional fees (Category B) from R300.00 per hour to R 1 000, 00 per hour to a maximum remuneration equal to five hours per meeting. The appointed External Municipal Planning Tribunal Members meets the criteria of SACPLAN Categories B as their expertise are of private consulting firm in practice standard whom have adequate expertise and relevant experience to perform the work of a planning nature and whom can carry the direct technical responsibility for one or more specific activities;
- (c) that Council amend resolution f of Council Item 8.6 dated 27 May 2015 to expand the internal members from 3 internal MPT members to 6 by appointing additional 3 secondi members whom include:
1. The Environmental Planner
 2. Head of Transport
 3. Manager: Integrated Development Planning; and
- (d) that Council authorise and delegate the Municipal Manager to appoint Internal Municipal Planning Tribunal Members fulfilling the designations in accordance with the requirements set in the Land Use Planning By-law (2015), the Land Use Planning Act (2014), and the Spatial Planning and Land Use Planning Act (2013).

<i>Meeting:</i>	<i>Mayco: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>1/1/1/40</i>	<i>Author</i>	<i>SPLUMA Compliance Officer</i>
<i>Collab:</i>	<i>522651</i>	<i>Referred from:</i>	

5.3.4	STELLENBOSCH RIVER STEWARDSHIP ACTION: EXPANDED PUBLIC WORKS PROJECT
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1. PURPOSE OF THE REPORT

To request Council to approve the deployment of Expanded Public Works Project (EPWP) employees as required for work done in terms of the Stellenbosch River Stewardship Action.

2. BACKGROUND

Stellenbosch Municipality (the Municipality) recognizes the fundamental importance of addressing the key aspects of environmental enhancement and human development as key requirements for a sustainable future. Accordingly, the Municipality, by means of its IDP (Integrated Development Plan), SDF (Spatial Development Framework) and, in particular, the compilation of the SEMF (Stellenbosch Environmental Management Framework) strives to give effect to a vision of a sustainable society and a sustainable environment, and innovative strategies that serve this vision.

The above vision and concomitant actions are premised on the recognition that such actions cannot be carried out by the Municipality alone – it is a broad responsibility and task that calls for effective partnerships between all concerned. Accordingly, the Municipality, in collaboration with key economic sectors and the broad community have embarked on a public-private-community partnership aimed at restoring and protecting the health of the rivers in the municipal area. This initiative is referred to as the Stellenbosch River Stewardship Action. This was done after the 35th Council Meeting (2015-10-28: Item 7.5) resolved (**APPENDIX 1**):

that Council acknowledge the Stellenbosch River Stewardship Action initiative described above as well as the Position Paper attached (Annexure 2) and express support for the initiative before the private sector is formally approached to take up stewardship in terms of the initiative.

The River Stewardship Action is essentially a 'social pact' in terms of which local government, community, corporate and other private interests, share responsibility for coordinating and executing best-practice river rehabilitation and maintenance activities. The Stellenbosch River Stewardship Action was formulated and developed in a spirit of institutional integration, integrated planning, and cooperative governance. The Stellenbosch River Stewardship Action initiative responds to the objective of the Stellenbosch Municipality River Business Plan, 2011 namely...*to extend/transfer 'ownership' of the natural resource by forming sustainable partnerships with business, interested and affected groups and jointly taking care of river health.*

The key commitment of all involved in the Stellenbosch River Stewardship Action is to contribute to restoring and maintaining the **integrity of the environment**, which is defined as the '**wholeness**' of the environment.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.3.4**RESOLVED****That it be recommended to Council:**

- (a) that Council support and approve the deployment of Expanded Public Works Project employees for work done in terms of the Stellenbosch River Stewardship Action;
- (b) that Council approve the application form for clearing assistance (**APPENDIX 3**) as the document through which clearing assistance is applied for and considered by the Directorate: Community and Protection Services;
- (c) that the above deployment of Expanded Public Works Project employees is subject to the completion and successful consideration of the application form for clearing assistance; and
- (d) that the Director: Community and Protection Services be authorised to provide final approval for municipal assistance, by way of signing the application form for clearing assistance.

<i>Meeting:</i>	<i>Mayco: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>15/10</i>	<i>Author</i>	<i>D Lombaard</i>
<i>Collab:</i>	<i>521377</i>	<i>Referred from:</i>	

5.3.5	APPLICATION FOR ADMISSION OF GUILT FINES IN TERMS OF THE CRIMINAL PROCEDURE ACT NO 51 OF 1997 IN RESPECT OF CONTRAVENTIONS IN TERMS OF THE LAND USE PLANNING BY-LAW (2015) AND NON-COMPLIANCE WITH THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARD ACT 103 OF 1977
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1. PURPOSE OF REPORT

To seek in-principle approval from Council to give legal effect to the Land Use Planning By-law (2015) and National Building Regulations and Building Standards Act 103 of 1977 to apply at the Magistrate Courts (Stellenbosch and Paarl) to impose admission of guilt fines in terms of the Criminal Procedure Act No 51 of 1997.

2. BACKGROUND

Both the Land Use Planning By-law (2015) and the National Building Regulations and Building Standards Act 103 of 1977 grant local municipalities the authority to manage and regulate land use and building work to meet a minimum set of criteria as set in the aforementioned legislation. In order to promote a safe and harmonious built environment enforcement plays a key role in the regulation of unauthorised land use or building work.

2.1 Illegal Land Use in terms of Section 87 of the Land Use Planning By-law (2015):

Section 85 stipulates the process and procedures for Enforcement which obligates the municipality to comply and enforce:

- the provisions of the Land Use Planning By-law (2015);
- the provisions of a zoning scheme (s);
- conditions imposed in terms of Land Use Planning By-law (2015) or previous planning legislation (Land Use Planning Ordinance of 1985); and
- title deed conditions.

Moreover, in section 86(4) the by-law states that the Municipality **must** adopt fines to be imposed in the enforcement of this By-law.

At this point in time, Stellenbosch Municipality is not in the position to legally impose fines for illegal land use to ensure good governance and to promote a safe harmonious built environment. The Proposed schedule of admission of guilt fines for illegal land uses in terms of the applicable zoning schemes etc. is included in the memorandum as **APPENDIX 1**.

2.2 Admission of Guilt Fines in terms of the National Building Regulations and Building Standards Act 103 of 1977:

As per attached **APPENDIX 2** the Magistrate Court of Paarl approved a schedule of fines in Column 2 on 11 November 2008. As per motivation mentioned in section 2 above, the same offence are proposed as contained in **APPENDIX 3**.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.3.5**RESOLVED****That it be recommended to Council:**

That Council authorise the Director: Planning and Economic Development to:

- (i) Approach the Magistrate Courts of Stellenbosch and Paarl to apply for admission of Guilt Fines in terms of the Criminal Procedure Act No 51 of 1997 for illegal land use in contravention with the Land Use Planning By-Law (2015) with proposed fines as set out below:

Section Contravened	Description of Offence	First Time Offender admission of guilt penalty	Second Time offender	Non Compliance after two attempts Imprisonment not exceeding 5 years or / and Referral to the High Court
S15(1)	Commencing, continuing, or causing the commencement or continuation of land development, other than the subdivision or consolidation of land referred to in section 24, without the approval of the Municipality in terms of Subsection (2)	R 5000.00	Appearance in Court	✓
S15(5)	Not complying with the conditions of approval and applicable provisions of a zoning scheme while exercising a use right granted in terms of an approval.	R 5000.00	Appearance in Court	✓
S20(1)	Subdividing land without the approval of the Municipality in terms of section 15(2) on land which the subdivision is not exempted in terms of section 24.	R 5000.00	Appearance in Court	✓
S21(4)	Constructing a building or structure on a land unit forming part of a subdivision which is not confirmed as contemplated in subsection (1) or which construction was not approved by the Municipality before the confirmation of the subdivision.	R 5000.00	Appearance in Court	✓
S31(1)	Consolidating land without the approval of the Municipality in terms of section 15(2) which consolidation is not exempted in terms of section 24.	R 5000.00	Appearance in Court	✓
S59(3)	Interfering with a person referred to in subsection (1) who is conducting an inspection in terms of subsection (1).	R 5000.00	Appearance in Court	✓
S62(2)	Providing information or making a false statement by an agent in support of an application while knowing or believing the information or statement to be misleading, false or inaccurate.	R 10 000.00	Appearance in Court	✓
S86(1)(b)	Utilizing land in a manner other than prescribed by a zoning scheme without the approval of the Municipality.	R 5000.00	Appearance in Court	✓

S86(1)(c)	Failing to transfer all common property arising from a subdivision to the owner's association upon the registration of the first land unit arising from a subdivision.	R 5000.00	Appearance in Court	✓
S86(1)(d)	Supplies particulars, information or answers in an application, or in an appeal against a decision on an application, or in any documentation or representation related to an application or an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.	R 5000.00	Appearance in Court	✓
S86 (e)	Falsely professing to be an authorised employee or interpreter or assistant of an authorised employee.	R 5000.00	Appearance in Court	✓
S86(f)	Hindering or interfering with an authorised employee in the exercise of any power or performance of any duty of that employee.	R 5000.00	Appearance in Court	✓
S86(2)	An owner who permits his or her land to be used in a manner set out in subsection (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to contravene the zoning scheme.	R 5000.00	Appearance in Court	✓
S86(1)(b)	Utilizing land in a manner other than prescribed by a zoning scheme without the approval of the Municipality.	R 5000.00	Appearance in Court	✓
S88(2)	Failing to comply with a compliance notice within the period stated in the notice.	R 10 000.00	Appearance in Court	✓

- (ii) Approach the Magistrate Courts of Stellenbosch and Paarl to apply for admission of Guilt Fines in terms of the Criminal Procedure Act No 51 of 1997 for contraventions against the National Building Regulations and Building Standards Act 103 of 1977 by replacing the previous approval dated 18/11/2008 (**APPENDIX 2**) with the schedule set out below:

National Building Regulations and Building Standards Act 103 of 1977				
Section	Description of Offence	First Time Offence admission of guilt Penalty	Second Time offender	Non Compliance after two attempts Imprisonment not exceeding 5 years or / and Referral to the High Court
4(4)	Building without approved building plan.	R 1 700.00	Appearance in Court	✓
10(2)	Building in contravention of a notice prohibiting any building work	R 10 000.00	Appearance in Court	✓

12(6)	Failure to demolish, alter or safeguard.	R 900.00	Appearance in Court	✓
14(3)	Submit false certificate or issuing thereof.	No Admission of guilt	No Admission of guilt	✓
14(4)(a)	Occupy or use of building without occupation certificate.	R 1 700.00	Appearance in Court	✓
15(2)	Preventing a building control officer in the execution of his/her duties.	R 2 600.00	Appearance in Court	✓
19(2)	Prohibition on the use of certain building methods and materials.	R 1 700.00	Appearance in Court	✓
A2(6)(f)	Submit false or misleading information.	No Admission of guilt	No Admission of guilt	✓
A15(5)	Failure to maintain, safeguard or service installation.	R 1 700.00	Appearance in Court	✓
A17(4)	Illegal or withdrawn certificate of identity	No Admission of guilt	No Admission of guilt	✓
A10(5)	Failure to Supervise and/or control plumbing work.	R 900.00	Appearance in Court	✓
A22(4)	Failure to give notice of intention to commence erection or demolition of a building.	R 1 700.00	Appearance in Court	✓
A25(2)	Use of a building for a purpose other than the purpose shown on approved plans.	R 3000.00	Appearance in Court	✓
A25(5)	Deviation from approved building plan.	R 1 700.00	Appearance in Court	✓
A25(11)	Failure to comply with any provision of or any notice issued in terms of Regulation A25 General Enforcement.	R 10 000.00	Appearance in Court	✓
D4(2)	Failure to safeguard a swimming pool.	R 1 700.00	Appearance in Court	✓
E1(1)	Failure to apply for written permission for demolition.	R 1 700.00	Appearance in Court	✓
E1(3)	Failure to safeguard demolition work.	R 2 600.00	Appearance in Court	✓
F1(6)	Failure to comply with any provisions of or any notice issued in terms of Regulation F1 Protection of the public.	No Admission of guilt	No Admission of guilt	✓
F6(3)	Failure to control dust and noise.	R 1 700.00	Appearance in Court	✓
F7(5)	Failure to comply with any provision of or any notice issued in terms of Regulation F6 regarding the Cutting into laying open and demolishing certain work.	R 2 600.00	Appearance in Court	✓
F8(2)	Failure to comply with a notice to remove waste material on site.	R 900.00	Appearance in Court	✓

F9(2)	Failure to comply with any provision of or any notice issued in terms of Regulation F9 Cleaning of site.	R 900.00	Appearance in Court	✓
F10(7)	Failure to comply with any provision of or any notice issued in terms of Regulation F10 Builder's, sheds.	R 1700.00	Appearance in Court	✓
G1(3)	Failure to obtain the local authority's written authority to excavate where the safety and stability of any property is likely to be impaired by such excavation or where the excavation is likely to be more than 3m or where having obtained the local authority's written authority failure to comply with the conditions of the written authority.	R 10 000.00	Appearance in Court	✓
G1(4)	Failure to give the local authority 7 days' notice of any excavation that may impair the safety or stability of any property or service.	R 1700.00	Appearance in Court	✓
F11(2)	Failure to comply with any provision of or any notice issued terms of Regulation F11 Sanitary facilities.	R 900.00	Appearance in Court	✓
P1(5)	Failure to comply with any provision of or any notice issued in terms of Regulation P1 Compulsory drainage of building.	R 900.00	Appearance in Court	✓
P3(4)	Prohibition on discharge from swimming pools, fountains or reservoirs.	R 900.00	Appearance in Court	✓
P3(5)	Failure to comply with any provision of or any notice issued in terms of Regulation P3 Control of objectionable discharge.	R 3000.00	Appearance in Court	✓
P4(2)	Failure to comply with any provision of or any notice in terms of Regulation P4 Industrial effluent.	R 3000.00	Appearance in Court	✓
P5(4)	Failure to comply with any provision of or any notice in terms of Regulation P5 Disconnections.	R 900.00	Appearance in Court	✓
P6(2)	Failure to comply with any provision of or any notice issued in terms of Regulation P6 Unauthorized any drainage work.	R 1700.00	Appearance in Court	✓
P7(4)	Failure to comply with any provision of or any notice issued in terms of Regulations P7 Inspection and testing of drainage installations.	R 1700.00	Appearance in Court	✓
T2(2)	Obstructing or causing to be obstructed of an escape route.	R 1700.00	Appearance in Court	✓
T2(1)	Failure to make and maintain adequate provision in terms of the requirements of Regulation T1(1)(e) or failure to comply with relevant SANS 10105 specifications.	R 1700.00	Appearance in Court	✓

- (iii) To authorise the Director: Planning and Economic Development to pursue a special vote number from the Department: Finance where the fines can be paid; and
- (iv) Authorise the Law Enforcement Officers to serve compliance notices on behalf of the Stellenbosch Municipality as identified and levied by the Manager: Land Use and Manager: Building Development reporting to the Director: Planning and Economic Development.

<i>Meeting:</i>	<i>Mayco: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>12/8</i>	<i>Author</i>	<i>Manager: Land Use</i>
<i>Collab:</i>	<i>522654</i>	<i>Referred from:</i>	

5.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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5.4.1	MONTHLY FINANCIAL STATUTORY REPORTING: SECTION 71
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1. PURPOSE OF REPORT

To comply with the requirements of Section 71 of the Municipal Finance Management Act Nr.56 of 2003, by reporting on the state of the Municipality's budget.

2. BACKGROUND

The Monthly Budget Monitoring Report for 01 April 2017 until 30 April 2017 is attached as **APPENDIX 1**.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.4.1

RESOLVED

that the Monthly Budget Monitoring Report, be noted.

<i>Meeting:</i>	<i>Mayco: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Financial Services</i>
<i>Ref no:</i>	<i>8/1Finance</i>	<i>Author</i>	<i>CFO</i>
<i>Collab:</i>	<i>521341</i>	<i>Referred from:</i>	

5.4.2	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FROM 01 MAY UNTIL 30 MAY 2017
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1. PURPOSE OF REPORT

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 4.36.2 of the Supply Chain Management Policy 2016/2017.

2. BACKGROUND

Reporting the deviation as approved by the Accounting Officer for the period of 01 May 2017 until 30 May 2017. The following deviations were approved with the reasons as indicated below:

Deviation Number	Contract Date			Name of Contractor	Contract Description	Reason	Total Contract Price R
D/SM 44/17	03	5	2017	NOKHALA CLEANING SERVICES	Slabtown Fire 31 March 2017	Provision of food to individuals of Slabtown. 35 Individuals were left being destitute due to Slabtown fire.	R17600.00 vat incl.
D/SM 48/17	12	5	2017	PARONE TRADING	Appointment of service provider for the immediate repair of the roof at Van der Stel sports facilities.	Van Der Stel Sport Facilities roofs were identified to be upgraded as a project that overlapped from financial year 2016/17.	R73712.40 vat incl.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.4.2

RESOLVED

That it be recommended to Council:

that the deviations as listed above, be noted.

<i>Meeting:</i>	<i>Mayco: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Financial Services</i>
<i>Ref no:</i>	<i>8/1Finance</i>	<i>Author</i>	<i>CFO</i>
<i>Collab:</i>	<i>521340</i>	<i>Referred from:</i>	

5.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOBE)
5.5.1	PROPOSED TRANSFER OF PORTION 1 OF FARM No 1006, STELLENBOSCH FROM CAPE WINELANDS DISTRICT MUNICIPALITY TO STELLENBOSCH MUNICIPALITY IN ORDER TO FACILITATE THE IMPLEMENTATION OF THE GROOT DRAKENSTEIN / MEERLUST RURAL HOUSING PROJECT

1. PURPOSE OF REPORT

For Council to consider the transfer of Portion 1 of Farm 1006, Stellenbosch, located within the Stellenbosch Municipality's area of jurisdiction from the Cape Winelands District Municipality (CWDM) to Stellenbosch Municipality (SM) for the purposes of completing the planning and implementation of the Groot Drakenstein / Meerlust Rural Housing Project.

2. BACKGROUND / STATUS QUO

2.1 Meerlust Settlement: CapeNature

According to a Heritage Impact Assessment prepared in September 2015 for Cape Saw Mills (currently Cape Pine), during the 1930's, 63% of state-owned forests were in the Western Cape, with 38% in the Boland Region. Forestry station communities were established near the major plantations, including Maasdorp, Meerlust Bosbou and Groot Drakenstein.

As a result of the decline of the forestry industry in the late 1900's and the deproclamation of state forests in 1994, forestry operations at Meerlust were discontinued. Immediately prior to the signing of an agreement between Stellenbosch Municipality and NDPW in 2007, Meerlust Forest Village was managed by CapeNature on behalf of NDPW and the houses and other related buildings on the property (Portion 1 of Farm 1006) was occupied by tenants in terms of Lease Agreements concluded with CapeNature. By the time of the signing of the agreement with Stellenbosch Municipality, however, CapeNature was no longer providing any services to the tenants.

2.2 Upgrading of services by Cape Winelands District Municipality (CWDM)

Cape Winelands District Municipality (then Boland District Municipality), who was at the time the responsible local authority, upgraded services in the 1990's in consultation with the National Department of Public Works. Only internal services were upgraded and the planning processes (EIA, etc.) for a sewerage connection were initiated.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.5.1**RESOLVED****That it be recommended to Council:**

- (a) that Council re-confirm its commitment to take over the management of Meerlust as per the April 2007 agreement between Stellenbosch Municipality and National Department of Public Works attached hereto as **Annexure B** until such time as the property, being Portion 1 of the Farm Meerlust No 1006, Stellenbosch, is transferred to Stellenbosch Municipality;
- (b) that Council take over the Groot Drakenstein / Meerlust Rural Housing Project from Cape Winelands District Municipality and by implication ownership of Portion 1 of Farm Meerlust No 1006, Stellenbosch;
- (c) that, in order for Stellenbosch Municipality to proceed with the planning and implementation of the Groot Drakenstein / Meerlust Rural Housing Project and subsequent township establishment process, the Municipal Manager be authorized to approach the National Department of Public Works with the view of obtaining a Power of Attorney, authorising Stellenbosch Municipality, *inter alia*, to proceed with the planning and implementation of the project;
- (d) that, following the issuing of such a Power of Attorney, the Municipal Manager be authorised to conclude a Memorandum of Agreement with the National Department of Public Works and/or the Cape Winelands District Municipality for the transfer of the property to Stellenbosch Municipality; and
- (e) that, following the issuing of such a Power Attorney, the Municipal Manager be authorised to call for development proposals from prospective developers and to conclude an agreement with the successful bidder for the planning and implementation of the project.

<i>Meeting:</i>	<i>Mayco: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Human Settlements</i>
<i>Ref no:</i>		<i>Author</i>	<i>Manager: Property Management</i>
<i>Collab:</i>	<i>501437</i>	<i>Referred from:</i>	<i>Human Sett Committee: 2017-06-12</i>

5.5.2	PROPOSED NEW BY-LAW RELATING TO OUTDOOR DINING, TRADING AND THE USE OF PUBLIC PLACES FOR COMMERCIAL VENTURES AND DISPLAY
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1. PURPOSE OF REPORT

To consider the adoption of a new By-Law relating to Outdoor Dining, Trading and the use of Public Places for commercial ventures and display, thereby replacing the current policy.

The purpose of the by-law is to:

- a) inform and advise businesses of the requirements when applying for outdoor dining wherever feasible and appropriate throughout the municipal area;
- b) provide a framework for the issue and management of Outdoor Dining Permits on public road reserves and municipal land within the municipal area;
- c) further strengthen Stellenbosch Municipality's direction in promoting an active, healthy and vibrant urban environment; and
- d) to provide for penalties, when committing offences.

2. BACKGROUND

2.1 Policy relating to Outdoor Dining, Trading and the use of public places for commercial ventures and display

During 2009 Council approved a Policy relating to Outdoor Dining and related issues. Following the approval of the policy, businesses making use of road reserves for outdoor dining were informed of the new policy, and were requested to apply for the necessary permits.

A tariff structure was also approved by Council.

Over the years, a number of issues were highlighted as being deficient:

- a) Lack of power to act against perpetrators*;
- b) Lack of guidelines regarding urban design and assessment criteria.

*The municipality had to rely on the old Municipal Ordinance 20/1974), dealing with encroachments, and on the National Road Traffic Act (93 of 1996).

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.5.2

RESOLVED

that this item be withdrawn for further refinement of the Policy.

Meeting:	Mayco: 2017-07-19	Submitted by Directorate:	Human Settlements
Ref no:		Author	Manager: Property Management
Collab:	507063	Referred from:	Human Sett Committee: 2017-06-12

5.5.3	UTILISATION OF A PORTION OF THE WEMMERSHOEK COMMUNITY HALL AS AN EARLY CHILDHOOD DEVELOPMENT FACILITY (CRECHE)
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1. PURPOSE OF THE REPORT

To obtain the necessary authorization to start a process of making a portion of the Wemmershoek Community Hall available (through a public competitive process) for the purpose of an ECD facility.

2. BACKGROUND

Hereto attached as **APPENDIX 1** a copy of a memo received from the Manager: Community Services, recommending that a portion of the Wemmershoek Community Hall be made available to be leased as an ECD facility. This memo followed an investigation into the need for such a facility in the specific community.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.5.3**RESOLVED****That it be recommended to Council:**

- (a) that the property in question be identified as property not needed/required for the municipality's own use;
- (b) that the Administration be authorised to follow a public competitive process (Call for Proposal), with the view of awarding rights to a bidder to use/develop the property as a ECD facility, based on a 1-year lease agreement;
- (c) that the minimum lease be determined at 20% of market value (to be determined by an independent valuer); and
- (d) that the Municipal Manager be authorised to develop/approve the evaluation criteria, as to ensure that preference be given to local, previously disadvantaged people with the necessary skills and experience to manage such a facility.

<i>Meeting:</i>	<i>Mayco : 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Human Settlements</i>
<i>Ref no:</i>	<i>7/2/1/1</i>	<i>Author</i>	<i>Manager: Property Management</i>
<i>Collab:</i>	<i>518729</i>	<i>Referred from:</i>	<i>Human Sett Committee: 2017-06-12</i>

5.5.4	APPLICATION FOR THE AWARDING OF LONG TERM RIGHTS (LEASE AGREEMENT) TO THE WESTERN CAPE GOVERNMENT IN RELATION TO PORTION 17 OF FARM 1064, PAARL
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1. PURPOSE OF THE REPORT

The purpose of this report is two-fold, i.e.

- a) To obtain approval for the conclusion of a long-term lease agreement with the Western Cape Government in relation to the use of a portion of Portion 17 of Farm 1064, Administrative District of Paarl (Franschhoek); and
- b) To authorise the Municipal Manager to sign the necessary documents to effect such lease.

2. BACKGROUND

2.1 Berg River Implementation Plan (BRIP)

The Western Cape Government, through the Provincial Cabinet, endorsed and approved the BRIP in November 2012, a transversal framework which promotes collaboration for the enhanced protection and preservation of environmental resources. The Provincial Department of Environmental Affairs and Development Planning (DEA & DP) was given the role of leading with the implementation of the plan, given the mandate to work in collaboration with all stakeholders, to ensure that the environment is conserved for future generations.

The BRIP constitutes six prioritized tasks, assigned to the respective provincial departments to work with national departments, district and local municipalities for implementation and delivery on the required objectives. One of the six task identifies the action required to mitigate the impact of stormwater, specifically from areas in which informal settlements are present, on the water quality of the Berg River Catchment.

2.2 Identification of the Langrug site/project: Genius of Space

The Langrug Informal Settlement, outside Franschhoek, was one of the sites selected based on the advanced state of the community structure through work undertaken by community based NGOs and Stellenbosch Municipality. The aim of the project is to develop and showcase innovative, alternative and greening solutions to manage the disposal of grey water disposal and management options for small scale stormwater treatment. The project, Genius of Systems for People's Access to a Clean Environment (SPACE), is now within its second year to pilot and trial new options for managing these waste flows and provide opportunities for socio-economic upliftment.

2.3 Co-operative Agreement

On 15 January 2016 Stellenbosch Municipality and the Western Cape Government, via its Department of Environmental Affairs & Development Planning (DEA&DP), concluded a Co-operation

agreement. In terms hereof the parties to the agreement undertook to collaborate with each other in good faith for the purpose of enabling the successful realization of the BRIP, within the jurisdiction area of the Municipality, more specifically in the Franschhoek Valley. A copy of the Co-operation Agreement is attached as **APPENDIX 1**.

2.4 Further Developments/research

According to DEA&DP it soon became evident that the Genius of Space project, while novel and innovative in its approach, does not fully address and mitigate the impact of stormwater flows from Langrug, to immediately address this impact the opportunity presented through the decommissioning of the Franschhoek Waste Water Treatment Works (WWTW), was presented to investigate the potential of utilizing the site to implement a bioremediation (i.e. biological filtration) system for the management, storage and treatment of contaminated stormwater and the possibility of improving the quality of the Stiebeuel River, which flows through the site, into the Franschhoek River, a tributary of the Berg River. Through the completion of the initial phase of the Design and Development of a Bioremediation Technology at Franschhoek Wastewater Treatment Works (WWTW) in 2013/14, with input and support from the Stellenbosch Municipality, a proposal was conceptualized for the development of the proposed bioremediation technology. The technology aims to mimic the natural hydrological cycle, through a number of sequential interventions in the form of a “treatment train” for the effective management of stormwater run-off quantity and quality using biological based systems. This is different to conventional drainage systems, which primarily focus on reducing the risk of floods and largely ignoring the need for managing or improving water quality and the associated roles of amenity and biodiversity. Conventional systems also often have an adverse impact on flooding within the wider scope of the catchment, ignoring the potential for the management and re-use of stormwater as a resource.

2.5 The proposed water Hub

Following on from the initial investigation into the possible use of the Franschhoek WWTW, a tender was advertised by the DEA&DP requiring the services of a professional team to research, design and develop a plan for implementation to achieve an integrated approach for the development of the Water Hub on the site with continued support from Stellenbosch Municipality. The appointment of a service provider was undertaken toward the end of 2014, through a formal tender process.

The main aim of the project is to reduce water pollution load, while promoting research in alternative bioremediation methodologies for the treatment and management of stormwater systems to improve water quality and ecosystem functioning in the Berg River. The facility would also aim to link activities with the provision of opportunities for recreation and education, whilst promoting opportunities for replication, sustainable growth and economic development in the Province. The project is intended as a medium to long term intervention, in relation to long term sanitation and infrastructure interventions planned for the area in other projects currently undertaken by Stellenbosch Municipality and the Western Cape Government, to improve water quality in the Berg River.

Through integrating the bioremediation technology and the establishment of the Water Hub, an important opportunity is presented for the development of skills through research and development aligning with value of Stellenbosch Municipality being promoted as the Innovation Capital. Furthermore, there is significant economic potential through the opportunities for job creation within the education, maintenance and operation of sustainable infrastructure for the management and treatment of stormwater and wastewater.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.5.4

RESOLVED

That it be recommended to Council:

- (a) that a portion of Portion 17 of Farm 1064, Paarl, measuring ± 2.567 ha in extent as indicated on Fig 3 (*supra*), be determined to be surplus to the municipality's requirements;
- (b) that the land under consideration be made available to the Western Cape Government, free of charge, for the purpose of developing a Water Hub, as more fully described in their application for a period of 30 years, with an option to renew, subject thereto that:-
 - i) all permanent improvements become the property of Stellenbosch Municipality at the expiring of the agreement;
 - ii) the Western Cape Government be responsible for rates and taxes and the use of services, as if they are the owners of the property;
 - iii) should the property no longer be used for the purpose of a Water Hub, the Lease Agreement be terminated;
 - iv) the Western Cape Government attend to the formal decommissioning of the old WWTP on behalf of Stellenbosch Municipality, but for their account;
 - v) the Western Cape Government take full responsibility for securing the premises;
 - vi) should it become necessary to upgrade any bulk infrastructure, it be for the account of the Western Cape Government;
 - vii) that preference be given to residents of the Municipal area, when considering work opportunities and/or bursaries; and
- (c) that the Municipal Manager be authorized to sign the Lease Agreement on behalf of the municipality.

Meeting:	Mayco: 2017-07-19	Submitted by Directorate:	Human Settlements
Ref no:	7/2/1/1	Author	Manager: Property Management
Collab:	518731	Referred from:	Human Sett Committee: 2017-06-12

5.6	INFRASTRUCTURE: (PC: CLLR J DE VILLIERS)
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5.6.1	STELLENBOSCH TRANSIT ORIENTED DEVELOPMENT (TOD) PROJECT
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1. PURPOSE OF REPORT

To inform Council of the progress of the Transit Oriented Development (TOD) project.

2. BACKGROUND

The Directorate: Engineering Services and the Directorate: Planning and Economic Development jointly developed a proposal regarding a Transit Oriented Development (TOD) as a potential contributory solution to the towns transport problems, while also contributing to economic growth, local economic development, social inclusion, etc.

Stellenbosch is experiencing some of the worst traffic congestion compared to other towns of its size. Most intersections in Stellenbosch are functioning beyond their capacity and the continued and unsustainable creation of roadway capacity should not be the only solution to the problem. Stellenbosch is at the same time continuing to experience a demand for more development and more specifically middle income housing and student accommodation, which are major contributors to the traffic congestion being experienced.

Royal Haskoning DHV has been appointed to develop a TOD. The first draft of the TOD has been submitted in 2015.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.6.1

RESOLVED

That it be recommended to Council:

that Council takes note of the progress on the Transit Oriented Development (TOD) project.

<i>Meeting:</i>	Mayco: 2017-07-19	<i>Submitted by Directorate:</i>	Engineering Services
<i>Ref no:</i>	8/1/Engineering Services	<i>Author</i>	Manager Transport
<i>Collab:</i>	521821	<i>Referred from:</i>	Infrastructure Committee: 2017-06-30

5.6.2	STELLENBOSCH TRANSPORT WORKING GROUP: STATUS REPORT
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1. PURPOSE OF REPORT

To inform Council of the status of the Transport Working Group (TWG).

2. BACKGROUND

The Transport Working Group was established to discuss and consult on transport related matters with the affected role-players. The Working Group reports to the Engineering Portfolio Committee. The last meeting was held in May 2016, when the previous Manager; Transport Roads and Stormwater resigned. No Transport Working Group meetings were held since May 2016.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.6.2

During deliberation on this item the Director: Engineering Services was requested to relook the composition and membership of the Transport Working Group, and to advise accordingly.

RESOLVED

That it be recommended to Council:

that the status of the Transport Working Group and minutes of the last Transport Working Group meeting held on 5 May 2016, be noted.

<i>Meeting:</i>	<i>Mayco: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Engineering Services</i>
<i>Ref no:</i>	<i>8/1/Engineering Services</i>	<i>Author</i>	<i>Manager: Transport</i>
<i>Collab:</i>	<i>521822</i>	<i>Referred from:</i>	<i>Infrastructure Committee: 2017-06-30</i>

5.6.3	3RD GENERATION INTEGRATED WASTE MANAGEMENT PLAN (IWMP) NOT SERVING AT COUNCIL BY JUNE 2017, AS PER PERFORMANCE AGREEMENT
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1. PURPOSE OF REPORT

To inform Council of the reason the 3rd Generation Integrated Waste Management Plan will not serve at the June 2017 Council Meeting for final approval.

2. BACKGROUND

The Solid Waste Management Department requested the services of GreenCape to draft the 3rd Generation Integrated Waste Management Plan (IWMP) in 2015 in order to have a final deliverable in place by June 2017. Although Provincial Government Western Cape's Department: Environmental Affairs & Development Planning did not call for the drafting of this document as at the time of writing this report, Stellenbosch Municipality decided to commence with this prior to the announcement due to its critical airspace shortage and needed to plan for immediate measures to protect and extend the existing airspace at the Devon Valley Landfill Site. The second reason for drafting the document prior to the call was in order to align it to the 4th Generation Integrated Development Plan (IDP) for 2017-2022, which is how it is intended to function in terms of budgetary alignment.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.6.3

RESOLVED

That it be recommended to Council:

- (a) that Council notes that the 3rd Generation Integrated Waste Management Plan will not serve at Council until the potential additional airspace has been included in the plan;
- (b) that GreenCape make the necessary amendments and that the document serves for public participation before it is finalised; and
- (c) that the Final 3rd Generation Integrated Waste Management Plan (IWMP) serves at Council in October 2017 for approval.

Meeting:	Mayco: 2017-07-19	Submitted by Directorate:	Engineering Services
Ref no:	8/1/Engineering Services	Author	Manager: Solid Waste
Collab:		Referred from:	Infrastructure Committee: 2017-06-30

5.6.4	WATER SERVICES BY-LAW
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1. PURPOSE OF REPORT

To request approval from Council to finally approve the Water Services By-Law and to approve the introduction of Section 184 of Ordinance 20 of 1974 to enable the Municipality to control water restrictions until the new Water Services By-Law has been promulgated.

2. BACKGROUND

In June 2005 the By-laws in use by Stellenbosch Municipality were taken from the MODEL BY-LAWS PACK - Model Credit Control and Debt Collection By-laws and Model Water Services By-laws issued by the Department of Water and Sanitation. Although these By-laws were adopted by resolution of Council of Stellenbosch in 2008, they were never gazetted.

In 2015 some work was done to assess the existing By-laws that are in use by the Stellenbosch Municipality(SM). The report was submitted in June 2015.

In this 2015 report, the Project Team determined that the Draft By-laws that were accepted by Stellenbosch and approved of by Stellenbosch Council in 2008 were comprehensive, covering the full spectrum of regulation necessary for managing and protecting the sewerage reticulation system and the wastewater treatment works.

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.

A Specialist Consultant, GE McConkey (Pr.Sci.Nat) was appointed to do an assessment of the existing By-laws and to determine whether the By-laws are still applicable and valid for Stellenbosch Municipality. (Report is attached as **APPENDIX 1A**).

The draft Water Services By-Law was submitted to Council on the 4th Council Meeting on 23/11/2016 and Council resolved (nem con) that:

- a) *that the attached Draft Water Services By-law be supported by Council in principle;*
- b) *that the proposed Draft By-law be duly advertised for public comment until the end of February 2017, and be re-submitted together with any comments/ objections by the public, for final approval and adoption by the Council; and*

- c) *that the Draft By-Law, once approved and adopted by Council, be promulgated by the Directorate: Strategic and Corporate Services' legal team in the Provincial Gazette.*

3. DISCUSSION

3.1 Public Participation

The Water Services By-law was advertised for public input in the local newspapers from 19 January 2017 and on www.stellenbosch.gov.za with closing date of 20 February 2017.

Comments from various stakeholders were received as per **APPENDIX 1A-7** and incorporated in the draft Water Services By-law. The amended Water Services By-law is attached as **APPENDIX 8**.

Consultants were appointed to assess the comments received from the public. Comments were received from the following people/institutions.

Mr J Rossouw, Environmental Manager, Distel, Ms Theresa Davids, Senior Environmental Health Practitioner, Cape Winelands District Municipality, Ms Elke Watson – De Zalze Estate (in her personal capacity) .

A series of meetings were held with Mr Derril Daniels and Ms Melissa Lintnaar Strauss from the Department of Water and Sanitation where the whole Draft By-laws document was discussed.

Internal discussions with Mr Bradley Dyers, Mr James Beukes and Ms Saskia Langner (no longer with SM).

Discussions were also held with the Stellenbosch Chapter of the Cape Business Chamber where they were informed that changes to the By-laws were imminent.

All the comments and recommendations were incorporated into a New Draft set of Sanitation By-laws and will be used to prepare the documentation required by Council to consider the adoption of these By-laws.

The proposed by-law is not in contradiction with any existing policies (e.g., credit control policy). The next step is for Council to approve the By-laws and after approval the By-laws should be prorogated.

3.2 Problems with the previous By-Law for Water Services

The previous Water Services By-Law was never promulgated and as such, is not valid. This situation prevents law enforcement to effectively combat the misuse of water. This matter will be rectified once the new By-Law has been promulgated.

The promulgation of the new By-Law would probably take two to three months to achieve. We are currently in Level 4B restrictions mode which makes it quite imperative that every means be attained to combat the misuse of water. Stellenbosch Municipality has also declared a state of disaster as a result of the severe low level of water storage.

The Ordinance 20 of 1974, however, provides an outcome since some of its sections are still valid. One of these sections is:

“184. Restriction by resolution of use of water.—

- (1) A council may, in respect of water under its control or management and for a definite or indefinite period, by ordinary resolution—*
 - (a) temporarily restrict or discontinue the supply thereof without any reduction of or rebate on the charges made therefor;*
 - (b) prohibit the use thereof for specified purposes;*
 - (c) prohibit the use thereof during specified hours of the day, and*
 - (d) prohibit the use thereof in a specified manner, and any such resolution shall after publication thereof in the press have the force of law.*
- (2) Any person who contravenes any of the terms of a resolution contemplated by subsection (1) shall be guilty of an offence and, in addition to the person by whose act such contravention is actually committed, the owner of the property to which the water is supplied or, if such property is occupied by a person other than the owner, the occupier thereof shall be presumed also to have committed such contravention unless it is proved to the satisfaction of the court that he has taken all reasonable steps to prevent such a contravention by any other person.*
- (3) Notwithstanding the provisions of paragraph (a) of the proviso to section 54 (1), any resolution contemplated by subsection (1) may at any time be rescinded by ordinary resolution of the council and notice of such rescission shall forthwith be given by publication in the press.*
- (4) The provisions of this section shall also apply in respect of water supplied by a council direct to consumers outside its municipal area, notwithstanding anything to the contrary in the conditions governing such supply.*
- (5) No action shall on any ground whatsoever lie against a council in consequence of any action lawfully taken by it in terms of this section.”*

This piece of legislation will therefore provide the necessary means of act against those transgressors misusing water consumption

4. CONSTITUTIONAL AND POLICY IMPLICATIONS

A municipality may make and administer by-laws for the effective administration of matters it has a right to administer in terms of section 156(2) and of the Constitution, Act 108 (as amended). The Council is obliged to ensure the provision of municipal services in terms of Chapter 7 of the Constitution which is also underpinned by the Local Government Municipal Systems Act, Act 32 of 2000 as amended.

Water Services are a local government competence to ensure the provision of proper potable water services, collection of sewage effluent from a full spectrum of consumers according to Schedule 5B of the Constitution. The

Council has to consider the promulgation of a new by-law that aligns current and new functions with the national policy and legislation. The Water Supply, Sanitation Services and Industrial Effluent By-Law does not clearly address all requirements of the Water Services Act, Act 108 of 1997 with its associated with relevant regulations. In terms of Section 160(2) of the Constitution, the passing of by-laws may not be delegated. Section 160(2) of the Constitution of South Africa read with section 12 of the Systems Act empowers a municipal council to pass by-laws. In terms of section 13 of the Systems Act, a by-law gives effect when published in the Provincial Gazette. Local Government Municipal Systems Act, 2000 (Act 32 of 2000).

Chapter 4 of the Systems Act requires a municipality to develop a culture of participatory governance so as to enhance, encourage and create conditions for the local community to participate in the affairs of the municipality.

Section 11(1) of the Systems Act determines that the executive and legislative authority of a municipality is exercised by a municipal council. The legislative authority, which includes the right to make By-laws, cannot be delegated, as this is prohibited by section 160(2) of the Constitution. Section 11(3)(m) of the Systems Act relates to the passing of by-laws as a means for a municipality to exercise its legislative authority. Section 12 of the Systems Act provides the following:

5. LEGISLATIVE PROCEDURES

- 5.1 Only a member or committee of a municipal council may introduce a draft by-law in the council.
- 5.2 A by-law must be made by a decision taken by a municipal council-
 - (a) In accordance with the rules and orders of the council; and
 - (b) With a supporting vote of a majority of its members.
- 5.3 No by-law may be passed by a municipal council unless-
 - (a) All the members of the council have been given reasonable notice; and
 - (b) The proposed by-law was advertised for public comment in a fashion that allowed the public an opportunity to make representations with regard to the proposed by-law.
- 5.4 In terms of Section 13 of the Systems Act, a by-law gives effect when published in the Provincial Gazette.
- 5.5 As part of the prescribed legislative process for the adoption of the Municipality's by-laws, the following process flow was followed:
 - (a) serve in Draft before Standing Committee and MAYCO;
 - (b) serve in Draft before the Council;
 - (c) Draft was advertised in the press for public comments;
 - (d) Draft was open for inspection to the public at all municipal offices and libraries;
 - (e) Draft was altered to fit the majority of comments.
 - (f) Proposed Final version is now submitted to MAYCO and the Council for final adoption

- 5.6 Section 184 of Ordinance 20 of 1974 is to be used as a stopgap in the absence of a previous valid Water Services By-Law, in order to enforce the water restrictions which have been introduced due to the drought conditions currently experienced. The adoption of Section 184 is to remain in place until the new By Law has been promulgated as per Section 184(4)

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.6.4

RESOLVED

That it be recommended to Council:

- (a) that the attached Draft Water Services By-law be approved and adopted by Council as the final Water Services By-Law;
- (b) that the Water Services By-Law, once approved and adopted by Council, be promulgated in the Provincial Gazette by the Directorate: Strategic and Corporate Services' Legal Services' team;
- (c) that the following stale Water Services By-laws be repealed:
PN 802/1960, PN 406/1962, PN 320/1963, PN 397/1964, PN 955/1964,
PN 1243/1966, PN 1300/1966, PN 601/197, PN 1027/1967, PN 889/1969,
PN 791/1970, PN 890/1972, PN 915/1972, PN 631/1973, PN 1125/1973,
PN 804/1974, PN 1258/1974, PN 1272/1975
- (d) that, in terms of Section 184(1) of Ordinance 20 of 1974, Council accepts the conditions set by the full Section 184 of Ordinance 20 of 1974 for the restrictions and management of the use of water; and
- (e) that resolution (d) remains in force until the date that the new Water Services By-Law has been promulgated, after which only the conditions set out in the new Water Services By Law will apply.

<i>Meeting:</i>	<i>Mayco: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Engineering Services</i>
<i>Ref no:</i>	<i>8/1/Engineering Services</i>	<i>Author</i>	<i>Manager: Water Services</i>
		<i>Referred from:</i>	

5.6.5	REVIEW OF THE ELECTRICITY SUPPLY BY-LAW
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1. PURPOSE OF REPORT

To request Council to initiate the process of reviewing the Electricity Supply By-Law in order to incorporate mainly the self-generation of electricity.

2. BACKGROUND

The current Electricity Supply By-Law was promulgated on 13 December 2013, but it has become necessary to review this By-Law mainly due to the municipal policy to allow the self-generation of electricity through photo voltaic or wind means.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.6.5**RESOLVED****That it be recommended to Council:**

- (a) that this report be noted;
- (b) that Council accepts **APPENDIX 1** as the draft By-Law, in terms of Section 12(1) of the Municipal Systems Act (MSA), for the new Draft Stellenbosch Electricity Supply By-Law; and
- (c) that the Draft By-Law be further processed in terms of the Council's Rules of Order, inclusive of public participation- and other processes as per Section 12(3) of the Municipal Systems Act.

<i>Meeting:</i>	<i>Mayco: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Engineering Services</i>
<i>Ref no:</i>	<i>8/1/Engineering Services</i>	<i>Author</i>	<i>Manager: Electrical Services</i>
<i>Collab:</i>		<i>Referred from:</i>	

5.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
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5.7.1	REVIEWING OF THE BY-LAW RELATING TO PLANTATIONS, PLAY PARKS, GARDENS, RECREATION, FACILITIES, NATURE CONSERVATION AND PUBLIC OPEN SPACES
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1. PURPOSE OF REPORT

The purpose of this report is five-fold, namely:

- (i) To provide a revised by-law relating to plantations, play parks, gardens, recreation, facilities, nature reserves and public open spaces.
- (ii) To regulate the admission of person, animals and vehicles to public parks, to provide for the use and enjoyment of public parks, to determine conduct that will not be permitted within public parks, and to provide for the matters incidental therefor.
- (iii) To ensure that the way in which the Greater Stellenbosch Municipality controls, manages and develops parks and public open spaces, is environmentally sustainable and is in the long term of the whole community of the WC024, including future generations; and
- (iv) To promote the achievement of a safe and peaceful environment; and
- (v) To provide for procedures, methods and practices to regulate the use and management of public amenities.

2. BACKGROUND

The Section 80 committee requests the Community Services Department to provide the updated revised By-law relating to plantations, play parks, gardens, recreation, facilities, nature reserves and public open spaces. See attached.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.7.1

RESOLVED

That it be recommended to Council:

- (a) that the attached revised Draft Parks By-law be approved by Council in principle; and
- (b) that said By-law be advertised for public comment whereafter same be workshopped and submitted to Council for final approval.

<i>Meeting:</i>	Mayco: 2017-07-19	<i>Submitted by Directorate:</i>	Com Development & Com Services
<i>Ref no:</i>	1/3/1/27	<i>Author</i>	Head: Urban Greening
<i>Collab:</i>	521195	<i>Referred from:</i>	Com Dev & Com Services: 2017-06-22

5.8	PROTECTION SERVICES: (PC: CLLR Q SMIT)
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5.8.1	IMPOUNDMENT OF ANIMALS BY-LAW
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1. PURPOSE OF REPORT

To submit the amended Impoundment of Animals By-law 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 create 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.

4TH COUNCIL MEETING: 2016-11-23: ITEM 7.7.1

RESOLVED (nem con)

- (a) that Council considers the adoption and approval of the Draft Impoundment of Animals By- Law; and
- (b) that the proposed By-Law be duly advertised for public comment until the end of February 2017 and be re-submitted together with any comment/objections by the public, for final approval and adoption by Council.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.8.1**RESOLVED****That it be recommended to Council:**

- (a) that Council approves the Impoundment of Animals By-Law;
- (b) that the approved By-Law be promulgated in the Provincial Gazette; and
- (c) that all the necessary MOU's between the Municipality, SPCA and Animal Welfare, be included.

Meeting:	Mayco: 2017-07-19	Submitted by Directorate:	Community & Protection Services
Ref no:	1/3/1/7	Author	Act Manager: Law Enforcement
Collab:	521205	Referred from:	Protection Services: 2017-06-22

5.8.2	EVENTS POLICY
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1. PURPOSE OF REPORT

To request Council to approve and adopt the Events Policy for Stellenbosch Municipality.

2. BACKGROUND

The Events Policy sets the strategic direction for Stellenbosch and its region, and aims to create mutually beneficial outcomes for the Greater Stellenbosch residents, businesses and visitors by using the platforms created by events to contribute to Stellenbosch's, growth, development and inclusivity.

Stellenbosch is known for hosting major local, national and international events. The Events Policy will assist and guide the municipality in managing event related activities in an efficient and effective manner thereby providing clarity to all role players and stakeholders. Stellenbosch Municipality would like to ensure that it becomes a town for great events for visitors to the town and the events industry, by creating stability in the town's events calendar and clearly defining processes and systems that support events. The Municipality plays an important role in: the regulations of events, partnerships with events organized in the WC024, events organization, facilitation and the provision of services at events. Currently events are regulated by the Events Act of 2010 and are applicable to events which accommodate more than 2000 people. The municipality has recently approved the Events By-law which was promulgated on 12 February 2016. The Events By-law gives the legal parameters under which the Events Policy will function in terms of processes to be followed and implemented.

4TH COUNCIL MEETING: 2016-11-23: ITEM 7.7.3

RESOLVED (nem con)

- (a) that Council considers the adoption and approval of the Draft Events Policy in principle; and
- (b) that the Draft Events Policy be advertised for public comment until the end of February 2017 and be re-submitted for final approval and adoption by Council.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.8.2**RESOLVED****That it be recommended to Council:**

- (a) that the comments received from the public and the Spatial Planning, Heritage & Environment Department be included in a Standard Operating Procedure (SOP) and be included in the Council agenda; and
- (b) that the Events Policy be adopted and approved by Council.

<i>Meeting:</i>	<i>Mayco: 2017-07-19</i>	<i>Submitted by Directorate:</i>	<i>Community & Protection Services</i>
<i>Ref No:</i>	<i>1/3/1/16</i>	<i>Author:</i>	<i>Manager: Law Enforcement</i>
<i>Collab:</i>	<i>520537</i>	<i>Referred from:</i>	<i>Protection Services: 2017-06-22</i>

5.8.3	BY-LAW ON THE PREVENTION OF PUBLIC NUISANCES AND THE KEEPING OF ANIMALS
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1. PURPOSE OF REPORT

To submit the amended draft "By-Law on the Prevention of Public Nuisances and the Keeping of Animals" to Council for 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 – 6**. A new By-law has thus been drafted and is herewith submitted to Council for consideration, which is attached as **APPENDIX 7**.

4TH COUNCIL MEETING: 2016-11-23: ITEM 7.7.2

RESOLVED (nem con)

- (a) that Council approves the amended Draft By-Law on the Prevention of Public Nuisances and the Keeping of Animals, in principle; and
- (b) that the Administration be mandated to advertise said By-Law for public comment until the end of February 2017, where after same be re-submitted to Council for approval.

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.8.3**RESOLVED****That it be recommended to Council:**

- (a) that Council considers and approves the proposed amended Draft By-Law on the Prevention of Public Nuisances and the Keeping of Animals with the incorporated public comments; and
- (b) that the approved By-law be promulgated in the Provincial Gazette.

Meeting:	Mayco: 2017-07-19	Submitted by Directorate:	Community & Protection Services
Ref No:	1/3/1/8	Author:	Manager: Law Enforcement
Collab:	521125	Referred from:	Protection Services: 2017-06-22

5.8.4	REVIEW OF THE DISASTER MANAGEMENT PLAN
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1. PURPOSE OF REPORT

To present a reviewed Disaster Management Plan (**APPENDIX 1**) to Council for in principle approval.

2. BACKGROUND

The revision of the disaster management plan is done in accordance with Section 53 (1) of the Disaster Amendment Act, 16 of 2015 to:

(g) regularly review and update its plan; and

(h) through appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), consult the local community on the preparation or amendment of its plan.”

MAYORAL COMMITTEE MEETING: 2017-07-19: ITEM 5.8.4**RESOLVED****That it be recommended to Council:**

- (a) that the revised Disaster Management Plan be recommended to Council for approval in principle; and
- (b) that the said plan be advertised for public comment where-after same be resubmitted to Council for final approval.

Meeting:	Mayco: 2017-07-19	Submitted by Directorate:	Community & Protection Services
Ref No:	17/8/4	Author:	Manager: Fire & Disaster
Collab:	521168	Referred from:	Protection Services: 2017-06-22

5.9	YOUTH, SPORT AND CULTURE: (PC: XL MDEMKA (MS))
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NONE

6.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

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.	URGENT MATTERS
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NONE

10.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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NONE

The meeting adjourned at 14:15.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**