

# MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 24 JUNE 2022

## MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 24<sup>TH</sup> OF JUNE 2022 via MS TEAMS

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

**2022-06-24**

### **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 A van der Merwe: Senior Manager - Community Services

Mr M Williams: Senior Legal Advisor

Mr C Alexander: Senior Manager - Development Planning

### Technical Advisor

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

### Officials

Mr S Carstens: Senior Manager- Development Management

Mr S Van der Merwe: Environmental Planner

Mr P April: Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms L Guntz: Senior Town Planner

Ms B Zondo: Senior Town Planner

Mrs N Dafeti: Town Planner

Mr G Goosen: Town Planner

Mr C Otto: Planning Intern

Ms L Kamineth: Senior Administrative Officer

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ITEM	SUBJECT
<b>SMPT 01/06/22</b>	<b>OPENING AND WELCOME</b>
	Chairperson Du Plessis welcomed all.
<b>SMPT 02/06/22</b>	<b>LEAVE OF ABSENCE</b>
	Mrs M Francis Mrs C Kriel Ms O Sims
<b>SMPT 03/06/22</b>	<b>DISCLOSURE OF INTERESTS</b>
	No interests were declared.
<b>SMPT 04/06/22</b>	<b>MINUTES OF THE PREVIOUS MEETING DATED 20 MAY 2022</b>
	The minutes of the previous meeting was noted.
	<b>MATTERS FOR CONSIDERATION</b>
<b>SMPT 05/06/22</b>	<b>APPLICATION FOR REZONING, CONSENT USE, CONSOLIDATION AND CLOSURE OF A PUBLIC PLACE: ERF 21 AND 22, KYLEMORE(LU/13621).</b>
	<p><b>Discussion:</b></p> <ul style="list-style-type: none"> <li>a) Mr April gave a brief introduction to the Tribunal members in respect of the application.</li> <li>b) Members had questions about the location of the 1 in 100-year flood line and wanted to confirm that the cemetery complied with the relevant conditions, including environmental conditions.</li> <li>c) It was also pointed out that the cemetery should be at least 500 metres away from the nearest habitable buildings.</li> <li>d) Discussions followed in respect of the parking provisions for public transport at the site.</li> </ul>

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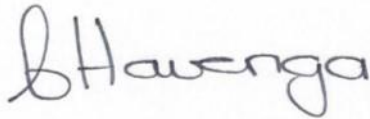
	<p>e) An in-depth discussion further followed regarding the soil condition formations as well as the Environmental Authorisation.</p> <p>f) The Environmental Authorisation was part of the records submitted to the Tribunal. It was, however, not the complete document and members enquired about the current validity of the document which was dated 22 June 2011.</p> <p>g) Mr Munro had concerns which he wanted to be noted. He alluded that not all documentation is available to the MPT members to be able to make an informed decision in respect of this application.</p> <p>h) Mr Munro further referred to the Constitutional Court Case of the Fuel Retailers Association of South Africa [CCT 67/06 [2007] ZACC 13], to emphasize the importance of why all documentation should serve before the Tribunal when considering an application.</p> <p><b>UNANIMOUSLY RESOLVED</b></p> <p>The application be referred back to the Administration and that the following outstanding information be provided to the MPT:</p> <ol style="list-style-type: none"><li>1. The full Environmental Impact Assessment (EIA) including the missing pages of correspondence dated 22 June 2011.</li><li>2. The Administration to source relevant information regarding the impact of the proposed cemetery on underground water sources, the river and the suitability of the soil to accommodate a cemetery.</li></ol>
<p><b>SMPT</b> <b>06/06/22</b></p>	<p><b>OTHER MATTERS</b></p> <p>Chairperson Du Plessis thanked all present for attending.</p> <p>The meeting adjourned.</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