

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 27 JANUARY 2023

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 27 JANUARY 2023, via MS TEAMS AT 10H00-15H00

Ref. no. 3/4/5/2/40
2023-01-27

Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Ms C Havenga

External Members

Mr C Rabie

Mrs H Crooijmans-Lemmer

Mr E Delport

Dr R Pool-Stanvliet

Internal Members

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

Officials

Mr S Carstens: Senior Manager- Development Management

Mrs C Kriel: Manager-Land Use Management

Ms L Guntz: Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms B Zondo: Senior Town Planner

Ms O Sims: Administrative Officer

Ms L Kamineth: Senior Administrative Officer

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ITEM	SUBJECT
SMPT 01/01/23	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.
SMPT 02/01/23	LEAVE OF ABSENCE
	A van der Merwe
SMPT 03/01/23	DISCLOSURE OF INTERESTS
	None Received.
SMPT 04/01/23	MINUTES OF THE PREVIOUS MEETING DATED 18 NOVEMBER 2022
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/01/23	APPLICATION FOR SUBDIVISION AND CONSENT USE ON ERF 342, KLAPMUTS (LU/9772)
	<p>Discussion:</p> <ul style="list-style-type: none"> a) Chairperson Du Plessis handed over to Mr Fooy to give a brief introduction in respect of the application that served before the Tribunal. b) Mrs Crooijmans-Lemmer enquired if a precinct plan or a framework plan has been developed for this node, guiding the subdivision and rezoning proposal. She emphasised the need for an overall plan to inform the phased development of the community hub. She also emphasised the need for the node to incorporate mix-use and commercial facilities and housing to promote safety and to create a sense of community.

- c) Chairperson Du Plessis indicated that this node forms part of an area indicated on the Klapmuts Plan in the Stellenbosch SDF as requiring a future precinct plan.
- d) Mr Alexander indicated that it is part of his KPI's to look at the Local Spatial Development Framework for Klapmuts as a catalytic area in terms of Spatial Planning.
- e) Mr Rabie stated that the date of the agenda must be corrected from 23 to 27. Mr Rabie further indicated that on the subdivision plan, a small part of the road turn into portion 5; there is no conveyancer certificate in the report.
- f) Mr Fooy confirmed that a copy of the said certificate is on file.
- g) Mr Alexander indicated that the circle is currently under construction and that requires the short road toward portion 5.
- h) Deputy-Chairperson Havenga referred to the conditions of approval and enquired about the vacant stands. She asked if the Building Plan approval process would be adequate to address the future development and integration of these sites into this node or if the submission of Site Development Plans for these sites need to be made a condition of approval. She also required about the public participation process.
- i) Mr Alexander indicated that the proposed development would be subdivided from the Remainder 342 and that there would be a public participation process when they are developed.

UNANIMOUSLY RESOLVED

1. That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 on Erf 342 for:
 - 1.1 Subdivision in terms Section 15(2)(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 to subdivide Erf 342, Klapmuts into eight (8) portions namely:

- a) Portion 1 – ±1.3562 ha (Utility Service Zone Purposes);
- b) Portion 2 – ±0.6872 ha (Transport Use);
- c) Portion 3 – ±0.2635 ha (Utility Service Zone Uses);
- d) Portion 4 – ±0.4762 ha (Utility Service Zone Uses);
- e) Portion 5 – ±0.5535 ha (Utility Service Zone for Authority Use);
- f) Portion 6 – ±0.1201 ha (Utility Service Zone Uses);
- g) Portion 7 – (Utility Service Zone for public road purposes)
- h) Remainder (Utility Services)

1.2 Consent Use in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for Transport Services to allow the operation of the existing taxi-rank under the current allocated zoning of *Utility Service Zone* on *Portion 2* of the proposed subdivision.

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

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

2.1. The approval only applies to the proposed subdivision under consideration, as indicated on the Subdivision and Zoning Plan, dated: NOVEMBER 2022-REV 4, drafted by: Stephen Old Land Surveyors and attached as **Annexure B** and shall 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.

2.2. The application be undertaken in accordance with the subdivision and zoning plan on the Subdivision and Zoning Plan, dated: NOVEMBER 2022-REV 4, drafted by: Stephen Old Land Surveyors and attached as **Annexure B**.

2.3. The conditions of approval as imposed by the *Stellenbosch Directorate Infrastructure Services* in their Memorandum dated 22 Nov 2022, Ref No: Civil LU 2039, be complied with, as **attached as Annexure E**.

2.4. The applicant submits an electronic copy (shp, dwg, dxf) or A4 hard copy of the SG diagrams, which was preliminary approved by the SG. The following information be indicated:

Newly allocated Erf Numbers

Co-ordinates

Survey Dimensions

3. The reasons for the above decision follow.

3.1. The proposal complies with the approved Stellenbosch Spatial Development Framework.

3.2. The proposal will facilitate the creation of a community facilities / hub.

3.3. The community hub / node it will have a positive impact on its surroundings.

4. Matters to be noted:

4.1 Building plans be approved by the Municipality prior to any building work commencing.

4.2 Street naming and numbering to be approved before commencement of construction.

<p>SMPT 06/01/23</p>	<p>APPLICATION FOR REZONING, CONSOLIDATION, CONSENT USE AND THE AMENDMENT OF GENERAL PLAN; ERVEN 1080-1112, PROJECT 4A, KAYMANDI, STELLENBOSCH (LU/14064)</p> <p>Discussion:</p> <ul style="list-style-type: none"> a) Chairperson Du Plessis handed over to Ms Guntz to provide a brief introduction in respect of the application currently before the Tribunal. b) An in-depth discussion followed between the members of the Tribunal with regard to the application. c) Dr Pool-Stanvliet voiced her concerns about the provision of parking in all the areas, there is limited recreation and open space for children to play. d) Ms Guntz indicated as it is existing structures, the space is limited. e) Mr Alexander indicated even though it is already existing, there is a need to ensure tenure security. The electrical comments must also be reconsidered in terms of section 142 of the National Building Regulations. f) Dr Pool-Stanvliet requested clarity in respect of the service capacity. g) Mr Delpont stated as this is a municipal project, the municipality must have a budget to implement the projects. <p>UNANIMOUSLY RESOLVED</p> <ul style="list-style-type: none"> 1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erven 1080 – 1112, Project 4A, Kayamandi, namely: <ul style="list-style-type: none"> 1.1 The Rezoning in terms of Section 15(2)(a) of the said Bylaw of Erven 1080 – 1112, Kayamandi from Multi-Unit Residential

zone to zone Less Formal Residential Zone to allow for the establishment of the existing 148 flats.

1.2 The **Consolidation** in terms of section 15(2)(e) of the said bylaw of Erven 1080 to 1090, Kayamandi to form one erf namely Portion A ($\pm 3\,314\text{m}^2$ in extent).

1.3 The **Consolidation** in terms of section 15(2)(e) of the said bylaw of Erven 1091 to 1112, Kayamandi to form one erf namely Portion B ($\pm 6\,041\text{m}^2$ in extent).

1.4 The **Consent Use** in terms of section 15(2)(o) of the said bylaw to allow for the accommodation of 48 flats on Portion A and 100 flats on Portion B.

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

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

2.1 The approval only applies to the proposed development under consideration 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.

2.2 The approval granted 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 development be implemented in accordance with the Rezoning Plan and Consolidation Plan with reference:

2.3.1 Zoning Plan - **21P004(4A)-TRP-ZP-20220118-Rev D00, Plan Nr 4**

2.3.2 Consolidation Plan - **21P004(4A)-TRP-CP-20220118-Rev D00, Plan Nr 3**; attached as **ANNEXURE C1** and **C2**.

2.4 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes.

2.5 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 28 September 2022, be complied to the satisfaction of the Department (see **ANNEXURE H**).

