

MILNERTON RACECOURSE DEVELOPMENT

Environmental Management Committee Constitution

Revised January 2007

1. Preamble

The Environmental Management Committee was established as a condition of the approval of the application for rezoning of the Milnerton Racecourse land (Erf 25939) from Private Open Space to Sub-divisional Area, by the local authority, City of Cape Town: Blaauwberg Administration in terms of the Land Use Planning Ordinance No 15 of 1985 and by the Department of Environmental and Cultural Affairs and Sport in terms of the Environmental Conservation Act No 73 of 1989. The subdivided erf 25939 is now known as the Royal Ascot Development.

2. Name

The name of the committee is the Milnerton Racecourse Environmental Management Committee.

3. Definitions

In this constitution unless inconsistent with the text:

- a) "Authorising Agencies" means the City of Cape Town and the Department of Environmental Affairs and Development Planning (DEA&DP formerly DECAS)
- b) "Conservation Area" means both the north and south portions of the conserved area adjacent to Royal Ascot
- c) "Council" means the local authority, City of Cape Town or its successors in title.
- d) "ECM" means Environmental Conservation Manager appointed to oversee the implementation of the EMS and OEMP
- e) "ECO" means the Environmental Control Officer, a Council representative
- f) "EMC" means the Environmental Management Committee
- g) "EMP" refers to both the Construction and Operational Environmental Management Plans
- h) "EMS" means the Environmental Management System for the management of the precincts in Royal Ascot and the conservation areas
- i) "ESM" means the Environmental Site Manager, also referred to as the Environmental Site Officer (ESO), appointed to oversee implementation of the CEMP.

4. Role of the EMC

4.1 The primary functions of the EMC are:

- a) To ensure the effective environmental management of all precincts in the Milnerton Racecourse Development and the conservation area by ensuring the implementation of the EMPs and EMS and commissioning independent reviews of compliance with the EMPs/EMS.
- b) To review and approve proposed changes to the EMS and EMP documents and to recommend changes to environmental strategies where applicable on site.
- c) To approve the appointment by each precinct owner of the ESM for each precinct, with the City of Cape Town giving final approval of the ESM.
- d) To appoint an ECM to oversee the implementation of the OEMP and EMS for the Conservation Area.
- e) To liaise with and assist the ESM/ECM, owners, bodies corporate, property owners associations and managing authorities of all precincts on issues of environmental management.

- f) To approve all method statements or alternatively to appoint a subcommittee to approve all method statements.
- g) To receive regular reports of environmental management on site from the ESM during the construction phase, and ECM during the operational phase.
- h) To assess, at agreed intervals, owners' compliance with the EMP and to provide input on associated matters, when required through evaluation of the independent review report.
- i) To record fines which may be issued in terms of the EMP/EMS and to allocate these fines to specific projects at the committee's discretion.
- j) To ensure that regular review of the EMPs/EMS are carried out and forward the results of the environmental audits or reviews to the City of Cape Town.
- k) To ensure the implementation of the audit and subsequent review recommendations, where applicable.
- l) To act within the parameters outlined in the conditions of rezoning and the DECAS authorization.
- m) To ensure and manage the funding of the management of the conservation area according to an annual budget.
- n) To take action and steps against non-compliance in respect of the EMPs/EMS.
- o) To raise awareness of environmental issues and the profile of the EMC in the broader Milnerton Racecourse and Royal Ascot community.

5. Structure and Operation

5.1 The Core EMC shall consist of representatives of each of the following organisations:

- City of Cape Town
- Friends of Rietvlei
- Milnerton Ridge Residents Association
- Botanical Society of South Africa and/or other environmental NGO
- Royal Ascot Master Property Owners Association
- Gold Circle
- ESM/ECM

These identified constituent organisations will have voting rights, each organisation having one vote only. Other organisations or individuals agreed to by the EMC may attend meetings but without voting rights.

- 5.2 Honorary Members could be nominated from time to time, but these members will however not have voting rights.
- 5.3 The EMC shall elect a chairman at the first meeting and as often as the office of chairman shall become vacant. If the chairman of the EMC is not present at a meeting, the members of the EMC present shall elect one of their numbers to act as chairman for that meeting.
- 5.4 The EMC shall elect a secretary at the first meeting and as often as the office of secretary becomes vacant. If the secretary of the EMC is not able to be present at any meeting he/she shall ensure that adequate secretarial services are provided for that meeting.
- 5.5 The secretary shall keep the minutes of every meeting to be circulated to all members of the EMC prior to the following meeting. Minutes from the previous meeting are to be confirmed as correct at the start of each meeting.
- 5.6 The secretary shall ensure that full copies of all minutes are properly kept.
- 5.7 The EMC shall hold such meetings as it may deem fit and may adjourn a meeting from time to time, provided that it shall meet at least once every three months.
- 5.8 The EMC shall decide the date, place, and hour of the next meeting of the EMC at each meeting, failing which the chairman shall so decide.

- 5.9 The secretary shall at least 7 days before a meeting of the committee notify all members of the place, date and hour of such meeting.
- 5.10 Should a meeting be cancelled or postponed the secretary must inform the members timeously.
- 5.11 50% of the voting members of the EMC shall form a quorum and no business shall be transacted unless a quorum is present.
- 5.12 Decisions of the EMC will generally be by consensus, unless a voting member calls for a vote for a motion. If a vote is called for, a motion must be passed by a two-thirds majority of the voting members present.
- 5.13 If a member of the EMC is absent without leave from 3 consecutive meetings, the EMC shall inform the organisation the member represents and request that they re-nominate a representative to attend meetings.
- 5.14 If the re-nomination is absent without leave for another 3 months (a total of 6 months), the organisation can be disqualified as a voting member of the EMC, by a vote of the EMC.
- 5.15 Any member of the EMC who desires to resign shall inform the organisation he/she represents, at the same time informing the secretary of his/her intention.

6. Complaints and general communication

- 6.1 Construction Phase:
 - a) Complaints from the public shall be submitted in writing to the ESM.
 - b) The ESM is to record the complaint in a register stating the name of the complainant, the nature of the complaint and the date.
 - c) The ESM is to attach the current register to monthly reports and forward to EMC.
 - d) The ESM to hand over the original complaint to the main contractor for consideration and a response or insurances.
 - e) Copies of responses to be submitted to the EMC for record purposes.
- 6.2 Operational Phase:
 - a) Complaints, comments and/or submissions from the public shall be submitted in writing to the EMC.
 - b) The EMC will respond to the communicant timeously.

7. Amendments to Constitution

- 7.1 All members of the EMC are to be notified of any proposed changes to this constitution.
- 7.2 An amendment to the constitution must be approved by a two-thirds majority of those present at the EMC meeting following notification of the proposal.
- 7.3 The authorising agencies are to be notified in the event of any changes to the constitution.