

# **MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 MAY 2023**

## **MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 26 MAY 2023 AT THE PARADYSKLOOF CLUBHOUSE (DIE BOS), PARADYSKLOOF, STELLENBOSCH**

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

**2023-05-26**

Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Mrs C Havenga

External Members

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Internal Members

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

Mr S Carstens: Senior Manager – Development Management

Mrs C Kriel: Manager: Land Use Management

Ms B Zondo: Senior Town Planner

Mrs L Engelbrecht: Senior Town Planner

Mr R Fooy: Senior Town Planner

Ms O Sims: Administrative Officer: MPT

Ms L Kamineth: Senior Administrative Officer: MPT

## MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 MAY 2023

| ITEM                     | SUBJECT                              |
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| <b>SMPT<br/>01/05/23</b> | <b>OPENING AND WELCOME</b>           |
|                          | Chairperson Du Plessis welcomed all. |

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| <b>SMPT<br/>02/05/23</b> | <b>LEAVE OF ABSENCE</b>                          |
|                          | Mr C Rabie<br>Mr E Delport<br>Mr A van der Merwe |

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| <b>SMPT<br/>03/05/23</b> | <b>DISCLOSURE OF INTERESTS</b>                                                                                                                                                                              |
|                          | Deputy Chairperson Havenga indicated to Chairperson Du Plessis that she has an interest in respect of Item 5.1 on the MPT agenda and will therefore not participate in any discussions relating to item 5.1 |

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| <b>SMPT<br/>04/05/23</b> | <b>MINUTES OF THE PREVIOUS MEETING DATED 31 MARCH 2023</b> |
|                          | The minutes of the previous meeting was noted.             |

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|                          | <b>MATTERS FOR CONSIDERATION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>SMPT<br/>05/05/23</b> | <b>APPLICATION IN TERMS OF SECTION 15(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015 FOR THE CONSOLIDATION OF UNREGISTERED ERF 718 AND ERF 3099, KAYAMANDI, STELLENBOSCH (LU/15322).</b><br><br>a. Chairperson Du Plessis welcomed all members and officials present<br>b. The Chairperson handed over to Mr Fooy to give a brief introduction of the application that served before the Tribunal.<br>c. Mr Williams requested that a copy of the title deed must always be included with the application. |

d. Mr Fooy confirmed that the title deed is on file.

**UNANIMOUSLY RESOLVED**

1. That the application in terms of Section 15(2)(e) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the **consolidation** of unregistered Erf 718 and Erf 3099, Kaya Mandi, Stellenbosch.

**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 By-law:

2.1. The approval only applies to the proposed consolidation under consideration, as indicated on the consolidation diagram, dated January 2023, GP SG No. 7988/4991 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 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 consolidation be undertaken in accordance with the consolidation diagram dated, January 2023, GP SG No. 7988/4991 as attached as **Annexure B** of this report.

2.4. The consolidation be registered prior to any building plans being submitted and approved.

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

## MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 MAY 2023

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|                                        | <p>3.1. Approval of the consolidation will not result in any additional land use rights being granted which would have a negatively impact on the surrounding properties / area.</p> <p>3.2. The consolidation will enable the improvement and upgrading of an existing community facility and result in more community related services being made available to the community.</p> <p>3.3. The proposal complies with the guidelines and objectives of the Stellenbosch Municipality Spatial Development Framework.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>SMPT</b><br/><b>06/05/23</b></p> | <p><b>APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND DEPARTURES ON ERF 298 &amp; 252 RAITHBY (LU/10035).</b></p> <p>a. Chairperson Du Plessis handed over to Ms Zondo to give a brief introduction of the application.</p> <p>b. Concerns were raised that a gated community will affect the character of the of the area, and whether the application satisfies the proposals for Raithby outlined in the SDF.</p> <p>c. Ms Zondo indicated that there are already similar developments to this application in Raithby.</p> <p>d. An in-depth discussion followed between the members of the Tribunal in respect of the link road and gated dwellings.</p> <p>e. Dr Pool-Stanvliet stated that she is not in support of gated dwellings.</p> <p><b>UNANIMOUSLY RESOLVED</b></p> <p>1. That the following applications in terms of Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015, on Erf 298 &amp; 252, Raithby for:</p> <p>1.1 <b>Consolidation</b> of Erf 298 and Erf 252 to create one land unit of 5, 2625 ha in extent in terms of Section 15 (2) (e) of the said by-law.</p> <p>1.2 <b>Rezoning</b> of the consolidated land unit in terms of Section 15 (2)</p> |

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|  | <p>(a) of the said by-law from Agriculture and Rural Zone to Subdivisional Zone in order to facilitate the proposed development making provision for the following land uses:</p> <p>a) 32 x <b>Multi-unit Residential Zone</b> erven limited to Group Housing in order to permit 32 conventional detached dwellings to the total extent of <math>\pm 1.61</math> ha and as depicted by erven 1 - 32 on the subject subdivision plan.</p> <p>b) 30 x <b>Multi-unit Residential Zone</b> erven limited to Group Housing in order to permit 30 semi-detached dwellings to the total extent of <math>\pm 0.52</math> ha, and as depicted by erven 36 - 65 on the subject subdivision plan.</p> <p>c) 2 x <b>Multi-unit Residential Zone</b> erven limited to flats with a maximum of two storeys and to a total extent of <math>\pm 1.13</math> ha, and as depicted by erven 69 and 70 on the subject subdivision plan.</p> <p>d) 5 x <b>Private Open Space Zone</b> erven limited open space use to a total extent of <math>\pm 0.98</math> ha, and as depicted by erven 33, 34, 66 – 68 on the subject subdivision plan, and which includes a clubhouse on erf 67 as depicted on the subject subdivision plan.</p> <p>e) 1 x <b>Private Open Space Zone</b> erf limited to private road use to a total extent of <math>\pm 0.33</math> ha, and as depicted by erf 35 on the subject subdivision plan.</p> <p>f) 1 x <b>Utility Services Zone</b> erf limited to utility service use to a total extent of <math>\pm 0.002</math> ha, and as depicted by erf 71 on the subject subdivision plan.</p> |
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g) 1 x **Private Open Space Zone** erf limited to limited to use as a private road, gatehouse, refuse room and open space to a total extent of  $\pm 0.69$  ha, and as depicted by erf 72 on the subject subdivision plan.

1.3 **Subdivision** of the consolidated land unit in terms of Section 15 (2) (d) of the said by-law to accommodate the proposed development of the subdivision zone in accordance with subdivision plan and inclusive of servitudes.

**BE APPROVED** in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

**2. Conditions of Approval:**

2.1 The approval applies only to the proposed development under consideration 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 development be undertaken in accordance with the zoning plan referenced as JOB No. 4387 Figure 10 (24 May 2023, REV 1).

2.3 The development be undertaken in accordance with the Subdivision and Phasing Plan referenced as JOB No. 4387 Figure 10 (24 May 2023, REV 1) and Figure 12 (March 2020), drawn by Planning Partners attached as **Annexure C**.

2.4 The servitude rights be registered in the title deeds of the applicable property/ies on registration.

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|  | <p>2.5 An electronic copy (shp, dwg, dxf) of the approved General Plan be submitted to the Directorate Planning and Economic Development for record purposes, which plan must indicate the following information:</p> <ul style="list-style-type: none"><li>a) Newly allocated erf numbers</li><li>b) Co-ordinates</li><li>c) Survey dimensions</li><li>d) Street names and numbering</li></ul> <p>2.6 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw.</p> <p>2.7 The to be established Newlands Estate owner's association be subject to the Newlands Owners Association constitution dated July 2019 attached as <b>Annexure U</b>.</p> <p>2.8 All common property, inclusive of private road/s and open space/s and land required for services by the owners' association, be transferred at their cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.</p> <p>2.9 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.</p> <p>2.10 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charges will be levied in accordance with the extent to which the development rights will be implemented, provided that the</p> |
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|  | <p>remaining development contributions will be levied for the remaining permissible development rights when implemented in future. Remaining Development Charges will be levied in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.</p> <p>2.11 The conditions imposed by the Directorate Infrastructure Services as contained in their letter with reference 2007 CIVIL LU and dated 13 November 2022, attached as <b>Annexure I</b>, be complied with.</p> <p>2.12 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any Engineering services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the Directorate Infrastructure Services in their letter with reference 2007 CIVIL LU and dated 13 November 2022 and attached as <b>Annexure I</b>.</p> <p>2.13 The development be designed and undertaken to the satisfaction of the Municipality in accordance with the design guidelines for the Newlands Estate attached as <b>Annexure U</b>.</p> <p>2.14 The design guidelines for the Newlands Estate attached as <b>Annexure U</b> be amended to cater for the whole development, including the private open space areas, semi-detached dwellings and flats, and to be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application. Alternatively, new</p> |
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|  | <p>design guidelines for the subject areas be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application.</p> <p>2.15 Detailed site development plans as contemplated in terms of Section 16 of the Zoning Scheme Bylaw, 2019 be submitted to the Municipality for approval prior to the submission of any building plans on any land unit used for private open space or flat purposes, which site development plans must satisfactorily address, but are not necessarily limited to, all the conditions of this approval, compliance with relevant development parameters of the said Bylaw, and any relevant matters relating to Section 16(4) of the said Bylaw and specifically illustrate the conformity of the development to the recommendations of the Heritage Impact Assessment, February 2021 and the Visual Impact Assessment, November 2018.</p> <p>2.16 Sufficient on-site parking be provided in accordance with the provisions of the subject Zoning Scheme Bylaw and to be illustrated on the subject site development plan of the development to the satisfaction of the Municipality.</p> <p>2.17 Landscaping plan as part of the site development plan be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application, whichever occurs first.</p> <p>2.18 The approved landscaping plan be implemented at the cost of the developer and to the satisfaction of the Municipality prior to 50% of the erven be transferred or 50% of building plans be approved, whichever occurs first.</p> <p>2.19 The conditions imposed by the Department of Transport and Public Works: Western Cape as contained in their memos</p> |
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dated 03 May 2020, (Job 16944), 22 June 2022 & 27 May 2022 attached as **Annexure J**, be complied with before the issuing of a Section 28 Certification.

**3. Matters to be noted:**

- 3.1 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.
- 3.2 All engineering services and infrastructure as required in terms of the conditions and services agreement must be complied with to the satisfaction of the Municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.
- 3.3 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with (per phase).
- 3.4 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.
- 3.5 The approval for the naming and numbering of streets be obtained from the delegated functionary as a separated decision.
- 3.6 An agreement for the emergency access/exit to Wagner Street via Erf 290 (portion of road as per the Surveyor-General) to be entered into with the owner of subject land unit.
- 3.7 The conditions imposed by the Department of Environmental Affairs and Development Planning (Development

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|  | <p>Management) as contained in their letter dated 25 May 2022, attached as <b>Annexure L</b>, be complied with.</p> <p>3.8 The conditions imposed by the Western Cape Government: Water &amp; Sanitation as contained in their letter dated 23 December 2020, attached as <b>Annexure O</b>, be complied with.</p> <p>3.9 The conditions imposed by the health inspector: Cape Winelands District Municipality as contained in their email dated 05 August 2020, attached as <b>Annexure K</b>, be complied with.</p> <p>3.10 The conditions imposed by the Heritage Western Cape as contained in their letter dated 05 July 2021, attached as <b>Annexure G</b>, be complied with.</p> <p><b>4. The reasons for the above decision are as follows:</b></p> <p>4.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape considering that it will offer residential opportunities in the area.</p> <p>4.2 The proposed development constitutes infill development and is not inconsistent with the principles of the SDF.</p> <p>4.3 There will be no negative impact on existing infrastructure and additional traffic can be accommodated on the local road network.</p> <p>5. That the following applications in terms of Section 15 (2)(b) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated October 2015, on Erf 298 &amp; 252, Raithby for:</p> <p><b>5.1 Permanent Departures</b> for the following departures: -</p> |
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## MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 MAY 2023

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|                                        | <p>a) To permit a ground floor common boundary line at the north-western internal common boundary on portion 69 from 4.5m to 3.8m</p> <p>b) To permit a first-floor common boundary line at the north-western internal common boundary on portion 69 from 4.5m to 3.8m</p> <p>c) To permit a ground floor common boundary line at the south-western internal common boundary on portion 70 from 4.5m to 3.8m</p> <p>d) To permit a first-floor common boundary line at the south-western internal common boundary on portion 70 from 4.5m to 3.5m</p> <p>e) To permit a ground floor common boundary line at the south-eastern internal common boundary on portion 70 from 4.5m to 3.1m</p> <p>f) To permit a first-floor common boundary line at the south-eastern internal common boundary on portion 70 from 4.5m to 3.1m</p> <p><b>BE REFUSED</b> in terms of Section 60 for the following <b>reasons</b>:</p> <p>5.2. The scale, extent and design of the apartment buildings for the flats are not known as no elevations or site plans have been submitted with the application and the proposed departures can only be evaluated once a site development plan and/or floor layout plan has been submitted.</p> |
| <p><b>SMPT</b><br/><b>07/05/23</b></p> | <p><b>APPLICATION FOR REZONING, SUBDIVISION, ADOPTION OF THE DEVELOPMENT'S NAME AND STREET NAMING AND NUMBERING, ARCHITECTURAL GUIDELINES AND HOMEOWNERS ASSOCIATION'S CONSTITUTION: REMAINDER ERF 1, LONGLANDS (LU/11470).</b></p> <p>a. Chairperson Du Plessis handed over to Mrs Engelbrecht to give a brief introduction of the application that served before the Tribunal.</p> <p>b. Mrs Havenga thanked the relevant official for a well written report.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

- c. Mrs Crooijmans-Lemmer referred to the objection received relating to access to the dam.
- d. Mrs Engelbrecht referred to the aerial photo on page 171 and confirmed that the dam will not be part of the new development, hence the objector will still have access to the dam.
- e. Mrs Crooijmans-Lemmer enquired whether the Developer upheld his promise to build low-cost housing.
- f. Mrs Francis confirmed that the Developer built 140 low-cost housing units as promised.
- g. An in-depth discussion followed between the members of the Tribunal in respect of access to the proposed development.

**UNANIMOUSLY RESOLVED**

1. That the following application in terms of the Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, on Remainder Erf 1, Longlands, namely:

- 1.1 The **rezoning** of the subject property from Agricultural and Rural Zone to Subdivisional Area in terms of Section 15(2)(a) of the said Bylaw to allow for the following uses:

- a) Two-hundred and fifty-five (255) x **Conventional Residential Zone** erven (erven 1 – 255) and approximately 14ha in extent, for dwelling houses;
- b) One (1) x **Community Zone erf** (portion 256) and approximately 1,84ha in extent, for a clubhouse and ancillary use purposes;
- c) Thirteen (13) x **Private Open Space Zone** erven (257-269) and approximately 7,35ha in extent, for private open space purposes.

- d) One (1) x **Private Open Zone** erf (portion 270) and approximately 5,59ha in extent for private road purposes.
- e) Three (3) x **Utilize Services Zone** erven (271-273) and approximately 10,97ha in extent for public road and authority zone.
- f) One (1) x **Agriculture and Rural Zone** (portion 274) and approximately 20,50ha in extent for agricultural purposes.

1.2 The **subdivision** in terms of Section 15(2)(d) of the said Bylaw of said property to allow for a residential development in accordance with the sub-divisional zone above with associated servitudes.

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

## 2. **Conditions of approval:**

2.1 The approval only applies to the proposed rezoning and subdivision under consideration, as indicated on the referenced, Subdivision Plan 4 A & B, dated 03 March 2020, and drawn by TV3 Architects and Town Planners, attached as ANNEXURE C 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 development be undertaken in accordance with the subdivision plan as referenced Subdivision Plan 4 A & B, dated 03 March 2020, and drawn by TV3 Architects and Town Planners and attached as **ANNEXURE C**.

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|  | <p>2.3 New erf diagrams or general plans for the newly created land units be submitted to this municipality for clearance and record purposes.</p> <p>2.4 The applicant submits an electronic copy (shp,dwg,dxf) of the General Plan which was preliminary approved by the SG. The following information must be indicated:</p> <ul style="list-style-type: none"><li>a) Newly allocated Erf Numbers</li><li>b) Co-ordinates</li><li>c) Survey Dimensions</li><li>d) Street names (if approved by Council)</li></ul> <p>2.5 All servitudes be registered in the title deeds of the applicable property on registration.</p> <p>2.6 An owner's association for the subject development be established in terms of section 29(1) of the subject Bylaw</p> <p>2.7 A constitution for the owner's association be submitted and approved by the municipality in terms of Section 29(3) of the subject Bylaw prior to the transfer of the first land unit, which constitution must make provision for the relevant matters in Section 29 of the subject Bylaw.</p> <p>2.8 All common property, inclusive of private road/s and open space/s and land required for services by the owner's association, be transferred at their cost by the applicant to the owners' association, prior to or simultaneously with the transfer or registration of the first land unit or prior to the first building plan approval, whichever occurs first.</p> <p>2.9 All land designated for the provision of municipal service infrastructure and amenities on the subdivision plan be transferred to the Municipality upon transfer of the first</p> |
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|  | <p>unit/erf in the subdivision, of which the cost for the surveying and transfer of such public land will be for the account of the applicant/developer.</p> <p>2.10 Portions 271 &amp; 272 (Public Roads) to be transferred to the Department of Transport and Public Works.</p> <p>2.11 A Landscaping Plan be submitted and approved by the Municipality prior to the registration of the first property or the submission of any building plan application, whichever occurs first. The landscaping plan must take the conditions of Heritage Western Cape into consideration (see <b>ANNEXURE T</b> for letter dated 19 December 2019).</p> <p>2.12 The development and buildings be designed and undertaken to the satisfaction of the Municipality in accordance with the architectural guidelines attached as <b>ANNEXURE U</b>.</p> <p>2.13 The conditions imposed by the <b>Department of Transport and Public Works</b> in their letter dated 31 May 2021, attached as <b>ANNEXURE M</b>, except for conditions 6.9 – 6.11, be complied with to the satisfaction of said department.</p> <p>2.14 The conditions imposed by the <b>Manager: Spatial Planning</b> in their memo dated 26 September 2022, attached as <b>Annexure O</b>, be adhered to.</p> <p>2.15 The conditions imposed by the <b>Director: Engineering Services</b> in their memo dated 05 July 2021, 22 January 2021 and 18 February 2022, attached as <b>ANNEXURE P</b>, be adhered to.</p> <p>2.16 A service agreement regarding the responsibilities for the provision of engineering services be entered into with the Municipality prior to the construction of any engineering</p> |
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services or infrastructure in terms of Section 66(3) and Section 82(4) of the said Bylaw, which service agreement must include and comply with the conditions as imposed by the **Directorate Infrastructure Services** in their memo dated 05 July 2021 and 18 February 2022, and attached as **ANNEXURE P**.

2.17 Development contributions are payable in accordance with the prevailing and applicable Council tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Directorate Infrastructure Services.

2.18 The conditions imposed by **Heritage Western Cape** in their letter dated 19 December 2019, attached as **ANNEXURE T**, be adhere to.

2.19 Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

**3. Reasons for the approval are as follows:**

3.1 The subject property is situated within the urban edge of Vloottenburg and is not inconsistent with the principles of the MSDF.

3.2 The proposed residential development constitutes infill development and is therefore in line with the principles of the Spatial Development Framework.

3.3 The proposal is not in conflict with the character of the area as it will complement and support the existing developments particular the Vloottenburg area as a whole and the greater Stellenbosch Municipal Area in general.

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|  | <p>3.4 The proposed use will not have a negative impact on high potential agricultural land and will not contribute to urban sprawl.</p> <p>3.5 The proposed development will be landscaped to soften the estate's visual impact.</p> <p>3.6 The proposed development will have a positive impact on the town's local economy as it indirectly will create new employment opportunities during the construction phase.</p> <p><b>4. Matters to be noted:</b></p> <p>4.1 That the approval on the name of the development and the naming and numbering of streets as per the proposed subdivision plan, be decided by the delegated official.</p> <p>4.2 Compliance to the conditions of the Environmental Authorisation, dated 25 July 2022 and 27 March 2007, attached as ANNEXURE L.</p> <p>4.3 The requirements stated in letter 16/2/7/G200/A/8 by the Department of Water and Sanitation, attached as ANNEXURE K, be adhered to.</p> <p>4.4 Conditions 6.9 – 6.11 by the Department of Transport and Public Works in their letter dated 31 May 2021, attached as ANNEXURE M, be noted.</p> <p>4.5 The conditions imposed by the Cape Winelands District Municipality (Health Services) in their email dated 06 August 2020, attached as Annexure N, be adhered to.</p> <p>4.6 Building plans be approved by the Municipality prior to any building work commencing.</p> |
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| <p><b>SMPT</b><br/><b>08/05/23</b></p> | <p><b>APPLICATION FOR SUBDIVISION FOR ERF 3721, ONDERPAPSTELLENBOSCH</b></p> <p>a. Chairperson Du Plessis handed over to Mrs Engelbrecht to give a brief introduction of the application which was council owned property.</p> <p>b. A discussion followed between the members of the Tribunal in respect of the item before the Tribunal.</p> <p><b>UNANIMOUSLY RESOLVED</b></p> <p>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 the <b>Subdivision</b> of Erf 3721, Onder-Papegaaiberg, Stellenbosch into six (6) portions measuring <math>\pm 986\text{m}^2</math> in extent (erf 4809); <math>\pm 987\text{m}^2</math> in extent (erf 4810); <math>\pm 987\text{m}^2</math> in extent (erf 4811); <math>\pm 1056\text{m}^2</math> in extent (erf 4812); <math>\pm 1056\text{m}^2</math> in extent (erf 4813); and <math>\pm 1056\text{m}^2</math> in extent (erf 4814).</p> <p><b>BE APPROVED</b> in terms of Section 60 of the said Bylaw and subject to conditions of approval.</p> <p>2. The approval is subject to the following <b>conditions</b> imposed in terms of Section 66 of the said By-law:</p> <p>2.1. The approval only applies to the proposed subdivision 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.</p> <p>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.</p> <p>2.3. The development be implemented in accordance with the subdivision plan attached as <b>Annexure B</b>.</p> |
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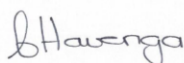
## MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 MAY 2023

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|                                | <p>2.4. The Surveyor General approved diagrams of the newly created units be submitted to this Local Authority (Stellenbosch Municipality) for clearance and record purposes.</p> <p>3. <b>The reasons for the above decision are as follows:</b></p> <p>3.1. Approval of the subdivision will not result in any additional land use rights being granted which would have a negatively impact on the surrounding properties / area.</p> <p>3.2. The primary objective of the subdivision is to allow for the properties to be registered with the Surveyor-General and thereby enabling the municipality to transfer ownership of the registered properties.</p> <p>3.3. The proposal complies with the guidelines and objectives of the Stellenbosch Municipality Spatial Development Framework.</p> |
| <b>SMPT</b><br><b>09/05/23</b> | <p><b>OTHER MATTERS</b></p> <p>Chairperson Du Plessis concluded the meeting by stating that he worked well with the Tribunal over the last 3 and a half years. He wanted to take this opportunity to thank everyone for what he viewed as a positive experience and has learnt a lot from the Tribunal.</p> <p>Mr Carstens, on behalf of the Municipality wanted to thank the Chairperson, the Tribunal members and Mr Munro for their services over the last couple of years and enjoyed working with the Tribunal.</p> <p><b>The Meeting Adjourned.</b></p>                                                                                                                                                                                                                                          |



**Dr D du Plessis**

**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**



**Mrs C Havenga**

**DEPUTY- CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**