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

3.1 The development is compatible with the surrounding land uses and built environment.

3.2 The proposal will provide for security of tenure and to give effect to the existing situation.

3.3 The properties are located in an established urban area within the urban edge of Kayamandi.

3.4 The properties have already been developed and no additional units will be constructed.

4. Matters to be noted:

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	<p>4.1 Building plans be approved by the Municipality.</p> <p>4.2 A Street Name and Numbering Plan to be submitted to the delegated official for approval.</p> <p>4.3 Condonation required from the Municipality for the nine minor encroachments of the existing staircases into 10th Street, 13th Street and School Street.</p>
<p>SMPT 07/01/23</p>	<p>APPLICATION FOR REZONING, CONSOLIDATION, SUBDIVISION, AMENDMENT OF GENERAL PLAN & DEPARTURES: ERVEN 112,114,115 &116 KAYAMANDI (ALSO KNOWN AS RED BRICKS HOSTELS, PROJECT 4B) (LU/14053)</p> <p>Discussion:</p> <p>a) Chairperson Du Plessis handed over to Ms Guntz to provide a brief introduction in respect of the application currently before the Tribunal.</p> <p>b) Dr Pool-Stanvliet and Deputy Chairperson Havenga congratulated the Administration on the hard work pertaining to the Kayamandi items.</p> <p>c) Chairperson Du Plessis enquired on how the municipality will deal with illegal structures straddling new erf boundaries.</p> <p>d) Ms Guntz replied that the primary purpose was to get the application to serve and be considered for approval in order for the owners to obtain the title deeds. Ms Guntz further stated that there is currently no strategy in place, however the relevant departments will meet shortly to discuss a strategy and implement it accordingly.</p> <p>UNANIMOUSLY RESOLVED</p> <p>1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for Erven 112, 114, 115 & 116, Kayamandi (Project 4B) namely:</p>

1.1 The **Consolidation** in terms of section 15(2)(e) of the said bylaw of Erven 112, 114, 115 & 116 Kayamandi to create one erf namely Portion A which is $\pm 7072\text{m}^2$ in extent.

1.2 The **rezoning** in terms of section 15(2)(a) of the said bylaw of the subject properties from Multi-Unit Residential Zone to Subdivisional Area to allow for the following uses (and in accordance with the land use framework plan as depicted in plan referenced **Zoning Plan 21P004(4B)-TRP-ZP-20220125-Rev D01, Plan Nr 4**, drawn by Plan4SA Professional Planners and Project Managers):

1.2.1 51 x **Less Formal Residential Zone** erven and $\pm 5\,954,14\text{m}^2$ in extent for less formal housing purposes.

1.2.2 5 x **Public Road and Parking Zone** and $\pm 1\,112,72\text{m}^2$ in extent for road and parking purposes.

1.3 **Subdivision** in terms of section 15(2)(d) of the said bylaw of Portion A ($\pm 7\,072\text{m}^2$) into 56 erven and in accordance with **Zoning Plan 21P004(4B)-TRP-ZP-20220125-Rev D01, Plan Nr 4**, drawn by Plan4SA Professional Planners and Project Managers, to allow for the residential development in accordance with the subdivisional zone above.

1.4 **Departure** in terms of section 15(2)(b) of the said bylaw:

a) on unregistered Erf 2332 from **80%** to **94%**;

b) on unregistered Erf 2336 from **80%** to **91%**;

c) on unregistered Erf 2344 from **80%** to **84%**;

d) on unregistered Erf 2359 from **80%** to **83%**;

1.5 **Departure** in terms of section 15(2)(b) of the said bylaw by reducing the minimum required on-site parking bays from one (1) parking bay per dwelling house to 0 bays per dwelling house on all residential erven.

1.6 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building lines (for all other buildings) as follows:

- a) *the street building line from **1,0m** to **0m** on one of the streets for the following unregistered erven: 2327, 2329, 2332, 2334, 2336, 2337, 2342, 2346, 2348, 2352, 2363, 2366, 2367, 2374, 2375 & 2378;*
- b) *the street building line from **1,0m** to **0m** on two of the streets for the following unregistered erven: 2344;*
- c) *the common building lines from **1,0m** to **0m** on the following unregistered erven: 2324, 2325, 2328, 2331, 2335, 2336, 2338, 2339, 2341, 2345, 2347, 2348, 2350, 25353, 2355, 2356, 2361, 2364, 2366, 2367, 2371, 2372, & 2377.*

1.7 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building line (for shelters) as follows:

- a) *the street building lines from **1,0** to **0m** on one street building line for the following unregistered erven: 2325, 2331, 2335, 2339, 2347, 2349, 2350, 2356, 2366, 2367, 2372 & 2373;*
- b) *the street building line from **1,0m** to **0m** on two streets for the following erven: 2334, 2337, 2352, 2368 & 2378;*
- c) *the street building line from **1,0** to **0m** on three streets for unregistered erven 2332 & 2363;*
- d) *the common building line from **1,0m** to **0m** for the following unregistered erven: 2326, 2334, 2337, 2341, 2347, 2349, 2350, 2352, 2356, 2361, 2363, 2367, 2375 & 2378;*
- e) *the common building lines from 1,0m to 0m on two common building lines for the following unregistered erven: 2325, 2327, 2330, 2331, 2335, 2336, 2339, 2358, 2366, 2372 & 2373;*

f) *the common building lines from 1,0m to 0m on three common building lines for the following unregistered erven: 2357, 2359 & 2368*

See **ANNEXURE C** for Consolidation, Zoning and Subdivisional Plan

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

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

2.1 The approval only applies to the proposed development under consideration 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.

2.2 The approval granted 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 development be implemented in accordance with the Consolidation Plan, Subdivisional Plan and Zoning Plan with reference:

2.3.1 Consolidation Plan - **21P004(4B)-TRP-CP- 20220120-Rev D01- Plan nr 2**

2.3.2 Subdivisional Plan - **21P004(4B)-TRP-ECP-20220125-Rev D01 – Plan Nr 3**

2.3.3 Zoning Plan - **21P004(4B)-TRP-ZP-20220125-Rev D01- Plan Nr 4**, attached as **ANNEXURE C1, C2 and C3**.

2.4 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes

2.5 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information be indicated:

- a) Newly allocated Erf Numbers
- b) Co-ordinates
- c) Survey Dimensions

2.6 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 26 October 2022, attached as **ANNEXURE H**, be complied with to the satisfaction of the said Department.

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

3.1 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.

3.2 The development is compatible with the surrounding land uses and built environment.

3.3 The proposal will provide for security of tenure and give effect to the existing situation.

3.4 The properties are located in an established urban area within the urban edge of Kayamandi.

4. Matters to be noted:

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	<p>4.1 Building plans of all structures within the erf boundaries of the new residential erven, to be submitted to the Municipality for approval.</p> <p>4.2 A Street Name and Numbering Plan to be submitted to the delegated official for approval.</p>
<p>SMPT 08/01/23</p>	<p>APPLICATION FOR CLOSURE OF PUBLIC PLACE, REZONING, CONSOLIDATION, SUBDIVISION, AMENDMENT OF GENERAL PLAN & DEPARTURES: ERVEN 1113-1154 (ALSO KNOWN AS PROJECT 5A) (LU/14055)</p> <p>Discussion:</p> <p>a) Chairperson Du Plessis handed over to Ms Guntz to provide a brief introduction to the application which is part of the Kayamandi projects</p> <p>b) An in-depth discussion followed between the members of the Tribunal.</p> <p>UNANIMOUSLY RESOLVED</p> <p>1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erven 1113 – 1154, (Project 5A), Kayamandi, namely:</p> <p>1.1 The closure of a public place in terms of Section 15(2)(n) of the said bylaw of Erf 1120, Kayamandi.</p> <p>1.2 Consolidation in terms of section 15(2)(e) of the said bylaw of Erven 1113 to 1122, Kayamandi to form consolidated Erf 1981, Kayamandi (±3 615m² in extent); and Erven 1123 to 1154, Kayamandi to form consolidated Erf 1980 (±9 221m² in extent).</p> <p>1.3 Rezoning in terms section 15(2)(a) of the said bylaw of Erven 1113 – 1154 (consolidated Erf 1980 and Erf 1981), Kayamandi</p>

from **Multi-Unit Residential and Public Place** to **Subdivisational Area** to allow for the following uses (and in accordance with the land use framework plan as depicted in plan referenced **Zoning Plan 21P004(5A)-TRP-ZP-20220126-Rev D01, Plan Nr 4, drawn by Plan4SA Professional Planners & Project Manager**):

1.3.1 175 x **Less Formal Zone** erven and $\pm 8\,290,12\text{m}^2$ in extent for less formal housing purposes

1.3.2 9 x **Public Road and Parking Zone** erven and $\pm 4\,544,97\text{m}^2$ in extent for road and parking purposes

1.4 **Subdivision** in terms of section 15(2)(d) of the said bylaw of consolidated Erf 1980 and Erf 1981, Kayamandi into 184 erven and in accordance with **Zoning Plan 21P004(5A)-TRP-ZP-20220126-Rev D01, Plan Nr 4, drawn by Plan4SA Professional Planners & Project Managers** to allow the residential development in accordance with the subdivisational zone above.

