

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 20 AUGUST 2021

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 20TH OF AUGUST 2021 via MS TEAMS

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

2021-08-20

Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Ms C Havenga

External Members

Dr R Pool-Stanvliet

Mr C Rabie

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 B de la Bat: Manager - Spatial Planning

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

Officials

Mr S Carstens: Senior Manager: Development Management

Mrs C Kriel: Manager: Land Use Management

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 01/08/21	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.

SMPT 02/08/21	LEAVE OF ABSENCE
	Mr A van der Merwe: Senior Manager: Community Services

SMPT 03/08/21	DISCLOSURE OF INTERESTS
	No conflict of interests were noted.

SMPT	MINUTES OF THE PREVIOUS MEETING DATED 16 JULY 2021
04/08/21	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/08/21	<p style="text-align: center;">APPLICATION FOR SUBDIVISION, REZONING, CONSENT OF TITLE DEED CONDITIONS, PERMANENT DEPARTURE AND APPROVAL OF SITE DEVELOPMENT PLAN: FARM NO. 81/29, STELLENBOSCH DIVISION (LU/10313)</p> <p>DISCUSSION:</p> <ul style="list-style-type: none"> a) The development of the area around the subject property, the alignment of the proposed western bypass, the urban edge and the vision of the Adam Tas Corridor initiative (precinct 10) was discussed to understand the relevant proposal in the larger context. b) Clarity was given on the building line on the R304, the future road network and relevant road upgrades required. c) The difference between the initial layout and the existing layout, the urban design, landscaping, the density and the HIA approval was discussed.

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- d) Consent required in terms of the Title Deed and the required process was discussed and it was confirmed that the decision is to be taken in terms of Section 45(6) of SPLUMA by the controlling authority / municipality.
- e) Although the applicant indicated that the comments of the Stellenbosch Ratepayers Association were late and therefore invalid, it was considered by the MPT.

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 Farm Cloetesdal No. 81/29, Stellenbosch Division, namely:

- 1.1 The **subdivision** (section 15(2)(d)) of the subject property in terms of Section 15(2)(d) of the said by-law into three portions namely **Portion 1** (±2,24ha), **Portion 2** (0,64ha) and **Portion 3** (±0,12ha) as indicated on Subdivision Plan 4 – 3628-P, dated 22 January 2021, and drawn by TV3 Architects and Town Planners.

- 1.2 The **rezoning** [section 15(2)(a)] of Portion 1 (±2,24ha) from Agriculture and Rural Zone to Subdivisional Area to allow for the following uses: **Multi-Unit Residential Zone erven** and **Private Open Space Zone** for private open space purposes and private road purposes; with a total extent of ±2,24ha.

- 1.3 The **rezoning** [section 15(2)(a)] of Portion 2 and Portion 3 from Agriculture and Rural Zone to Utility Services Zone for public roads.

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** for Portion 1 be submitted to the Municipality for approval and to include the following matters:

- a) Indicate the land uses and extent thereof.

b) Provide a mix of group housing and other housing types within the Multi-Unit Residential Zone.

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

2.3 Inclusionary housing be considered to expand housing opportunity for a broader range of income groups.

2.4 The approval applies only to the applications in question, and not be construed as authority to depart from any other legal prescriptions or requirements from Council.

2.5 Portion 3 (Public Road) be transferred to the Local Authority before a clearance certificate be issued.

2.6 Portion 2 (Public Road) be transferred to the Department of Transport and Public Works as part of the road reserve of the R304.

3. REASONS FOR APPROVAL

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

b) The subject property is located along the R304 within this area identified by the MSDP for future urban development.

c) The proposed residential development constitutes infill development and is therefore in line with the principles of the Spatial Development Framework, as well as the Northern Extension Project's vision.

d) 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.

e) 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.

f) The matters raised by the Stellenbosch Ratepayers Association were considered and addressed in the detailed studies and report to the MPT.

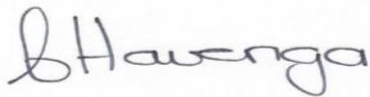
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	<p>4. The following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Farm Cloetesdal No. 81/29, Stellenbosch Division, namely:</p> <p>4.1 The departure [section 15(2)(b)] to exceed the density of 50 dwelling units per hectare to 71 dwelling units per hectare</p> <p>NOT BE CONSIDERED in terms of Section 60 of the said Bylaw.</p> <p>5. REASON</p> <p>a) The density proposed is not considered at this stage and such an application will be considered in line with the submission of a revised subdivision plan for Portion 1 and in accordance with the conditions of the subdivisational area in condition 2.1.</p> <p>6. MATTERS TO BE NOTED</p> <p>6.1 The application for consent in terms of the relevant Title Deed no. T52460/99, Condition D(a) to (e), to allow for the proposed development in terms of section 45(6) of SPLUMA will be considered by the Municipality.</p>
<p>SMPT 06/08/21</p>	<p>OTHER MATTERS</p>
	<ol style="list-style-type: none"> 1. The next MPT meeting is scheduled for 17 September 2021. 2. The MPT requested the Land Use Management section to always circulate the HIA to the members when it was conducted as part of the planning process. 3. It was agreed that the Land Use Management section will on a regular basis provide feedback to the MPT regarding appeals received on matters decided by the MPT, the draft report for consideration and the final decision taken by the Appeal Authority.



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL