

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 26 SEPTEMBER 2025

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 26th OF SEPTEMBER 2025 AT THE STELLENBOSCH COUNCIL CHAMBERS, STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH FROM 10H00-15H00

**Ref. no. 3/4/5/2/40
2025-09-26**

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

Mr A Barnes: Director - Planning and Economic Development

Mr J Benjamin: Senior Manager – Development Planning

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

Mr P April: Senior Town Planning

Mr R Fooy: Senior Town Planner

Observers

Mr K Erasmus

Mr E Ascott

Mr L Ndaba

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Visitors

Mr Du Plessis

Mrs Harris

Mrs Ferreira

Mrs Bolz

Ms Coetzee

Mr Winshaw

Mr Swart

Mr Groenewald

ITEM	SUBJECT
SMPT 01/09/25	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.
SMPT 02/09/25	LEAVE OF ABSENCE
	Mr. A van der Merwe and Mr. A Barnes joined during the proceedings due to another meeting
SMPT 03/09/25	DISCLOSURE OF INTERESTS
	None received
SMPT 04/09/25	MINUTES OF THE PREVIOUS MEETING DATED 29 AUGUST 2025
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/09/25	APPLICATION FOR THE REZONING OF ERF 787, HAMMAN STREET, FROM CONVENTIONAL RESIDENTIAL ZONE TO MIXED USE ZONE TO ALLOW FOR THE EXISTING BUILDINGS ON THE PROPERTY TO BE USED AS OFFICES. (LU/16567) Discussion:

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a. Chairperson Crooijmans-Lemmer handed over to Mr Fooy to give a brief introduction of the application that served before the Tribunal.

b. Mr Johan du Plessis, on behalf of the applicant, submitted a written input to the MPT which was presented. The written submission and map indicating the land uses in Hamman Street are attached.

Mr Lombard submitted written presentation (attached) on behalf of the objector, who requested a presentation, however Mr Slabber did not attend the meeting.

c. Questions for clarity were asked relating to the approval of the temporary departure for 5 years, the subsequent appeal decision permitting only 1 year, and the reason for submitting the rezoning application. The Department responded confirming that the intention of the Municipality was communicated with the appeal decision. The applicant responded stating that meetings were held with the Municipality on the proposal before the submission of any of the applications and clarity was given that the rezoning application was already in process when the temporary departure application was decided, as the temporary departure would have allowed the continuation of the activities while the rezoning process was underway.

d. Clarity was asked about the type of land uses that are currently operating from the property and the owner responded by stating that the activities include the services of a chiropractor, physiotherapists, a trauma psychologist, rehabilitating Pilates and small offices occupied by 3-4 people.

e. The owner was asked what their future intention is of the site, and it was indicated that they currently don't have any plans for expansion but to continue with the current activities that are existing for almost ten years. They are young owners who want to keep the property in the family.

f. MPT Members debated the proposal and discussed how activities related to tourism and residential uses, business and offices is defined and what the impact of the use is with reference to the extent and nature of activities in the local context, recognising that the proposal is to maintain the status quo in the existing building. It was noted that the current impact is known, enough parking can be provided on site and what happens in future is outside of the scope of the application under consideration.

g. Consensus was reached that the applicant's intention is to find a legal way to continue with current activities and support the approval for the existing office use.

UNANIMOUSLY RESOLVED:

1. That it **BE DECIDED** that the application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw for the Rezoning of Erf 787,

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	<p>Hamman Street, from Conventional Residential Zone to Mixed Use Zone for the use of the existing buildings on the property for office purposes, as indicated on the Site Development Plan, Drawn by: Alan King, Drawing No: W.04/23, Dated 25-04-2023, Page 1 of 6</p> <p>BE APPROVED 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 conditions imposed in terms of Section 66 of the said Bylaw:</p> <p>2.1 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>2.2 The conditions imposed by the Directorate Infrastructure Services: Civil Engineering Services in their memo dated 23 April 2024, attached as Annexure G, be adhered to.</p> <p>2.3 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to approval of any building plans, or as may be agreed on in writing with the Director Infrastructure Services.</p> <p>2.4 Building plans be submitted to the Municipality for approval and be in accordance with the Site Development Plan, Drawn by: Alan King, Drawing No: W.04/23, Dated 25-04-2023, Pages 1 of 6, attached as Annexure B.</p> <p>2.5 That the onsite parking be clearly demarcated and provided with a suitable surface material approved by the Directorate Infrastructures Services.</p> <p>3. The reasons for the above decision are as follows:</p> <p>3.1 The proposed development is in support of the continuation of the status quo which does not detract from the related municipal policy or amenity or character of the immediate area.</p> <p>3.2 Any future redevelopment of the property will require a new and comprehensive application inclusive of public participation.</p>
<p>SMPT 06/09/25</p>	<p>APPLICATION FOR A CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT, DEPARTURE AND SUBDIVISION ON FARM NO. 65/13 & 30, STELLENBOSCH DIVISION. (LU/17271)</p> <p>Discussion:</p> <p>a. Chairperson Crooijmans-Lemmer handed over to Mr April to give a brief introduction of the application that served before the Tribunal.</p>

- b. Mr Gerhard Swart, on behalf of the applicant, submitted a written input to the MPT which was presented. The written submission is attached.
- c. The argument differentiating between pods / barrels and dwelling units is noted, recognising the statutory definition of a residential unit being a self-contained unit. Clarity was asked about the applicant's opinion of the difference in the footprint per unit proposed in relation to the permitted size of a dwelling unit in comparison to the total footprint of the proposal and it was noted that the footprint / landscaped area is bigger than the footprint allowed for additional dwelling units. The applicant confirms their opinion that the proposed pods are not regarded as dwelling units.
- d. The scale of the proposal in comparison to the farm is not desirable and the resultant sprawl and fragmentation of the landscape is part of the consideration as the impact is broader than the definition of number of dwelling units allowed.
- e. The proposal to subdivide the developable property in the form of a long term lease agreement to facilitate the development is a further consideration which cannot be supported in the context of the protection of the agricultural landscape in the Boland.

UNANIMOUSLY RESOLVED:

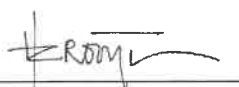
1. That it **BE DECIDED** that the application for Consent Use on Farm No. 65/13 and 65/30, Stellenbosch Division to establish ten (10) tourist accommodation units deviates from the provisions of the Stellenbosch Municipality Spatial Development Framework (SMSDF) as contemplated in terms of Section 19 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 a property in extent of 16ha as prescribed by the SMSDF for agricultural properties and thus conflicts with the spatial planning objectives of the SMSDF.
2. That it **BE DECIDED** that the application for Consent Use on Farm No. 65/13 and 65/30, Stellenbosch Division to establish ten (10) new tourist accommodation units does not 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:

