

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 19 NOVEMBER 2021

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 19TH OF NOVEMBER 2021 via MS TEAMS

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

2021-11-19

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: Chief Legal Advisor

Mr S van der Merwe: Environmental Planner

Mr G Cain: Manager: IDP & Performance Management

Mr A van der Merwe: Senior Manager: Community Services

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

Officials

Mr S Carstens: Senior Manager – Development Management

Mrs C Kriel: Manager: Land Use Management

Mr P April: Senior Town Planner

Ms L Guntz: 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
SMPT 01/11/21	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.
SMPT 02/11/21	LEAVE OF ABSENCE
	None
SMPT 03/11/21	DISCLOSURE OF INTERESTS
	Ms C Havenga indicated that she has an interest in Item 5.1 and will recuse herself from the discussion of this item.
SMPT 04/11/21	MINUTES OF THE PREVIOUS MEETING DATED 20 AUGUST 2021
	The minutes of the previous meeting was noted. With reference to Item 3 under Other Matters in the minutes of 20 August 2021, Chairperson du Plessis requested the administration to distribute the information regarding appeals received on matters decided by the MPT, and the final decision taken by the Appeal Authority to MPT members as a separate document together with the distribution of the agenda documents.
	MATTERS FOR CONSIDERATION
SMPT 05/11/21	APPLICATION FOR REZONING, SUBDIVISION, CONSENT USE, DEPARTURES, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS: ERF 14601, STELLENBOSCH (LU/11728)
	Discussion:

- a. Mr Gideon Roos was allowed 15 minutes to make a presentation on behalf of the applicant (see attached).
- b. Concerns were raised on the proposal to have an extensive gated residential area that will create a large area sterilised of access for the general public and prevent the development of the public road into a vibrant and active streetscape.
- c. The provision of flats on the ground floor of all residential buildings, and especially adjacent to the public street, contributes to prevent the development of the public road into an active streetscape. The provision of flats on the ground floor for residential blocks that don't border the public road or access points can be supported.
- d. The provision of the future NMT requirements with specific reference to bicycle lanes and pedestrian walkways (i.e. not sharing space) as well as bus stops as envisaged in the ATC development, within the proposed width of Distillery Road reserve is inadequate and needs to be addressed. Concern was raised in terms of increased traffic, not only within the ATC but also within Stellenbosch CBD. The Western Cape Government Road Network Management made a point that intersections with Dorp, Merriman and Alexander streets will also have to be addressed. The upgrade of the Plankenberg bridge was confirmed, as well as the vision to link Distillery Road with George Blake Road.
- e. The provision of the pedestrian bridge, and implementation arrangements thereof were discussed and it was noted that this pedestrian bridge is viewed as an essential requirement to provide required additional access to the development site, as the additional rights will otherwise be served by a single access road. The contributing responsibility of this development towards the implementation of the required pedestrian footbridge must be considered and addressed.
- f. The provision of the public open space with a pedestrian walkway and the mechanism to secure same, as well as the nature thereof, the implementation and the future maintenance, is not addressed adequately. Public pedestrian access points between the public road and the river open space should also be provided. It was noted that the 1:100 year flood line has not been mentioned and the impact of the development on the flood line, if any was not addressed.
- g. A question was raised relating the discretion of the Administration to decide to re-advertise an amended application. The Administration did

consider the amendments to the initial application and it was viewed that the amendments will not be material in light of the ATC initiative and objectives.

- h. The rationale for and approach to inclusionary housing were discussed. Sentiments were raised for it to be unfair to include this aspect at such a late stage of the application, also given the lack of an approved municipal policy on inclusionary housing. Inclusionary housing is however viewed as a required outcome in pursuance of the objective of urban restructuring and derives as a direct need of any sizable residential development which cannot only focus on the upper end of the market, but also needs to ensure access to housing for a broad range of income groups. The willingness of the applicant to consider an inclusionary housing component is acknowledged, but the provision of subsidised student accommodation only is not viewed as adequately addressing the need for inclusionary housing. The provision of 20% inclusionary housing, even though the actual need is much higher, is viewed as the current norm which will still allow the development to be viable, and for which purpose the full permissible bulk/ density allowed by the ATC development can be pursued. A departure on the parking requirements for this component of the development can also be considered to ensure the viability of the development. The application consequently does not address the provision of inclusionary housing adequately.

UNANIMOUSLY RESOLVED:

The application for **REZONING, SUBDIVISION, CONSENT USE, DEPARTURES, PERMISSION, APPROVAL OF DEVELOPMENT NAME, APPROVAL OF SITE DEVELOPMENT PLAN AND ALLOCATION OF STREET NAMES AND NUMBERS: ERF 14601, STELLENBOSCH (LU/11728)**, be referred back to the administration in order for the applicant to address the concerns raised by the Stellenbosch Municipal Planning Tribunal regarding the following matters as soon as possible for urgent finalisation:

1. To review the proposal to provide for Inclusionary Housing where 20% of the units fall within the earmarked price bracket which will form the basis for an agreement with the Municipality on the implementation and management thereof.

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	<ol style="list-style-type: none"> 2. The provision, development and management of the public open space system next to the Plankenberg River with public access points between the public road and open space system. 3. The minimum width of the Distillery public road extension with due consideration of the provision for NMT requirements. 4. The need for the pedestrian bridge to serve as additional access between the development and town. 5. To revise the proposal for the provision of flats on the ground floor to facilitate the development of active public streetscapes and places.
<p>SMPT 06/11/21</p>	<p>REZONING, SUBDIVISION, DEPARTURE, SITE DEVELOPMENT PLAN, ADOPTION OF THE DEVELOPMENT'S NAME AND STREET NAMING AND NUMBERING: UNREGISTERED FARM NO. 510/844, STELLENBOSCH DIVISION (JAMESTOWN) (LU/11701)</p> <p>Discussion:</p> <ol style="list-style-type: none"> a. Clarity was sought on the similarity of development application that was discussed at a previous MPT meeting and it was confirmed that it is the same developer on the adjacent property. b. A discussion followed relating the design and density. <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> 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, on Unregistered Farm No. 510/844, Stellenbosch Division (Jamestown), namely: <ol style="list-style-type: none"> 1.1 The rezoning in terms of section 15(2)(a) of the said bylaw from Agriculture and Rural Zone to Subdivisional Area to allow for the following uses: <ol style="list-style-type: none"> a) Multi-Unit Residential Zone even for group housing purposes; Utility zone for an electrical substation; Private Open Space Zone for private open space purposes and private road purposes; with a total extent of ±7 827m².

- b) A density of maximum 50 dwelling units per hectare; with an open space requirement as per the Stellenbosch Municipality Zoning Scheme By-Law.

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 **Subdivisional Plan**, be submitted to the Municipality for approval. The amended proposal must include the following:

- a) *Density requirements (maximum of 50 dwelling units per hectare);*
- b) *Open Space requirements (as per the Stellenbosch Municipality Zoning Scheme By-Law)*
- c) *Land uses and extent thereof;*
- d) *Phasing plan;*
- e) *Street naming and numbering.*

2.2 A **Site Development Plan** be submitted to the Municipality for approval. The amended proposal must include the following:

- a) *The position, use and extent of all proposed buildings;*
- b) *Elevations of the new development;*
- c) *The details of proposed vehicle access, roads and parking areas;*
- 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 and general landscaping proposals;*
- f) *The building development parameters as per the Stellenbosch Municipality Zoning Scheme By-Law, 2019.*

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

2.4 The conditions imposed by the **Manager: Community Services** in their memo dated 20 October 2020, attached as **Annexure J**, be adhered to.

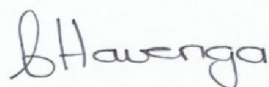
	<p>2.5 The conditions imposed by the Cape Winelands District Municipality (Health Services) in their letter dated 21 October 2020, attached as Annexure K, be adhered to.</p> <p>2.6 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality 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 include and comply with the conditions as imposed by the Directorate Infrastructure Services in their memo dated 14 April 2021, and attached as Annexure M.</p> <p>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.</p> <p>2.8 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.</p> <p>3. The reasons for the above decision are as follows:</p> <p>3.1 The proposal will develop underutilized land within the urban edge for urban development.</p> <p>3.2 The proposed residential development constitutes infill development and is therefore in line with the principles of the Spatial Development Framework.</p> <p>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.</p> <p>4. 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 Unregistered Farm No. 510/844, Stellenbosch Division (Jamestown), namely:</p>
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	<p>4.1 The departure in terms of Section 15(2)(b) of the said by-law to exceed the density of 50 dwelling units per hectare to 61 dwelling units per hectare;</p> <p>4.2 The departure in terms of Section 15(2)(b) of the said by-law for the relaxation of the development's external building lines from 3,0m to 1,3m and 1,5m; and</p> <p>4.3 The departure in terms of Section 15(2)(b) of the said by-law to increase the permissible coverage from 50% to 67%</p> <p>BE REFUSED in terms of Section 60 of the said Bylaw.</p> <p>5. The reasons for the above decision are as follows:</p> <p>5.1 The property sizes and departures for building lines and coverage will result in the "over-development" of the property which will have a negative impact on the character of the existing residential area.</p> <p>5.2 The density proposed for this development will not be compatible with the density of the surrounding residential area.</p> <p>5.3 The under-provision of outdoor space will have a negative impact on the inhabitants of this development.</p> <p>6. Matters on the application TO BE NOTED:</p> <p>6.1 That the approval on the name of the development and the naming and numbering 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 07/11/21</p>	<p>OTHER MATTERS</p> <p>The Chairperson thanked everybody for their input and the robust discussion. The meeting adjourned at 15.10.</p>



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL