

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 29 AUGUST 2025

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 29th OF AUGUST 2025 AT THE STELLENBOSCH COUNCIL CHAMBERS, STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH FROM 10H00-15H00

**Ref. no. 3/4/5/2/40
2025-08-29**

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 van der Merwe: Senior Manager - Community Services

Mrs M Francis: Senior Manager - Infrastructure Planning, Development, and Implementation

Mr M Williams: Senior Legal Advisor

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 O Vergotine: Administrative Officer

Mrs N Dafeti: Town Planner

Mr R Fooy: Senior Town Planner

Observers

Mr K Erasmus

Mr E Ascott

Mr A Lakay

Mrs O Pakamile

Mr L Ndaba

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ITEM	SUBJECT
SMPT 01/08/25	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.

SMPT 02/08/25	LEAVE OF ABSENCE
	Mr Anthony Barnes

SMPT 03/08/25	DISCLOSURE OF INTERESTS
	None received

SMPT 04/08/25	MINUTES OF THE PREVIOUS MEETING DATED 30 MAY 2025
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/08/25	<p>APPLICATION FOR CONSENT USE FOR TOURIST ACCOMMODATION ESTABLISHMENT ON FARM NO. 1674/4, PAARL DIVISION (LU/17504)</p> <p>Discussion:</p> <ul style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Mrs Dafeti to give a brief introduction of the application that served before the Tribunal. b. Questions were raised about the number of dwelling units on the farm and availability of farm worker housing. Reference was made to the Boschendal Draft Conceptual Framework which was undertaken as a spatial planning framework to inform development applications as the farm falls within the Dwarsrivier Valley Rural Area Conservation Overlay Zone and is of heritage and cultural significance. c. Discussions followed on the conversion of farm worker housing units to tourist accommodation. It was confirmed that the labourers who used to

stay on the farm moved to the nearby Lanquedoc urban area in the past and are no longer accommodated on the farm.

UNANIMOUSLY RESOLVED:

1. That it **BE DECIDED** that the application for Consent Use on Farm No. 1674/4, Paarl Division to establish thirteen (13) tourist accommodation units deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:

- 1.1 The proposal exceeds the number of dwelling units permitted on an agricultural land unit, as prescribed by the MSDP for agricultural properties and thus conflicts with the spatial planning objectives of the MSDP.

2. That it **BE DECIDED** that the application for Consent Use on Farm No. 1674/4, Paarl Division to allow a tourist accommodation establishment within the footprint of the original seven (7) cottages does warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:

- 2.1 The proposed development will utilise the same cottages as approved in 2019 as temporary departure. The context of the development is the same as that of 2019 and is subservient to agricultural activities found on the farm.

3. That the application in terms of Section 15 (2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 1674/4, Paarl Division for Consent Use to allow a tourist accommodation establishment within the footprint of the original cottages (13 dwelling units) that can accommodate 52 guests

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

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

- 4.1 The approval only applies to the application 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.

- 4.2 The tourist accommodation establishment must be confined within the footprint of thirteen (13) self-catering units and no new buildings must be constructed.

- 4.3 Condition as imposed by Department: Transport & Infrastructure in their letter dated 24 July 2025 be adhered to (See **Annexure E**).

	<p>4.4 The tourist accommodation establishment be subservient to the dominant agricultural use of the property.</p> <p>4.5 Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans.</p> <p>4.6 Conditions as imposed by the Directorate Infrastructure Services in their memo dated 27 February 2025 be adhered to. See Annexure F.</p> <p>4.7 The development must be undertaken generally in accordance with the site plan as referenced (BOSCH_OC_20240710_01, drawn by: nm & associates planners and designers & floor layout plans as referenced 2.01a, 2.02a, 2.03a, 2.04a & 2.05a drawn by Phillip Briel Architecture & Urban design, dated: 24 July 2014 and attached as Annexure B.</p> <p>4.8 Building plans be submitted for all changes of use in existing buildings and which building plans be approved and related occupancy certificates be issued prior to the vesting of any of the related uses.</p> <p>5. The reasons for the above decision are as follows:</p> <p>5.1 The aesthetic appearance of the site and surrounding environment will not be altered and the proposal will not have a negative visual impact from the nearby scenic route or the surrounding properties as it is confined to existing approved cottages.</p> <p>5.2 There are justifiable site-specific considerations to depart from the provisions of the MSDF.</p> <p>5.3 The agricultural viability of the property will not be affected as the proposal will be using existing structures, thus the primary land use of the property will remain agriculture.</p> <p>5.4 The proposal is in line with the Boschendal Draft Conceptual Framework, September 2019.</p> <p>5.5 The proposal is not inconsistent with the Dwars River Valley Rural Area Conservation Overlay Zone.</p> <p>6. Matters to be noted</p> <p>6.1 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.</p> <p>6.2 Should, after following due process –</p> <p>6.2.1 The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or</p> <p>6.2.2 The operational use of the facility and establishment be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or</p> <p>6.2.3 The property be used for any unauthorised uses not permitted in terms of this approval, authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-Law to withdraw the subject approval granted and the building</p>
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	structures to be reverted to uses in line with the primary use of the property.
SMPT 06/08/25	<p>APPLICATION FOR THE CONSOLIDATION OF UNREGISTERED ERVEN 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, AND 1138, KLAPMUTS, AND THE SUBDIVISION OF THE CONSOLIDATED UNREGISTERED PROPERTY (ERF 2046) IN ACCORDANCE WITH THE AMENDED GP APPROVED BY STELLENBOSCH MUNICIPALITY IN 2009. (LU/17086)</p> <p>Discussion:</p> <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. Discussions followed on the national title deed programme to facilitate the transfer of residential erven to the rightful housing beneficiaries. It is a challenge on national level, and the Municipality is driving a few of these projects on local level with the assistance of donor funding to rectify the problem. <p>UNANIMOUSLY RESOLVED:</p> <ol style="list-style-type: none"> 1. Application is made in terms of Section 15.2(e) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the Consolidation of erven 1111, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137 and 1138, Klapmuts to create Unregistered Erf 2046, 2. Application is made in terms of Section 15.2(d) of the Stellenbosch Municipality Land Use Planning By-Law, 2023 for the Subdivision of <i>unregistered Erf 2046, Klapmuts</i> into 49 Conventional Residential Zoned portions and 2 Public Road and Parking Zone portion. <p>BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.</p> <ol style="list-style-type: none"> 3. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw: <ol style="list-style-type: none"> 3.1. The approval only applies to the proposed application 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. 3.2. 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. 3.3. The development be undertaken in accordance with the Subdivision Plan, Drawing No: 2046-07-2025, Date: July 2025 and attached as Annexure B

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	<p>3.4. The applicant submits an electronic copy (shp, dwg, dxf) or hard copy of the SG approved diagram for record keeping purposes.</p> <p>3.5. The public road portion be transferred prior to, or simultaneously with the transfer of the first land unit.</p> <p>4. The reasons for the above decision are as follows:</p> <p>4.1. The proposal is compatible with its surroundings and has no impact on the biophysical environment, as the subject property is located within an already developed residential area.</p> <p>4.2. The residential units on the subject property have already been constructed and are occupied by the beneficiaries.</p> <p>4.3. The proposal will benefit existing tenants/ beneficiaries by enabling the property to be transferred, thereby offering them secure tenure.</p> <p>4.4. The current application seeks only to formalize the previously approved but now lapsed approval granted for subdivision.</p> <p>5. Matters to be noted:</p> <p>5.1. An application for the approval of street names and numbers must be submitted for consideration and approval in terms of the policy on Naming and Renaming of Streets, Public Places, Natural Areas, Artefacts, and Council-Owned Buildings and Facilities.</p>
<p>SMPT 07/08/25</p>	<p>APPLICATION FOR FOR THE SUBDIVISION OF FARM 1557 INTO PORTION B, PORTION C, AND THE REMAINDER PORTION; THE CONSOLIDATION OF ERF 16576 WITH ERF 13836 TO CREATE A 4.44 HA PROPERTY; THE CONSOLIDATION OF PORTION B WITH ERF 16566 TO FORM A 7.77 HA PROPERTY; AND AN EXEMPTION TO ESTABLISH A SERVITUDE RIGHT-OF-WAY OVER THE REMAINDER OF FARM 1557 IN FAVOUR OF PORTION C. (LU/16752)</p> <p>Discussion:</p> <p>a. Chairperson Crooijmans-Lemmer handed over to Mr Fooy to give a brief introduction of the application that served before the Tribunal.</p> <p>b. Clarity on the proposal was given in relation to the proposed subdivided portions and the intended use thereof. It was noted that the motivation for the subdivision to create Portion C was not clear and one should be cautious of the possibility of urban sprawl.</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 on Farm I 557 and Erf 16566, Stellenbosch for:</p>

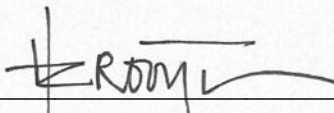
	<p>1.1 Subdivision of Farm 1557 into three portions, Portion B (5,5 ha), Portion C (4.5 ha) and the Remainder Portion (44.7ha) in terms of Section 15.2(d) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015.</p> <p>1.2 Consolidate of Portion B (5,5 ha) with Erf 16566 (2.27ha) = 7.77ha portion is made in terms of Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2015.</p> <p>BE REFUSED in terms of Section 60 of the said Bylaw.</p> <p>2. The reasons for the above decision are as follows:</p> <p>2.1 The subdivision and consolidation would result in part of the newly created property extending beyond the designated urban edge.</p> <p>2.2 The subdivision and consolidation would also permit structures to be erected within the existing rural area that normally would not be permitted as a primary land use right thereby potentially having a negative visual impact on the surrounding area as a result of the topography of the consolidated property.</p> <p>2.3 The proposal would result in the creation of an economically non-viable Portion of agricultural land, due to its size, orientation, and topography.</p> <p>2.4 The proposal is also not aligned with the 2023 Stellenbosch Spatial Development Framework for agricultural land which does not promote the subdivision of agricultural properties located outside the urban edge.</p> <p>2.5 The proposal is not aligned with the Western Cape Land Use Planning Guidelines for Rural Areas (March 2019), which promote the consolidation of agricultural land to prevent fragmentation and avoid compromising the economic viability of existing farming operations.</p> <p>3. The Consolidation of Erf 16576 (0,6989 ha) with Erf 13836 (3,74 ha) in terms of Section 15.2(e) of the of the Stellenbosch Municipality Land Use Planning By-Law, 2023.</p> <p>BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.</p> <p>4. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:</p> <p>4.1 The approval only applies to the proposed application 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.</p> <p>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 proposal.</p> <p>4.3 The applicant submits an electronic copy (shp, dwg, dxf) or A4 hard copy of the SG approved consolidation diagram for record keeping purposes.</p>
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	<p>4.4 No structures other than those related to agricultural activities may be constructed on the portion of the consolidated property comprising Erf 16576, in order to preserve the current agricultural uses and maintain the existing scenic and rural character of the area.</p> <p>5. The reasons for the above decision are as follows:</p> <p>5.1 The two properties are zoned Agricultural and Rural Zone and are located within the urban edge.</p> <p>5.2 The consolidation of these properties will not result in any additional land use rights being granted but create a sustainable agricultural entity.</p> <p>5.3 The approval will have no negative impact on the existing scenic and rural character of the area.</p> <p>5.4 The proposal is consistent with the 2019 Western Cape Land Use Planning Guidelines for rural areas, which emphasize the consolidation of agricultural land to prevent fragmentation, enhance the economic viability of existing farms thereby creating sustainable agricultural entities.</p>
SMPT 08/08/25	OTHER MATTERS
8.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
	<ol style="list-style-type: none"> 1. With reference to the discussion on the national title deed programme, the external MPT members requested the Municipality to prepare a statement on the current situation in Stellenbosch Municipality to be presented to the MPT at the next meeting. 2. Upon request, it was noted that in future the Municipality will table and discuss the draft rural guidelines and the review of the housing market study, and the work done with the DAG on Inclusive Housing, as well as the draft zoning scheme by-law. 3. It was also requested that the Municipality should be more proactive in seeking input into policy and guideline documents from the external MPT members as a useful resource to assist the Municipality. 4. The Chairperson noted the appointment of the new Mayoral Committee Member for Planning, LED and Tourism, Councillor Tamryn Kumm, and invited her to attend a future meeting.
8.2	APPEALS RECEIVED AGAINST MPT DECISION
	<ol style="list-style-type: none"> 1. An appeal was received on the decision by the MPT to refuse the application for consent use on Farm 1252, Stellenbosch for tourist accommodation and facilities.

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	<ol style="list-style-type: none">2. An appeal was received on the decision by the MPT to refuse the application for consent use for a tourist accommodation establishment and departure on farm no. 266/11, Stellenbosch division3. An appeal was received on the decision by the MPT to refuse the application for a consent use for a tourist accommodation establishment and tourist facilities and permission in terms of the zoning scheme for an agricultural industry on farm no. 1832, Paarl division.
8.3	GENERAL
	<ol style="list-style-type: none">1. The detail, quality and resolution of the plans included in the Agenda are poor and not clearly visible, and a request is made that the Municipality share site plans separately.2. The Municipal Public Viewer can be accessed at the following link: https://experience.arcgis.com/experience/b22e3950771444e48542edaf4a1afdce/page/Main-Map/



Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mr P van Zyl
DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL