

# MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 16 JULY 2021

## MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 16<sup>TH</sup> OF JULY 2021 via MS TEAMS

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

**2021-07-16**

Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Ms C Havenga

External Members

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr E Delpont

Mr J Knight

Mr C Rabie

Internal Members

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 - Infrastructure Services

Mr G Cain: Manager: IDP & Performance Management

Mr B de la Bat: Manager - Spatial Planning

Officials

Mrs C Kriel: Manager: Land Use Management

Mr R Fooy: Senior Town Planner

Ms B Zondo: Senior Town Planner

Mr P April: Senior Town Planner

Ms O Sims: Administrative Officer: MPT

Ms L Kamineth: Senior Administrative Officer: MPT

Technical Advisor

Mr K Munro: Director - Development Management, Department Environmental Affairs and Development Planning.

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ITEM	SUBJECT
<b>SMPT 01/07/21</b>	<b>OPENING AND WELCOME</b>
	Chairperson Du Plessis welcomed all.

<b>SMPT 02/07/21</b>	<b>LEAVE OF ABSENCE</b>
	Mr A van der Merwe Mrs M Francis Mr S Carstens

<b>SMPT</b>	<b>DISCLOSURE OF INTERESTS</b>
<b>03/07/21</b>	No conflict of interests was noted.

<b>SMPT</b>	<b>MINUTES OF THE PREVIOUS MEETING DATED 18 JUNE 2021</b>
<b>04/07/21</b>	The minutes of the previous meeting were noted.

	<b>MATTERS FOR CONSIDERATION</b>
<b>SMPT 05/07/21</b>	<p style="text-align: center;"><b>APPLICATION FOR REZONING AND SUBDIVISION ON ERF 3, JOHANNESDAL (LU/7472)</b></p> <p><b>DISCUSSION:</b></p> <ul style="list-style-type: none"> <li>a) Questions were raised on the consistency of the proposed development with surrounding developments such as average property sizes, density and integration with the urban fabric vs gated developments, and public and private roads.</li> <li>b) It was mentioned that the current proposal is less dense than the initial proposal, but concerns were raised with regard to the unit price that have not been revised and the proposal as a gated village while the SDF is not in favour of gated developments under certain circumstances.</li> <li>c) It was noted that the developer motivated the need for a higher density to reduce the unit price, but density does not guarantee affordability.</li> </ul>

The development proposal was debated and members had different opinions on whether the density is too high or not, seeing that it is within the urban edge.

- d) The rural character of Johannesdal and scale and nature of the development in the specific setting is the biggest concern. The majority of the members felt that the density is too high and the erf sizes too small within the specific context limited open space.

**UNANIMOUSLY RESOLVED:**

1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 3 Johannesdal, namely:

1.1 The **Rezoning** in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, 2015 from Residential Zone 1 to Subdivisional area in order to allow for the following uses:

- i. 29 Residential Zone III erven (Town house) (4 407 m<sup>2</sup>)
- ii. 2 Open Space Zone II erven (Private Open Space) (932 m<sup>2</sup>)
- iii. 1 Open Space Zone II erven (Private Road) (1 899 m<sup>2</sup>)

1.2 The **Subdivision** in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, 2015 in accordance with the Subdivisional Plan figure 3/02/04, file jd3 drawn by Headland Town Planners, dated June 2021 (See **Annexure D**).

**BE REFUSED** in terms of Section 60 of the said bylaw.

2. The reasons (read in conjunction with the planning report) for the above decision are as follows:

2.1 The scale and nature of the proposed development will impact on and compromise the existing character of the Johannesdal rural node.

2.2 The proposed development may give rise to similar future developments which does not represent the rural context of Johannesdal.

2.3 The proposal does not promote functional integration of the development with the local urban context as envisaged by the

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	SDF.
<b>SMPT</b> <b>06/07/21</b>	<p><b>APPLICATION FOR REZONING AND SUBDIVISION OF ERF 579, FRANSCHHOEK (LU/12267)</b></p> <p><b>DISCUSSION:</b></p> <p>a) The development proposal was discussed and it was agreed that there are adequate reasons for site-specific circumstances to justify a departure from the provisions of the Stellenbosch MSDF. Although the property falls outside the urban edge, it is zoned for an urban use and can be developed as such.</p> <p><b>UNANIMOUSLY RESOLVED:</b></p> <p>1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 579, Franschhoek, namely:</p> <p>1.1 The Rezoning from Community Zone to Subdivisional Area in terms of Section 15(2)(a) of the By-Law for the following:</p> <p>i. 7 Conventional Residential erven, ii. 1 Private Open Space and Private Road purposes</p> <p>1.2 The Subdivision in terms of Section 15(2)(d) of the By-Law, as noted on the Plan of Subdivision, Plan No 3REV 3, Dated May-Dec 2020, Drawn by David Hellig &amp; Abrahamse Professional Land Surveyors, attached as <b>Annexure D</b>, to create the following erven:</p> <p>i. Portion 1-7 for Conventional Residential purposes, and ii. Portion 8 for Private Open Space and Private Road purposes</p> <p><b>BE APPROVED</b> in terms of Section 60 of the said Bylaw and <b>BE SUBJECT</b> to conditions in terms of Section 66 of the said Bylaw:</p> <p>2. <b>CONDITIONS</b> of approval:</p> <p>2.1 The 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.</p>

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- 2.2 An electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG be submitted to the Directorate: Planning and Economic Development. The following information be indicated on the plan: Newly allocated Erf Numbers, Co-ordinates, Survey Dimensions, Street names (If approved by Council).
- 2.3 A Service agreement be signed with the Directorate: Infrastructure Service before any property is transferred or any construction takes place and that the agreement contains the relevant conditions of approval as imposed by the Directorate: Infrastructure Service in their Memo dated 16 February 2021, as attached as **Annexure F** and that the service agreement be complied with.
- 2.4 A detailed subdivision plan, clearly indicating the street names and street numbering be submitted for approval in terms of the Stellenbosch Municipal Planning Bylaw prior to the first property been transferred.
- 2.5 A Home Owners Association be established in terms of section 29 of the said bylaw and that all properties form part of the home owner association.
- 2.6 A constitution for the Home Owners Association be submitted to the Municipality for approval prior to the first unit/property being transferred and which constitution takes into account the requirements stipulated in Section 29(3) of the said bylaw.
- 2.7 A Home Owners Association Constitution be approved by the relevant authorised official prior to the transfer/ registration of the first residential property.
- 2.8 The common property be transferred / registered in favour of the Home Owners Association with the transfer/ registration of the first residential property.
- 2.9 Design Guidelines be submitted and approved by the relevant authorised official prior to the submission of the first building plan for the residential properties.
- 2.10 A Site Development Plan with a detailed layout of the entrance gates, boundary fencing with refuse room and position of the development footprints be submitted and approved by the relevant authorised official before the submission of any building plan application.

2.11 A detailed landscaping and street lighting plan be submitted to the Stellenbosch Municipality for the common property of the development with the building plan for the entrance gate, refuse room and boundary fence.

2.12 The Landscaping on the common property of the development be implemented prior to the first residential property being transferred.

2.13 A detailed landscaping plan which is endorsed by the Home Owners Association be submitted with the building plan for each residential property and the landscaping plan be implemented prior to an occupation certificate being issued for the new dwelling unit.

2.14 The refuse room, entrance gates and boundary fencing be constructed in line with the approved Site Development Plan prior to the first residential property being transferred.

2.15 Only one Dwelling unit be permitted on each residential unit.

### **3. REASONS FOR APPROVAL**

3.1 There is adequate site-specific justification to deviate from the provisions of the Stellenbosch MSDF, namely:

- a) The property is zoned for institutional zone and does not have an agricultural zoning;
- b) The property is surrounded by various properties that obtained development rights of an urban nature which properties are already developed and used mainly for residential purposes;
- c) The nature and character of the development was planned in a sensitive manner so as to respect the rural character of the area with intense landscaping and low density of a similar nature as the surrounding development;
- d) The landscaping plan reflects and respects the rural character of the area by the planting of vineyards, olive trees and fynbos;
- e) The development will be sensitive to the character of the immediate surrounding area and serve as a transitional area between urban and agricultural areas.

3.1 The MSDF as supported by the Heritage Inventory and Management Plan is regarded as relevant to this area and the Site-Specific Deviation presented has taken note of this fact as the

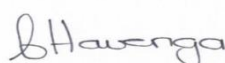
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	<p>heritage worthy portion of the property has been identified and retained as noted in the residential layout proposed.</p> <p>3.2 Although the subject property is located outside the urban edge, the proposal as submitted has taken cognisance of the surrounding land uses.</p> <p>3.3 Franschhoek is not identified as a growth node by the MSDF and the application has taken note of this fact as the proposed developments is of a low density.</p> <p>3.4 The development of the subject property to establish a low density gated residential development that is in character with its surroundings.</p> <p>3.5 The proposal has taken its surroundings into consideration as the subject property constitutes a transition zone between the urban and rural areas of Franschhoek and the revised proposal submitted reflects this fact.</p>
<b>SMPT 07/07/21</b>	<b>OTHER MATTERS</b>
	<ol style="list-style-type: none"><li>1. The MPT requested the Municipality to provide guidance to the development and density of new developments in Johannesdal and surrounds (Dwarsriviervallei) through local area planning and design guidelines. It is also requested of the Municipality to address other issues that was previously discussed like gentrification and gated developments by providing policy statements or basic guidelines for such matters, especially in outlying areas. Mr de la Bat agreed to initiate an internal process in order to address the matters.</li><li>2. The MPT was informed of a draft national guideline for climate change impact assessments to be undertaken when pursuing environmental consent applications, which is available for public comment. The guideline intends to provide best practice guidelines to improve the quality of specialist input related to climate change.</li></ol>



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**Dr D du Plessis**  
**CHAIRPERSON**



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**Mrs C Havenga**  
**DEPUTY CHAIRPERSON**