1.5 **Departure** in terms of section 15(2)(b) of the said bylaw to increase the permissible coverage as follows:

- a) on unregistered Erven 2021 and 2029 from **80% to 81%**;
- b) on unregistered Erven 1994, 2038, 2057 & 2159 from **80% to 82%**;
- c) on unregistered Erf 2055 from **80% to 83%**;
- d) on unregistered Erven 1993, 2018 & 2149 from **80% to 84%**;
- e) on unregistered Erven 2134 and 2154 from **80% to 86%**;
- f) on unregistered Erf 2155 from **80% to 88%**;
- g) on unregistered Erf 2014 from **80% to 90%**;
- h) on unregistered Erf 2106 from **80% to 91%**;
- i) on unregistered Erf 2092 from **80% to 93%**;
- j) on unregistered Erf 2093 from **80% to 94%**;
- k) on unregistered Erf 2073 from **80% to 95%**;
- l) on unregistered Erven 1995, 2000, 2010, 2017, 2046, 2047, 2080, 2085, 2087, 2097, 2114 & 2157 from **80% to 100%**.

1.6 **Departure** in terms of section 15(2)(b) of the said bylaw by reducing the minimum required on-site parking bays from **one (1)** parking

bay per dwelling house to **0** bays per dwelling house on all residential erven.

1.7 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building lines (for all other buildings) as follows:

- a) the street building line from **1,0m** to **0m** on one of the streets for the following unregistered erven: 1985, 1987, 1991 – 1994, 1996, 1998, 2000, 2001, 2005, 2007, 2009 – 2011, 2014, 2015, 2017, 2019, 2021, 2023, 2024, 2027 – 2031, 2033, 2035, 2038 – 2040, 2045 – 2048, 2050, 2052, 2053, 2056 – 2058, 2061, 2062, 2065, 2067 – 2070, 2072, 2073, 2076, 2077, 2080 – 2085, 2087 – 2089, 2091, 2092, 2095 – 2098, 2102, 2103, 2106, 2107, 2110 – 2111, 2116 – 2119, 2122, 2123, 2125 – 2128, 2130, 2134, 2135, 2137, 2138, 2141, 2143, 2144, 2147, 2148, 2150, 2152 – 2154, 2156 – 2160, 2162 - 2164;
- b) the street building line from **1,0m** to **0m** on two of the streets for the following unregistered erven: 2060, 2063 & 2066;
- c) the common building lines from **1,0m** to **0m** on the following unregistered erven: 1982-1984, 1988, 1990, 1995, 1999, 2002 – 2004, 2008, 2011-2013, 2016, 2018, 2022, 2025-2027, 2030-2032, 2036, 2037, 2040-2045, 2047-2051, 2054, 2055, 2057, 2061, 2062, 2064, 2069, 2070, 2071, 2074, 2075, 2078, 2079, 2086, 2090, 2093, 2094, 2099-2101, 2104, 2105, 2108-2110, 2114, 2115, 2120, 2121, 2124, 2129, 2131-2133, 2136, 2139, 2140, 2144-2146, 2149, 2153-2155, 2161.

1.8 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building line (for shelters) as follows:

- a) the street building lines from **1,0** to **0m** on one street building line for the following unregistered erven: 1982, 1991, 1998, 1999, 2002-2005, 2008, 2012, 2013, 2016, 2019, 2022, 2026, 2028, 2031, 2040, 2041, 2045, 2048, 2050, 2057, 2065, 2070, 2071, 2077, 2079, 2082, 2086, 2089, 2091, 2093, 2098-2101, 2103, 2108, 2110, 2112, 2114, 2115, 2121, 2123, 2127, 2128, 2133, 2136, 2140, 2143, 2145, 2146, 2149, 2153, 2154, 2156, 2161, 2163, 2164;

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

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

2.1 The approval only applies to the proposed development under consideration 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.

2.2 The approval granted 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 development be implemented in accordance with the Consolidation Plan, Subdivisional Plan and Zoning Plan with reference:

2.3.1 Consolidation Plan - **21P004 (5A)-TRP-CP-20220126-Rev D01 Plan Nr 2**

2.3.2 Subdivisional Plan - **21P004(5A)-TRP-SUB-20220126-Rev D01 Plan Nr 3;**

2.3.3 Zoning Plan - **21P004(5A)-TRP-ZP-20220126-Rev D01 Plan Nr 4;** attached as **ANNEXURE C1, C2 & C3.**

2.4 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes

2.5 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information be indicated:

- a) Newly allocated Erf Numbers
- d) Co-ordinates
- e) Survey Dimensions

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	<p>2.6 The conditions imposed by the Director: Engineering Services as contained in their memo dated 18 November 2022, attached as ANNEXURE H, be complied with, to the satisfaction of the said Department.</p> <p>3. The reasons for the above decision are as follows:</p> <p>3.1 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.</p> <p>3.2 The development is compatible with the surrounding land uses and built environment.</p> <p>3.3 The proposal will provide for security of tenure and give effect to the existing situation.</p> <p>3.4 The properties are located in an established urban area within the urban edge of Kayamandi.</p> <p>4. Matters to be noted:</p> <p>4.1 Building plans of all structures within the erf boundaries of the new residential erven, to be submitted to the Municipality for approval.</p> <p>4.2 A Street Name and Numbering Plan to be submitted to the delegated official for approval.</p>
<p>SMPT 09/01/23</p>	<p>APPLICATION FOR SUBDIVISION, CLOSURE OF A PUBLIC SPACE, REZONING, AMENDMENT OF GENERAL PLAN & DEPARTURES: REMAINDER OF ERF 288, KAYAMANDI (ALSO KNOWN AS PROJECT 8: MPELAZWE) (LU/14066)</p> <p>Discussion:</p> <p>a) Chairperson Du Plessis handed over to Ms Guntz to provide a brief introduction to the application relating to the Kayamandi projects.</p>

b) An in-depth discussion followed between the members of the Tribunal.

UNANIMOUSLY RESOLVED

1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Remainder Erf 288, Kayamandi (Project 8), namely:

1.1 **Amendment of General Plan** GP L149/1987 in terms of section 15(2)(k) of the said bylaw in order to facilitate the proposed development.

1.2 The **Subdivision** in terms of Section 15(2)(d) of the said Bylaw to subdivide Remainder Erf 288, Kayamandi in two portions, namely Portion A ($\pm 7\,158\text{m}^2$ in extent) and the Remainder of Erf 288, Kayamandi ($\pm 33,5828\text{ha}$ in extent).

1.3 **Closure of a public place** in terms of section 15(2)(n) of the said bylaw of subdivided Portion A ($\pm 7\,158\text{m}^2$ in extent) of Remainder Erf 288, Kayamandi.

1.4 **Rezoning** in terms of section 15(2)(a) of the said bylaw of Portion A ($\pm 7\,158\text{m}^2$ in extent) from **Public Road and Public Parking** to **Subdivisional Area** to allow for following uses (and in accordance with the land use framework plan as depicted in plan referenced **Zoning Plan 21P004(8)-TRP-ZP-20220130Rev D01, Plan Nr. 4, drawn by Plan4SA Professional Planners & Project Managers**):

1.4.1 54 x **Less Formal Residential Zone** erven and $\pm 4\,448,79\text{m}^2$ in extent for less formal housing purposes.

1.4.2 1 x **Public Road and Parking Zone** and $\pm 2\,709,15\text{m}^2$ in extent for road and parking area.

1.5 **Subdivision** in terms of section 15(2)(d) of the said bylaw of closed Portion A ($\pm 7\,158\text{m}^2$) into 55 erven and in accordance with **Zoning Plan 21P004(8)-TRP-ZP-20220130Rev D01, Plan Nr. 4,**

drawn by Plan4SA Professional Planners & Project Managers, to allow for the residential development in accordance with the subdivisional zone above.

1.6 **Departure** in terms of section 15(2)(b) of the said bylaw to increase the permissible coverage as follows:

- a) on unregistered Erf 2415 from **80%** to **80,1%**;
- b) on unregistered Erf 2432 and Erf 2443 from **80%** to **81%**;
- c) on unregistered Erf 2414 from **80%** to **83%**;
- d) on unregistered Erf 2420 from **80%** to **85%**;
- e) on unregistered Erf 2440 from **80%** to **87%**;
- f) on unregistered Erf 2426 from **80%** to **88%**;
- g) on unregistered Erf 2418 from **80%** to **89%**;
- h) on unregistered Erf 2408 from **80%** to **92%**;
- i) on unregistered Erf 2428 from **80%** to **95%**;
- j) on unregistered Erven 2403, 2407, 2410, 2422, 2424, 2429 & 2435 from **80%** to **100%**.

1.7 **Departure** in terms of section 15(2)(b) of the said bylaw by reducing the minimum required on-site parking bays from **one** (1) parking bay per dwelling house to **0** bays per dwelling house on all residential erven.

1.8 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building lines (for all other buildings) as follows:

- a) the street building line from **1,0m** to **0m** on one of the streets for the following unregistered erven: 2394, 2395, 2400, 2402, 2407, 2408, 2412, 2416, 2418, 2421, 2425, 2427, 2432, 2439-2441, 2446;
- b) the street building line from **1,0m** to **0m** on two of the streets for the following unregistered erven: 2396, 2406, 2413, 2414, 2420, 2433, 2434;

- c) *the common building lines from 1,0m to 0m on the following unregistered erven: 2393-2395, 2398, 2399, 2403, 2406, 2409, 2410, 2412, 2415, 2417, 2419, 2422, 2424, 2426, 2429, 2430, 2431, 2436, 2437, 2443-2445.*

1.9 **Departure** in terms of section 15(2)(b) of the said bylaw for the relaxation of the building line (for shelters) as follows:

- a) *the street building lines from 1,0 to 0m on one street building line for the following unregistered erven: 2393, 2403, 2405, 2407, 2410, 2413, 2418-2424, 2426, 2430, 2438-2445;*
- b) *the street building line from 1,0m to 0m on two streets for the following erven: 2396, 2408, 2415, 2428, 2432, 2435;*
- c) *the street building line from 1,0 to 0m on three streets for unregistered Erf 2429;*
- d) *the common building line from 1,0m to 0m for the following unregistered erven: 2392, 2396, 2403, 2404, 2418-2420, 2423, 2428, 2435, 2436, 2438-2440, 2442, 2445;*
- e) *the common building lines from 1,0m to 0m on two common building lines for the following unregistered erven: 2394, 2405, 2407-2409, 2411, 2413, 2422, 2424, 2426, 2429, 2430, 2443-2444;*
- f) *the common building lines from 1,0m to 0m on three common building lines for the following unregistered erven: 2395, 2410, 2412.*

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

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

2.1 The approval only applies to the proposed development under consideration and not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.

2.2 The approval granted does 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 development be implemented in accordance with the Subdivisional Plans and Zoning Plan with reference:

2.3.1 Subdivisional Cadastral Plan - **21P004(8)-TRP-ECP-20220130-Rev D01 – Plan Nr 2;**

2.3.2 Zoning Plan - **21P004(8)-TRP-ZP-20220130-Rev D01-Plan Nr 4**

2.3.3 Subdivisional Plan - **21P004(8)-TRP-SUB-20220130-Rev D01 – Plan Nr 3;** attached as **ANNEXURE C1, C2 & C3.**

2.4 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes

2.5 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information be indicated:

- a) Newly allocated Erf Numbers
- b) Co-ordinates
- c) Survey Dimensions

2.6 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 18 November 2022, attached as **ANNEXURE H**, be complied with to the satisfaction of the said Department.

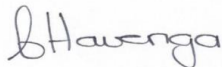
3. The reasons for the above decision are as follows:

3.1 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.

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	<p>3.2 The development is compatible with the surrounding land uses and built environment.</p> <p>3.3 The proposal will provide for security of tenure and give effect to the existing situation.</p> <p>3.4 The properties are located in an established urban area within the urban edge of Kayamandi.</p> <p>4. Matters to be noted:</p> <p>4.1 Building plans of all structures within the erf boundaries of the new residential erven, to be submitted to the Municipality for approval.</p> <p>4.2 A Street Name and Numbering Plan to be submitted to the delegated official for approval.</p>
SMPT 10/01/23	OTHER MATTERS <p>1. Chairperson du Plessis thanked all present for their attendance and announced that the next MPT will take place on the 24th of February 2023.</p>

Dr D du Plessis
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mrs C Havenga
DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL