



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

3/5/4/1

2018-02-09

MINUTES

COUNCIL APPEAL COMMITTEE MEETING

2018-02-09

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COUNCIL APPEAL COMMITTEE MEETING

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	APPLICATION FOR LEAVE OF ABSENCE	
2.	COMMUNICATION BY THE CHAIRPERSON	
3.	CONFIRMATION OF MINUTES The minutes of the Council Appeal Committee held on 2017-09-12 and continued on 2017-11-24 FOR CONFIRMATION	
4.	MATTERS TO BE CONSIDERED	
4.1	APPEAL (IN TERMS OF COUNCIL'S INTERNAL APPEAL PROCESS) AGAINST COUNCIL'S DECISION TO APPROVE AN APPLICATION FOR REZONING AND DEPARTURES ON ERVEN 132, 133 AND 134 (TO BE CONSOLIDATED), CNR OF HOFMAN AND PAUL KRUGER STREETS, STELLENBOSCH	2

**MINUTES OF THE COUNCIL APPEAL COMMITTEE MEETING HELD ON FRIDAY,
2018-02-09 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE PLEIN STREET,
STELLENBOSCH**

PRESENT	Councillor DD Joubert [Chairperson]
Councillors	GN Bakubaku-Vos (Ms) MB De Wet MD Oliphant Q Smit
Officials	Manager: Land Use Management (Ms H Dednam) Senior Town Planner (R Fooy) Town Planner (Ms L Ollyn) Committee Clerk (T Samuels (Ms)) Interpreter (J Tyatyeka)

1.	OPENING AND WELCOME
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The Speaker, Councillor DD Joubert, welcomed all present.

2.	APPLICATION FOR LEAVE OF ABSENCE
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NONE

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

3.	CONFIRMATION OF MINUTES
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3.1	CONFIRMATION OF THE MINUTES OF THE COUNCIL APPEAL COMMITTEE MEETING HELD ON 2017-09-12 AND CONTINUED ON 2017-11-24
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The minutes of the Council Appeal Committee Meeting held on 2017-09-12 and continued on 2017-11-24, were confirmed, subject to verification of the following:

Council Appeal minutes: 2017-11-24: Page 10: Reasons for dismissal

Verify the correctness of the reasons for the dismissal of the Appeal.

4.	MATTERS TO BE CONSIDERED
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4.1	APPEAL (IN TERMS OF COUNCIL'S INTERNAL APPEAL PROCESS) AGAINST COUNCIL'S DECISION TO APPROVE AN APPLICATION FOR REZONING AND DEPARTURES ON ERVEN 132, 133 AND 134 (TO BE CONSOLIDATED), CNR OF HOFMAN AND PAUL KRUGER STREETS, STELLENBOSCH
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File number : 132
Compiled by : Town Planner (L Olyyn)
Report by : Director: Planning and Economic Development
Delegated Authority : Council Appeals Committee

1. EXECUTIVE SUMMARY

1.1 Development Proposal

Application was made in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) in order to remove the restrictive title conditions applicable to Erven 132, 133 & 134, Stellenbosch to enable the owners to consolidate the erven in order to erect a four (4) storey block of flats for residential purposes.

Application was made in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the rezoning of Erven 132, 133 & 134 (to be consolidated), Stellenbosch from Single Residential to General Residential for the construction of a block of flats (consisting of ground floor parking and 3 storeys above).

Application was made in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (No 15 of 1985) for a departure to:

- (i) relax the street building line (Hofman Street) from **7,6m** to **6,0m**;
- (ii) relax the common building line (adjacent to Erven 129 – 131, Stellenbosch) from **4,6m** to **4,2m**;
- (iii) relax the common building line (adjacent to Erf135, Stellenbosch) from **4,6m** to **3,7m**;
- (iv) exceed the permissible coverage of **25%** to **45%**;
- (v) exceed the floor factor from **0.75** to **1.12**; and to
- (vi) provide **10%** of garden space in lieu of the **25%** required.

See **ANNEXURE 2**.

1.2 Council Resolution

On 06-06-2017 the Planning and Economic Development Committee in terms of their delegations resolved as follows:

- *that the application for rezoning of Erven 132, 133 & 134 (to be consolidated), Stellenbosch from Single Residential to General Residential for the construction of a block of flats, **be approved** in terms of Section 16 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), subject to the conditions contained within the attached APPENDIX 1; and*

- *that the application for departures as indicated on drawing nr SK100-101-102-103-104-105-106-200-201-300-301-302-303 (Rev No. 9), drawn by MWP Architects, dated 22 June 2015 (Appendix 3), be **approved** in terms of Section 15(1)(b) of the Land Use Planning Ordinance, 1985 (No 15 of 1985), subject to the conditions contained within the attached APPENDIX 1 to:*
 - *relax the street building line (Paul Kruger) from 7,6m to 5,6m;*
 - *relax the common building line (adjacent to Erven 129 – 131, Stellenbosch) from 4,6m to 4,2m;*
 - *relax the common building line (adjacent to Erf135, Stellenbosch) from 4,6m to 3,7m;*
 - *exceed the permissible coverage of 25% to 45%;*
 - *exceed the floor factor from 0.75 to 1.12; and to*
 - *provide 19% of garden space in lieu of the 25% required*

See **ANNEXURE 2** for the report that served before the Planning & Economic Development Committee on the 06-06-2017.

COUNCIL APPEAL COMMITTEE: 2018-02-09: ITEM 4.1

RESOLVED (nem con)

that the appeal against Council’s decision to approve an application for the rezoning of Erven 132, 133 & 134 (to be consolidated), Stellenbosch from Single Residential to General Residential for the construction of a block of flats, be **dismissed**.

REASONS FOR DISMISSAL

- (1) The area is earmarked for densification in the IDP.
- (2) The appellant’s main concern of people looking into his backyard is without merit insofar as the current zoning of the property allows for a 2-storey building (without any further applications) which would in any event result in people being able to look into his backyard.
- (3) The appellant’s assertion that his property is depreciating in value due to the proposed development, is baseless.
- (4) Buildings of similar character to the proposed development already exist in the area, and a block of flats is adjacent to the proposed development.
- (5) A Traffic Impact Assessment Report supports the proposed development; and
- (6) Ample conditions have been imposed on the developers in the original approval.

The meeting adjourned at 10:05.

CHAIRPERSON:

DATE:

Confirmed on