



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref no.3/4/2/5

2017-10-11

MINUTES

MAYORAL COMMITTEE MEETING:

2017-10-11 AT 10:00

MINUTES
MAYORAL COMMITTEE MEETING
2017-10-11

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

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 FJ Badenhorst
Councillor PR Crawley (Ms)
Councillor DA Hendrickse
Councillor MC Johnson
Councillor WC Petersen(Ms)
Councillor WF Pietersen
Councillor SR Schäfer

Officials: Municipal Manager (G Mettler (Ms))
Director: Strategic and Corporate Services (A de Beer (Ms))
Director: Community and Protection Services (G Esau)
Chief Financial Officer (M Wüst)
Director: Human Settlements (T Mfeya)
Director: Economic Development and Planning (D Lombaard)
Acting Director: Engineering Services (D van Taak)
Manager: Property Management (P Smit)
Head: Committee Services (EJ Potts)
Committee Clerk (B Mgcushe (Ms))
Committee Clerk (N Mbali (Ms))

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 expressed concern that the water situation has become a very crucial issue in the Western Province. The City of Cape Town has entered level 5 water restrictions, and Stellenbosch Municipality is heading that way.

Matriculants are getting ready to write their final exams. The Executive Mayor wishes them good luck, and that they may excel in all their future endeavors.

1.2	DISCLOSURE OF INTERESTS
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NONE

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

Deputy Executive Mayor, Cllr N Jindela – 11 October 2017

Director Engineering Services (D Louw) – 11 October 2017

3.	CONFIRMATION OF PREVIOUS MINUTES
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The minutes of the Mayoral Committee Meetings held on 2017-09-13, 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	DRAFT EARLY CHILDHOOD DEVELOPMENT POLICY

1. PURPOSE OF REPORT

To request Council approval of the Draft Early Childhood Development (ECD) Policy for Stellenbosch Municipality for public consultation.

2. BACKGROUND

This policy on early childhood development centres is premised on a distinction between registered and unregistered facilities as a means of reflecting and providing for the variations in demand of ECD facilities and services.

The motivation for a standard policy for ECD centers for Stellenbosch Municipality arises from:

- The growth in the number of applications for ECD centers linked to the population growth.
- The growth in the number of informal facilities vs. formal facilities.
- The mushrooming phenomena of ECD facilities within the municipal area
- The lack or ignorance in terms of abiding by the Children's Act 38 of 2005 Chapter 5
- The need to ensure ECD's within WC024 are accessible to children with disabilities.
- The prevalence of issues pertaining to ECD centers; particularly the impact of noise and traffic.

This policy must provide a framework to assist officials in assessing applications for ECD centers as well as a guideline as to how matters relating to ECD centres should be dealt with collaboratively.

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.1.1

RESOLVED

That it be recommended to Council:

- (a) that the draft Early Childhood Development Policy be approved, in principle; and
- (b) that the draft Early Childhood Development Policy be advertised for public comment, whereafter same be resubmitted to Council for final consideration and approval.

Meeting: Ref no: Collab:	Mayco: 2017-10-11 17/P/24 542950	Submitted by Directorate: Author Referred from:	Planning & Economic Development Manager: Community Development
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5.2	CORPORATE AND STRATEGIC SERVICES: (PC: CLLR E GROENEWALD (MS))
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5.2.1	CELL PHONE POLICY
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Collaborator No:

IDP KPA Ref No: **Good Governance and Compliance**

Meeting Date: **Corporate and Strategic Services Portfolio Meeting: 4 October 2017**

Mayoral Committee Meeting: 11 October 2017

1. SUBJECT: CELL PHONE POLICY

2. PURPOSE

To obtain inputs from MAYCO before the Cell Phone Policy is submitted to Council for approval.

3. DELEGATED AUTHORITY

Council to approve Policy.

4. EXECUTIVE SUMMARY

The current cell phone policy was approved in draft form on 26/09/2000. The policy has not been revised since then, nor could a final approval by Council be found. In terms of that policy an employee may receive an allowance of either R371 or R467.

Council has to revise policies on a regular basis and at least every five years if no changes to legislation took place. Operational needs change on a constant basis and to enable the municipality to keep track with changes in electronic communication more and more functions can be performed through a smart phone. The amounts for allowances need to be revised as it is out-dated. The employee must insure the phone from the allowance and if an employee receives an allowance be available to answer the phone 24 hours a day, unless on leave.

The policy was revised and consulted in the sub-committee of the Local Labour Forum in September 2017 after it was discussed with Management.

The comments of all the parties have been incorporated in the draft that is tabled for discussion and recommended for approval.

5. RECOMMENDATION FROM THE PORTFOLIO COMMITTEE: CORPORATE AND STRATEGIC SERVICES:

That the revised Cell Phone Policy be referred to Mayco and Council for approval.

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.2.1

RESOLVED

That it be recommended to Council:

that the revised Cell Phone Policy be approved.

5.2.2	REVISED SMOKING POLICY
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Collaborator No:

IDP KPA Ref No: Good Governance and Compliance

Meeting Date: Corporate and Strategic Services Portfolio Meeting 4 October 2017

Mayoral Committee Meeting 11 October 2017

1. **SUBJECT: REVISED SMOKING POLICY**

2. **PURPOSE**

To obtain inputs from Mayco before the revised Smoking Policy is submitted to Council's for approval.

3. **DELEGATED AUTHORITY**

Council to approve Policy.

4. **EXECUTIVE SUMMARY**

The current smoking policy was approved in 2008. Council has to revise policies on a regular basis and at least every five years if no changes to legislation took place. The policy was revised and consulted in the sub-committee of the Local Labour Forum in September 2017 after it was discussed with Management.

The comments of all the parties have been incorporated in the draft that is tabled for discussion and recommended for approval.

5. **RECOMMENDATIONS**

That the revised Smoking Policy be referred to Mayco and Council for approval with the changes as discussed.

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.2.2

RESOLVED

That it be recommended to Council:

that the revised Smoking Policy be approved.

5.2.3	THE PROPOSED SCHEDULE OF PLANNED IDP PUBLIC PARTICIPATION MEETINGS FOR OCTOBER 2017
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1. PURPOSE OF REPORT

To submit two proposed schedules of IDP Public participation Meetings for the period of 17 October 2017- 20 November 2017 to Council for approval.

2. BACKGROUND

We engage annually with the public on the IDP and the Budget. We are in preparation to host these meetings during the months of October and November 2017.

The Approval of the IDP and Budget has taken place and the approval of the Process plan has concluded. This was done through a very thorough public participation process in accordance with the approved Process Plan in terms of the Municipal Systems Act, No 32 of 2000, which specifies that:

Section 34:

“ A municipal council-

- (a) must review its integrated development plan-*
 - (i) annually in accordance with an assessment of its performance measurements in terms of section 41; and*
 - (ii) to the extent that changing circumstances so demand; and*
- (b) may amend its integrated development plan in accordance with a prescribed process.”*

Therefore, the municipality must create an opportunity for public participation in terms of the Municipal Systems Act, No 32 of 2000, which read as:

Section 16 (1):

“ A municipality must for this purpose-

- (a) encourage, and create conditions for, the local community to participate in the affairs of the municipality, including-*
 - (i) the preparation, implementation and review of its integrated development plan in terms of Chapter 5; and*
 - (iv) the preparation of its budget.*

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.2.3

RESOLVED

that this item be withdrawn.

Meeting: Ref no: Collab	Mayco:2017-10-11 (Add item)	Submitted by Directorate: Author Referred from:	Director: Strategic & Corporate Serv A De Beer
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5.2.4	APPROVAL OF NEW ORGANISATIONAL STRUCTURE
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Collaborator No:

IDP SFA Ref No: 5 – Good Governance and Compliance

Meeting Date: 11 October 2017

1. SUBJECT: APPROVAL OF NEW ORGANISATIONAL STRUCTURE

2. PURPOSE

To obtain Council's approval for the new organisational structure.

3. DELEGATED AUTHORITY

For decision by municipal council.

4. EXECUTIVE SUMMARY

Section 66 of the Local Government Systems Act, 32 of 2000 as amended, requires the Municipal Manager to develop a staff establishment and submit it for Council approval. The Local Government Regulations on the Appointment and Conditions of Service of Senior Managers, GN 21 published on 17 January 2014) requires a Municipal Manager to within 12 months after the election of a new Council review the staff structure. Council resolved on 26 April 2017 to, in principle, approve a proposed Macro and Micro structure to commence with a consultation process.

A consultation process with SAMWU and IMATU took place within the Local Labour forum over the past months where the proposed structure was discussed in detail. Meetings with MATUSA were also called and the structure was published to all employees to provide input and comments on the structure. The comments have been considered and the Municipal Manager is herewith submitting a final proposal to Mayco and Council for recommendation to Council.

During the consultation process a Placement Policy has also been consulted and agreed with the Trade Unions. The Placement Policy is attached for approval.

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.2.4

RESOLVED

That it be recommended to Council:

- (a) that the proposed macro and micro structures (as depicted in Annexure A) be adopted for implementation;
- (b) that the existing organizational structure of the Municipality be regarded as a holding structure and be abolished after the placement processes have been concluded in terms of Council's Placement Policy;
- (c) that the filling of the new and vacant positions on the proposed organisational structure be phased in over three (3) financial years, where, for this purpose, top management will identify critical posts for immediate filling whilst other vacancies will be budgeted for over the three year period;

- (d) that the fundamental principle of organisational development and transformation be considered and applied in coherency to the restructuring activity as described in this report; and
- (e) that the post names be used as temporary names until the evaluation process determines final post designations.

5.3	ECONOMIC DEVELOPMENT AND PLANNING: (PC: ALD JP SERDYN (MS))
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5.3.1	PROCESS FOR THE IDENTIFICATION AND CREATION OF OVERLAY ZONES TO PROMOTE AND MANAGE ORDERLY DEVELOPMENT
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1. PURPOSE OF REPORT

To request Council's permission to proceed with a process for identification of priority areas for establishing overlay zones in order to facilitate the development and land use management of these areas in keeping with the strategic objectives of Council and in execution of the Integrated Development Plan (IDP) and the Spatial Development Framework (SDF).

2. EXECUTIVE SUMMARY

Overlay zones are created to specifically enhance or restrict development in certain areas due to the unique character of the area, as well as to ensure certainty to developers in achieving the developmental objectives of Council. Moreover, there are numerous properties outside of the urban edge that are used for non-agricultural purposes, e.g. smallholdings that should not be subject to the Subdivision of Agricultural Land Act, 1970, Act 70 of 1970, being rated and managed as agricultural properties which anomalies could be remedied through an overlay zone.

The various parameters applicable to each overlay zone and a map to indicate the extent of the overlay zone (if applicable) are incorporated into the Integrated Zoning Scheme Bylaw (IZS). Thus, by approving of an overlay zone, Council could pro-actively determine the development parameters for an identified area and reduce the need for further planning processes, not only reducing the cost for identified communities, but also reducing the risk of investment in others.

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.3.1

RESOLVED

that this item be referred back for refinement, whereafter it be resubmitted to the next Mayco meeting.

<i>Meeting:</i>	Mayco: 2017-10-11	<i>Submitted by Directorate:</i>	Planning & Economic Development
<i>Ref no:</i>	1/2/1/2	<i>Author</i>	D Lombaard
<i>Collab:</i>	543005	<i>Referred from:</i>	

5.3.2	DRAFT POLICY ON PLACE NAMING, STREET NAMING AND RENAMING AND NUMBERING FOR STELLENBOSCH MUNICIPALITY, AUGUST 2017
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1. PURPOSE OF REPORT

To request Council's approval for public consultation of the draft policy on Place naming, Street naming and Renaming and Numbering for Stellenbosch Municipality, August 2017, attached as **APPENDIX 1**.

2. BACKGROUND

The Executive Mayor advised as follows;

"Please review and advice as policy dates back to 2010. Pay special attention to the detail and procedure for the process for renaming of street names."

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.3.2

RESOLVED

that this item be referred to a joint sitting of the Planning and Economic Development Portfolio Committee and the Infrastructure Portfolio Committee, in order to advise the Executive Mayor.

Meeting:	Mayco: 2017-10-11	Submitted by Directorate:	Planning & Economic Development
Ref no:		Author	Manager: Land Use Management
Collab:	543234	Referred from:	

5.3.3	APPLICATION FOR THE DEVIATION FROM THE PROVISIONS OF THE BYLAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON ERF 1202, STELLENBOSCH
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1. PURPOSE OF REPORT

To enable 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 application also entails a departure in terms of the Stellenbosch Municipal Land Use Bylaw to relax the common building line (adjacent to Erven 13606 and 1190) from 2,5m to 0m for purposes of an outside entertaining area (timber deck, pergola, fire pit, pool and pool pump) on Erf 1202, Stellenbosch. This part of the application will however be dealt with under delegated authority as the delegation is with the Authorized Employer.

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.3.3

RESOLVED

that this item be referred back for refinement, whereafter it be resubmitted to the next Mayco meeting.

<i>Meeting:</i>	<i>Mayco: 2017-10-11</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>P387 S</i>	<i>Author</i>	<i>Manager: Spatial Planning</i>
<i>Collab:</i>	<i>543150</i>	<i>Referred from:</i>	

5.3.4	APPLICATION FOR A DEVIATION FROM THE PROVISIONS OF THE BYLAW RELATING TO THE CONTROL OF BOUNDARY WALLS AND FENCES ON FARM NO. 82/18 AND ERF 13789, STELLENBOSCH DIVISION
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1. PURPOSE OF REPORT

To enable 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 application also entails a departure in terms of the Stellenbosch Municipal Land Use Bylaw to relax the street building line from **8,0m** to **0m** to accommodate the Eskom mini substation and covered refuse area on Farm No. 82/18 and Erf 13789 (to be consolidated), Stellenbosch. This part of the application will however be dealt with under delegated authority as the delegation is with the Authorized Employer.

On 23 January 2013, Council approved an application for rezoning, subdivision and departures for the establishment of Gevonden Development and the amendment of the approved subdivision and site development plans was approved on 09 June 2016 (see **APPENDIX 4**).

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.3.4

RESOLVED

That it be recommended to Council:

that **approval be granted** for the application to deviate from the By-law Relating to the Control of Boundary Walls and Fences to enable the owner to construct a 2,1m high solid wall on a section along the northern and western boundary of the property on Farm No. 82/18 and Erf 13789 (to be consolidated), Stellenbosch, as indicated on the attached Drawing No. 0068-C-103, dated 22 February 2016, drawn by Van Heerden & Van Der Merwe (See **APPENDIX 3**), subject to the following conditions:

1. The approval applies only to 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 from council;
2. Building plans must be submitted to this municipality for approval, prior to any building work commencing onsite;
3. That the building plans not differ substantially from the plan attached as **APPENDIX 3** of this report;
4. This approval may not be acted upon prior to the issuing of a certificate of consolidated title;
5. This Council reserves the right to impose further conditions if deemed necessary.

APPENDIX 1
FILE NO: P 82/18 S

In this approval document:

“Council” means the Stellenbosch Municipality

“the owner” means the registered owner of the property.

“the site ” means **FARM NO. 82/18, STELLENBOSCH DIVISION**

EXTENT OF APPROVAL:

Deviation in terms of Section 13 of the Bylaw Relating to the Control of Boundary Walls and Fences to enable the owner to construct a 2,1m high solid wall on a section along the northern and western boundary of the subject property on Farm No. 82/18 and Erf 13789 (to be consolidated) Stellenbosch, attached as drawing no. 0068-C-103, dated 22 February 2016, drawn by Van Heerden & Van Der Merwe Architects (See **APPENDIX 3**).

<i>Meeting:</i>	<i>Mayco: 2017-10-11</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>		<i>Author</i>	<i>Manager: Spatial Planning</i>
<i>Collab:</i>	<i>543198</i>	<i>Referred from:</i>	

5.3.5

STELLENBOSCH MUNICIPALITY: AIR QUALITY MANAGEMENT BY-LAW**1. PURPOSE OF REPORT**

A Draft Stellenbosch Municipality Air Quality Management By-Law (June 2017) (**APPENDIX 1**) has been prepared to give effect to the right contained in Section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality's jurisdiction as well as to ensure that air pollution is avoided, or where it cannot be altogether avoided, minimized and remedied. The purpose of this item is to acquire approval to circulate the draft By-law to all municipal departments for a period of 60 days for input before a final draft will be presented to Council for public participation.

2. DRAFT STELLENBOSCH MUNICIPALITY AIR QUALITY BY-LAW

The above draft By-law deals with, among other, the following:

- Duty of care
- Smoke emissions from premises other than dwellings
 - Application
 - Prohibition
 - Installation of fuel-burning equipment
 - Installation and operation of obscuration measuring equipment
 - Monitoring and sampling
 - Exemption
- Smoke emissions from dwellings
- Emissions caused by open burning
- Emissions that cause a nuisance
 - Prohibition
 - Compliance notice
 - Steps to abate nuisance
- Dust nuisance
- Pesticide spraying emissions
- General provisions

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.3.5**RESOLVED**

- (a) that this item be referred to a joint sitting of the Planning and Economic Development Portfolio Committee and the Protection Services Portfolio Committee, in order to advise the Executive Mayor;
- (b) that approval be granted for the Draft Stellenbosch Municipality Air Quality Management By-Law (June 2017) to be circulated to all municipal departments for a period of 60 days; and
- (c) that the inputs received during the above process be worked into a final Draft Stellenbosch Municipality Air Quality Management By-Law to be presented to Mayco prior to acquiring public input.

Meeting:
Ref no:
Collab:

Mayco: 2017-10-11
1/1/1/16
543661

Submitted by Directorate:
Author
Referred from:

Planning & Economic Development
Manager: Spatial Planning

5.3.6

STELLENBOSCH MUNICIPALITY: DRAFT NOISE CONTROL POLICY**1. PURPOSE OF REPORT**

A Draft Stellenbosch Municipality Noise Control Policy (June 2017) (**APPENDIX 1**) relating to the implementation of the Provincial Noise Control Regulations PN 200/2013 (**APPENDIX 2**) has been prepared. The purpose of this item is to acquire Council's approval to advertise and request the public and the relevant provincial government departments' comment on the draft noise control policy.

2. DRAFT STELLENBOSCH MUNICIPALITY NOISE CONTROL POLICY

The above draft policy deals with, among other, the following:

- The purpose of the policy
- Complaints
- Disturbing Noise
- Noise Nuisance
- Machinery in Residential Areas
- Noise Exemptions
- Places of Late-Night Entertainment
- Land Use Applications with Noise Impact
- Generator Sets
- Construction Noise
- Unamplified Human Voice
- Animal Noise

The draft policy furthermore contains 11 flowcharts describing the procedures to be followed in dealing with complaints as defined in the policy.

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.3.6**RESOLVED**

that this item be referred to a joint sitting of the Planning and Economic Development Portfolio Committee and the Protection Services Portfolio Committee, in order to advise the Executive Mayor.

<i>Meeting:</i>	<i>Mayco: 2017-10-11</i>	<i>Submitted by Directorate:</i>	<i>Planning & Economic Development</i>
<i>Ref no:</i>	<i>1/1/1/16</i>	<i>Author</i>	<i>Manager: Spatial Planning</i>
<i>Collab:</i>	<i>543624</i>	<i>Referred from:</i>	

5.3.7	IDENTIFICATION OF OPEN PUBLIC SPACE WITHIN THE STELLENBOSCH MUNICIPAL AREA AS HUBS FOR BETTER PUBLIC UTILISATION AND ECONOMIC OPPORTUNITIES
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1. PURPOSE OF REPORT

To identify, investigate and recommend proposals for better usage, both social and economic, of portions of open public space within WC 024, and create a strategic vision for enabling market access for local entrepreneurs, and creating opportunities for improved utilisation of such space by local citizens as well as creating new opportunities for tourism-related products.

2. BACKGROUND

The vision of the fourth generation Integrated Development Plan (IDP) indicates that Stellenbosch strives to be the Valley of Possibility, and to create a place for dignified and safe living. The intent to be the Valley of Possibility is underpinned by a culture of economic enablement for both the formal and informal sectors of the local economy, thereby creating employment through inclusive economic growth.

Within this enabled economic environment the potential for dignified living is enhanced through the opening up of business opportunities and through those, the ability to create more sustainable employment.

Optimal use of the open public space will create safer and more user-friendly facilities for both residents and tourists alike, and foster a sense of community and participation.

MAYORAL COMMITTEE MEETING: 2017-11-10: ITEM 5.3.7**RESOLVED**

that this item be referred back for further refinement.

Meeting:	Mayco:2017-10-11	Submitted by Directorate:	Economic Development & Planning Services
Ref No:	7/3/3/7	Author:	Director: Economic Development and Planning
Collab:	530349	Referred from:	ED & PS Committee: 2017-08-10

5.3.8	LIQUOR TRADING HOURS BY-LAW AMENDMENT
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1. PURPOSE OF REPORT

To submit the Draft Amended Stellenbosch Liquor Trading Hours By-law to Council for consideration, where after it could be published for public participation as envisaged in Sections 12 to 15 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

2. BACKGROUND

Section 156 (2) of Constitution of the Republic of South Africa, 1966 reads as follows: *municipality may make and administer by-laws for the effective administration of matters which it has the right to administrate. In this instance it refers to the days and hours during which liquor may be sold by licensees and for matters related thereto.*

MAYORAL COMMITTEE MEETING: 2017-11-10: ITEM 5.3.8**RESOLVED**

that this item be referred to a joint sitting of the Planning and Economic Development Portfolio Committee and the Protection Services Portfolio Committee, in order to advise the Executive Mayor.

Meeting:	Mayco:2017-10-11	Submitted by Directorate:	Economic Development & Planning Services
Ref No:		Author:	Manager: LED
Collab:	543168	Referred from:	

5.3.9	IDENTIFICATION OF LAND FOR EMERGENCY HOUSING: PHASE 1
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1. PURPOSE OF REPORT

To inform Council on the processes followed to date with the identification of land for emergency housing in the WC024 municipal area; to propose a way forward to finalise the process for identifying appropriate; and to gain authorisation for a workshop with Council regarding the matter.

2. BACKGROUND

Evictions in terms of the Extension of Security of Tenure Act, No. 62 of 1997 (ESTA) and other relevant legislation have increased over the past few years. Stellenbosch Municipality has received a significant number of notices for eviction. Council has a constitutional obligation to provide temporary relief to people in urban and rural areas who find themselves in emergency situations.

As was recently evident from the devastating fires in the Southern Cape and flooding on the Cape Peninsula it is clear that the term “emergency housing” does not relate only to evictions of the poor in communities, but a variety of mostly unforeseen incidents can create an unplanned need for emergency housing. It is predicted that climate change will contribute to a significant increase in the likelihood that disasters such as veld fires, flooding, droughts, tornadoes, hail storms, extreme heat etc. will occur more frequently and potentially with greater vigour.

For the municipality to be in a position to render assistance effectively it has to plan for such eventualities (proactive) and be ready to assist once the need was identified (reactive). At the moment appropriate located land, zoned correctly and serviced to an acceptable standard is lacking and hampers the process of assisting those in need speedily. Notwithstanding the aforementioned the municipality, when and where possible, should seek to take preventative measures and should avoid using policies indiscriminately or in a manner that may incentivise negligence.

Section 26 (1) and (2) of the Constitution of the Republic of South Africa, (Act 108 of 1996) compels the municipality to provide for adequate housing or take reasonable legislative and other measures within its available resources to achieve the progressive realisation of the right to have access to adequate housing.

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.3.9**RESOLVED****That it be recommended to Council:**

- (a) that in order to understand and agree on the uncertainties (as listed in paragraph 7 of the report), it is proposed that a workshop be held amongst the relevant municipal directorates and Ward Councillors, to:
 - (i) discuss, agree and formulate a response to the questions listed in paragraph 7;

- (ii) determine criteria for the selection of suitable emergency housing sites; and
- (b) that the Director: Planning & Economic Development be mandated to coordinate the aforementioned workshop.

Meeting:	Mayco:2017-10-11	Submitted by Directorate:	Economic Development & Planning Services
Ref No:	17/P/4 & 17/4/3	Author:	Manager: Spatial Planning
Collab:	544596	Referred from:	

5.3.10	PLANNING AND DEVELOPMENT OF THE PARADYSKLOOF SPECIAL DEVELOPMENT AREA
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1. PURPOSE OF REPORT

To obtain Council's permission to proceed with establishing land development parameters, commence with land disposal processes and to implement the previous decisions and recommendations regarding the special development area (SDA).

2. EXECUTIVE SUMMARY

The Directorate was tasked with the planning of the Paradyskloof SDA as per **35TH COUNCIL MEETING: 2015-10-28: ITEM 7.3 RESOLVED** (majority vote):

“(a) that approval be granted for the investigation of the innovation projects as listed herein, with specific reference to the broad project proposals as set out in the item above:

- *Klapmuts Special Economic Zone / Industrial Area*
- *2016 Triennale*
- *Ida's Valley Dam Sustainable Utilisation Plan*
- *Sustainable Utilisation Plan of The Berg River Dam*
- *Paradyskloof Special Development Area*
- *Stellenbosch CBD parking*

(b) that Council secure the implementation of BBBEE on all these projects to advance Local Economic Transformation, Land Reform and entrepreneurial development in partnership with any local Black Stakeholder as joint facilitators;

(c) that the Project Manager for each project report back to Council on progress made in the investigation of the decisions and that no authorisation processes may commence unless approved by Council; and

(d) that the Municipal Manager be authorised to conduct public participation processes in order to establish whether the broad project proposals are supported by communities.

(DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT TO ACTION)”

Stellenbosch town area must accommodate internal growth and redevelopment to provide a wider range of settlement products. The approved MSDF (February 2013) of the Stellenbosch Municipality indicates that growth must occur along transport lines, cognisant of the environmental factors and features, primarily through infill development.

This implies denser residential development inside of the outer boundaries of the urban area, taking up virtually all available vacant and underutilised land and requiring the redevelopment of older neighbourhoods. Denser residential development and growth requires additional complementary community and educational facilities, for which there will be hardly any space left, unless essential open spaces

are used or residential areas are redeveloped. This creates a unique need for balanced development and spatial restructuring.

The approved Stellenbosch development strategy and spatial framework does not allow for any significant expansion or growth of tourist related attractions and large enterprises that generate economic growth, education facilities and major related attractions, amongst others the University of Stellenbosch on its current campus. Moreover, the only vacant or developable land (Van Der Stel Sportsgrounds and surrounding area) and the campus are located in the heart of the town, i.e. further enterprise growth in this central area would exacerbate the congestion experienced daily.

Less than 50% of the students of the University reside in Stellenbosch and any major tourist attraction and enterprise development would further create traffic flows due to limited tourist and residential accommodation in the town. The majority of students, daily workers and visitors have to travel into town and this phenomenon will probably become more obvious as the demographic composition of the University's student and generally the skilled employee population changes. Same applies to any major attraction being developed inside of the town, e.g. conference centre, retail development or other educational facilities attracting employees and visitors.

One of the highest potential attractions of Stellenbosch (tourism related – see footnote¹) is a proposal to develop a very high level conferencing and training facility where international events could be offered. It is therefore imperative to implement a development plan for increasing the land availability and implementing the various planning initiatives that have been undertaken in and around Stellenbosch since 2009. Amongst others this includes the use of the Paradyskloof land as a long term economic growth contributor, rather than as a once-off residential development.

The proposal with this report recommends for the establishment of a mixed use conferencing and educational village, together with significant tourist accommodation infrastructure in the form of hotels, lodges and related retail activities in the Paradyskloof SDA. It is a very broad proposal at this stage, as it is for purposes of calling for proposals from potential developers and operators and to allow for further detailed planning.

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.3.10

RESOLVED

that this item be referred back for consideration and inclusion in the SDF process.

Meeting:	Mayco:2017-10-11	Submitted by Directorate:	Economic Development & Planning Services
Ref No:	15/3/12/1 & 7/2/2/1/15	Author:	Director: Planning & Economic Development
Collab:		Referred from:	

5.3.11	INVESTIGATION WITH REGARD TO THE VARIOUS RESIDENTIAL PROPERTIES IN MONT ROCHELLE NATURE RESERVE
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1. PURPOSE OF REPORT

To inform Council of the progress made in the execution of Council's Resolution pertaining to residential properties in Mont Rochelle Nature Reserve (Resolution Item 7.6, of 35th Council Meeting: 2015-10-28), and to obtain Council's approval for the proposed way forward.

2. BACKGROUND

At the 35th Council Meeting held on 2015-10-28, with regard to Item 7.6, it was RESOLVED that:

- i. Council reconsider its resolution of its meeting dated 2014-01-16, with regards to Item 7.2.*
- ii. That the funds allocated to be spent on conducting the proposed investigation rather be spent on consolidating the 46 un-sold erven with Mont Rochelle Nature Reserve and negotiating with the owners of the 14 sold (but undeveloped) erven (the priority being erven 342, 307, 314, 322, 355, 336, located in a visually sensitive area north-eastern slope of "Du Toits Kop" facing the Franschoek valley) regarding the possibility to exchange current erven within Mont Rochelle Nature Reserve with erven in a more suitable area (suitable in terms of environmental, visual and service delivery perspective).*
- iii. That any other feasible alternative that can limit the impact on the nature reserve that might be identified in the process be considered.*

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.3.11

RESOLVED

that this item be referred back for an on-site inspection.

Meeting :	Mayco: 2017-10-11	Submitted by Directorate	Planning and Economic Development
Ref no:	7/2/1/17	Author	Manager: Spatial Planning
Collab	544282	Referred from :	

5.3.12	CONTRAVENTION PENALTY ON ERVEN 12805 AND 15524 WELGEVONDEN, STELLENBOSCH IN TERMS OF THE 2017/2018 TARIFF STRUCTURE
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1. PURPOSE OF REPORT

To request Council's approval for the interpretation of the contravention penalty formula as stipulated in Council's approved tariff structure 2017/18 with respect to erven 12805 and 15524, Welgevonden, Stellenbosch, and as a general rule, that the 2017/18 Tariff Policy be amended accordingly.

2. BACKGROUND

When owners in Welgevonden, Stellenbosch wish to sell their property, the Welgevonden Home Owner's Association will only issue a clearance certificate, if proof is given of a municipal approved building plan for existing buildings. Thereafter the owners of erven 12805 and 15524, Welgevonden, Stellenbosch submitted "as built" building plans for municipal approval, seeing that the owners intended to sell their properties.

It came to the department's attention that certain areas on the properties were already unlawfully utilized without approved building plans as well as without approved land use applications. Erven 12805 and 15524, Welgevonden, Stellenbosch were served with compliance notices for the unlawful utilisation of land and construction activity of their properties. See **APPENDIX 1**.

The owners then submitted the required land use applications for departures on their properties. The respective land use applications were approved, subject to certain conditions such as the payment of the contravention penalty amount. See **APPENDIX 3** for the approval letters. However, when the administration calculated the contravention penalty formula, to determine the amount, it was realized that Council's approval was necessary for the interpretation of the formula.

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.3.12

RESOLVED

that this matter be referred back for refinement, whereafter it be submitted to Council.

Meeting:	Mayco:2017-10-11	Submitted by Directorate:	Planning & Economic Development
Ref no:		Author	Manager: Land Use Management
Collab:	545137	Referred from:	

5.4	FINANCIAL SERVICES: (PC: CLLR S PETERS)
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5.4.1	SERVICE LEVEL STANDARDS: 2017/2018
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1. PURPOSE OF REPORT

To present the Service Level Standards for the 2017/2018 financial year to Council for approval.

2. LEGAL FRAMEWORK

In terms of Municipal Finance Management Act Circular 75:

“All municipalities are required to formulate service standards by the end of January 2015 which must form part of the 2015/16 draft MTREF budget documentation. In addition, the service standards need to be tabled before the municipal council for formal adoption. The service standards must at a minimum incorporate the administrative, technical, and economic development categories of the municipality.”

MAYORAL COMMITTEE: 2017-10-11: ITEM 5.4.1

RESOLVED

That it be recommended to Council:

that the Service Level Standards for 2017/2018 as set out in **APPENDIX 1**, be approved.

Meeting:	Mayco:2017-10-11	Submitted by Directorate:	Finance
Ref no:	5/1/1/2017-2018	Author	Chief Financial Officer: M Wüst
Collab	545288	Referred from:	

5.4.2	ADJUSTMENTS BUDGET: 2017/2018
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1. PURPOSE OF REPORT

To table the adjustments budget for the 2017/2018 financial year to Council for approval. The adjustments budget emanates from additional allocations from the Provincial Treasury and also to authorize unavoidable expenditure due to the drought adversity.

2. BACKGROUND**2.1 LEGAL FRAMEWORK**

Section 28 of the Municipal Finance Management Act states that:

“(1) The municipality may revise an approved annual budget through an adjustments budget.

(2) An adjustments budget –

(b) may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for.

(c) may, within a prescribed framework, authorise unforeseeable and unavoidable expenditure recommended by the mayor of the municipality”

Furthermore, Section 29 of the Municipal Finance Management Act states that:

“(1) The mayor of a municipality may in emergency or other exceptional circumstances authorise unforeseeable and unavoidable expenditure for which no provision was made in an approved budget.

(2) Any such expenditure-

(a) must be in accordance with any framework that may be prescribed;

(b) may not exceed a prescribed percentage of the approved annual budget;

(c) must be reported by the mayor to the municipal council at its next meeting; and

(d) must be appropriated in an adjustments budget.

(3) If such adjustments budget is not passed within 60 days after the expenditure was incurred, the expenditure is unauthorised and section 32 applies”

Regulation 23 of the Municipal Budget and Reporting Regulations states that:

“(3) If a national or provincial adjustments budget allocates or transfers additional revenues to a municipality, the mayor of a municipality must, at the next available council meeting, but within 60 days of the approval of the relevant national or provincial adjustments budget, table an adjustments budget referred to in section 28 (2) (b) of the Act in the municipal council to appropriate these additional revenues.”

(4) An adjustments budget referred to in section 28 (2) (c) of the Act must be tabled in the municipal council at the first available opportunity after the unforeseeable and unavoidable expenditure contemplated in that section was incurred and within the time period set in section 29 (3) of the Act.”

MAYORAL COMMITTEE: 2017-10-11: ITEM 5.4.2

RESOLVED

That it be recommended to Council:

- (a) that the Adjustments Budget for 2017/2018 as set out in **APPENDIX 2** be approved; and
- (b) that the Service Delivery and Budget Implementation Plan be adjusted accordingly, inclusive of the non-financial information (performance measurement).

Meeting: Ref no: Collab	Mayco:2017-10-11 5/1/1/2017-2018	Submitted by Directorate: Author Referred from:	Finance Chief Financial Officer: M Wüst
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5.4.3	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR SEPTEMBER 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 to report the deviations and ratifications to Council.

2. DISCUSSION

Reporting the deviations as approved by the Accounting Officer for September 2017. The following deviations were approved with the reasons as indicated below:

DEVIATION NUMBER	CONTRACT DATE	NAME OF CONTRACT	CONTRACT DESCRIPTION	REASON	TOTAL CONTRACT PRICE
D/SM 05/18	05/09/2017	SMITH TABATA BUCHANAN BOYES (STBB)	Appointment of an appropriately experienced legal service provider for legal assistance to the section 80 committee on farm130/3 (STBB)	Exceptional case and it is impractical or impossible to follow the official procurement processes	TBC
D/SM 06/18	05/09/2017	THE GEOSS PTY (LTD)	Preparation and implementation of drought disaster action plan for Stellenbosch. Appointment of GEOSS (PTY) Ltd for drilling site supervision, contract management, drill work inspections, contract management and drill work monitoring of boreholes due to the drought disaster in WC 024.	Exceptional case and it is impractical to follow the official procurement processes	R 500 000
D/SM 07/18 & D/SM 08/18	5/09/2017	HATCH - Western Cape Water Demand Management	Preparation and implementation of drought disaster action plan for Stellenbosch. Appointment of hatch consultants to update the draft drought response plan, do detail designs for drought related work including borehole connections, containerized water purification units and borehole pump installation, due to the drought Disaster in the WC 024.	Emergency	R15 000 000

			Preparation and implementation of drought disaster action plan for Stellenbosch. Appointment of drillers to do exploration. Emergency & exceptional case and it is impractical or impossible to follow the official procurement processes, production boreholes for drought relief in the WC024.		
D/SM 09/18	26/09/2017	Appointment of Apronics-Cape for the Veeam & VMware Software License Upgrades & Renewal	Apronics	4.36.1 (a) (v) in any other exceptional case where it is impractical or impossible to follow the official procurement process	R634 683

3. LEGAL IMPLICATION

The regulation applicable is as follows:

GNR.868 of 30 May 2005: Municipal Supply Chain Management Regulations

Deviation from and ratification of minor breaches of, procurement processes

36. (1) A supply chain management policy may **allow the accounting officer**—
- (a) To **dispense with the official procurement processes** established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only—
 - (i) in an emergency;
 - (ii) if such goods or services are produced or available from a single provider only;
 - (iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
 - (iv) acquisition of animals for zoos; or
 - (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
 - (b) to ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.
- (2) The accounting officer must record the reasons for any deviations in terms of sub-regulation (1) (a) and (b) and **report them to the next meeting of the council**, or board of directors in the case of a municipal entity, and include as a note to the annual financial statements.

4. FINANCIAL IMPLICATION

Not required

5. COMMENTS FROM OTHER RELEVANT DEPARTMENTS

Not required

MAYORAL COMMITTEE: 2017-10-11: ITEM 5.4.3**RESOLVED****That it be recommended to Council:**

that Council notes the Monthly Financial Statutory Reporting: Deviations for September 2017.

<i>Meeting:</i>	<i>Mayco:2017-10-11</i>	<i>Submitted by Directorate:</i>	<i>Finance</i>
<i>Ref no:</i>	<i>8/1/Financial</i>	<i>Author</i>	<i>Chief Financial Officer: M Wüst</i>
<i>Collab</i>		<i>Referred from:</i>	

5.5	HUMAN SETTLEMENTS: (PC: CLLR PW BISCOBE)
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5.5.1	PROPOSED POLICY ON THE MANAGEMENT OF STELLENBOSCH MUNICIPALITY'S IMMOVABLE PROPERTY
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1. PURPOSE OF REPORT

To consider the Draft Policy on the Management of Stellenbosch Municipality's Immovable Property.

2. BACKGROUND

2.1 Approval of Draft Policy

On 2016-06-15 Council considered the Draft Policy on the Management of Stellenbosch Municipality. Having considered the report, Council resolved as follows:

RESOLVED (nem con)

“(a) that Council approves the attached updated Draft Policy on the Management of Stellenbosch Municipality's Immovable Property as a draft policy; and

(b) that the Draft Policy be advertised for a further round of public participation”.

2.2 Notice calling for inputs/objections

Following the above resolution, an official notice was published in the Eikestad News of 15 June 2017, a copy of which is attached as **APPENDIX 1**. In terms hereof the public had until 6 July 2017 to submit written communication, objections or representation in connection with the proposed policy.

At the closing date **no comments, objections or representation were received.**

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.5.1

RESOLVED

that the Draft Policy on the Management of Stellenbosch Municipality's Immovable Property be referred back for further refinement.

Meeting:	Mayco: 2017-10-11	Submitted by Directorate:	Human Settlements
Ref no:	7/2/1/1	Author	Manager: Property Management
Collab:	542489	Referred from:	

5.6	INFRASTRUCTURE: (PC: CLLR J DE VILLIERS)
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NONE

5.7	PARKS, OPEN SPACES AND ENVIRONMENT: (PC: CLLR N JINDELA)
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5.7.1	STELLENBOSCH MUNICIPALITY: INVESTIGATION INTO NATURE AREAS' ECONOMIC DRIVERS
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1. PURPOSE OF REPORT

To acquire Council's approval for the Department Planning & Economic Development to issue a Call for Proposals or Expression of Interest for the unlocking of the economic potential of the nature areas of Stellenbosch Municipality.

2. BACKGROUND

The Need for Economic Drivers In And Around Nature Areas

The nature areas of Stellenbosch Municipality form an integral part of the Cape Winelands Biosphere Reserve and the Cape Floral Region Protected Areas World Heritage Site. As such, these areas are national and international assets of immense systemic, intrinsic and instrumental value.

Some of the key nature areas owned and managed by Stellenbosch Municipality are Papegaaiberg, Louw's Bos, Botmaskop, Mont Rochelle Nature Reserve and the Ida's Valley Dam area. The on-going cost associated with the management aspects of visitor control, fire management, alien plant eradication and erosion control is significant and, due to persisting shortages, the management activities are limited to minimum interference. Given the vital importance of the nature areas in terms of their ecosystem functions this is not the ideal situation – best practice management of the nature areas should essentially be a priority.

A solution to the above is to unlock the latent value vested with the nature areas, in particular, as it relates to tourism. In this regard, Stellenbosch Municipality, as initiator and key member of the Cape Winelands Biosphere Reserve has a unique opportunity to fulfil a leading role, and benefit from, the sustainable use of its natural capital (resources) as is provided for in UNESCO's protocols and the relevant legislation and policy.

It is proposed that consideration be given to progressively unlocking the economic opportunities vested with the nature areas of Stellenbosch Municipality. This should be undertaken in a sustainable manner which implies that the well-being of local communities and the integrity of the environment are enhanced through the efficient and just use of

resources (i.e. the principle of 'nature pays'). In terms of the relevant protocols, legislation and policy the required unlocking of economic value may be achieved by means of globally-tested methods and enterprises (including cable ways and various forms of mechanical and pedestrian access, adventure sports, etc.) presented and managed by means of efficient Public-Private-Partnerships (PPPs) or outright lease agreements.

It is proposed that the viability and desirability of the required PPP- or lease based enterprises be explored by means of a Call for Proposals/Expression of Interest. Proposals/Expressions of Interest should comply with the relevant legislation and policy (specifically the draft Stellenbosch Environmental Management Framework) and indicate how the goals and objectives of the relevant area(s) would be met by means of the enterprise and how the principles of sustainable resource use would be achieved (with specific reference to job creation and general community enhancement).

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.7.1

RESOLVED

that this item be withdrawn.

<i>Meeting:</i>	<i>Mayco: 2017-10-11</i>	<i>Submitted by Directorate:</i>	<i>Planning and Economic Development</i>
<i>Ref no:</i>	<i>7/2/1/1</i>	<i>Author</i>	<i>Manager: LED</i>
<i>Collab:</i>	<i>541282</i>	<i>Referred from:</i>	

5.7.2	FUTURE USAGE OF BRÜMMER PARK
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1. PURPOSE OF REPORT

To inform Council regarding the community dispute on the current use of Brümmer Park with regard to the activities that must be allowed in the park and to get a formal decision for the future use of Brümmer Park.

2. BACKGROUND

A portion of Brümmer Park (Erf 3592), situated next to the Eerste River, has been developed into a garden

by Advocate Abrie Meiring. Advocate Meiring currently resides next to Brümmer Park. The development of the garden within Brümmer Park is still on-going. The remaining part of Brümmer Park can be regarded as a natural area, where trees have been planted and are currently managed as a natural area next to the Eerste River.

The last few years there has been a growing on-going friction amongst residents in relation to the usage of the park and or park status. Some residents want to use the park to as a cycle zone from various intersections and entrances where lawn areas area with no formal paths, while other residents are of the opinion that cyclists only be allowed in a portion of Brümmer Park and not the area that has been developed into a garden consisting of a footpath for passive multiple recreation purposes only.

This situation has reached a position that the Directorate is of the opinion that an official decision be taken regarding the type of activities which are allowed in Brümmer Park.

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 5.7.2**RESOLVED****That it be recommended to Council:**

- (a) that the Directorate establishes the accurate zoning whether Brümmer Park is a private or public open space;
- (b) that further investigations be done to confirm the landowner of erf 3592 (Brümmer Park); and
- (c) that the Directorate commences with a public participation process after (a) and (b) above have been confirmed, to establish the future use of Brümmer Park.

<i>Meeting:</i> <i>Ref no:</i> <i>Collab</i>	<i>Mayco:2017-10-11 (Add item)</i> <i>17/5/2/6</i>	<i>Submitted by Directorate:</i> <i>Author</i> <i>Referred from:</i>	<i>Director: Comm & Protection Services</i> <i>Manager: Community Services</i>
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5.8	PROTECTION SERVICES: (PC: CLLR Q SMIT)
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NONE

5.9	YOUTH, SPORT AND CULTURE: (PC: XL MDEMKA (MS))
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5.9.1	SPORTS GROUNDS: WRITING OFF OUTSTANDING DEBT
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1. PURPOSE OF THE REPORT

The purpose of the report is two-fold:

- (a) To gain approval from Council to write-off the balance of the long outstanding accumulated debts of all sport councils in the Greater Stellenbosch practicing sport on municipal land.
- (b) That the request of Stellenbosch Golf Club to write off their property rates be dealt with in terms of their lease agreement under stipulation (23) and be referred for arbitration.

2. BACKGROUND

Currently all the sports clubs are in arrears regarding their financial responsibilities towards Stellenbosch Municipality. All the existing contracts lapsed and the department is in the process of signing new lease agreements with all the sports councils.

This item is to inform the Council of the current situation and to obtain approval to write off the outstanding debts.

MAYORAL COMMITTEE: 2017-10-11: ITEM 5.9.1

With reference to Van der Stel- and the other Sports Clubs, additional salient information is required. A comprehensive report on these clubs, as well as the contracts, is to be submitted to the next Mayoral Committee meeting for consideration.

RESOLVED

That it be recommended to Council:

that the dispute raised by Stellenbosch Golf Club be referred for arbitration.

Meeting: Ref no: Collab	Mayco:2017-10-11 17/6MN	Submitted by Directorate: Author Referred from:	Director: Comm & Protection Services Manager: Community Services
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6.	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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6.1	DECISIONS TAKEN BY DIRECTORATES IN TERMS OF DELEGATED AUTHORITY: PLANNING AND ECONOMIC DEVELOPMENT
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1. PURPOSE OF REPORT

To report to Council on the decisions taken by the delegated officials in the Directorate Planning and Economic Development in terms of Council's System of Delegations for the period 01 April – 30 June 2017, in compliance with Section 63 of the Local Government: Municipal Systems Act read in conjunction with the System of Delegations as approved by Council.

2. BACKGROUND

Section 63 of the Local Government Municipal Systems Act 32 of 2000 reads as follows:

"A political structure, political office bearer, Councillor or staff member of a municipality to whom a delegating authority has delegated or sub delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report."

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 6.1

RESOLVED

That it be recommended to Council:

that Council notes the decisions taken, for the period 01 April – 30 June 2017, by the Directorate: Planning and Economic Development.

Meeting :	Mayco: 2017-10-11	Submitted by Directorate	Office of the MM
Ref no:	3/5/1/2	Author	Office of the MM
Collab	543136	Referred from :	

6.2	ESTABLISHMENT OF A STELLENBOSCH MUNICIPAL RELIEF AND CHARITABLE OR TRUST FUND (THE MAYORAL FUND)
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1. PURPOSE OF REPORT

To obtain approval for the introduction and establishment of a relief and charitable fund in terms of Section 12 of the Municipal Finance Management Act, no 56 of 2003 (MFMA), and to obtain approval for the guidelines associated with such fund (hereafter referred to as the Fund).

2. DISCUSSION

The Executive Mayor receives on a regular basis requests for grants, donations and financial assistance from various organisations, groups and individuals. Most of these are dealt with through the normal Grants-in-Aid policy, but some deserving requests fall outside the ambit of the policy.

It is thus along these lines that a mechanism be put in place that could address these deserving relief and / or charitable cases. In this regard it is proposed that a "Relief and / or charitable fund" be created in the name of Stellenbosch Municipality, specifically for this purpose and in terms of guidelines.

FURTHER COMMENTS BY THE MUNICIPAL MANAGER: 13 SEPTEMBER 2017

Due to the increasing demand for funding and donations received by the Executive Mayor and Municipal Manager, it has come to light that the Municipality cannot donate funding to organisations due to the limitations of the above set guidelines.

It is herewith recommended that changes be made to the guidelines in order for e.g. Schools or sports teams (with the relevant motivation) to qualify for a donation from the Mayoral Fund. The revised set of Fund Guidelines should therefore read as follows:

SET OF FUND GUIDELINES

a) The "Fund" may be used for:

- 1) Causes that will promote the profile of the Stellenbosch Municipality in the instances where beneficiaries represents Stellenbosch abroad;
- 2) Cases of hardship which fall outside the Municipality's Grant-in-Aid policy;
- 3) Emergency/Disaster situations where the Municipality has no other provision to cater for the event;
- 4) The specific use and conditions as may be set out by a donor to the "Fund" for that donated amount;
- 5) Grants may be used for registration, travelling expenses or accommodation (including outside municipal boundaries) for academic excellence, choirs, sports teams or any other form of religious activity and cultural events, from organisations within the WC024 area including NPO's and Schools which will promote the profile of Stellenbosch Municipality;

- 6) Applications should include all relevant details of the request and upon examination of all the documentation the Executive Mayor and/or Municipal Manager will make a final decision to approve / reject the application. All funding will be made to the bank account of the organisation and not an individual.

(b) The “Fund” may NOT be used for:

- 1) The “Fund” may not be used for any purpose that benefits a political party;
- 2) Appropriations may not benefit any member of the Council or a family member or relative of any member of the Council;
- 3) Only in exceptional cases may grants be made for activities occurring outside the boundaries of the Municipality and only after the approval by the Executive Mayor in consultation with the Mayoral Committee;
- 4) Any grant from the “Fund” shall not result in repeat commitments nor may any expectation be created that funding will automatically be made available for future events;
- 5) Grants should not be used in conjunction with other municipal funding of grants.

MAYORAL COMMITTEE MEETING: 2017-10-11: ITEM 6.2

RESOLVED

That it be recommended to Council:

that Council approves the revised set of Fund Guidelines as set out above.

<i>Meeting :</i>	<i>Mayco: 2017-10-11</i>	<i>Submitted by Directorate</i>	<i>Office of the MM</i>
<i>Ref no:</i>	<i>8/1/Financial</i>	<i>Author</i>	<i>Office of the MM</i>
<i>Collab</i>		<i>Referred from :</i>	

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 14:30.

CHAIRPERSON:

DATE:

Confirmed on **with/without amendments.**