

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 MARCH 2022

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 18TH OF MARCH 2022 via MS TEAMS

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

2022-03-18

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 A van der Merwe: Senior Manager - Community Services

Mr C Alexander: Senior Manager-Development Planning

Mr M Williams: Legal Advisor

Technical Advisor

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

Officials

Mrs C Kriel: Manager: Land -Use Management

Mr P April: Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms B Zondo: Senior Town Planner

Ms N Dafeti: Town Planner

Ms O Sims: Administrative Officer

Ms Lenacia Kamineth: Senior Administrative Officer

Mr Colin Taylor: Infrastructure Services

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 MARCH 2022

ITEM	SUBJECT
SMPT 01/03/22	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.
SMPT 02/03/22	LEAVE OF ABSENCE
	Mr Stiaan Carstens Mrs Myra Francis
SMPT 03/03/22	DISCLOSURE OF INTERESTS
	Mr Craig Alexander informed the meeting that he is responsible for the development of the LED Hub on Erf 2751 and recused himself from participating in the decision.
SMPT 04/03/22	MINUTES OF THE PREVIOUS MEETING DATED 21 JANUARY 2022
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/03/22	APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE DEEDS CONDITIONS AND CONSENT USE ON FARM NO 1653, PAARL DIVISION (LU/9520)
	<p>Discussion:</p> <ul style="list-style-type: none"> a) Chairperson Du Plessis handed over to Mrs Dafeti to provide a short summary of the application. b) It was indicated that the Power of Attorney was not included in the report although it is on file. c) A copy of the Power of Attorney was reflected on the screen and although the delegation at the time is questioned, it is noted that

the document was signed by the Stellenbosch Municipality which gives legal effect to it. It may have been signed by the wrong person, however, it is a binding document.

- d) Reference was made to the Oudekraal Judgment and Mr Williams recommended that the item be referred back to the Administration until such time he can confirm that Mr Smit did in fact had the delegation to sign the Power of Attorney.
- e) A request was made that where the property belongs to the Municipality, the Power of Attorney as well as the delegations must be included in the meeting Agenda to give clarity to the MPT.
- f) Reference was made to the objections received and questions were raised on how and where towers will be allowed in future, as well as whether the towers can be used by more than one operator.
- g) It was stated that the Municipal Telecommunication Policy does not identify the areas or preferred radius where cell masts could be constructed.

UNANIMOUSLY RESOLVED:

- 1. That the application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Farm No. 1653, Paarl Division for:
 - 1.1. the **removal of the restrictive title deed conditions** in terms of section 15(2)(f) of said bylaw; and
 - 1.2. a **Consent Use** in terms of Section 15(2)(o) of said bylaw to allow for a 15m high freestanding base telecommunication station with associated equipment

BE REFERRED BACK to address concerns raised.

2. Matters to be addressed:

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 MARCH 2022

	<p>2.1 Confirm whether Mr Smit had the delegation to sign the Power of Attorney.</p> <p>2.2 Indicate the positions of other existing towers in the vicinity.</p> <p>2.3 Provide proof with substantive data of the need for additional towers in the area.</p>
SMPT 06/03/22	<p>APPLICATION FOR CLOSURE OF PUBLIC PLACE ERF 16489, STELLENBOSCH (LU/12577)</p> <p>Discussion:</p> <ul style="list-style-type: none">a) Chairperson Du Plessis handed over to Ms Zondo to provide a summary of the application before the Tribunal.b) Questions of clarity were raised on the position of the existing and proposed road as indicated on the map.c) The proposed road referred to is a 7-metre road which is quite narrow and members indicated that an NMT road for cyclists and pedestrians was preferred as Stellenbosch Municipality is talking about improving their pedestrian infrastructure. This can be incorporated in the conditions should it be approved.d) Mr Taylor indicated that this road will be an NMT road in future and that this road was looked at as a drop and go area for the school learners.e) Mr Rabie enquired whether a conveyancer certificate was on file and it was indicated that a conveyancer certificate was not submitted.f) The location of power lines that runs across the property, and the indication thereof on the map were questioned and Mr Taylor confirmed that the red lines indicate the electricity cables.g) It was suggested that in light of the fact that the Municipality already made the decision to transfer the property to the Western Cape Education Department that condition 3.5 be omitted.h) It was confirmed that an agreement was put in place in terms of the transfer costs.

UNANIMOUSLY RESOLVED:

1. The application made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Erf 16489, Stellenbosch for the:

1.1 **Closure of a public place** in terms of Section 15 (2) (n) of the said By-law, 2015, in order to close a portion of Erf 16489 as indicated on the development plan, Drawing PROP SUB-REV1 dated 31 March 2021;

BE APPROVED in terms of Section 60 of the said bylaw, **SUBJECT TO** conditions in terms of Section 66 of the said Bylaw.

2. **CONDITIONS** of Approval:

2.1 The approval applies only to the application under consideration as indicated on Drawing: PROP SUB-REV1, Ref: ERF16489, dated 31 March 2021, drawn by Fbv professional land surveyors and not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

2.2 The development be undertaken in accordance with the plan, Drawing PROP SUB-REV1 and dated 31 March 2021 attached as **ANNEXURE C.**

2.3 The applicant to inform the Surveyor-General of the closure of the public place in order to amend the diagram accordingly.

2.4 An agreement be entered into with the Municipality to address the conditions as imposed by the **Directorate Infrastructure Services** in their letter dated 19 August 2021 and attached as **ANNEXURE K.**

3. The reasons for the above decision are as follows:

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 MARCH 2022

	<p>3.1 The scale and nature of the proposal will not compromise the existing character of the surrounding landscape.</p> <p>3.2 The proposal gives effect to a decision by Council to alienate and transfer the land to the Western Cape Government for education purposes.</p> <p>3.3 The implementation of the proposal will reflect the actual use of the land in the current context.</p> <p>4. Matters to be noted:</p> <p>4.1 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.</p> <p>4.2 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.</p> <p>4.3 The alteration of a public street and consolidation of a closed public place with the abutting Erf 16491 in terms of Section 24(1)(e) and Section 24(1)(d) of the said Bylaw will be decided by the authorised employee.</p> <p>4.4 The zoning of Portion A to be resolved after the closure of the public place.</p>
<p>SMPT 07/03/22</p>	<p>APPLICATION FOR REZONING AND PARTIAL CLOSURE OF A PUBLIC PLACE AND A TEMPORARY DEPARTURE ON ERF 2751, STELLENBOSCH (LU/10301)</p> <p>Discussion:</p> <p>a) Chairperson Du Plessis announced the next item on the agenda, where to MPT member Mr Alexander indicated that he wishes to recuse himself and will not participate in the discussion, as this falls within his Department.</p>

- b) Chairperson noted Mr Alexander's request and handed over to Mr April to provide a short summary of the application.
- c) Mr Delpont stated that the building is next to a river and he did not see anything in the report with regard to the floodlines and it was noted that there were no alterations to the existing buildings and therefore there was no need to refer to flood lines.
- d) Mr van der Merwe indicated that there are a number of oak trees on the site and he recommended that the oak trees must be maintained and it was stated that there is a lease agreement in place which stipulates the maintenance of the property.
- e) Members sought clarity on the Power of Attorney and Mr Alexander indicated that there is no third party involved which makes it different than the previous application but Mr Williams stated that the same principle applies as in the previous application and that the delegation at the time needs to be confirmed.

UNANIMOUSLY RESOLVED:

1. That the applications in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015:
 - 1.1 for **a temporary departure** in terms of Section 15(2)(c) of the said bylaw in order to use Erf 2751, Stellenbosch and a portion of the road known as "Die Laan" for a one-day event (Heritage festival) on 24 September for five years (2021 – 2026).
 - 1.2 **Closure of a public place** in order to close a part of the Public Open Space being Lease Area 1 (1020m²) and Lease Area 2 (1517m²) over Erf 2751, Stellenbosch in terms of Section 15(2)(n) of the said bylaw.
 - 1.3 **Rezoning of Lease Area 1** (1020m²) over Erf 2751, Stellenbosch from Public Open Space to Local Authority (Public Parking Area) in order to accommodate a public parking area, in terms of Section 15(2)(a) of the said bylaw.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 MARCH 2022

	<p>1.4 Rezoning of Lease Area 2 (1517m²) over Erf 2751, Stellenbosch from Public Open Space to General Business, in terms of Section 15(2)(a) of the said bylaw, to establish a Local Economic Development (LED) Hub to accommodate a restaurant, tourist craft and art shops and offices in support of entrepreneurs and start-up businesses.</p> <p>BE REFERRED BACK to the administration in order to confirm whether Mr Smit had the delegation to sign the Power of Attorney.</p>
<p>SMPT 08/03/22</p>	<p>APPLICATION FOR REZONING TO SUBDIVISIONAL AREA & SUBDIVISION OF FARM NO. 1202/54, JOHANNESDAL, PAARL DIVISION (LU/12632)</p> <p>Discussion:</p> <ul style="list-style-type: none">a) The Chairperson handed over to Ms Guntz to provide a summary of the application.b) Mr Knight wanted clarity in respect of the open spaces as well as the drainage system to which Mrs Guntz provided clarity.c) Chairperson Du Plessis noted there are two entrances to the property and enquired which entrance will be used: the entrance from the east or from the south and it was confirmed that the entrance on the south which is Protea Road that is already constructed, will be used.d) The possible connection between the existing cul de sac (adjacent development) and the new cul de sac was questioned and it was requested that the engineer and officials address the concerns.e) The steep slope is noted and whether it will be accessible for a refuse removal truck was questioned and Mr Taylor confirmed that the turning of a refuse truck was modelled and it was found accessible.f) The type of structure next to the Logie Development was questioned and it was confirmed that it is a residential structure. <p>UNANIMOUSLY RESOLVED:</p>

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 MARCH 2022

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 Farm No. 1202/54, Johannesdal, Paarl Division namely:

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

a) Thirty (30) x **Conventional Residential Zone** erven (erven 1 – 30) and approximately 1,4370ha in extent, for dwelling houses;

b) Three (3) x **Public Open Space Zone** erven (31-33) and approximately 0,0919ha in extent, for open space purposes and detention pond; and

c) Two (2) x **Public Roads & Parking Zone** erven (34-35) and approximately 0,5042ha for public road purpose.

d) The phasing of the development into two (2) phases.

1.2 The **subdivision** in terms of Section 15(2)(d) of the said Bylaw of said property in accordance with Subdivision Plan H 10-150 SUB1 REV 6, dated July 2021, and drawn by PJ Le Roux Town and Regional Planner; to allow for a residential development in accordance with the subdivisional zone above; and the registration of a 3m wide services servitude on portion 3 to facilitate stormwater run-off.

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

2. The approval is subject to the following **CONDITIONS** imposed in terms of Section 66 of the said Bylaw:

- 2.1 The approval only applies to the proposed rezoning and subdivision under consideration, as indicated on the referenced, H 10-150 SUB1 REV 6, dated July 2021 Subdivision and Phasing plan, attached as **ANNEXURE C** and not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 2.2 The development be undertaken in accordance with the subdivision and phasing plan as referenced H 10-150 SUB1 REV 6, dated July 2021 and attached as **ANNEXURE C**.
- 2.3 New erf diagrams or general plans for the newly created land units be submitted to the municipality for clearance and record purposes.
- 2.4 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information be indicated:
 - a) Newly allocated Erf Numbers
 - b) Co-ordinates
 - c) Survey Dimensions
 - d) Street names (if approved by Council)
- 2.5 The servitude rights for a water pipeline be registered in the title deeds of the applicable property on registration.
- 2.6 The common property be formally transferred to the Municipality upon transfer of the first erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.
- 2.7 Development contributions are payable in accordance with the prevailing and applicable Council tariffs at the time of payment prior to the transfer of the first property or submission of any building plans,

whichever occurs first, or as may be agreed on in writing with the Directorate Infrastructure Services.

2.8 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement includes and comply with the conditions as imposed by the **Directorate Infrastructure Services** in their memo dated 19 July 2021, and attached as **ANNEXURE L**.

2.9 The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 13 August 2021, attached as **ANNEXURE M**, be complied with.

2.10A detailed landscape plan including a comprehensive plant list be submitted and that the landscaping be implemented prior to the first property being transferred.

3 The reasons for the above decision are as follows:

3.1 The proposed development aims to densify the area in accordance with municipal policy and guidelines.

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

3.3 The subject property is located within the urban edge and will strengthen the nodal character of Johannesdal, once developed.

3.4 There will be no negative impact on existing infrastructure and additional traffic can be accommodated on the local road network.

3.5 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape.

3.6 The proposal will result in more efficient utilization of the subject property which cannot be viably utilized in terms of its current zoning.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 MARCH 2022

	<p>3.7 The proposed development is integrated with the surrounding urban structure.</p> <p>4 Matters to be noted:</p> <p>4.1 The approval shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.</p> <p>4.2 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with (per phase).</p> <p>4.3 The rates clearances will only be granted once the conditions of approval (per phase) have been complied with.</p> <p>4.4 All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the municipality and/or relevant authority prior to the issuing of a Section 28 Certification.</p> <p>4.5 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.</p> <p>4.6 That the approval for the naming and numbering of streets as per the proposed subdivision plan, BE OBTAINED.</p>
<p>SMPT 09/03/22</p>	<p>APPLICATION FOR REZONING, SUBDIVISION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS, ON FARM 81/33, STELLENBOSCH (LU/10917)</p> <p>Discussion:</p> <p>a) Chairperson announced the last application which served before the Tribunal on the 21st of January 2021. It was referred back to the Administration for additional information.</p> <p>b) He handed over to Mr Fooy to provide a summary of the application.</p>

- c) Dr Pool-Stanvliet referred to traffic congestion within Stellenbosch, in specific the R304 road. She stated that this development will add to further traffic congestion in the future. She also emphasised the fact that the duelling of the R304 has been noted as a requirement for this development. Dr Pool-Stanvliet noted her concerns with regard to the traffic congestion that will not be alleviated if not addressed.
- d) Mrs Crooijmans-Lemmer stressed the importance of NMT in this area. She enquired whether the proposed development as it stands reflects the spirit of the draft ATC Development Guidelines.
- e) Mr Alexander replied that the Adam Tas Corridor Development Guidelines is in its final stages. Proposals were put forward for non-motorised transport (NMT). There are continuous discussions with PRASA with regard to the road.
- f) Mr Fooy stated one of the concerns listed by the MPT was inclusionary housing where houses will range between R1.5 - R1.9 million.
- g) Mr Munro stated there is a financial feasibility that will drive the developer. The developer will need to finance the complete block of flats which will not always be possible due to financial constraints.
- h) Mr Rabie stated this is a big development area with a limited number of shops and with very little open space development, which is a big concern. He further stated that the application was made for a certain layout plan and the MPT previously requested additional information. The application was however not re-advertised.

UNANIMOUSLY RESOLVED:

1. That the following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for the proposed development on Portion 33 of Farm 81, Stellenbosch:

- 1.1 **Subdivision** in terms of Section 15(2)(d) of the said Bylaw in accordance with the attached Subdivision Plan and Phasing Master Plan to allow for the development of the property for the following:

- 1.1.1 559 x **Multi-Unit Residential Zone** erven measuring $\pm 20,1$ ha in extent to accommodate the residential component which will consist of dwelling houses, group houses (cluster and row houses) and flats/apartments;
- 1.1.2 Two (2) x **Local Business Zone** erven measuring $\pm 1,33$ ha in extent for retail purposes;
- 1.1.3 One (1) x **Education Zone** erf measuring $\pm 5,26$ ha in extent for purposes of a school;
- 1.1.4 Two (2) x **Community Zone** erven measuring $\pm 1,97$ ha in extent for purposes of a church and $\pm 2,81$ ha for purposes of a clubhouse, hall, crèche, day-care, restaurant, amphi-theatre, pool, sport and recreation facilities and ancillary uses;
- 1.1.5 Eight (8) x **Utility Services Zone** erven measuring $\pm 4,29$ ha in extent for purposes of a public road and authority use;
- 1.1.6 Forty-One (41) x **Private Open Space Zone** erven measuring $\pm 12,81$ ha in extent for purposes of private open spaces and a private road.

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

2. That such approval be subject to the following **CONDITIONS** in terms of Section 66 of the said Bylaw:

2.1 The development be undertaken in accordance with the Subdivision Plan and Phasing Plan dated 02/03/2022, drawn by TV3 Town Planners, attached as **ANNEXURE B**.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 MARCH 2022

	<p>2.2 An electronic copy (shp,dwg,dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:</p> <ul style="list-style-type: none">a) Newly allocated erf numbersb) Co-ordinatesc) Survey dimensionsd) Street names and numbering <p>2.3 The landscaping within each phase of the development be implemented substantially in accordance with the Detail Master Plan and Landscape Master Plan Reference Cloetesdal ERF RE/33/81 attached as ANNEXURE B.</p> <p>2.4 Development of individual phases are not necessarily required in a specific order as noted on the Phasing Plan.</p> <p>2.5 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.</p> <p>2.6 All common property, inclusive of private road/s and open space/s and land required for services by the owners' association, be transferred at the cost of the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.</p> <p>2.7 All public places and public streets on the subdivision plan be transferred to the Municipality upon transfer of the first unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land be for the account of the applicant/developer.</p> <p>2.8 A detailed Site Development Plan be submitted to the Municipality for approval as contemplated in terms of Section 16 of the Zoning</p>
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Scheme Bylaw, 2019, for each phase of the development as well as for the "Access Control Gates with Associated Infrastructure and perimeter boundary wall / fencing for the development, which forms part of **Phase F** of the development", prior to the submission of any building plans being submitted, which must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, and any relevant matters relating to Section 16(4) of the said Bylaw.

2.9 Each site development plan for the individual phases includes an updated traffic impact statement and a civil engineering services report (to assist the municipal engineers in calculating the development charges), with a detailed landscaping plan.

2.10 Each site development plan for the individual phases includes a detailed NMT plan that will ensure that the NMT infrastructure adequately addresses the needs of the residents, is compliant with the norms and standards applicable to such infrastructure, and aligned with the Municipality's proposed NMT network for the area as outlined in the NMT Masterplan.

2.11 Architectural / Aesthetic Guidelines be submitted for the group housing component and approved by the Municipality prior to the registration of the first property or the submission of any building plan for dwelling units forming part of this component of the development. These guidelines must take the recommendations listed in the Visual Impact Assessment into consideration. (Copy of **Visual Impact Assessment** attached as **ANNEXURE M** of this report.)

2.12 Landscaping plan be submitted with the site development plan for each phase and approval by the Municipality prior to the registration

of the first property or the submission of any building plans for each phase, whichever occurs first.

2.13 The approved landscaping plan be implemented at the cost of the developer and to the satisfaction of the municipality prior to the first erf within a phase being transferred or 50% of building plans being approved for that phase, whichever occurs first. Such landscaping plan be submitted with the site development plan for each phase and must take the recommendations listed in the Visual Impact Assessment into consideration. (Copy of **Visual Impact Assessment** attached as **ANNEXURE M** of this report).

2.14 The density on portion 558 & 559 of the proposed development / Phase I & L of the project, identified for flats be increased by including an addition floor / storey to the proposed building to create **±65** additional residential units on these two portions, for which a detail design is to be submitted as part of the site development plan for the phase of which they form part {1200 (Initially proposed by applicant) + ± 65 = **±1265** residential units}.

2.15 The additional of **±50 FLISP** / social housing units, on portion 553 of the proposed subdivision plan / Phase U of the development be provided ($1265 + \pm 55$ = **±1320** residential units).

2.16 The developer be responsible for providing alternative accommodation for persons currently residing on the property prior to a site development plan being submitted for the phase on which these people are located / housed.

2.17 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

2.18 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their letter dated 8 September 2020 simultaneous to a site development plan being submitted for any of the phases.

2.19 The conditions of approval as imposed by the **Road Network Management** Directorate of the Department of Transport and Public Works be complied with to the satisfaction of said department, as attached as **ANNEXURE I**.

2.20 An agreement on the provision of Inclusionary Housing opportunities in pursuance of settlement restructuring be concluded with the Municipality prior to the approval of any building plans.

3. The reasons for the above decisions are as follows:

3.1 The applicant has adjusted the densities of the residential component of the proposed development to meet the densities prescribed by the ATC.

3.2 The MPT has already approved the rezoning of the subject property for urban development purposes and the proposed subdivision plan is in line with the approval granted for the rezoning of the subject property.

3.3 The revised subdivision proposal complies with the requirements of "Precinct 10" of the *Adam Tas Corridor* in terms of the density that is proposed by the revised subdivision application.

3.4 In terms of section 52 of the Land Use Planning Bylaw, 2015 the Municipality may require the advertisement of an application if any amendments are proposed. Although the amended plan increases

the density of the development it is not regarded as substantial and the advertisement of the amended application was not required.

4. Matters to be noted:

- 4.1 Permission required in terms of title deed condition D (1-4), Page 5 of the Title Deed No T24040/2020, be obtained from the delegated authority in terms of the Stellenbosch Municipality System of Delegations as amended by Council Item 7.3.3 on 25-01-2017 to develop the subject property as proposed.
- 4.2 Approval of the development's name: Newinbosch Estate and the naming and numbering of streets as per the Street Naming and Numbering Plan, be obtained from the delegated authority in terms of the Stellenbosch Municipality System of Delegations.
- 4.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 4.4 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.
- 4.5 A constitution for the owner's association be submitted and approved by the municipality in terms of Section 29(3) of the subject Bylaw prior to the transfer of the first land unit, which constitution must make provision for the relevant matters in Section 29 of the subject Bylaw.
- 4.6 All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.
- 4.7 Building plans must be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 4.8 The development must comply with the conditions of approval as imposed by the Department of Environmental Affairs and

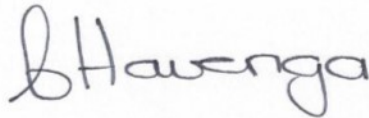
MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 MARCH 2022

	<p>Development Planning as set out in their environmental authorisation of 14 December 2020, as attached as Annexure F of this report.</p> <p>4.9 The development must comply with the conditions of approval as imposed by Heritage Western Cape as set out in their approval letter of 5 November 2020, as attached as ANNEXURE H of this report.</p>
<p>SMPT 10/03/22</p>	<p>OTHER MATTERS</p> <p>The next meeting is scheduled for 22 April 2022.</p>



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL