

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 25 AUGUST 2023

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 25th OF AUGUST 2023 AT THE PARADYSKLOOF CLUBHOUSE, PARADYSKLOOF, STELLENBOSCH FROM 10H00-15H00

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

2023-08-25

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr A van der Merwe: Senior Manager: Community Services

Mr C Alexander: Senior Manager-Development Planning

Mr M Williams: Senior Legal Advisor

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

Technical Advisor

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

Officials

Mrs C Kriel: Manager: Land Use Management

Ms B Zondo: Senior Town Planner

Mr R Fooy: Senior Town Planner

Mr G Goosen: Town Planner

Ms T Mazana: Town Planner

Ms O Sims: Administrative Officer: MPT

Ms L Kamineth: Senior Administrative Officer: MPT

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 25 AUGUST 2023

ITEM	SUBJECT
SMPT 01/08/23	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.
SMPT 02/08/23	LEAVE OF ABSENCE
	Mr S Carstens
SMPT 03/08/23	DISCLOSURE OF INTERESTS
	None received
SMPT 04/08/23	MINUTES OF THE PREVIOUS MEETING DATED 26 MAY 2023
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/08/23	APPLICATION FOR REZONING AND SUBDIVISION ON FARM 716/27 KLAPMUTS
	<p>Discussion:</p> <ul style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Ms Zondo to give a brief introduction of the application that served before the Tribunal. b. The date of the MPT meeting on the cover page and folio pages 39 and 362 of the Agenda should read 25 August and not 26 August. c. The status and need of the new 15-meter public road reserve to provide access to the adjoining property was discussed as well as the cost implications thereof. The Municipality should provide clarity and if needed, an updated plan of subdivision should be submitted. d. Members raised concerns about the "no man's land" being created alongside the proposed new road reserve with limited public street

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 25 AUGUST 2023

	<p>interface. The SDP should address the aspect relating to landscaping, tree planting and edge conditions along this road.</p> <p>e. A stepped application approach was discussed which provides that the rezoning and subdivision application is decided by the MPT while the SDP, HOA Constitution and other approvals flowing from the approved land use rights can follow at a later stage and be considered by the Land Use Management Section of the Municipality.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>That the application be held over pending the clarification of the status of the proposed public road.</p>
<p>SMPT 06/08/23</p>	<p>APPLICATION FOR TEMPORARY DEPARTURE ON FARM 1460/84 PAARL FARMS (PREVIOUSLY UNREGISTERED PORTION 82)</p> <p>Discussion:</p> <p>a. Chairperson Crooijmans-Lemmer handed over to Ms Zondo to give a brief introduction of the application that served before the Tribunal.</p> <p>b. There was a discussion on whether the application was consistent or inconsistent with the SDF. Mr Munro expressed the opinion that the application does not thwart the principles of the SDF and is therefore not inconsistent with the SDF.</p> <p>c. Arguments were made for the need and support of community facilities anywhere, whether it being publicly or privately funded while a counter argument was made for community facilities to be accessible to the general public by means of public transport or by foot and that it should rather be in established nodes and hence the proposed location is not supported.</p> <p>d. There was a voting amongst the 10 members of which 5 members was in support of the application and 5 members were not in support of the application.</p> <p>e. In terms of paragraph 5.6 of the Rules of Procedure of the MPT, the Chairperson has the deciding vote in the event of an equality of</p>

votes. The Chairperson cast her deciding vote in support of the application, with the voting outcome therefore being 6-5 in favour of the application.

RESOLVED:

1. That the application in terms of Section 15 (2) of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Farm 1460/84 (previously unregistered portion 82) Paarl Division for a **Temporary Departure** in terms of Section 15 (2)(c) of the said By-law in order to utilise the unused and vacant portion of the existing building as Psychiatric Clinic

BE APPROVED in terms of Section 60 of the said By-law,

2. Conditions of Approval:

2.1 The approval applies only to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

2.2 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.

2.3 The proposed Psychiatric Clinic shall be limited to **±176 m²** as indicated on Site Development Plan referenced as Plan No: 1, File No: P2416/90 (13), dated June 2016, drawn by dh & a professional surveyors.

2.4 The Temporary Departure is valid for **five (5) years** from the date of final notification.

2.5 No directional signage or advertising signs may be erected without prior approval of the Municipality.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 25 AUGUST 2023

	<p>2.6 The proposed activities should be subservient to the dominant agricultural use of the property and surrounding farms.</p> <p>2.7 The conditions imposed by the Directorate: Infrastructure Services as contained in their Memo dated 11 April 2017, attached as Annexure G, be complied with.</p> <p>2.8 The conditions imposed by the Cape Winelands District Municipality as contained in their letter dated 18 April 2017, attached as Annexure K, be complied with.</p> <p>2.9 The conditions imposed by the Road Network Management as contained in their letter 28 March 2017, attached as Annexure M, be complied with; or as may be agreed on in writing with the Chief Director: Road Network Management and Municipal Director: Infrastructure Services.</p> <p>3. The reasons for the above decision are as follows:</p> <p>3.1 The proposal is not inconsistent with the MSDF.</p> <p>3.2 Existing buildings are used, and no new structures are proposed that will have a negative impact on the character of the area or compromise the environment or the agricultural potential of the land.</p>
<p>SMPT 07/08/23</p>	<p>OTHER MATTERS</p>
<p>7.1</p>	<p>PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)</p> <p>The MPT received copies of all relevant policies that are applicable. The Chairperson handed it over to Craig Alexander to provide a summary of developments. The following have recently been approved by Council:</p> <ul style="list-style-type: none"> a) Spatial Development Framework (SDF) and Capital Expenditure Framework (CEF) b) Land Use Planning By-law (2023)

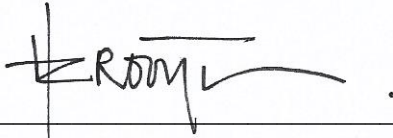
MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 25 AUGUST 2023

	<ul style="list-style-type: none">c) Inclusionary Zoning Policyd) Economic Development Strategye) Adam Tas Corridor (ATC) Overlay zonef) Outdoor Advertising and Signage Bylawg) Conservation Advisory Board <p>The following are in process:</p> <ul style="list-style-type: none">a) Rhenish Complexb) Integrated Transport Plan (ITP)c) Events and Outdoor Dining Overlay Zoned) Update of zoning register and mape) Open GIS platformf) Updated aerial photography / fly over of municipal areag) Update of Heritage Inventoryh) Update of Zoning Scheme Bylawi) Rural SDF and practice notes <p>The following were suggested / recommended by the MPT:</p> <ul style="list-style-type: none">a) Policy on gated communitiesb) Annual report by Chairperson to Council <p>The Chairperson enquired what are the changes to the MSDF and the details of inclusionary housing. Director Barnes indicated that there were minor changes, however he will arrange for a Senior Planner to do a presentation on the amendment on the MSDF as well as the Inclusionary Zoning Policy. Members indicated that a presentation on inclusionary housing would be appreciated.</p>
7.2	APPEALS RECEIVED AGAINST MPT DECISIONS <p>Mrs Kriel provided feedback on the appeals received against the decisions taken by the MPT. A spread sheet was provided with the appeals received and the outcome of the appeals. Chairperson Crooijmans-Lemmer and Mrs Havenga requested whether they could have access to the full decision of the Appeal Authority as well as any Judgements of the matter that went on review to the High Court.</p>

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 25 AUGUST 2023

	<p>Mr Williams provided specific detail in respect of the matters that was taken on review as well as the outcome thereof. He indicated that copies relating to the appeal can be provided to the MPT members.</p>
--	--

The Meeting Adjourned.



Mrs H Crooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mr P van Zyl

DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL