

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 24 MAY 2024

1. MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING

**HELD ON FRIDAY, 24TH OF MAY 2024 AT THE STELLENBOSCH COUNCIL CHAMBERS,
STELLENBOSCH FROM 10H00-15H00**

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

2024-05-24

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 M Williams: Senior Legal Advisor

Mrs T Leibrandt - Acting 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 O Sims: Administrative Officer

Mr T King: Manager - Infrastructure Planning, Development, and Implementation

Attendee

Mrs C Maasdorp

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ITEM	SUBJECT
SMPT 01/005/24	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present. The Chairperson also welcomed Mrs Maasdorp who attended the meeting as an observer.

SMPT 02/005/24	LEAVE OF ABSENCE
	Mrs M Francis Mr van der Merwe

SMPT 03/005/24	DISCLOSURE OF INTERESTS
	None received

SMPT 04/005/24	MINUTES OF THE PREVIOUS MEETING DATED 20 MARCH 2024
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/005/24	APPLICATION FOR REZONING ON ERF 2529 STELLENBOSCH (LU/15828)
	<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. Members noted the contradiction on the title deed and the conveyancer certificate, but clarity was given. c. Mr Boshoff noted the concern regarding the history of this site and that it was not addressed in the report, and it was agreed by members that a more complex planning process must be followed

in considering the redevelopment of the public land holdings in this area.

UNANIMOUSLY RESOLVED:

1. That the application made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Erf 2529 Stellenbosch for the Rezoning in terms of Section 15 (2)(a) of the said by-law, from Public Open Space Zone to Public Roads and Parking Zone for the purposes of a new public parking area.

BE REFUSED in terms of Section 60 of the said Bylaw.

2. Reasons for the above decision:

- 2.1 The proposal will negatively affect the provision of much needed space for recreation in the area as open spaces are limited on already developed properties due to an increase in density.
- 2.2 Lack of recognition that the subject property forms part of Die Vlakte and thus affects spatial justice.
- 2.3 Insufficient motivation for the need for parking in this part of the town.
- 2.4 Lack of an overall development plan for the area that defines the development potential of the site.
- 2.5 The SDF promotes a people-oriented development and an NMT focus away from car-centric development.

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SMPT 06/005/24	APPLICATION FOR REZONING AND CONSOLIDATION ON ERF 2540 & 2539 STELLENBOSCH (LU/14500) Discussion: <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. Members noted the contradiction on the title deed and the conveyancer certificate, but clarity was given.c. Mr Boshoff noted as in the case of Erf 2529 the concern regarding the history of this site and that it was not addressed in the report, and it was agreed by members that a more complex planning process must be followed in considering the redevelopment of the public land holdings in this area.d. The value of the open space to be rezoned to public open space was discussed and the merits regarding the utilisation and redevelopment of open space on the site were discussed.e. A discussion followed regarding the temporary use of the site for parking purpose to allow an opportunity for integrated planning.f. Comments were made in relation to parking in general and the lack of clarity about the overall planning from a municipal perspective on this aspect. UNANIMOUSLY RESOLVED: <ul style="list-style-type: none">1. That the application made in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Erf 2540 & 2539 Stellenbosch for the following:<ul style="list-style-type: none">a) Rezoning in terms of Section 15 (2)(a) of the said by-law, from Public Open Space Zone to Public Roads and Parking Zone in order to regularize the existing parking area.b) Consolidation in terms of Section 15 (2) (e) of the said by-law, to consolidate Erf 2540 (632.51 m²) with Erf 2539 (889.49 m²) to create Portion 1 (1522 m²). BE REFUSED in terms of Section 60 of the said bylaw. 2. Reasons for the above decision: <ul style="list-style-type: none">2.1 Lack of recognition that the subject property forms part of Die Vlakte and thus affects spatial justice.
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	<p>2.2 Insufficient motivation for the need of parking in this part of the town.</p> <p>2.3 Lack of an overall development plan for the area that defines the development potential of the site.</p> <p>2.4 The SDF promotes a people-orientated development and an NMT focus away from car centric development.</p> <p>3. That the application in terms of Stellenbosch Municipal Land Use Planning By-Law, 2023, on Erf 2540 & 2539 Stellenbosch for the Temporary Departure in terms of Section 15 (2) (c) of the said by-law for the purpose of formalising the use of the existing public parking area without compromising the reasons listed above.</p> <p>BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw:</p> <p>4. Conditions of Approval:</p> <p>4.1 The approval applies only to the proposed development 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>4.2 The approval is only valid for five (5) years from the date of final notification of approval.</p> <p>5. The reasons for the above decision are as follows:</p> <p>5.1 It will create a mechanism to allow the existing parking area to be permitted on the property for a period of five years.</p> <p>5.2 To provide opportunity to develop an integrated spatial plan for the precinct and to create a development proposal for these erven within context.</p>
SMPT 07/003/24	OTHER MATTERS
7.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)

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7.2	APPEALS RECEIVED AGAINST MPT DECISIONS <ol style="list-style-type: none">1. APPLICATION FOR REZONING AND SUBDIVISION ON FARM 527/7 STELLENBOSCH FARMS - LU/150642. APPLICATION FOR CONSENT USE, DEPARTURE, & PERMISSION ON FARM 528/5 STELLENBOSCH DIVISION – LU/145003. APPLICATION FOR SUBDIVISION, CONSOLIDATION AND REZONING OF FARM 1041/27 AND FARM 1041/3, LA MOTTE - LU/14341
7.3	GENERAL



Ms H Crooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mr P van Zyl

DEPUTY CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL