

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 21 JANUARY 2022

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 21ST OF JANUARY 2022 via MS TEAMS

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

2022-01-21

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 Delpont

Mr J Knight

Internal Members

Mr B de la Bat: Manager - Spatial Planning

Mr S van der Merwe: Environmental Planner

Mr G Cain: Manager: IDP & Performance Management

Mr A van der Merwe: Senior Manager: Community Services

Technical Advisor

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

Officials

Mr S Carstens: Senior Manager – Development Management

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

Mr A Okkers: Landuse Intern

Ms S Gumede: Landuse Intern

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Ms O Sims: Administrative Officer: MPT

Mr K Mculu: Informal Settlements

Mr C Taylor: Infrastructure Services

Applicants

Mr H Spies: Similan (SMPT 05/01/22)

Mr P Schaafsma: Stellenbosch Interest Group (SIG) (SMPT 05/01/22)

Mr S Pillay: ETL Consulting (SMPT 06/01/22)

ITEM	SUBJECT
SMPT 01/01/22	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.
SMPT 02/01/22	LEAVE OF ABSENCE
	Mr Mervin Williams Mrs Myra Francis
SMPT 03/01/22	DISCLOSURE OF INTERESTS
	No interests were disclosed.
SMPT 04/01/22	MINUTES OF THE PREVIOUS MEETING DATED 19 NOVEMBER 2021
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/01/22	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)

Oral Representations:

- a) Mr Spies made an oral presentation on behalf of the developer, Similar as attached to the Minutes.
- b) Mr Schaafsma made an oral submission on behalf of the Stellenbosch Interest Group, as attached to the Minutes.
- c) Clarity was sought from the Developer on the school site and whether it will be a public school. Provision has been made for a school site but no developer has yet been identified. The developer did discuss the proposal with WCED, who indicated that the Department cannot commit to the school due to other commitments and a limited budget. Overall planning is required for education facilities in the area, and not for this development only.
- d) Clarity was given on the proposal for a gated development. Based on the specific context of the site certain security measures may be considered reasonable in this instance. Various areas of the development will still be accessible to the general public and there are still adequate opportunities for linkages with adjacent proposed developments.
- e) The topography, slope and soil conditions of the site presents a challenge to increase the density. Options such as the provision of basements will increase the development costs and hence affect the affordability of the end product. The development proposal went through an extensive approval process with Heritage Western Cape who had certain requirements with regard to e.g. height.
- f) The proposal for a swimming pool open to the public, will be a privately managed facility and not a public facility.
- g) It is confirmed that the property has been transferred to the developer in March 2018 and that the submission indicated the incorrect property owner details (which was correct at date of submission of application).

Discussion:

- h) Concerns are raised regarding the increase in traffic on the R304 into town and the timeframe for the upgrade / dualling of the road which is a provincial road. It was emphasised that the dualling of the R304 between the R44 and Bottelary Road has been identified as a requirement in the Traffic Impact Assessment (TIA) by iCE Group in terms of this development. The need for an integrated mobility strategy for development in this area was expressed as well as the TIA 's limitation in terms of only focussing on vehicle travel and not on Public transport and NMT options/planning and design. The Arterial Management Plan included the dualling of the road as part of the overall planning of the area in the past, but lack of funds has always been a challenge.
- i) The density and proportional development contribution of units for the subject property do not attain the recommended densities prescribed for Precinct 10 as set out in the draft Adam Tas Corridor (ATC) Local Spatial Development Framework (LSDF). This will compromise the objectives to reach critical thresholds to support e.g. public transport as well as cover the cost of required infrastructure. The development of the ATC is also intended to accommodate a substantial proportion of future growth of the town, to limit the need to develop green areas in future.
- j) It was suggested that clear guidelines regarding the requirements and vision of the draft ATC Policy should be provided to applicants to ensure that applications are aligned with these guidelines and facilitate efficient processing of applications in the ATC corridor.
- k) The inclusion of the subject property within the urban edge in the approved SDF, and the exclusion of another property and comment of the WCDOA were discussed.
- l) The merits of the application and proposed development in general are supported by members subject to certain proposed alterations to the subdivision plan proposal.

UNANIMOUSLY RESOLVED:

1. That the following applications in terms of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for the Farm 81/33, Stellenbosch:

1.1 The **rezoning** in terms of Section 15(2)(a) of the said Bylaw from Agriculture Zone to Subdivisional Area, to permit the following land uses:

- a) Multi-Unit Residential Zone erven for group housing and flats/ apartments.
- b) Local Business Zone erven for retail purposes.
- c) Education Zone erf for purposes of a school.
- d) Community Zone erven for purposes of a church and clubhouse, hall, crèche, day-care, restaurant, amphitheatre, pool, sport and recreation facilities and ancillary uses.
- e) Utility Services Zone erven for purposes of a public road and authority use.
- f) Private Open Space Zone erven for purposes of private open spaces and a private road.

BE APPROVED in terms of Section 60 of the said Bylaw subject to conditions of approval in terms of Section 66 of the said Bylaw.

2. **Conditions of Approval:**

2.1 A revised Subdivision Plan for the subdivisional area zone be submitted for approval which addresses the following matters:

- a) Density of the development in accordance with the provisions and proposed thresholds of the draft Adam Tas Corridor Local Spatial Development Framework and draft Adam Tas Corridor Development Guidelines (2021) for Precinct 10.
- b) The extent of the approved land uses as proposed in the

	<p>application be amended to meet the density requirements of the draft Adam Tas Corridor Development Guidelines.</p> <ul style="list-style-type: none"> c) Integration of the proposed development with the surrounding areas and new developments. d) Provision of "Inclusionary Housing". e) The provision of appropriate integrated public transport and NMT infrastructure taking into consideration the surrounding areas and proposed new developments in this precinct. <p>3. The reasons for the above decision are as follows:</p> <ul style="list-style-type: none"> 3.1 The subject property is located within the Stellenbosch urban edge as indicated in the approved MSDF. 3.2 The development of the subject property is in support of Council's Northern Extension Project as well as the ATC initiative. 3.3 Proposes to provide in a wide array of different housing typologies for different income groups.
<p>SMPT 06/01/22</p>	<p>APPLICATION FOR TEMPORARY DEPARTURE AND TEMPORARY CLOSURE OF A PUBLIC PLACE: UNREGISTERED ERF 3229, FRANSCHHOEK (LU/12400)</p> <p>Discussion:</p> <ul style="list-style-type: none"> a) Members of the Tribunal requested more information regarding the specialist studies undertaken to identify this site as suitable for the proposed temporary relocation of the informal settlement. It was confirmed that these studies undertaken include a Geotechnical Report for the relocation of residents, Land Contamination and an Environmental Impact Assessment. b) The formal layout and limited space available for social activities have been noted and it was proposed that provision is to be made for a play area serving both the new settlement and existing adjacent residential area. c) Questions were asked about the relocation of the people and the

process was explained. The Municipality, with the assistance of National DHS will manage the process. No community meetings have been held, but discussions were held with the two Ward Councillors and further engagements will continue.

- d) Measures to be taken to prohibit pollution of the Stiebeuel River and the monitoring of water quality were discussed and it was confirmed that it will be part of municipal programmes in this regard.

RESOLVED:

1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 3229, Franschoek, namely:
 - 1.1 a **temporary departure** in terms of Section 15(2)(c) of the said Bylaw for the Temporary Relocation Area, to relocate households that are currently residing in a freshwater dam in the Langrug Informal Settlement to temporary housing for a period of 5 years.
 - 1.2 the **closure of a public place** in terms of Section 15(2)(n) of the said Bylaw for a period of 5 years.

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 The approval applies only to the temporary departure and temporary closure of a public place in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council and external authorities.
- 2.2 The structures on the Temporary Relocation Area (TRA) be

	<p>removed and the site be rehabilitated after 5 years when this temporary departure lapses and the use of the property revert back to Public Open Space purposes.</p> <p>2.3 The platforms as designed for the TRA should as far as possible be reusable for future public open space purposes and specifically sportfields as is intended for the site.</p> <p>2.4 Detailed measures be put in place by the applicable municipal departments to prevent people from living in the dam site in Langrug during rehabilitation, as well as to prevent the construction of additional shelters on Erf 3229, Franschhoek.</p> <p>2.5 Provision be made for a play area on the site at a location accessible and to the benefit of all residents in the area.</p> <p>2.6 Provision be made for the collection of solid waste.</p> <p>2.7 Building plans be submitted to the Municipal Directorate: Planning and Economic Development for consideration and approval, where required.</p> <p>2.8 Conditions of approval listed in ANNEXURE H from Cape Winelands Health Department be adhered to.</p> <p>2.9 Infrastructure and services be installed in accordance with the approved engineering drawings and applicable conditions as listed in the letter dated 7 April 2021 attached as ANNEXURE I.</p> <p>2.10 The intention of Stellenbosch Municipality to develop the site into a Temporary Relocation Area, as opposed to a sport field, be communicated to the Western Cape Department of Environment Affairs and Development Planning.</p> <p>2.11 The proposed development and its use to not impact negatively on the Stiebeuel River and the surrounding environment.</p> <p>3. The reasons for the above decision are as follows:</p> <p>3.1 The temporary relocation of the informal structures of the Langrug residence from a freshwater dam had become an emergency and requires immediate intervention, while</p>
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	<p>alternatives are being explored by the municipality to provide safer alternative accommodation.</p> <p>3.2 The proposed TRA site, although zoned Public Open Space for sport field activities, is not currently a developed and active sporting facility, but an illegal dumping site earmarked for sporting activities in future.</p> <p>3.3 The proposal is temporary in nature, no rezoning of the property is proposed and the land will revert back to the use for sporting facilities after the 5-year period.</p> <p>3.4 The proposed temporary use of a property zoned Public Open Space for residential purposes, do not compromise the objectives and principles of the Integrated Development Plan or the Stellenbosch Municipal Spatial Development Framework, as the property will revert back to its original intended use after 5-years.</p> <p>3.5 Relevant legislative and professional engineering requirements can be complied with.</p> <p>3.6 Specialist studies to assess the feasibility of developing the property as a TRA have been undertaken by the municipality and the outcome of these studies indicate that the property is developable for the intended land use.</p> <p>TO BE NOTED: MPT member Mr Eddie Delpont did not support the application.</p>
<p>SMPT 07/01/22</p>	<p>APPLICATION FOR REZONING, SPECIAL CONSENT AND DEPARTURES: ERF 230, FRANSCHHOEK (LU/10397)</p> <p>Discussion:</p> <p>a) The initiative is supported and members commended the Municipality on similar facilities in other areas.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. That the following applications in terms of the Stellenbosch</p>

Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, on Erf 230, Franschhoek, namely:

- 1.1 **rezoning** in terms of section 15(2)(a) of the said Bylaw of the property from Single Residential Zone to General Business for purposes of a local economic development hub/business incubator.
- 1.2 **special consent** in terms of section 15(2)(o) of the said Bylaw to use a portion of Erf 230, Franschhoek for institutional (training) purposes.
- 1.3 **Departure** in terms of Section 15(2)(b) of the said Bylaw for the under-provision of parking (8 bays instead of 16,06 bays).

BE APPROVED in terms of Section 66 of the said Bylaw subject to conditions.

- 1.4 **Departure** in terms of Section 15(2)(b) of the said Bylaw to allow a vehicle entrance/ access & exit of wider than 6m where they cross the Daniel Hugo boundary of Erf 230, Franschhoek.

BE REFUSED in terms of Section 66 of the said Bylaw

2. Conditions of Approval:

- 2.1 The approval applies only to the proposed application, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 2.2 The approval will lapse if not implemented within the timeframe stipulated in the subject Bylaw.
- 2.3 A Site Development Plan which illustrates the overall proposed development be submitted for approval by the Authorised Official prior to the submission of building plans. The Site Development Plan must include the following:
 - i) All relevant information about the extent of the proposed development, floor area allocations and parking supply to

	<p>illustrate compliance with the development parameters of the scheme;</p> <ul style="list-style-type: none">ii) Elevations and cross sections of the new development;iii) The details of proposed vehicle access, parking areas on the western side of the property (including bicycle facilities) and pedestrian footpaths;iv) Details of proposed fencing or walls around the perimeter of the land unit (if applicable);v) Landscape proposals;vi) Cognisance be taken of the provisions of the Franschhoek Conservation Overlay Zone. <p>2.4 The following condition of the Manager: Electrical Services as contained in their memo dated 03 June 2020, attached as ANNEXURE L, be complied with:</p> <ul style="list-style-type: none">i) All charges and re-rating of services as well as upgrades is for the applicant's cost via a rechargeable cost application. <p>2.6 Building plans to be submitted to the Municipality for approval.</p> <p>3. Matters on the application TO BE NOTED:</p> <ul style="list-style-type: none">3.1 Business licence and a liquor licence be applied for, if required.3.2 The consultant must provide the department with a permit from Heritage Western Cape for any additions and alterations to the existing structure older than 60 years before a building plan can be approved. <p>4. The reasons for the above decision are as follows:</p> <ul style="list-style-type: none">4.1 The proposal will not have a negative impact on the surrounding properties and their rights as it is in keeping with the character of the area.4.2 The proposed land use will also improve the quality and functionality of the existing under-utilized public facilities.4.3 The proposed LED hub is within walking distance to public transport routes and other businesses and will not increase
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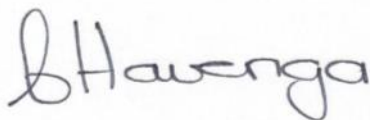
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	<p>vehicular movement in town.</p> <p>4.4 The under-provision of parking will not have a negative impact on the environment since the property is situated in close proximity to the municipal parking area.</p> <p>4.5 The business incubator (LED Hub) will provide entrepreneurs, start-up businesses and SMME'S access to rental space, shared basic business services and equipment as well as technology support services.</p> <p>4.6 The departure for an access wider than 6m is not supported as the site is located in the historic area (Urban Conservation Overlay Zone) with a limited number of vehicles visiting the site. Pedestrian movement should receive preference in this area.</p>
SMPT 08/01/22	OTHER MATTERS The next meeting is scheduled for 18 February 2022.



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

FARM 81/33 STELLENBOSCH

Oral Presentation at Municipal Planning Tribunal of 21 January 17, 2022

Our Vision

With the philosophy and aim of creating sustainable residential developments for the “essential worker” market, Similaran has brought a fresh approach to the industry that evolves as we continue to innovate. Our beautiful, award-winning and GREEN neighbourhoods create the opportunity for many South Africans to live in quality homes, not only challenging the accepted norms of affordable housing developments, but also providing an effective business model that promotes year-on-year growth.

We don't simply develop neighbourhoods, we stay closely involved during the entire lifecycle of the property, from acquiring land, marketing and selling homes, to managing both residents and rental properties. To date we have created homes for nearly 2,500 new families, a large portion of these in collaboration with Old Mutual's Housing Impact Fund of South Africa (HIFSA) over the last 12 years.

Vision for Newinbosch (Farm 33 of 81)

Our vision for Newinbosch is to create a unique new development only 3.2km from the centre of Stellenbosch where a kaleidoscope of people can live, learn, work and play. Situated at the northern main entrance to Stellenbosch, it will be designed as a welcoming place giving people entry to a lifestyle, which they previously would not have been able to afford in the greater Stellenbosch area.

By location and design, this new neighbourhood will represent a physical and emotional bridge between people from the surrounding Stellenbosch areas. It is a safe and inviting place for people of different ages and backgrounds. A space to connect and interact to build a new generation community. This neighbourhood will give a home to the very important middle group of “essential workers” who has been missing as active residents and is vital for the healthy development of the town of Stellenbosch.

The design of this high-density mixed-use neighbourhood will be guided by the Boland village character to provide a variety of home types that fit the semi-rural setting with a strong reference to the historic “werf” layout scheme. The homes, including apartments, simplex homes, cluster homes and freestanding townhouses will cater beautifully for a multigenerational neighbourhood, a primary aim of Newinbosch. It will be carefully designed to offer a variety of homes of different sizes and styles to suit the needs of people entering the property market as well as the different ages and life stages of residents; from the start of their careers, settling with a partner, starting a family, living a full life with growing families to retirement and reliving memories with lifelong friends. Newinbosch will also endeavor to be South Africa's greenest neighborhood supported by the GBCSA through the certification of EDGE Advance, Net Zero Ecology and Sustainable Precincts. A focus on alternative energy generation, smart energy management, water and waste management will support our green agenda.

Subdivision Plans

We implore you to approve our subdivision in terms of Section 15(2)(d), as the Subdivision Plan was developed, reviewed and improved over a multi-year period, with continuous inputs from all relevant consulting disciplines – including heritage and visual consultants, town planners, urban designer, architects, landscape architect, engineers (traffic, civil, electrical) - for submission of our Heritage Impact Assessment (including Visual Impact Assessment), Environmental Impact Assessment and Traffic Impact Assessment and approved by both Department of Environmental Affairs and Development Planning as well as Heritage Western Cape.

Various iterations of this Plan were discussed with all relevant municipal departments and ultimately supported by each over the course of the last 2 ½ years.

A final SDP for each phase will be submitted for the finalization of development detail for approval by the municipal planning department.

Further discussion points in response to REFUSAL of subdivision in terms of Section 15(2)(d), should time allow:

- Density
 - Topology of land; zoning restrictions; bulk service availability; urban design principles; heritage and visual impact; traffic impact
- Integration
 - Position of main access; position of public roads
- Inclusionary housing
 - FLISP units and land value subsidisation; community and education land at cost; overall feasibility
- Public transport and NMT
 - Municipal engineer's limitations; plans for R304; surrounding developments' progress



Belangegroep Stellenbosch Interest Group

18 January 2022

Ms Odile Sims Odile.Sims@stellenbosch.gov.za
Planning and Economic Development, Stellenbosch Municipality

Dear Ms Sims

Oral Representations, Farm 31/33, Stellenbosch (LU/10917) (Cloetesdal)

I refer to your e-mail and attachment of 13 January 2022 concerning the above, inviting the Stellenbosch Interest Group (SIG) to make oral representations to the Municipal Planning Tribunal (MPT) at its meeting scheduled to take place on Friday 21 January 2022.

In terms of paragraph 8.12. the rules of procedure for meetings of the MPT the purpose of an oral submission is as follows:

8.12 The purpose of an oral submission is to allow the relevant parties to:

8.12.1 comment on the accuracy or merits of the documentation before the Tribunal; and

8.12.2 elaborate on relevant issues which were included in the original objections or the original motivation and respond to objections.

Against the above-mentioned background the SIG wishes to draw the attention of the MPT to the fact that the Western Cape Department of Agriculture (WCDoA) shares the concerns of the SIG that the land of the subject property may be invaded before it is formally developed (see page 19 of the report). The WCDoA has accordingly recommended that; firstly, **the Municipality should take responsibility to manage the urban edges to protect the right to farm of abutting farms.** Secondly it has recommended that **the Municipality should take responsibility to timeously manage any land invasion spillover to any other agricultural land.** While these are admirable recommendations it is doubtful that they are implementable because the land is privately owned.

In addition to the above, the attention of the MPT is drawn to the letter from the Head of the Department of Environmental Affairs and Development Planning dated 14 December 2020 expressing concern about the incorporation of the subject property into the urban edge and exempting it from the provisions of Act 70 of 1970 (see par 3.2 and 3.3 on page 180 of the report).

Kind regards

Patricia Botha (Chairperson)