

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 01 MARCH 2024

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 01ST OF MARCH 2024 VIA MS TEAMS FROM 10H00-15H00

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

2024-03-01

Chairperson

Mrs H Crooijmans-Lemmer

External Members

Mrs C Havenga

Mr Dane Leo

Mr Stephen Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr A van der Merwe: Senior Manager: Community Services

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

Mr R Fooy: Senior Town Planner

Mr G Goosen: Senior Town Planner

Ms O Sims: Administrative Officer: MPT

Ms L Davids: Senior Administrative Officer: MPT

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 01 MARCH 2024

ITEM	SUBJECT
SMPT 01/03/24	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present. The Chairperson further requested that the MPT meetings please take place in-person and that the request be minuted.
SMPT 02/03/24	LEAVE OF ABSENCE
	Mr P van Zyl
SMPT 03/03/24	DISCLOSURE OF INTERESTS
	None received
SMPT 04/03/24	MINUTES OF THE PREVIOUS MEETING DATED 26 JANUARY 2024
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/03/24	APPLICATION FOR SUBDIVISION, REZONING AND DEPARTURE ERF 2183, KLAPMUTS (LU/14679) Discussion: <ol style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Mr Fooy to give a brief introduction of the application that served before the Tribunal. b. Mr Munro enquired whether the Environmental Impact Assessment (EIA) was completed to which Mr Fooy indicated that a final decision regarding the requirement for a new study is still awaited from DEADP.

- c. Further discussions followed between the members of the tribunal in respect of the EIA.
- d. The tribunal raised their concerns about the functionality, location and size of the public open space and location thereof, as well as the efficiency of the layout to which Mr Fooy provided clarity.
- e. Members of the Tribunal enquired about pedestrian linkages to the intended abutting development and Mr Fooy provided clarity.
- f. Chairperson Crooijmans-Lemmer enquired regarding the relocation and accommodation of current occupants within the new development the number of units for this housing project, to which Mr Fooy indicated that the beneficiaries are on the housing list.
- g. Mr van Stavel indicated that the Municipality wants to accommodate the maximum households with this project.
- h. Mr Munro raised the concern on all the Development Contributions that are required for all infrastructure triggered upgrades. During the meeting it was discussed regarding the necessity to construct the second Access Road to the proposed site and who will be responsible to fund it. Ms Francis responded and confirmed that the second Access Road (Southern Access) will not be required and the memorandum from Infrastructure Services will be updated and resubmitted to support the proposal

UNANIMOUSLY RESOLVED:

1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw namely:
 - 1.1. **Rezoning** in terms of Section 15(2)(a) of the said bylaw, of Erf 2183, Klapmuts, from Agriculture and Rural Zone to Subdivisional Area indicated on Development Proposal Plan, Drawing No: KL/11996/ZN_ZA, Dated: February 2024, drawn by CK Rumboll & Associates, and attached as **Annexure B**, to create:
 - a) 109 Less Formal Residential Zone erven (5174m²)
 - b) 1 Public Open Space Zone (342m²)
 - c) 1 Public Road and Parking Zone (4157m²)

1.2. **Subdivision** in terms of Section 15(2)(d) of the said bylaw, of Erf 2183, Klapmuts, as indicated on Subdivision Plan, Drawing No: KL/11996/ZN_ZA, Dated: February 2024, drawn by CK Rumboll & Associates, and attached as **Annexure B**, into the following:

- d) 109 Less Formal Residential Zone erven (5174m²)
- e) 1 Public Open Space Zone (342m²)
- f) 1 Public Road and Parking Zone (4157m²)

1.3. **Departure** in terms of Section 15(2)(a) of the said bylaw, to relax the 1m street building line of all the resulting subdivided residential erven that are located on the internal roads to 0m but excluding the street building line applicable on Groenfontein Road.

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 applies only to the application in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

2.2 The development be undertaken in accordance with the Subdivision Plan, Drawing No: KL/11996/ZN_ZA, Dated: February 2024, drawn by CK Rumboll & Associates, and attached as **Annexure B**.

2.3 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 residential 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.

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

- 2.4.1 Newly allocated Erf Numbers
- 2.4.2 Co-ordinates
- 2.4.3 Survey Dimensions
- 2.4.4 Street names (if approved by Council)

2.5 A Street Naming and Numbering plan be submitted for approval prior to the issuing of the Section 28 Certification.

2.6 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first residential property or approval of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.

2.7 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charge will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development charges 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 approval of any building plans, whichever occurs first.

2.8 Compliance with the conditions relating to Directorate Infrastructure Services contained in memorandum, dated 8 December 2023, as amended to reflect the omission of the condition relating to the construction of the second Access Road (Southern Access) and attached as **Annexure E**.

2.9 All engineering services and infrastructure as required in terms of the conditions and services agreement be complied with to the satisfaction of the Municipality prior to the issuing of a Section 28 Certification.

- 2.10 The final SDP must consider the inclusion of functional recreation space and greening in support of a liveable environment.

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

- 3.1 The proposed development is regarded as being consistent with the MSDF and desirable in terms of its locational context
- 3.2 The proposed development will have no impact on the character of the existing surrounding area as the development is seen as an infill development.
- 3.3 The development will provide much needed housing opportunities for vulnerable households of Stellenbosch.

4. Matters to be noted:

- 4.1 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.
- 4.2 That Environmental Authorization be obtained from the Department of Environmental Affairs and Development Planning as noted in the letter of comment dated 29 November 2023, attached as **Annexure F** and that the conditions of approval contained in the Environmental Authorization be complied with prior to the approval above being acted on.
- 4.3 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.

SMPT 06/03/24	APPLICATION FOR REZONING AND SUBDIVISION ON FARM 527/7 STELLENBOSCH FARMS (LU/15064) 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. Ms Zondo made the Tribunal aware that the original layout was amended.c. Mrs Havenga referred to the report which stated there would be a phase 4 at a later stage and asked what community facilities are proposed in the phase. She further raised a concern regarding the provision of a public open space.d. The Chairperson is in agreement with the concern about the lack of the public open space as well as it's location and functionality and enquired about the reasons for the amendment of the original Site Development Plan.e. Mrs Kriel stated that phase 4 will be planned at a later stage. This application is only phase 2 and phase 3 of the project.f. Mr Schroder, consultant for the Municipality, gave some insight as to reasons why the layout had to be amended. There were also comments from the community who were concerned about the School Road.g. Mr Munro stated this is a radically amended proposal and queried if it should not have been re-advertised to the community for public participation.h. Mr Carstens indicated that it was not necessary to re-advertise the application as the nature and extent of the changes was minimal and did not make an impact.i. Mr Van Stavel indicated that the comments received on the advertisement, were not just in respect of phase 2 and 3, but also in respect of phase 4.j. Mr Leo wanted to know if the properties on the north can be accessed from the north side of the property.
--------------------------------	---

- k. Mr Boshoff questioned whether the different phases of the application should not have been dealt with as one application. He stated there is a desperate need for the project hence he will support the project, to not cause further delays to housing provision, however he had concerns about the quality and consideration given to the built environment. He further enquired whether all residents currently staying there, will be accommodated within the proposed development.
- l. Mr Van Stavel replied yes and stated that the families are currently staying on phase 3 and will be moved to Phase 2 during the completion of project.
- m. Mr Barnes indicated that the project has been in the pipeline for many years and the community have been made aware of the housing development within Jamestown area.
- n. Mr van Stavel stated that the national budget has been reduced and this project is earmarked to assist with the housing need for the greater community.

UNANIMOUSLY RESOLVED:

1. That the applications in terms Section 15 (2) of the Stellenbosch Municipality Land Use Planning By-law, 2023 on Farm 527/7 Stellenbosch for the following:

- 1.1 **Rezoning** in terms of Section 15 (2)(a) of the said by-law from Agriculture and Rural Zone to Subdivisional area in order to allow for the following uses:

- a) 274 Conventional Residential Zone (Single Residential housing) erven ($\pm 44\,291\text{ m}^2$)
- b) 2 Public Open Space Zone erven ($\pm 699\text{ m}^2$)
- c) 1 Community Zone erven ($\pm 577\text{ m}^2$)
- d) 1 Transport Facility Zone (Transport Embayment) erven ($\pm 1929\text{ m}^2$)
- e) Public Roads and Parking Zone erven (Public Roads) ($\pm 52\,069\text{ m}^2$)
- f) Agriculture and Rural Zone (Remainder $\pm 49\,524\text{ m}^2$)

1.2 **Subdivision** in terms of Section 15 (2)(d) of the said by-law in accordance with the subdivisional plan in order to allow the proposed development.

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 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 Subdivisional layout and phasing plan, Rev 3, drawn by CHH (Zutari Pty (Ltd)), dated 15/12/2023, attached as **Annexure C**.

2.3 A phasing plan which indicates the spatial phasing and associated timeframe of the development be submitted to the Municipality for approval.

2.4 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.

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

2.6 A Street Naming and Numbering Plan be submitted and approved prior to the issuing of Section 28 Certification.

2.7 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 indicate the following information:

- a) Newly allocated erf numbers
- b) Co-ordinates
- c) Survey dimensions

	<p>d) Street names and numbering</p> <p>2.8 Development charges 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 approval of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.</p> <p>2.9 Should the full extent of permissible development rights, as approved herein-above, not be implemented initially or development is phased, a pro rata Development Charge will be levied in accordance with the extent to which the development rights will be implemented, provided that the remaining development charges 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 approval of any building plans, whichever occurs first.</p> <p>2.10 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 includes and complies with the conditions as imposed by the Directorate Infrastructure Services in their memo dated 16 February 2024, attached as Annexure J.</p> <p>2.11 The conditions imposed by the Western Cape: Transport Infrastructure as contained in their letter dated 27 February 2024, attached as Annexure K, be complied with.</p>
--	---

2.12 The final SDP must consider the inclusion of functional recreation space and greening in support of a liveable environment.

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

3.1 The scale and nature of the proposed development will not compromise the existing character of the surrounding urban landscape considering that it will offer residential opportunities in the area.

3.2 The subject property is located within the approved urban edge of Stellenbosch and the proposed development is included in the Municipal Capital Expenditure Framework.

3.3 Provision has been made for the required infrastructure and there are sufficient services to support the proposal.

4. Matters to be noted:

4.1 The subdivision only comes into effect once all suspensive conditions or relevant legislative provisions have been complied with.

4.2 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.

4.3 All engineering services and infrastructure as required in terms of the conditions and services agreement be complied with to the satisfaction of the Municipality and/ or the relevant authority prior to the issuing of a Section 28 Certification.

4.4 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.

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 01 MARCH 2024

SMPT 07/03/24	OTHER MATTERS
7.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
7.2	APPEALS RECEIVED AGAINST MPT DECISIONS The Administration confirmed that no appeals were received against MPT decision for the months of January and February 2024.
7.3	GENERAL Mr Leo requested that the Administration in future please provide documents or plans in high resolution. Chairperson Crooijmans -Lemmer thanked all members for attending. The meeting adjourned



Mrs H Crooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL