

# MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 19 MARCH 2021

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING  
HELD ON FRIDAY, 19TH OF MARCH 2021, AT THE STELLENBOSCH COUNCIL CHAMBERS, PLEIN  
STREET, STELLENBOSCH AT 10H00-15H00

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

2021-03-19

## Chairperson

Dr DJ Du Plessis

## Deputy Chairperson

Ms C Havenga

## External Members

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr E Delport

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

Mr S Carstens: Senior Manager Development Management

Mr R Fooy: Senior Town Planner

Ms B Zondo: Senior Town Planner

Ms O Sims: Administrative Officer MPT

Ms L Kamineth: Senior Administrative Officer

## Technical Advisor

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

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ITEM	SUBJECT
SMPT 01/03/21	<b>OPENING AND WELCOME</b>
	Chairperson du Plessis welcomed all present.

SMPT 02/03/21	<b>LEAVE OF ABSENCE</b>
	None

SMPT 03/03/21	<b>DISCLOSURE OF INTERESTS</b>
	No conflict of interests were noted

SMPT 04/03/21	<b>MINUTES OF THE PREVIOUS MEETING DATED 27 NOVEMBER 2020</b>
	The minutes of the previous meeting was noted.

	<b>MATTERS FOR CONSIDERATION</b>
SMPT 05/03/21	<p><b>APPLICATION FOR REZONING,SUBDIVISION AND DEPARTURES ON ERF 3, JOHANNESDAL (LU/7472)</b></p> <p>Chairperson Du Plessis handed over to Mr Tristan Sandwith from Headland Town planners and Mr Paul Winter to proceed with their oral presentation. Senior Town Planner, Ms Zondo presented a summary of the application. Members of the Tribunal posed questions in respect of the application for the purposes of clarity. An in-depth discussion followed between the members of the tribunal. The Tribunal agreed with the concerns raised in the planning report and the impact that the development as proposed at this location will have. After the discussion, Chairperson Du Plessis indicated that tribunal members vote by the show of hands as to who is in support that the application be referred back to the Administration to address the concerns of the Tribunal members, or; alternatively that the recommendation to not approve the application be adopted. The counting of votes were as follows:</p>

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	<b>SUPPORTED</b>	<b>NOT SUPPORTED</b>
	Chairperson Du Plessis	Ms Mowers
	Deputy-Chairperson Havenga	Mr Williams
	Mr Delport	Mr Cain
	Mr Rabie	Ms Francis
	Dr Pool-Stanvliet	
	Mr Knight	
	Mrs Crooijmans-Lemmer	
	Mr de la Bat	
	Mr S van der Merwe	
	Mr A van der Merwe	
	<p><b>RESOLVED</b></p> <p><b>THE APPLICATION FOR REZONING, SUBDIVISION AND DEPARTURE ON ERF 3, JOHANNESDAL (LU/7472) BE REFERRED BACK TO THE ADMINISTRATION TO ADDRESS THE CONCERNS OF THE MUNICIPAL PLANNING TRIBUNAL AS HIGHLIGHTED IN THE SUBJECT PLANNING REPORT.</b></p>	
<p><b>SMPT</b> <b>06/03/21</b></p>	<p><b>APPLICATION FOR REZONING AND SUBDIVISION ON REMAINDER PORTION 7 OF FARM 373, STELLENBOSCH DIVISION(LU/10807)</b></p> <p>Chairperson Du Plessis handed over to Senior Town Planner, Ms Zondo to present a summary of the application. The application previously served before the tribunal on the 27<sup>th</sup> of November 2020. Members of the Tribunal posed questions in respect of the application for the purposes of clarity. An in-depth discussion followed between the members of the Tribunal.</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 the Remainder of Portion 7 of Farm 373, Stellenbosch Division, namely:</p> <p style="padding-left: 40px;">1.1 The Rezoning from Agriculture and Rural Zone to Subdivisional Area in terms of Section 15 (2)(a) of the Stellenbosch Municipality Land Use Planning By-law, in order to allow for the following uses:</p>	

- i. 11 Conventional Residential Zone erven (dwelling house) (11 904 m<sup>2</sup>)
- ii. 1 Transport Facilities Zone erven (private road) (1 820 m<sup>2</sup>)

1.2 The Subdivision of Remainder Portion 7 of Farm 373 in terms of Section 15 (2)(d) of the Stellenbosch Municipality Land Use Planning By-law, in accordance with the Subdivisional Plan No: 3, Project No: 3645-P, drawn by WH (TV3 Architects and Town Planners), dated 21/11/2019 (See **Annexure F**);

**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 proposed development under consideration as indicated on Subdivisional Plan No: 3, Project No:3645-P, drawn by WH (TV3 Architects and Town Planners), dated 21/11/2019 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

2.2 The development be undertaken in accordance with the Subdivisional Plan No: 3, Project No:3645-P, drawn by WH (TV3 Architects and Town Planners), dated 21/11/2019, attached as **Annexure F** to the report;

2.3 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;

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|  | <p>2.4 A service agreement be entered into with the municipality prior to the construction of any services or infrastructure in terms of Section 66(3) and Section 82(4) of the said bylaw;</p> <p>2.5 The development contributions are payable before the transfer of the first property or submission of the first building plans and which amount will be calculated in accordance with the council tariffs in force at the time of payment;</p> <p>2.6 The proposed development and the new erven / owners shall either be incorporated as part of the existing L'Hermitage residential estate Home Owners' Association and for which purpose written agreement from the existing L'Hermitage HOA needs to be submitted together with the necessary amendments to this effect to the existing constitution for the Municipality's approval in terms of Section 29(6) of the said Bylaw prior to the transfer of the first land unit; or alternatively, if no agreement is reached with the existing L'Hermitage HOA, a new Home Owners Association for the subject development will come into force by virtue of Section 29(1) of the said Bylaw, and for which purpose a new constitution in accordance with Section 29(3) of the said Bylaw be submitted to the Municipality for approval prior to the transfer of the first land unit;</p> <p>2.7 The approved Architectural guidelines of the existing L'Hermitage Estate will apply to the subject development and all building plan applications must adhere to the subject Architectural guidelines;</p> <p>2.8 A formal application be submitted for the erection of advertising signs and that all signage be in line with the signage policy of the municipality and be approved by the Municipality prior to any signage being erected;</p> <p>2.9 Building plans be submitted for approval by the Municipality for the external boundary walls prior to the first property being transferred;</p> |
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- 2.10 Consent be obtained from the Municipality for the temporary access before the development's construction period commence;
- 2.11 The proposed development's refuse wheelie bins be placed on Houtkapper Street for collection by the Municipality.
- 2.12 The conditions imposed by the Director: Engineering Services as contained in their memo dated 28 July 2020, attached as **Annexure P**, be complied with;
- 2.13 The conditions imposed by the Manager: Electrical Services as contained in their memo dated 28 October 2020, attached as **Annexure L**, be complied with;
- 2.14 The approval on the name of the development and the naming and number of streets as per proposed subdivision plan, with reference to Annexure F, be obtained from the duly authorised decision maker on such matters;
- 2.15 Building plans for any houses only be approved when all conditions of subdivision have been complied with;
- 2.16 The approval will lapse if not confirmed within 5 years from date of final notification of approval of the application.

**3. REASONS FOR THE DECISION**

- 3.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will offer residential opportunities in the area.
- 3.2 The proposed development will contribute to the sensible infill densification and the efficient use of available resources.
- 3.3 There will be limited negative impact on existing infrastructure and additional traffic can be accommodated.
- 3.4 The road which will provide access to the development is a public road.

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SMPT 07/03/21	<p><b>APPLICATION FOR SUBDIVISIONAL AREA ZONING, AMENDMENT OF A SUBDIVISION PLAN, CONSENT USES AND PERMISSION IN TERMS OF THE STELLENBOSCH ZONING SCHEME BYLAW IN ORDER TO RECONFIGURE THE EXISTING DEVELOPMENT TO THE PROPOSED STELLENBOSCH BRIDGE DEVELOPMENT: PORTION 5 OF FARM 742, PAARL (LU/10577)</b></p> <p>Chairperson Du Plessis handed over to Mr Anton Lotz from Anton Lotz Town and Regional Planning to proceed with his oral presentation. Senior Manager, Mr Carstens presented a summary of the application. Members of the Tribunal posed questions in respect of the application for the purposes of clarity. An in-depth discussion followed between the members of the tribunal.</p> <p><b>UNANIMOUSLY RESOLVED</b></p> <ol style="list-style-type: none"><li>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, for the proposed development on Portion 5 of Farm 742, Klapmuts:<ol style="list-style-type: none"><li>1.1 Consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2015) to permit Conference facilities, Gambling places, Hospitals, Indoor sport, Liquor Stores, Occasional use (one event/year), Places of assembly, Places of education, Places of entertainment, and houses on <b>Portion 2</b> (zoned Mixed-Use Zone).</li><li>1.2 Council's permission in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-Law (2015) and Item 106(1) of the Stellenbosch Municipality Zoning Scheme By-Law (2019) to permit flats at ground floor on <b>Portion 2</b> (zoned Mixed-Use Zone).</li><li>1.3 Application for approval of the proposed Stellenbosch Bridge Development Framework Plan;</li></ol></li></ol> <p><b>BE REFUSED</b> in terms of Section 60 of the said Bylaw for the following reasons:</p>

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(a) No detail was provided in respect of the extent of the Consent Uses which unqualified approval may result in an unintended development context which can be potentially detrimental for the intended development of the area.

(b) Flats on ground floor in a mix used zoned may result therein that vast areas which are supposed to be readily accessible as vibrant areas are sterilised by needed security measures.

(c) The Development Framework cannot be approved or given any statutory status as it did not follow any prescribed legal process to obtain a formal approval.

2. 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, for the proposed development on Portion 5 of Farm 742, Klapmuts:

2.1 For the purpose of reconfiguring the existing development rights and the allocation of additional supporting land use rights to facilitate the proposed Stellenbosch Bridge Development, the existing subdivisional area for the Klapmuts Heights Development be rezoned in terms of Section 15(2)(a) of said Bylaw to Subdivisional area to permit the following development of Stellenbosch Bridge on **Precincts A1, A3 and B1** in terms of the Development Framework Plan, Plan No 18096-003, Rev B, dated 2020-08-17:

2.1.1 The existing rights for 1577 residential units and

2.1.2 Additional non-residential uses with a maximum floor area 28 000m<sup>2</sup> for business, industrial and institutional uses.

2.2 The amendment of the approved subdivision plan in terms of Section 15(2)(h) of the said Bylaw in accordance with the subdivisional area to make provision for the associated land use rights as indicated on



the proposed Subdivision Plan, Plan No 18096-001, rev F, dated 2020-09-14:

- 2.2.1 Portion 1: Multi-Unit Residential Zone (± 31.7ha)
- 2.2.2 Portion 2: Mixed-Use Zone with Industrial spot-zoning (± 35ha)
- 2.2.3 Portion 3: Industrial Zone (± 1.57ha)
- 2.2.4 Portion 4: Industrial Zone (±0.27ha)
- 2.2.5 Portion 5: Private Open Space (± 1.19ha)
- 2.2.6 Portion 6: Agricultural & Rural Zone (± 33.1ha)
- 2.2.7 Portion 7: Public Roads & Parking Zone (± 3ha)
- 2.2.8 Portion 8: Public Roads & Parking Zone (±2.04ha)

2.3 Consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2015) to permit Commercial gymnasiums, Day care, Parking garages, Rooftop base telecommunication stations, to only be accommodated in **Precincts A1 and A3** of the amended Development Framework Plan, Plan No 18096-003, Rev B, dated 2020-08-17, (see **Annexure C**);

2.4 Consent use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2015) to permit Business Premises on the Industrial Zone Spot zoning on **Portion 2** (zoned Mixed-Use Zone).

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

### 3. Conditions of Approval

3.1 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.

3.2 The applicant submits an electronic copy (shp,dwg,dxf) of the Subdivision Plan which was preliminary approved by the SG. The following information must be indicated:

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|  | <p>3.2.1 Newly allocated Erf Numbers</p> <p>3.2.2 Co-ordinates</p> <p>3.2.3 Survey Dimensions</p> <p>3.2.4 Street names (if approved by Council)</p> <p>3.3 All public places and public streets be transferred to the Local Authority upon transfer of the first unit/erf in the subdivision. All cost for the surveying and transfer of public land be for the account of the applicant/developer.</p> <p>3.4 No subdivided portion of land be transferred prior to the construction of the link road across Farm 739 that provides access for the development to the Old Main Road / R101.</p> <p>3.5 A development framework with the accurate allocation of development rights to development precincts and the phasing thereof be submitted to the municipality for approval prior to any subdivisional applications being made and approved.</p> <p>3.6 A detailed subdivision plan be submitted for each portion / precinct that is created by this approval to further develop these portions / precincts.</p> <p>3.7 A detailed Landscaping Plan be submitted for approval prior to the first subdivision for the total development that implements the recommendations made in the Visual Impact Assessment done by Megan Anderson Landscape Architect attached as <b>Annexure N</b> of the report.</p> <p>3.8 A site development plan, landscaping plan, and architectural guidelines be submitted for approval with each property that is created by the approval with the subdivision plan for each precinct.</p> <p>3.9 A bulk register be submitted with each Site Development Plan for record keeping purposes.</p> |
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- 3.10 The industrial activities be limited to light industrial activities aimed primarily at Information Technology and related uses and which may not include manufacturing which will have a negative impact on the adjoining residential areas as well as cause a noise disturbance, air pollution or is dependent on heavy vehicles or freight transfer.
- 3.11 Architectural and Aesthetic Guidelines be submitted for approval to the municipality with the subdivision application for each precinct and that these guidelines comply with the recommendations made in the Visual Impact Assessment done by Megan Anderson Landscape Architect attached as **Annexure N** of this report.
- 3.12 The development of the property and all subsequent subdivisions, and notwithstanding the approved rights for 1577 residential units and 28 000m<sup>2</sup> of non-residential floor area, will remain subject to all applicable development parameters in terms of the Stellenbosch Municipality Zoning Scheme By-law 2019, and should any departure be required from such development parameters due application be made for consideration.
- 3.13 Any consent uses approved in terms of the application will not be attached unqualified to the associated base zonings and may only be vested with the exclusive consideration and approval of a subdivision plan. Any other consent uses will only be vested in terms of a duly approved application.
- 3.14 All consent uses will require a site development plan approval from the municipality to determine inter alia, but not limited to, the nature, scale and extent of such consent use.
- 3.15 The internal road layout plans for the subdivision of the various precinct makes provision for NMT routes / public transport parking embayment's and Pedestrian routes which link the industrial area to the adjoining residential area and public roads.
- 3.16 The applicant submits a detailed plan for the Social Investment Strategy for approval by the Municipality, with the identification of

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thresholds which will activate the required implementation of the various identified community programs prior to the first property being transferred.

3.17 A Service agreement be entered into with the municipality, which agreement contains all the conditions of approval as imposed by the Directorate: Infrastructure Service in their memo dated 17 December 2020 and that these conditions be complied with, as attached as **Annexure L** of the report.

3.18 The Development contributions are payable in accordance with the prevailing Council Tariffs for such Development Contributions at the time of payment.

3.19 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 J** of the report.

3.20 A phasing plan be submitted, based on a traffic study assessing the traffic demand for each phase and indicating the road improvements required per phase, taking into account recent traffic count data and reasonable background traffic growth forecasts for 5 years after completion of the relevant phases, and such phasing plan, once accepted by Stellenbosch Municipality and the Road Network Management Directorate of the Department of Transport and Public Works, can be changed by mutual agreement between Stellenbosch Municipality, the Road Network Management Directorate of the Department of Transport and Public Works and the developer.

3.21 The design of all road improvements be initiated in time for construction to commence before each phase is allowed to commence to the satisfaction of the Directorate Infrastructure Services.

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	<p>3.22 No development may commence prior to the approval of a precinct plan for the relevant portion of the subject property, for which a traffic impact statement/assessment shall be prepared, in which the impact on proclaimed roads and associated intersections shall be determined and necessary upgrades to accommodate the additional traffic shall be identified, and approval of any precinct plan will require commitment by the applicant for the funding and implementation of such upgrades as the Road Network Management Directorate of the Department of Transport and Public Works cannot commit to providing any funding for these upgrades.</p> <p>3.23 The applicant submits for approval by the Road Network Management Directorate of the Department of Transport and Public Works a traffic impact statement/assessment report for any proposed change of use, or of the scale of any particular use for consideration.</p> <p><b>4. REASONS FOR THE DECISIONS</b></p> <p>4.1 The property is well located for a mixed-use development, being on the periphery of the existing Klapmuts settlement.</p> <p>4.2 The proposal will be consistent with the provisions and proposals of the MSDF as the property is situated within the urban edge and delineated by the SDF for urban development.</p> <p>4.3 The MSDF recognises the “innovation precinct” and “smart city” development in Klapmuts South, of which the application under consideration will form a major part of.</p>
<p>SMPT 08/03/21</p>	<p><b>APPLICATION FOR REZONING FROM AGRICULTURE &amp; RURAL ZONE TO SUBDIVISIONAL AREA OVERLAY ZONE, SUBDIVISION INTO 7 PORTIONS AND CONSENT TO PERMIT AN INDUSTRIAL AND BUSINESS DEVELOPMENT: PORTION 2 OF FARM 744, PAARL (LU/11252)</b></p> <p>Chairperson Du Plessis handed over to Mr Anton Lotz from Anton Lotz Town and Regional Planning to proceed with his oral presentation. Senior Manager, Mr Carstens presented a summary of the application. Members of the Tribunal posed questions in respect of the application for clarity purposes. It became evident during the in-depth discussion that members of the tribunal had a concern with the use of the property for industrial purposes as well as the limited linkages and access</p>

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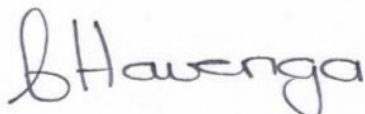
	<p>to and through this development between the existing Klapmuts Town and the new proposed The Bridge development and which creates the impression that it is created to serve as a buffer area between the existing Klapmuts Town and the new proposed The Bridge Development.</p> <p><b>UNANIMOUSLY RESOLVED</b></p> <p><b>THE APPLICATION FOR REZONING FROM AGRICULTURE AND RURAL ZONE TO SUBDIVISIONAL AREA OVERLAY ZONE, SUBDIVISION INTO 7 PORTIONS AND CONSENT TO PERMIT AN INDUSTRIAL AND BUSINESS DEVELOPMENT: PORTION 2 OF FARM 744, PAARL (LU/11252), BE REFERRED BACK TO THE ADMINISTRATION IN ORDER FOR THE APPLICANT TO ADDRESS THE CONCERNS RAISED BY THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL REGARDING THE REQUIRED INTEGRATION THAT THIS PROPERTY SHOULD FACILITATE BETWEEN THE EXISTING KLAPMUTS TOWN AND THE NEW PROPOSED THE BRIDGE DEVELOPMENT, AND FOR WHICH PURPOSE TO SUBMIT A SUPPORTING DETAILED PRECINCT PLAN TO SPATIALLY ILLUSTRATE HOW THESE CONCERNS WILL BE ADDRESSED.</b></p>
<p><b>SMPT</b> <b>09/03/21</b></p>	<p><b>OTHER MATTERS</b></p> <p>The Chairperson thanked all role-players for attending the meeting.</p> <p>The meeting adjourned at 16h35.</p>



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Dr D du Plessis

**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**



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Mrs C Havenga

**DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**