

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 MARCH 2023

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 31ST OF MARCH 2023 via MS TEAMS

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

2023-03-31

Chairperson

Dr DJ Du Plessis

Deputy Chairperson

Mrs C Havenga

External Members

Mr C Rabie

Dr R Pool-Stanvliet

Mrs H Crooijmans-Lemmer

Mr E Delport

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

Mr A van der Merwe: Senior Manager: Community Services

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

Ms L Guntz: Senior Town Planner

Mr R Fooy: Senior Town Planner

Mrs N Dafeti: 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

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ITEM	SUBJECT
SMPT 01/03/23	OPENING AND WELCOME
	Chairperson Du Plessis welcomed all.

SMPT 02/03/23	LEAVE OF ABSENCE

SMPT 03/03/23	DISCLOSURE OF INTERESTS
	None received

SMPT 04/03/23	MINUTES OF THE PREVIOUS MEETING DATED 27 JANUARY 2023
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/03/23	<p>APPLICATION FOR DEPARTURE IN TERMS OF SECTION 15(2)(B) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BY-LAW IN ORDER TO ALLOW A 1,2M HIGH VIBRACRETE WALL ON THE STREET BOUNDARIES OF ERVEN 16863-16898 & 16900-17029, STELLENBOSCH (LU/14880)</p> <ul style="list-style-type: none"> a. Chairperson Du Plessis handed over to Mrs Dafeti to give a brief introduction of the application that served before the Tribunal. b. A discussion followed with regard to the reason for the solid concrete wall along the street front. Mrs Dafeti indicated that the wall was built for safety and privacy purposes. Cost is also a consideration as it is a Council housing project. c. Members further questioned the reason why the application served before the Tribunal and whether any objections were received. Mr Carstens indicated that objections are not always a qualifying factor whether an item serves before an MPT and in this instance

the property is Council owned land and there is a qualification in the Land Use Planning By-law that any application on Council owned land, the decision must be taken by the MPT.

- d. Mrs Crooijmans-Lemmer referred to the Stellenbosch Zoning Scheme which states that 50% of the boundary wall needs to be visually permeable and indicated that based on the pictures provided it seemed that the boundary wall does not comply.
- e. Mrs Kriel indicated that part of the application is the cost implications, and this was discussed with the Developers as palisade fencing is very costly, hence the vibracrete walls became an option.
- f. Deputy Chairperson Havenga stated that she made a site-visit to the property and the privacy of occupants must be taken into consideration as there is no other outdoor space available.
- g. Mr Rabie stated that this is a new development and enquired whether there was ever a consideration to paint the boundary walls to which Mrs Kriel replied that it was a cost factor considering this is a GAP housing project.
- h. Dr Pool-Stanvliet enquired about the possibility of planting trees to soften the street scape to which Mrs Kriel stated that this is done by another Department. Mr Carstens further indicated that putting trees on pavements and sidewalks will restrict movements of occupants or a person in a wheelchair.
- i. Mrs Crooijmans-Lemmer referred to pictures on page 47 of the agenda and stated that she would like to congratulate the Municipality on this housing project.

UNANIMOUSLY RESOLVED:

- 1.1 That the following departure applications in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 16863-16898 & 16900-17029, Stellenbosch, namely:

1.1.1 To depart from the provisions of Section 23(4) of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 in order to allow a 1,2m high vibracrete wall on the street boundaries of Erf 16863-16898 & 16900-17029, Stellenbosch

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

1.2 The approval is subject to the following conditions imposed in terms of Section 66 of said By-law:

1.2.1 The approval will lapse if not implemented / confirmed within five years from the date of final notification of approval of the application.

1.2.2 The approval only applies to the proposed departure 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 be applicable.

1.2.3 The development be undertaken generally in accordance with the site plan as referenced drawing no. 301 dated 19 August 2022 and drawn by Oscar Schmidt Architecture and attached as Annexure C.

1.2.4 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.

1.2.5 The approval granted not be contradictory to any other legislation which has a bearing on the use of the property, and should any other legislation be applicable and be more restrictive, then the most restrictive conditions will apply.

1.2.6 Building plans be generally in accordance with the site plan as referenced drawing no. 301, dated 19 August 2022

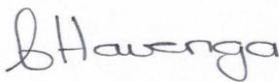
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	<p>and drawn by Oscar Schmidt Architecture and attached as Annexure C.</p> <p>1.2.7 The vibracrete walls all have matching exposed aggregate finish on the street side.</p> <p>1.3 The reasons for the above decision are as follows:</p> <p>1.3.1 The proposed development is in line with the existing land use of the property and will thus not impact negatively on the character of the area.</p> <p>1.3.2 Due to the nature of the housing project, it can be considered as acceptable as it is more cost effective and provides more safety and privacy.</p>
SMPT 06/03/23	OTHER MATTERS <p>Chairperson Du Plessis announced that the next MPT meeting will take place on the 05th of May and as it might be the last MPT meeting for the current members, he requested that the meeting be held in-person. Mr Carstens indicated that he will motivate that the meeting will be held in person.</p> <p>Chairperson further thanked all members for attending.</p> <p>The meeting adjourned.</p>



Dr D du Plessis

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



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Mrs C Havenga

DEPUTY- CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL