

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 23 SEPTEMBER 2022

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 23RD OF SEPTEMBER 2022 via MS TEAMS

Ref. no. 3/4/5/2/40
2022-09-23

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 M Williams: Senior Legal Advisor

Mr C Alexander: Senior Manager - Development Planning

Mrs M Francis: Senior Manager - Infrastructure Planning, Development, and
Implementation

Technical Advisor

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

Councillor

Portfolio Councillor: Planning: Ms C van Wyk

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

Mrs B Zondo: Senior Town Planner

Mr G Goosen: Town Planner

Mrs N Dafeti: Town Planner

Ms O Sims: Administrative Officer

Ms L Kamineth: Senior Administrative Officer

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ITEM	SUBJECT
SMPT 01/09/22	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.
SMPT 02/09/22	LEAVE OF ABSENCE
	None recorded.
SMPT 03/09/22	DISCLOSURE OF INTERESTS
	No interests were declared by the members.
SMPT 04/09/22	MINUTES OF THE PREVIOUS MEETING DATED 22 JULY 2022
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/09/22	APPLICATION FOR SUBDIVISION IN ORDER TO REGISTER AN ENGINEERING SERVICES SERVITUDE ON FARM 373/16, STELLENBOSCH DIVISION (LU/13642)
	<p>Discussion:</p> <ul style="list-style-type: none"> a) Chairperson Du Plessis handed over to Mr Goosen to provide a brief introduction in respect of the application that served before the Tribunal. b) An in-depth discussion followed between the members of the Tribunal with regard to Engineering Services on the subject property. c) Mr Goosen provided clarity to the members in respect of the Engineering Services and future development. d) Mrs Kriel further indicated that the initial approval on the subject property was for the road and the application which is now before the Tribunal is for the provision of engineering services.

e) Discussions followed between the members in respect of the servitude with reference to the subject property.

UNANIMOUSLY RESOLVED

1. That the application in terms of Section 15(2)(d) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for **Subdivision** in order to register an engineering services servitude on Farm 373/16, Stellenbosch Division in favour of Westruther Estate;

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

1. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

- 1.1 The approval only applies to the subdivision application under consideration for the registration of an engineering services servitude, as indicated on the referenced Servitude Diagram, Plan no: 2 drawn by WH (TV3 Architects) and dated 22/11/2021, 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.

- 1.2 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.

1.3 The development be undertaken in accordance with the Servitude Diagram, Plan no: 2 drawn by WH (TV3 Architects) and dated 22/11/2021, attached as **Annexure C**.

1.4 An electronic copy (shp, dwg, dxf) of the approved Servitude Diagram be submitted to the Directorate Planning and Economic Development for record purposes, which plan indicates the following information:

- a) Co-ordinates;
- b) Survey dimensions.

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

2.1 The proposed engineering services servitude will be mainly accommodated within the existing extent of the private right of way servitude with an addition of a new 6m wide private engineering services servitude.

2.2 The proposed private engineering services servitude will have a limited impact on the surrounding properties and provides basic services to residents in a private estate with minimal significance to Stellenbosch Municipality.

3. Matters to be noted

3.1 Appropriate caution shall be taken during construction, to prevent damage to existing infrastructure, service cables and electrical equipment. Should damage occur, the applicant will be liable for the cost involved in repairing damages.

3.2 All electrical work to comply with SANS142 and Municipal electrical Bylaws.

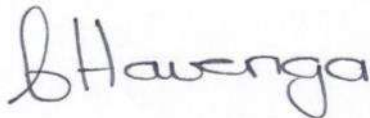
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SMPT 06/07/22	OTHER MATTERS <ol style="list-style-type: none">1. Mr Carstens advised the members that the advertisement for the nomination of the Municipal Planning Tribunal was advertised in the newspapers as well as the municipal website on the 15th of September 2022 and the closing date is on the 15th of October 2022.2. Chairperson Du Plessis also extended a word of welcome to the Portfolio Councillor, Ms Carli van Wyk.3. Chairperson thanked all present for attending the meeting. <p>The Meeting Adjourned.</p>
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Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mrs C Havenga

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL