

- MINUTES-

OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 31 JANUARY 2020, AT THE STELLENBOSCH MUNICIPAL COUNCIL CHAMBERS, PLEIN STREET, STELLENBOSCH AT 10H00

Ref. no. 3/4/5/2/40

2020-01-31

Chairperson

Dr DJ Du Plessis

Deputy-Chairperson

Ms C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr E Delport

Mr J Knight

Internal Members

Mr B de la Bat-Manager - Spatial Planning

Mr M Williams - Senior Legal Advisor

Mr S van der Merwe - Environmental Planner

Ms J Mowers- Senior Manager: Development, Asset Management and Systems & Project Management Unit (PMU)-Infrastructure Services

Ms M Francis - Manager: Project Management Unit

Mr G Cain: Manager- IDP & Performance Management

Mr A van der Merwe: Senior Manager-Community Services

Technical Advisor

Mr K Munro- Director Environmental & Spatial Planning: Department of Environmental Affairs and Development Planning

Officials

Mr P April: Acting Manager: Land-Use Management & Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms L Guntz: Senior Town Planner

Ms L Kamineth: Senior Administrative Officer: MPT

Ms O Sims: Administrative Officer: MPT

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 JANUARY 2020

ITEM	SUBJECT
SMPT 01/01/20	<p>OPENING AND WELCOME</p> <p>Chairperson welcomed all at the first MPT meeting for 2020.</p>
SMPT 02/01/20	<p>LEAVE OF ABSENCE</p> <p>None</p>
SMPT 03/01/20	<p>DISCLOSURE OF INTERESTS</p> <p>The chairperson enquired whether any member wanted to declare a conflict of interest regarding any item on the agenda.</p> <p>Mrs Hedwig Crooijmans –Lemmer recused herself from item 5.4</p>
SMPT 04/01/20	<p>MINUTES OF THE PREVIOUS MEETING DATED 29 NOVEMBER 2019</p> <p>The minutes were already approved and the content is noted.</p>
	<p>MATTERS FOR CONSIDERATION</p>
SMPT 05/01/20	<p>APPLICATION FOR THE REZONING AND PERMANENT DEPARTURES ON ERF 184, STELLENBOSCH(LU/7783)</p> <p>Chairperson Du Plessis handed over to Mr Khalied Jacobs from Jakupa Architects and Urban Designers who were requested by the Stellenbosch Municipality to do a presentation on the Dennesig Development Guidelines as context for considering Items 5.1 to 5.4. Mr Jacobs indicated that he will present first and will then hand over to Mr Johan Brink who will present the findings of the Transport Impact Assessment to the Tribunal. The chairperson thanked both parties after the presentations and indicated to members of the Tribunal that they can proceed with questions of clarity on the presentation.</p> <p>Mr Fooy presented a summary of the application to the Tribunal. An in-depth discussion followed between the members of the Tribunal.</p> <p>The issue of inclusionary housing was specifically addressed. As there is currently no Council Policy available in this regard, it was recommended that it be made a condition of approval that inclusionary housing should be investigated in a proposed new development to expand housing opportunity for a broader range of income groups, particularly in settlements within Stellenbosch. The Tribunal requested to be</p>

provided with future feedback on this matter. The Tribunal further requested that the formulation of a municipal inclusionary housing policy be made a priority by the Spatial Planning Section.

UNANIMOUSLY RESOLVED:

1. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following applications:

1.1 Rezoning of Erf 184 from Single Residential to Specific Business Zone, in terms of the Stellenbosch Municipality Zoning Scheme Regulations, 1996 to develop 86 m² of commercial space and 50 residential units in a 5 storey building.

1.2 Permanent departures for the following:

1.2.1 Street Building Line (Dennesig) of 0.0m in lieu of 7.6m on Floors 1 – 4;

1.2.2 Street Building Line (Hofman) of 0.0m for a portion of the building and 1.7m for the remainder of the building in lieu of 7.6m on Floors 1 – 4;

1.2.3 Common boundary (Erf 155) 0.0m for a portion of the building on Ground and Floors 1 – 4 in lieu of 3.0m on ground and 4.6m on Floors 1- 4;

1.2.4 Common boundary (Erf 4683) 0.0m on Ground Floor to allow for the stairwell and 0.0m (stairwell) and 1.7 (remainder building) on Floors 1 – 4 in lieu of 3m (ground floor) and 4.6m on Floors 1-4;

1.2.5 Coverage of 76% in lieu 50% for the residential component of the building on Floors 1-3;

1.2.6 Height of the building to be 5 storeys in lieu of 4;

1.2.7 Provision of 10.6% of the site for communal open space, in lieu of 25%;

1.2.8 Provision of 67 parking bays (which would include provision for 12

motorcycles, 56 standard motorized vehicles and 50 bicycle bays) in lieu of 74 parking bays for vehicles.

2. The approval granted in **Sections 1** above is subject to the following conditions in terms of Section 66 of the above-mentioned by-law;

2.1 The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2 The conditions of approval as imposed by the Manager: Development (Infrastructure Services) in its memo dated 30 January 2020, condition C & D of the memo be adhered to (**Annexure H**);

2.3 The development be undertaken in general accordance with the Site Development Plan as attached in **Annexure B**, drawings 3618/C/101-108 rev 8 dated 2019-10-23;

2.4 Building plans be submitted to the Municipality for approval prior to any building work taking place on the property;

2.5 A revised SDP and landscaping plan be submitted for approval by the Director: Planning and Economic Development with the building plans and implemented prior to an occupation certificate being issued;

2.6 The commercial portion of the building only be used for convenience retail purposes;

2.7 The landscaping plan for the subject property as well as the sidewalk areas within the sidewalk must tie in with the Master Landscaping Plan for the Dennesig area to ensure that the landscaping for the areas is a cohesive project and that there is continuity for all communal areas;

2.8 Inclusionary housing component be included to expand housing opportunity for a broader range of income groups.

	<p>REASONS FOR APPROVAL</p> <ol style="list-style-type: none"> 1. The proposed development is in line with the Dennesig Neighbourhood Development Guidelines, September 2019 as confirmed with the Happy Letter attached as Annexure J. 2. The subject property is located in an area where high density development is promoted by Council due to its proximity to the Stellenbosch University and Central Business District. 3. Adequate provision is made for bicycle parking facilities; 4. The proposed development is not seen to be out of scale or character with its surroundings. 5. The proposal promotes Council policy as noted in the SDF of densification within the urban edge. 6. The proposal promotes Council policy as noted in the IDP of high-density developments within Dennesig. 7. The development is compatible with the surrounding land uses and built environment. 8. The applicant has followed due process for public participation; 9. The proposed development ties in with the existing character and land use of the surrounding area. 10. The proposal is seen as a form of sensible densification and will make optimal use of existing infrastructure. 11. The proposed development is in line with the Stellenbosch MSDF, IDP and other relevant planning legislation. 12. The proposed redevelopment of the subject property complies with the land use planning principles referred in Section 59 (spatial justice, spatial sustainability, spatial resilience, efficiency and good administration) of LUPA.
<p>SMPT 06/01/20</p>	<p>APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING, CONSOLIDATION AND PERMANENT DEPARTURES: ERVEN 139 AND 140 STELLENBOSCH (LU/8381)</p> <p>Mr Fooy introduced the item to the Tribunal. An in-depth discussion followed between the members of the Tribunal.</p> <p>UNANIMOUSLY RESOLVED:</p>

1. **Approval be granted** in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following applications:

1.1 **Removal of the Title Deed Restrictions** from the Title Deed T28075/1996 for Erf 139 and Title Deed T54174/2012 for Erf 140 which reads as follows:

The Title Deed T28075/1996 for Erf 139

1.1.1 Clause B: "Not entitled as a result of condition (a) in paragraph C hereunder to the benefit of the reservation of water rights but otherwise entitled to the benefit of the conditions as referred to in the two notes dated 2 June 1939 and 5 June 1939 on deed of Transfer No T7492/1932 which reads as follows: " Deur die ondergenoemde Aktes van Transport van erwe in die Kromme Rivier C Dorp is deur die eienaar en sy opvolgers in title van die restant van die eiendomme paras. 1, 2, 3, en 4 van hierdie Akte al sy bestaande regte as oewereienaar uitgehou en die grond deur die gesegde Aktes oorgedra is onderhewig ten gunste van die gemelde eiendomme hieronder gehou en sekere rege wat betref die bedryf van sekere besighede en verkoop van sterk drank, soos meer volledig sal blyk uit transportakte Nrs. 5594 gedateer 2.6.1939; 9842 gedateer 8.9.1939; 536 gedateer 25.1.1940; Nr 4379 gedateer 9.5.1940;"

1.1.2 Clause C (a) " dat die bogenoemde erf nie geregtig sal wees op die gebruik van enige water uit die Kromme Rivier vir huishoudelike of enige ander doeleindes die Transportgewer behou vir homself as eienaar van die grond nog in sy naam geregistreer onder die gemelde Akte van Transport gedateer 10 Desember 1970 nr. 7492 en sy opvolgers in titel al sy teenwoordige bestaande regte as oewereienaar op sulke regte"

1.1.3 Clause C(b): " Geen bottelstoor, kantien of plek waar sterk drank kan verkry word sal op die hierbogemelde grond opgerig word nog sal enige hotel, slagter, algemene handelaar of andere besigheid van sulke aard gedryf of gedoen word daarop."

1.1.4 Clause D(a): "Die erf moet uitsluitlik vir woning doeleindes gebruik word."

1.1.5 Clause D(b): " Dat die erf nie verdeel sal word nie."

1.1.6 Cause D(c): "Dat nie meer as een woonhuis met die nodige buitegeboue en toebehoorsels op die erf gebou sal word nie en dat nie meer as een helfte van die oppervlakte van die erf op gebou word nie."

1.1.7 Clause D(d): " Dat geen gebou binne 5,67 meter van enige straatlyn wat die grens van die erf is, moet opgerig word nie."

1.1.8 Clause E(3): " Dat die eienaar van elke erf en die namalige eienare daarvan verplig sal wees om die rioleering en rioolstelsel van enige erf of erwe oor sodanige erf te laat neem indien nodig geag deur die Munisipaliteit redelik vereis word."

Title Deed T54174/2012 for Erf 140:

1.1.9 Clause B (a): "dat die bogenoemde erf nie geregtig sal wees op die gebruik van enige water uit die Kromme Rivier vir huishoudelike of enige ander doeleindes die Transportgewer behou vir homself as eienaar van die grond nog op 23 Augustus 1932 in sy naam geregistreer onder die gemelde Sertifikaat van gegistreerde Titel gedateer 15 Oktober 1888 en Sertifikaat van geregistreerde Titel gedateer 16 September 1932 nr. 7492 en sy opvolgers in titel al sy teenwoordige bestaande regte as oewereienaar op sulke regte"

1.1.10 Clause B(b): "Geen bottelstoor, kantien of plek waar sterk drank kan verkry word sal op die hierbogemelde grond opgerig word nog sal enige hotel, slagter, algemene handelaar of andere besigheid van sulke aard gedryf of gedoen word daarop."

1.1.11 Clause C(a): " die erf moet uitsluitelik vir wonings doeleindes gebruik word.

Geen winkel of hotel en geen handel of industriële besigheid van enige aard sal daarop gedryf word nie."

1.1.12 Clause C(b): " dat die erf nie sal verdeel word nie".

1.1.13 Cause C(c): "Dat nie meer as een woonhuis met die nodige buitegeboue en toebehoorsels op die erf gebou sal word nie en dat nie meer as een helfte van die oppervlakte van die erf op gebou word nie."

1.1.14 Clause C(d): " Dat geen gebou binne 18 voet van enige straatlyn wat die grens van die erf is moet opgerig word nie."

1.1.15 Clause D(3): " Dat die eienaar van elke erf en die namalige eienare daarvan verplig sal wees om die rioleering en rioolstelsel van enige erf of erwe oor sodanige erf te laat neem indien nodig geag deur die Munisipaliteit redelike vereis word."

1.2 Consolidation of erf 139 and erf 140 into a single, consolidated unregistered property;

1.3 Rezoning of the consolidated unregistered property from Single Residential to General Residential;

1.4 Permanent departures to allow for the relaxation of the following building lines:

1.4.1 Street boundary building line (R44) from 7.6m to 5.0m for the basement parking;

1.4.2 Street boundary building line (R44) from 7.6m to 1.620m for the basement parking area;

1.4.3 Street boundary building line (R44) from 7.6m to 5.35m for the building;

1.4.4 Street boundary building line (Paul Kruger Road) from 7.6m to 1.62m for the basement parking area;

1.4.5 Street boundary building line (Paul Kruger Road) from 7.6m to 1.1m on

Ground Floor and 0m on Floors 1- 3;

- 1.4.6 Common boundary building line (Erf 141) from 4.6m to 0m for the parking area on ground floor and the basement parking area;
- 1.4.7 Common boundary building line (Erf 141) from 4.6m to 0m on Floors 1 – 4 (only on front 4-storey section of building);
- 1.4.8 Common boundary building line (rear -Erf 16399 and 163) from 4.6m to 4.2m on Floors 1 – 4.

1.5 Permanent departures to allow for:

- 1.5.1 Relaxation of permissible coverage from 25% to 60%;
- 1.5.2 Relaxation of permitted floor factor from 0.5 to 1.6;
- 1.5.3 Relaxation of height restrictions to allow for a five-storey building in lieu of a 3 storey building;
- 1.5.4 Relaxation of required parking bays from 99 bays to 77 bays (which would include parking provision for 66 bicycles, 66 motorized vehicles and 11 tandem bays, as result having a parking ratio of 1.29 parking bays / unit. (If the 11 tandem parking bays are not included in the parking calculation).

2. The approval granted in Sections 1 above is subject to the following conditions in terms of Section 66 of the above-mentioned By-Law:

- 2.1 The approval applies only to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
- 2.2 The conditions of approval as imposed by the Manager: Development (Infrastructure Services) in its memo dated 30 January 2020, condition C & D of the memo be adhered to (**Annexure H**);
- 2.3 The applicant submits an electronic copy (shp,dwg,dxf) of the consolidation diagram which was preliminary approved by the SG indicating the newly allocated Erf Number, Co-ordinates and Survey Dimensions;

- 2.4 The development be undertaken generally in accordance with the approved site development plan as attached in **Annexure B**, The Edge, Rev 12, dated 27 November 2019;
- 2.5 Building plans be submitted to the Municipality for approval prior to any building work taking place on the property;
- 2.6 A landscaping plan be submitted for approval and implemented prior to an occupation certificate being issued;
- 2.7 An occupation certificate only be issued once the title deed has been endorsed and registered in the deed office;
- 2.8 The landscaping plan for the subject property is to tie in with the Master Landscaping Plan for Dennesig to ensure that the Dennesig areas landscaping is a cohesive project and to ensure continuity for all communal areas located on the sidewalk of the subject property and the sidewalk area located within the road reserve;
- 2.9 Inclusionary housing component be included to expand housing opportunity for a broader range of income groups.

REASONS FOR APPROVAL

1. The proposed development is in line with the Dennesig Neighbourhood design Guidelines, September 2019 as confirmed with the Letter attached as **Annexure K**.
2. The proposed removal of the relevant restrictive title deed conditions will enable the owner to develop the property to the optimal development potential in line with the approved IDP.
3. The subject property is located in an area where high density development is being promoted by Council due to its proximity to the Stellenbosch University and Central Business District.
4. The proposed development is not seen to be out of scale or character with its

	<p>surroundings.</p> <ol style="list-style-type: none"> 5. The development is compatible with the surrounding land uses and built environment. 6. The applicant has followed due process for public participation. 7. The proposed development ties in with the existing character and land use of the surrounding area. 8. The proposal is seen as a form of sensible densification and will make optimal use of existing infrastructure. 9. The proposed development is in line with the Stellenbosch MSDF, IDP and other relevant planning legislation. 10. The proposed redevelopment of the subject property complies with the land use planning principles referred in Section 59 (spatial justice, spatial sustainability, spatial resilience, efficiency and good administration) of LUPA.
<p>SMPT 07/01/20</p>	<p>APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSOLIDATION, REZONING, DEPARTURES AND APPROVAL OF THE SITE DEVELOPMENT PLAN FOR THE UNREGISTERED CONSOLIDATED ERVEN 143,144,145, 166, 167, 168, 169, 170, STELLENBOSCH(LU/8676)</p> <p>Mr Fooy presented a summary of the application to the Tribunal. An in-depth discussion followed between the members of the Tribunal.</p> <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> 1. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for: <ol style="list-style-type: none"> 1.1 Consolidation, of the following erven to create an unregistered property with an area of ± 8 383 m²; <ul style="list-style-type: none"> • Erf 143 Stellenbosch • Erf 144 Stellenbosch • Erf 145 Stellenbosch • Erf 166 Stellenbosch • Erf 167 Stellenbosch • Erf 168 Stellenbosch • Erf 169 Stellenbosch • Erf 170 Stellenbosch

- 1.2 **Rezoning** of the unregistered property from Single Residential Zone to Specific Business Zone;
- 1.3 **Permanent departure** to permit residential units on the ground floor of a Specific Business Zone.
- 1.4 **Permanent departure** to permit a building of 6 storeys, in lieu of 3 storeys, for residential units within a Specific Business Zone;
- 1.5 **Permanent departure** for the relaxation of building lines, as follows:

GROUND FLOOR

- 1.5.1 Street building line (along Dennesig Road) from 7.6m to 1.9m for residential use on ground floor (as per Building Line Plan No 1 dated 1 November 2019 and SDP).
- 1.5.2 Street building line (along Paul Kruger Road) from 7.6m to 1.9m for residential use on ground floor (as per Building Line Plan No 1 dated 1 November 2019 and SDP).
- 1.5.3 Street building line (along Paul Kruger Road) from 7.6m to 0m to accommodate a substation and refuse area (as per Building Line Plan No 1 dated 1 November 2019 and SDP).
- 1.5.4 Lateral building line (along Erf 142 Stellenbosch) from 4.6m to 0m to accommodate a substation, generator room and refuse area (as per Building Line Plan No 1 dated 1 November 2019 and SDP).
- 1.5.5 Lateral building line (along Erf 165 Stellenbosch) from 4.6m to 0m for residential use on ground floor (as per Building Line Plan No 1 dated 1 November 2019 and SDP).
- 1.5.6 Lateral building line (along Erf 146 Stellenbosch) from 4.6m to 3.2m for residential use on ground floor (as per Building Line Plan No 1 dated 1 November 2019 and SDP).
- 1.5.7 Lateral building line (along Erf 146 Stellenbosch) from 4.6m to 2.4m to accommodate a security room on ground floor (as per Building Line Plan No 1 dated 1 November 2019 and SDP).

FIRST FLOOR

- 1.5.8 Street building line (along Paul Kruger, Hofman and Dennesig Roads) from 7.6m to 0m to accommodate residential uses on the first floor (as per Building Line Plan No 2 dated 1 November 2019 and SDP).

- 1.5.9 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the first floor (as per Building Line Plan No 2 dated 1 November 2019 and SDP).
- 1.5.10 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 2.6m to accommodate residential uses on the first floor (as per Building Line Plan No 2 dated 1 November 2019 and SDP).
- 1.5.11 Lateral building line (along a portion of Erf 165 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the first floor (as per Building Line Plan No 2 dated 1 November 2019 and SDP).
- 1.5.12 Lateral building line (along a portion of Erf 146 Stellenbosch) from 4.6m to 3.2m to accommodate residential uses on the first floor (as per Building Line Plan No 2 dated 1 November 2019 and SDP).
- 1.5.13 Lateral building line (along a portion of Erf 146 Stellenbosch) from 4.6m to 3.5m to accommodate residential uses on the first floor (as per Building Line Plan No 2 dated 1 November 2019 and SDP).

SECOND FLOOR

- 1.5.14 Street building line (along Paul Kruger, Hofman and Dennesig Roads) from 7.6m to 0m to accommodate residential uses on the second floor (as per Building Line Plan No 3 dated 1 November 2019 and SDP).
- 1.5.15 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the second floor (as per Building Line Plan No 3 dated 1 November 2019 and SDP).
- 1.5.16 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 2.6m to accommodate residential uses on the second floor (as per Building Line Plan No 3 dated 1 November 2019 and SDP).
- 1.5.17 Lateral building line (along a portion of Erf 165 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the second floor (as per Building Line Plan No 3 dated 1 November 2019 and SDP).
- 1.5.18 Lateral building line (along a portion of Erf 146 Stellenbosch) from 4.6m to 3.2m to accommodate residential uses on the second floor (as per Building Line Plan No 3 dated 1 November 2019 and SDP).
- 1.5.19 Lateral building line (along a portion of Erf 146 Stellenbosch) from 4.6m to 3.5m to accommodate residential uses on the second floor (as per Building

Line Plan No 3 dated 1 November 2019 and SDP).

THIRD FLOOR

- 1.5.20 Street building line (along Paul Kruger, Hofman and Dennesig Roads) from 4.6m to 0m to accommodate residential uses (including balconies and pergola structures above) on the third floor (as per Building Line Plan No 4 dated 1 November 2019 and SDP).
- 1.5.21 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 0m to accommodate residential uses (including a balcony) on the third floor (as per Building Line Plan No 4 dated 1 November 2019 and SDP).
- 1.5.22 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 2.6m to accommodate residential uses (including a balcony) on the third floor (as per Building Line Plan No 4 dated 1 November 2019 and SDP).
- 1.5.23 Lateral building line (along a portion of Erf 165 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the third floor (as per Building Line Plan No 4 dated 1 November 2019 and SDP).
- 1.5.24 Lateral building line (along a portion of Erf 146 Stellenbosch) from 4.6m to 3.2m to accommodate residential uses (including a balcony) on the third floor (as per Building Line Plan No 4 dated 1 November 2019 and SDP).
- 1.5.25 Lateral building line (along a portion of Erf 146 Stellenbosch) from 4.6m to 3.5m to accommodate residential uses (including a balcony and pergola structures above) on the third floor (as per Building Line Plan No 4 dated 1 November 2019 and SDP).

FOURTH FLOOR

- 1.5.26 Street building line (along Paul Kruger Road) from 7.6m to 1.9m to accommodate residential uses on the fourth floor (as per Building Line Plan No 5 dated 1 November 2019 and SDP).
- 1.5.27 Street building line (along Dennesig and a portion of Hofman Road) from 7.6m to 0m to accommodate residential uses (including balconies and pergola structures above) on the fourth floor (as per Building Line Plan No 5 dated 1 November 2019 and SDP).
- 1.5.28 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 2m to accommodate residential uses on the fourth floor (as per Building Line Plan No 5 dated 1 November 2019 and SDP).

1.5.29 Lateral building line (along a portion of Erf 142 Stellenbosch) from 4.6m to 2.6m to accommodate residential uses on the fourth floor (as per Building Line Plan No 5 dated 1 November 2019 and SDP).

1.5.30 Lateral building line (along a portion of Erf 165 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the fourth floor (as per Building Line Plan No 5 dated 1 November 2019 and SDP).

FIFTH FLOOR

1.5.31 Street building line (along Dennesig and a portion of Hofman Roads) from 7.6m to 1.9m to accommodate residential uses on the fifth floor (as per Building Plan No 6 dated 1 November 2019 and SDP).

1.5.32 Lateral building line (along a portion of Erf 142 Stellenbosch) from 7.6m to 2.6m to accommodate residential uses on the fifth floor (as per Building Line Plan No 6 dated 1 November 2019 and SDP).

1.5.33 Lateral building line (along a portion of Erf 165 Stellenbosch) from 4.6m to 0m to accommodate residential uses on the fifth floor (as per Building Line Plan No 6 dated 1 November 2019 and SDP).

1.6 Permanent departure to permit coverage of 58% in lieu of the 50%, for residential uses above the ground storey.

1.7 Permanent departure to permit a parking ratio of 0.96 parking bays per bedroom, in lieu of 1 parking bay per bedroom.

1.8 Permanent departure to permit doors, windows, etc. on lateral or rear boundaries.

1.9 Removal of restrictive title deed conditions, as listed below:

Table 1.1: Restrictive Title Deed Conditions to be removed

Property Description	Title Deed	Removal Condition No.	Summary of Condition
Erf 143 Stellenbosch	T42945/2004	B(a)	Use of water from the Kromme River is not permitted.
		B(c)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise nature, be operated on the property.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 JANUARY 2020

				C(a)	That the property be utilised for residential purposes only.
				C(b)	That the property may not be subdivided.
				C(c)	That not more than one dwelling house be erected on the property, and that not more than one third of the area be built upon.
				C(d)	No building be erected within 5,67 m of the street boundary.
				D(3)	Registration of a servitude to accommodate sewer pipelines, as required by the Municipality.
		Erf 144 Stellenbosch	T16264/2007 & T9837/2002	B(I)(a)	Use of water from the Kromme River is not permitted.
				B(I)(b)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise nature, be operated on the property.
				B(II)(a)	That the property will be utilised for residential purposes only.
				B(II)(b)	That the property may not be subdivided.
				B(II)(c)	That not more than one dwelling house be erected on the property, and that not more than one half of the area be built upon.
				B(II)(d)	No building be erected within 5,67 m of the street boundary.
				B(III)(3)	Registration of a servitude to accommodate sewer pipelines, as required by the Municipality.
				Clause IV	All subsequent title owners to be subjected to Condition B(I)(b).
				Clause V	All subsequent title owners to be subjected to conditions pertaining to relevant business operations.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 JANUARY 2020

	Erf 145 Stellenbosch	T73636/2006	B(a)	Use of water from the Kromme River is not permitted.
			B(b)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise nature, be operated on the property.
			C(a)	That the property will be utilised for residential purposes only.
			C(b)	That the property may not be subdivided.
			C(c)	That not more than one dwelling house be erected on the property, and that not more than one half of the area be built upon.
			C(d)	No building shall be erected within a distance of 18 feet from any boundary of the said erf.
			D(3)	Registration of a servitude to accommodate sewer pipelines, as required by the Municipality.
	Erf 166 Stellenbosch	T4031/1990	B(1)	Use of water from the Kromme River is not permitted.
			B(2)	No canteen nor any hotel, butcher, general or other businesses of a likewise nature, be erected on the property.
			C(b)	That the property will be utilised for residential purposes only.
			C(c)	That the property may not be subdivided.
			C(d)	That not more than one dwelling house be erected on the property, and that not more than one third of the area be built upon.
	C(e)	No building be erected within 3,15 m of the street boundary.		
Erf 167 Stellenbosch	T65369/2010	B(1)	Use of water from the Kromme River is not permitted.	
		B(3)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise	

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 JANUARY 2020

					nature, be operated on the property.
				C(b)	That the property will be utilised for residential purposes only.
				C(c)	That the property may not be subdivided.
				C(d)	That not more than one dwelling house be erected on the property, and that not more than one third of the area be built upon.
				C(f)	No building be erected within 3,15 m of the street boundary.
		Erf 168 Stellenbosch	T2509/2017	B(1)	Use of water from the Kromme River is not permitted.
				B(3)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise nature, be operated on the property.
				C(b)	That the property will be utilised for residential purposes only.
				C(c)	That the property may not be subdivided.
				C(d)	That not more than one dwelling house be erected on the property, and that not more than one third of the area be built upon.
				C(f)	No building be erected within 3,15 m of the street boundary.
		Erf 169 Stellenbosch	T15201/1959	A(1)	Use of water from the Kromme River is not permitted.
				A(3)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise nature, be operated on the property.
				B(b)	That the property will be utilised for residential purposes only.
				B(c)	That the property may not be subdivided.

			B(d)	That not more than one dwelling house be erected on the property, and that not more than one third of the area be built upon.
			B(f)	No building be erected within 10 feet of the street boundary.
			C(3)	Registration of a servitude to accommodate sewer pipelines, as required by the Municipality.
	Erf 170 Stellenbosch	T98235/2000	B(1)	Use of water from the Kromme River is not permitted.
			B(3)	No liquor store or canteen are to be erected. Nor shall any hotel, butcher, general or other businesses of a likewise nature, be operated on the property.
			C(b)	That the property will be utilised for residential purposes only.
			C(c)	That the property may not be subdivided.
			C(d)	That not more than one third of the area be built upon.
			C(f)	No building be erected within 3,15 m of the street boundary.

1.10 Approval of a Site Development Plan, including a Landscaping Master Plan.

2. The approval granted above in Section 1. is subject to the following conditions in terms of Section 66 of the above-mentioned by-law;

2.1 Approval applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2 Building plans may not differ substantially from the Site Development Plan, attached as **Annexure C**; (2.3 and 2.5, 2.8 to be added from previous application-Erven 139);

2.3 The conditions imposed by the Manager: Development (Infrastructure

Services) in its memo dated 30 January 2020, condition C & D of the memo be adhered to, attached as **Annexure J**;

- 2.4 A detailed landscape plan be submitted to the Director Planning and Economic Development for approval in conjunction with the Director Community Services with the building plans for the development;
- 2.5 The landscaping plan be compiled by a specialist to ensure that any impact that the building could have on its surroundings will be mitigated where possible and to ensure that the internal garden spaces are designed to provide the tenants with a vibrant open space area;
- 2.6 The landscaping plan for the subject property is to tie in with the Master Landscaping Plan for Dennesig to ensure that the Dennesig areas landscaping is a cohesive project and to ensure continuity for all communal areas located on the sidewalk of the subject property and the sidewalk area located within the road reserve;
- 2.7 Inclusionary housing component be included to expand housing opportunity for a broader range of income groups.

REASONS FOR APPROVAL

1. The property is located inside the urban edge where densification and higher density development is encouraged.
2. The proposal promotes the initiative of the SDF and IDP of densification within the urban edge.
3. The proposed development is not regarded to be out of scale or character with its surroundings and is compatible with the surrounding land uses and built environment.
4. The proposal complies with the land use planning principles (spatial justice, spatial sustainability, efficiency, spatial resilience and good administration) as noted in section 59 of the Land Use Planning Act, 3 of 2014.
5. Sufficient municipal infrastructure is available for the proposed development.
6. The proposed development is consistent with the Dennesig Neighbourhood Development Guidelines (2019).

<p>SMPT 08/01/20</p>	<p>APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS, CONSOLIDATION, REZONING, DEPARTURE, SITE DEVELOPMENT PLAN : ERF 141 & 142, 163-165, STELLENBOSCH (LU/7967)</p> <p>Mr Fooy introduced the item to the MPT. An in-depth discussion followed between the members of the Tribunal.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. Approval be granted in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for:</p> <p>1.1 The consolidation of erven 141, 142, 163, 164 and 165, Stellenbosch.</p> <p>1.2 The removal of the restrictive title conditions applicable to each property as listed below:</p> <p>1.2.1 Erf 141, Stellenbosch</p> <p>T148892/1998 Conditions B(c) T105912/1998 Conditions B(c) T72846/1997 Condition (b)3 T16275/2017 Condition B3 T88203/2001 Condition B(3)</p> <p>No bottle store, canteen, or place for obtaining strong drink shall be erected on the above land, nor shall any hotel, butcher, general or other business of a like nature be carried on or conducted thereon.</p> <p>1.2.2 Erf 142, Stellenbosch</p> <p>T148892/1998 Conditions C(a) T105912/1998 Conditions C(a) T72846/1997 Condition (d)(b) T16275/2017 Condition C(b) T88203/2001 Condition D(b)</p> <p>That the lots be used for residential purposes only.</p>
--------------------------	---

1.2.3 Erf 163, Stellenbosch

T148892/1998 Conditions C(b)

T105912/1998 Conditions C(b)

T72846/1997 Condition (d)(c)

T16275/2017 Condition C(c)

T88203/2001 Condition D(c)

That the lots be not subdivided without the approval of the Administrator.

1.2.4 Erf 164, Stellenbosch

T148892/1998 Conditions C(c)

T105912/1998 Conditions C(c)

T72846/1997 Condition (d)(d)

T16275/2017 Condition C(d)

T88203/2001 Condition D(d)

That not more than one dwelling house be erected on any lot, and that not more than one-third of the area of any one lot be built upon.

1.2.5 Erf 165, Stellenbosch

T148892/1998 Conditions C(d)

T105912/1998 Conditions C(d)

T72846/1997 Condition (d)(f)

T16275/2017 Condition C(f)

T88203/2001 Condition D(f)

That all buildings to be erected on this property shall stand back not less than 5.67m (T148892) / 18 feet (T105912) / 10 feet (T72846) / 3.15m (T16275 & T88203) from the line of any street or avenue on which the lots may abut.

Such spaces may be used as gardens but shall not be built upon.

1.3 Rezoning of the unregistered consolidated property from Single Residential to General Residential to develop 176 residential units within a 5 storey building;

1.4 Relaxation of the street building line (Dennesig & Paul Kruger Roads) from 7.6m to 0.0m.

- 1.5 The relaxation of the lateral building lines adjacent to erven 140, 162 & 166 from 4.6m to 0.0m for the main building;
 - 1.6 Relaxation of the lateral building line adjacent to erf 140, 143, 162 & 166 from 4.6m to 0.0m for the semi-basement and parking structure.
 - 1.7 Departure to exceed the permitted coverage from 25% to 79.4%.
 - 1.8 Departure to exceed the permitted floor factor from 0.75 to 1.6.
 - 1.9 Departure to relax the required recreational space from 25% to 20%.
 - 1.10 Departure to relax the required number of parking bays from 204 to 177.
 - 1.11 Departure to exceed the number of storeys from four storeys to five storeys.
 - 1.12 Site Development Plan.
2. That the approval(s) granted in Section 1 is subject to the following conditions in terms of Section 66 of the above-mentioned By-Law;
- 2.1 The approval only applies to the proposed development in question, as indicated on Drawing Nos. P001 dated 15 May 2018, SDP001 dated 24 October 2018, 201-207 dated 23 October 2019 and 301 dated 23 October 2019, drawn by Dennis Moss Partnership, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
 - 2.2 Building plans be substantially in accordance with the approved SDP;
 - 2.3 No building plan be submitted for approval prior to the applicable conditions of approval being adhered to;
 - 2.4 All landscaping be implemented as indicated on the Site and Landscape Development Plan (Drawing No. SDP001 dated 24 October 2019) before any occupational certificates be issued.
 - 2.5 The conditions imposed by the Director: Engineering Services in its memo dated 30 January 2020 be adhered to attached as Annexure H;
 - 2.6 The conditions imposed by the Manager: Electrical Engineering in its memo dated 8 August 2018 be adhered to;
 - 2.7 The conditions imposed by the Manager: Community Services in its memo dated 6 September 2018 be adhered to;
 - 2.8 The landscaping plan for the subject property is to tie in with the Master

	<p>Landscaping Plan for Dennesig to ensure that the Dennesig areas landscaping is a cohesive project and to ensure continuity for all communal areas located on the sidewalk of the subject property and the sidewalk area located within the road reserve;</p> <p>2.9 Inclusionary housing component be included to expand housing opportunity for a broader range of income groups.</p> <p>REASONS FOR APPROVAL</p> <ol style="list-style-type: none"> 1. The subject property is located in an area where high density development is promoted by Council due to its proximity to the Central Business District and the Stellenbosch University; 2. The proposed development is not regarded to be out of scale or character with its surroundings; 3. The proposal promotes Council policy as noted in the SDF and IDP of densification within the urban edge; 4. The development is compatible with the surrounding land uses and built environment; 5. The proposed redevelopment of the subject property complies with the land use planning principles (spatial justice, spatial sustainability, efficiency, spatial resilience and good administration) referred to in section 59 of the Land Use Planning Act, 3 of 2014; 6. The residential development is in walking distance of the CBD and university which will reduce the number of vehicular trips generated by the development. 7. The developer has agreed to support the initiatives of the Municipality as it relates to a Transport Master Plan for the area.
<p>SMPT 09/01/20</p>	<p>APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, SPECIAL DEVELOPMENT AND PERMANENT DEPARTURE ON ERF 4731, STELLENBOSCH (LU/8162)</p> <p>Chairperson Du Plessis announced the item and stated an oral presentation was granted to the objector, Professor Fisher who subsequently presented his oral presentation. Chairperson handed over to Senior Town Planner Ms Louisa Guntz to provide a short summary of the application. An in-depth discussion followed between</p>

the members of the Tribunal.

UNANIMOUSLY RESOLVED:

1. **Approval be granted** in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the following applications on Erf 4731, Stellenbosch:

1.1 **Removal of the restrictive title deed conditions** (section 15(2)(f)) Clause B.6(a) and (b) as contained in Deed of Transfer No. T50865/2016;

1.2 **special development** (section 15(2)(o)) to permit the operation of a guesthouse (3 suites consisting of a total of 4 bedrooms);

1.3 **permanent departure** (section 15(2)(b)) in order to relax the street building line from 4,5m to 0m and common building line (adjacent to Erf 4732, Stellenbosch) from 2,5m to 0m to accommodate the existing planter and pool pump.

2. **That the approval(s) granted in Section 1 is subject to the following conditions in terms of Section 66 of the above-mentioned By-Law;**

2.1 The approval applies only to the removal of restrictive title conditions, special development and departure in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2 The approval granted does not exempt the applicant/operator from complying with any other legal prescriptions or requirements that might have a bearing on the activity;

2.3 The approval shall lapse if not exercised within 5 years from date of final

notification;

- 2.4 The property be solely used for short term accommodation purposes and comply with the definition of a guest house at all times;
- 2.5 Only four bedrooms may be used for guest accommodation;
- 2.6 The owner to permanently reside on the property and the guest house be operated by the owner;
- 2.7 A business and liquor licence be applied for should it be required;
- 2.8 Two (2) parking bays for the owner and three (3) parking bays for the guest house be provided on site;
- 2.9 No parking will be allowed in the road reserve and the operation of the guest rooms must under no circumstances lead to a parking demand in excess of the parking bays provided on the property ;
- 2.10 Should the establishment be operated in a manner which in the opinion of Council constitutes a nuisance, Council shall take legal action against the owner for contravening the provisions of the Zoning Scheme and not adhering to the conditions of approval;
- 2.11 No name or advertising sign be erected on the property, except one which complies with Council's approved policy on outdoor advertising and signage;

2.12 The conditions imposed by the **Manager: Health Services (Cape Winelands)** as contained in their memo dated 05 April 2019, be complied with (see **Appendix 10**);

2.13 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 09 May 2019, be complied with (See **Appendix 11**);

2.14 The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 05 June 2019, be complied with (See **Appendix 13**);

2.15 The applicant must after the publication of a notice in the Provincial gazette apply to the Registrar of Deeds to make the appropriate entries in, and endorsements on, any relevant register or title deed to reflect the removal, suspension or amendment of the restrictive conditions;

2.16 Building plans be submitted to this Municipality for consideration for any internal alterations to the existing building;

2.17 Meals prepared on the premises, to only be for the patrons of the guesthouse;

2.18 A contravention levy is communicated to the applicant as stipulated in terms of section 87(2)(b) of the Stellenbosch Municipal Land Use Planning By-Law, dated 20 October 2015 and is payable within the 30 days from date of said communication.

REASONS FOR APPROVAL

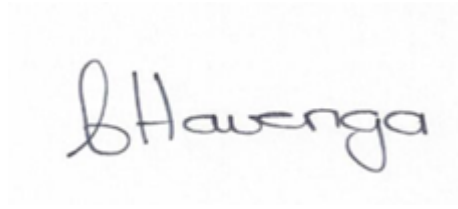
1. Limited impact on the residential character as the primary use of the property

	<p>will still be residential.</p> <ol style="list-style-type: none">2. Adequate onsite parking has been provided for the proposed use without impacting on the existing residential character of the property or surrounding area.3. The proposed use is accommodated within the existing dwelling without alterations and additions being made to the existing building.4. The fact that a guest house is to be considered as a special development in terms of the Stellenbosch Zoning Scheme Regulations on properties zoned single residential, highlights the intension of the zoning scheme to accommodate such uses after the necessary application procedure has been followed.
<p>SMPT 10/01/20</p>	<p>OTHER MATTERS</p> <p>Chairperson Du Plessis indicated due to the late time of day, he recommended that the MPT meeting continue on the 3rd of February where the other 4 items on the agenda will be finalised.</p> <p>It was announced that the venue will be the Paradyskloof Nature Area Clubhouse, Paradyskloof Road, Paradyskloof .</p> <p style="text-align: center;">Meeting Adjourned at 15h50</p>



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

A handwritten signature in black ink, appearing to read 'CHavenga', is centered within a light gray rectangular box. The signature is written in a cursive style.

Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

