

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 JUNE 2021

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 18TH OF JUNE 2021 via MS TEAMS at 10h00-15h00

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

2021-06-18

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

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 A van der Merwe: Senior Manager: Community Services

Mr B de la Bat: Manager - Spatial Planning

Mrs M Francis: Manager- Project Management Unit- Infrastructure Services

Officials

Mrs C Kriel: Manager: Land Use Management

Mr R Fooy: Senior Town Planner

Ms L Guntz: Senior Town Planner

Ms O Sims: Administrative Officer MPT

Technical Advisor

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

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ITEM	SUBJECT
SMPT 01/06/21	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.
SMPT 02/06/21	LEAVE OF ABSENCE
	Ms Jeri-Lee Mowers Mrs Myra Francis Mr Stiaan Carstens Ms Lenacia Kamineth
SMPT 03/06/21	DISCLOSURE OF INTERESTS
	No conflict of interests was noted.
SMPT 04/06/21	MINUTES OF THE PREVIOUS MEETING DATED 19 MARCH 2021
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/06/21	<p>REZONING, SUBDIVISION, CONSOLIDATION, DEPARTURE, SITE DEVELOPMENT PLAN AND STREET NAMING AND NUMBERING: UNREGISTERED FARM NO. 510/845, STELLENBOSCH DIVISION (JAMESTOWN) (LU/11047)</p> <p>DISCUSSION:</p> <p>a) Concerns were raised by members regarding the density of the development, limited open space, the proposal to be a gated development with no integration with the town, and the general feeling of over development on the site.</p> <p>b) Arguments for a residential type of development to unlock vacant and unutilized land were supported. The development provides opportunity to address the lack of integration between the shopping centre development and the adjacent existing residential areas of Jamestown.</p> <p>c) The discussion continued in support of the rezoning to make provision for mixed use residential development in a manner where better access and a</p>

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functional connection between Jamestown and the shopping centre and between the development and Jamestown can be achieved.

- d) Proposals to give the centre a frontal access to Jamestown through this development are supported and therefore it is suggested that the individual residential dwelling units facing Fresno Street should gain access from Fresno Street to integrate the development with the adjacent residential area.
- e) Access from the adjacent residential area of Jamestown to the shopping center can also be created by giving residents pedestrian access through the development.
- f) The proposal to refuse the construction of flats is questioned as no argument for the refusal was made in the report. There is agreement that flats are normally located in areas between a shopping centre and a residential area with lower density and that the density is not undesirable but that the design aspects of the flats need to be addressed.

UNANIMOUSLY RESOLVED:

1. The following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Unregistered Farm No. 510/845, Stellenbosch Division (Jamestown), namely:

The **rezoning** of the subject property from Agriculture and Rural Zone to Subdivisional Area in terms of Section 15(2)(a) of the said By-law to allow for the following uses:

- (a) 1 x Mixed Use Zone portion with an extent of $\pm 2\,014\text{m}^2$ for parking purposes;
- (b) 1 x Multi-Unit Residential Zone purposes inclusive of group housing erven; private road purposes; private open space purposes and utility service purposes; with a total extent of $\pm 8\,737\text{m}^2$;
- (c) 1 x Multi-Unit Residential Zone for the construction of flats with an extent of $\pm 2\,189\text{m}^2$.

BE APPROVED in terms of Section 60 of the said Bylaw and **SUBJECT TO** the following conditions of approval in terms of Section 66 of the said Bylaw.

2. CONDITIONS OF APPROVAL:

- 2.1 A **Subdivision Plan, Phasing Plan** and **Consolidation Plan** be submitted to the Municipality for approval and to include the following matters:

- a) *Indicate the approved land uses and extent thereof;*
- b) *Comply with a maximum density of 50 dwelling units per hectare for the group housing component;*
- c) *Comply with a maximum height of 2 storeys;*
- d) *Comply with the boundary walls and fences requirements as per the Stellenbosch Municipality Zoning Scheme By-law, 2019;*
- e) *Comply with the building development parameters as per the Stellenbosch Municipality Zoning Scheme By-Law, 2019;*

- f) *Comply with open Space requirements as per the Stellenbosch Municipality Zoning Scheme By-Law;*
- g) *Indicate street naming and numbering;*
- h) *Investigate the possibility of pedestrian access from Fresno Street through the development to the shopping centre.*

2.2 A **Site Development Plan** as per Section 16 of the By-law be submitted to the Municipality for approval. In addition, the following be included and addressed:

- a) *The position, use and extent of all proposed buildings;*
- b) *Elevations of the new development;*
- c) *The details of proposed vehicle access, roads, parking areas and pedestrian footpaths;*
- d) *Details of the proposed fencing or walls around the perimeter of the land unit;*
- e) *The position and extent of proposed private, public and communal space;*
- f) *Detailed landscaping proposals including the street reserve with tree planting in line with the Stellenbosch Tree Management Policy;*
- g) *A positive interface between the development and Fresno Street to the satisfaction of the Municipality.*
- h) *Vehicular access of individual properties off Fresno Street to satisfaction of the Municipality.*

2.3 The approval will lapse if not exercised within **5 years** from date of final notification.

2.4 Inclusionary housing should be created to expand housing opportunity for a broader range of income groups.

3. REASONS FOR APPROVAL:

3.1 The proposal will develop underutilized land within the urban edge for urban development.

3.2 The proposed residential development constitutes infill development and is therefore in line with the principles of the Spatial Development Framework.

3.3 The proposed development of the subject property will not impact negatively on the safety and welfare of the members of the community or have an effect on existing rights concerned.

3.4 The proposed development will have a positive impact on the town's local economy as it will create many new employment opportunities during the construction phase.

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	<p>4. MATTERS ON THE APPLICATION TO BE NOTED:</p> <p>4.1 That the approval on the name of the development and the naming and number of streets as per the proposed subdivision plan, BE OBTAINED from the Executive Mayor of Stellenbosch as the duly authorised decision maker on such matters.</p>
<p>SMPT 06/06/21</p>	<p>REVISED APPLICATION FOR REZONING FROM AGRICULTURE & RURAL ZONE TO SUBDIVISIONAL AREA OVERLAY ZONE, SUBDIVISION INTO 8 PORTIONS AND CONSENT TO PERMIT AN INDUSTRIAL AND BUSINESS DEVELOPMENT: PORTION 2 OF FARM 744, PAARL (KLAPMUTS) (LU/11252)</p> <p>PRESENTATION BY APPLICANT:</p> <p>Mr Anton Lotz and Mr Graham Wilson made a presentation on the proposal. See attached. Questions for clarity were asked about the sequence of the construction of the main access roads and the private road.</p> <p>DISCUSSION:</p> <p>a) Members were generally satisfied with the response of the applicant to the reservations voiced at the previous meeting and how they addressed the interface with the Klapmuts community. It is viewed as a desirable approach to include the housing interface with Merchant street.</p> <p>b) Questions were raised about the industrial portion that will be used for housing and it was confirmed that a new rezoning application will need to be submitted.</p> <p>c) Concerns were raised about the height of buildings on the edges of the industrial area on interface with the residential area and it was proposed to consider the stepping down of height to the residential area.</p> <p>d) Members were concerned about construction and heavy vehicles on Merchant Street moving through the Klapmuts residential area. This aspect is addressed in a condition and it is the responsibility of the Engineers and Law Enforcement to monitor and implement weight restrictions on Merchant Street to ensure compliance.</p> <p>UNANIMOUSLY RESOLVED</p> <p>1. 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 Portion 2 of Farm 744, Paarl, namely:</p>

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1.1 The **rezoning** of Remainder Portion 2 of Farm 744, Paarl, from Agriculture and Rural Zone to Subdivisional Area in terms of Section 15(2)(a) of the said Bylaw to allow for the following uses to develop 90 500m² of Industrial and Business floor area as a Basket of Rights:

- a) 3 x erven zoned Industrial Zone (±17.87ha);
- b) 2 x erven zoned Public Roads & Parking Zone (±2.34ha);
- c) 1 x erf zoned Private Open Space Zone (±0.1ha);
- d) 1 x erf zoned Utility Service Zone (±0.05ha);
- e) 1 x erf zoned Transport Facilities Zone (±0.77ha)

As indicated on Plan No: 18096-002, Dated: 2021-05-13, Drawn By: AR & RC, for Anton Lotz Town & Regional Planning, attached as **Annexure B**.

1.2 The **subdivision** of Remainder Portion 2 of Farm 744, Paarl, into 8 portions in terms of Section 15(2)(d) of the said Bylaw in accordance with the subdivision plan with Plan No: 18096-002, Dated: 2021-05-13, Drawn By: AR & RC, for Anton Lotz Town & Regional Planning, attached as **Annexure B**, to allow for the following:

- a) Portion 1 (±4.4312ha) zoned Industrial Zone;
- b) Portion 2 (±12.3729ha) zoned Industrial Zone;
- c) Portion 3 (±1.0774ha) zoned Industrial Zone;
- d) Portion 4 (±5180m²) zoned Public Roads & Parking Zone
- e) Portion 5 (±1,8256ha) zoned Public Roads & Parking Zone;
- f) Portion 6 (±964m²) zoned Private Open Space Zone;
- g) Portion 7 (±500m²) zoned Utility Services Zone;
- h) Portion 8 (±7664m²) zoned Transport Zone.

1.3 **Consent** to allow **Business Premises** on **Portions 1** and **2** of the proposed development in terms of Section 15(2) (o) of the said Bylaw.

BE APPROVED in terms of Section 60 of the said Bylaw and **BE SUBJECT** to conditions in terms of Section 66 of the said Bylaw.

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	<p>2. CONDITIONS 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> <p>2.2. An electronic copy (shp,dwg,dxf) of the Subdivision Plan which was preliminary approved by the SG be submitted to the Directorate: Planning and Economic Development. The following information to be indicated on this plan: Newly allocated Erf Numbers, Co-ordinates, Survey Dimensions, Street names (If approved by Council).</p> <p>2.3. A phasing plan be submitted for approval by the Directorate: Planning and Economic Development indicating the sequence and timeframe of development.</p> <p>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 for each portion / precinct that is created by the approval.</p> <p>2.5. A site development plan, landscaping plan, and architectural guidelines be submitted for each property that is created by the approval with the subdivision plan for each precinct.</p> <p>2.6. An updated bulk floor space register be submitted with each site development plan to the satisfaction of the Directorate: Infrastructure Services.</p> <p>2.7. All public places and public streets that vested in the Local Authority be clearly defined and indicated and be provided with erf numbers on the approved SG plans and be transferred to the Local Authority upon transfer of the first unit/erf in the subdivision. All cost for the</p>
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surveying and transfer of public land be for the account of the applicant/developer.

- 2.8. An Operational Management Plan, inclusive of architectural guidelines and a detailed Landscaping Plan be submitted for approval by the Directorate: Planning and Economic Development for the total development that implements the recommendations made in the Visual Impact Assessment done by Megan Anderson Landscape Architect attached as **Annexure P** of the report before transfer of any property (excluding Portion 3).
- 2.9. Architectural and aesthetic guidelines be submitted for approval by the Directorate: Planning and Economic Development with the subdivision application for each precinct and that these guidelines comply with the Operational Management Plan required above, including specific reference to the interface between the light industrial area and the adjacent residential areas.
- 2.10. The Stellenbosch Municipality Zoning Scheme By-law 2019 or Approved Site Development Plan parameters in terms of parking setbacks, bulk and height of buildings be applicable to the newly created properties, notwithstanding the fact that 90 500m² of bulk has been approved.
- 2.11. The industrial buildings on **Portion 2** located along the common boundary with the proposed residential area to be located on **Portion 8** be setback a minimum of 20m from the common boundary at any point.
- 2.12. The industrial activities in these buildings not accommodate heavy industrial or noxious industrial activities but be light industrial activities which will not have a negative impact on the adjoining residential areas and be defined as a use not include manufacturing that may cause any health nuisances to residents, noise disturbance, air pollution or is dependent on heavy vehicles or freight transfer.
- 2.13. A Service agreement be signed with the Directorate: Infrastructure Service before any property is transferred or any construction takes

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place and that the agreement contains the relevant conditions of approval as imposed by the Directorate: Infrastructure Service in their memo dated 21 December 2020 and that these conditions be complied with, as attached as **Annexure N**;

2.14. Development charges be payable towards bulk civil services as imposed by the Directorate: Infrastructure Services in their memo dated 21 December 2020 as attached as **Annexure N**;

2.15. No subdivided portion of land be transferred prior to the construction of the Class 3 access road which will provide direct access for this development to the Old Main Road / R101 via Portion 5 of Farm 742 and the railway line underpass, except for **Portion 3**;

2.16. No subdivided portion of land be transferred prior to the construction of the link road across Erf 342 that provide one of the access routes for the development via Merchant Street and the R44, except for **Portion 3**;

2.17. No civil construction vehicles or equipment that have a weight that exceeds 3.5 tons make use of Merchant Street to access the subject property during the installation of the civil services, without the approval of the Directorate: Infrastructure Services;

2.18. Only 15% of the bulk / floor area be developed for exclusively Business purposes on Portions 1 and 2 of the proposed development. (Plan No: 18096-002, Dated: 2021-05-13, Drawn By: Anton Lotz Town & Regional Planning.)

2.19. The total bulk approved for the residential component forms part of the 90 500m² of floor area approved for the property;

2.20. The internal road layout for the various subdivisions within the precincts makes provision for NMT routes / public transport parking embayment's and pedestrian routes which link the proposed industrial area with the adjoining residential area and public roads. These

facilities must be to the satisfaction of the Directorate: Infrastructure Services;

2.21. No subdivided portion of land be transferred prior to the submission of the land use application to rezone and subdivide unregistered **Portion 8** of this application to facilitate the development of this portion of the development for Duplexes / Town Houses with a minimum density of 25 units / ha with a Taxi Drop Off Area;

2.22. The conditions of approval as imposed by the Road Network Management Directorate of the Department of Transport and Public Works be complied with, as attached as **Annexure K** of this report; and

2.23. A socio-economic development implementation plan be submitted for approval by the Municipality before any construction takes place in order to implement the recommendations made in the Socio-economic Impact Assessment done by Multi-purpose Business Solutions.

3. REASONS FOR APPROVAL:

3.1 The nature of the development will contribute significantly to employment creation in the Klapmuts area.

3.2 The property is situated within the urban edge and identified by the MSDF for urban development.

3.3 The property is well located for a light-industrial development, being on the periphery of the existing Klapmuts settlement.

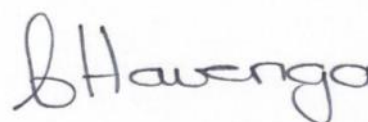
3.4 The Industrial activities will be limited to light industrial activities that have minimal negative impact on the surrounding area / no heavy industrial uses will be permitted.

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	<p>3.5 The Industrial buildings will be located away from the property boundary that adjoins the new residential area by landscaped parking areas.</p> <p>3.6 The proposal makes provision for sensible integration between the existing residential area and the proposed development as improved access has been provided with a higher density residential component which will form a transitional zone between the existing residential area and proposed industrial area.</p> <p>3.7 A restriction will also be placed on the amount of Bulk / Area of building that may be developed solely for business purposes to ensure that the majority of the buildings are restricted to industrial purposes as applied for.</p> <p>4. MATTERS ON THE APPLICATION TO BE NOTED:</p> <p>4.1 The conditions imposed by the DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING in their letter dated 11 February 2021 (Environmental Authorisation), attached as Annexure H.</p> <p>4.2 The conditions imposed by HERITAGE WESTERN CAPE in their letter dated 20 November 2019 (Notice of Intent to Develop), attached as Annexure J.</p> <p>The conditions imposed by the HEALTH DEPARTMENT (WINELANDS DISTRICT) in their letter dated 14 August 2020, attached as Annexure M.</p>
SMPT 07/06/21	OTHER MATTERS
	<p>Chairperson Du Plessis thanked all present for attending the meeting. The meeting adjourned at 15:05.</p>



Dr D du Plessis
CHAIRPERSON



Mrs C Havenga
DEPUTY CHAIRPERSON