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	<p>2.1 There are no convincing unique circumstances or considerations provided to serve as compelling justification to deviate from the prescribed number of additional dwelling units.</p> <p>3. That the following applications in terms of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Farm No. 65/13 and 65/30, Stellenbosch Division:</p> <p>3.1 In terms of Section 15(2)(o) of the said bylaw for a consent use for a tourist accommodation establishment to accommodate 10 tourist accommodation units on Farm No. 65/13, Stellenbosch Division</p> <p>3.2 In terms of Section 15(2)(b) of the said bylaw for a departure to provide no parking bays on Farm No. 65/13, Stellenbosch division, but instead providing the required 10 parking bays on Farm No. 65/30, Stellenbosch Division, requiring that the properties be notarial tied.</p> <p>3.3 In terms of Section 15(2)(d) of the said bylaw for a subdivision to register Lease Area A ($\pm 4206\text{m}^2$) on Farm No. 65/30, Stellenbosch Division and Lease Area B ($\pm 11471\text{m}^2$) over Farm No. 65/13, Stellenbosch Division to enable a long-term lease over the accommodation units and parking area</p> <p>BE REFUSED in terms of Section 60 of the said Bylaw for the following reasons:</p> <p>4. The reasons for the above decision are as follows:</p> <p>4.1 The nature and scale of the subject proposed land use is not consistent with the broader spatial planning principles as set out in LUPA and SPLUMA and consequently deviates from the provisions of the prevailing development agenda and strategy of the Stellenbosch MSDF as contemplated in terms of Section 19 of LUPA and there are no site-specific circumstances as contemplated in terms of section 22(2) of SPLUMA that warrant justifiable grounds to deviate from the MSDF.</p> <p>4.2 The tourist accommodation establishment exceeds the number of dwelling units permitted on a property which is 16ha in extent and there are no exceptional or unique considerations provided that would warrant to deviate from the prescribed provisions on the number of additional dwelling units.</p> <p>4.3 Favorable consideration of the subject applications will set a precedent, where such a decision will set a specific course of action or interpretation</p>
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	<p>of the relevant policy and bylaws that will compromise this municipality's mandate to make future decisions of similar nature and locality.</p> <p>4.4 The proposed development therefore contradicts the overall vision, strategic objectives, or principles outlined in the Stellenbosch Municipality's approved Spatial Development Framework and purpose of the subject Agriculture and Rural Zoning category.</p> <p>4.5 The application involves a registered long-term lease agreement that constitutes a subdivision which will fragment agricultural land for an extended period.</p>
SMPT 07/08/25	OTHER MATTERS
7.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
	Nothing to note.
7.2	APPEALS RECEIVED AGAINST MPT DECISION
	<p>No new appeals were received or decided in August.</p> <p>A judicial review of the application on Farm Portion 9 and Portion 12 of the Farm Nietgegund, No 516, Stellenbosch is in court. This application was not approved by the MPT and which decision was confirmed on Appeal.</p>
7.3	GENERAL
	Nothing to note.



Mrs H Crooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mr P van Zyl

DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

SUBMISSION TO STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL ON APPLICANT'S BEHALF BY ATTORNEY JOHAN DU PLESSIS: HEARING DATE 26 SEPTEMBER 2025

Application for rezoning Erf 787 Hamman Street from Conventional Residential Zone to Mixed Use Zone to allow for the 2 existing buildings on the Property to be used as Offices: LU/16567

Land use application: The planning assessment report evaluated the land use application as if it is a land development application, which it is not. It is only proposed to use the existing dwelling and garage for office purposes – NOT to develop the property.

- The dwelling was internally converted, with municipal approval, for office use. It was used for that purpose for the last 7 years, with municipal "departure" approval and *without* any of the negative impacts alluded to in the assessment report.
- None of the officials' concerns, now raised in the assessment report, were previously raised when they in fact supported the earlier departure applications.
- If the proposed condition restricting the office use to the existing buildings is imposed, the only additional impact that will arise from the rezoning approval will be as a result of the proposed conversion of the existing garage (with a GLA of ±145m²) to offices.

Rezoning is required to enable continuation of the office use as a primary right, due to the Planning By-law limitation on the maximum validity period of departure approvals. The "Mixed Use" category was selected, as agreed by all parties in the pre-application meeting, because "Multi-Use Residential" does not permit office use. The rezoning is an interim measure designed to generate much needed income to fund rates and taxes on a large property, Special Rating Area charges for cleaning and security and so forth, until such time as residential development becomes a viable option.

Reasons for the official's recommending refusal include that the property is more suited for medium-density residential development which would align with the character of Hamman and Dorp Streets, support tourism, help reduce traffic impacts and contribute to a safer environment. Office use is seen as at odds with the prevailing residential and tourism-orientated surrounding land uses and will undermine the traditional residential character of the neighbourhood. The rezoning to mixed use would encourage office development at the expense of more suitable land use.

Rational decision: The principle of legality requires that decisions should not be arbitrary or irrational. [1] In order to be rational, the decision must be "based on accurate findings of fact and a correct application of the law". [2]

¹ See for example *Pharmaceutical Manufacturers of South Africa: In re ex parte President of the RSA* 2000 (2) SA 674 (CC) at para 85; *Affordable Medicines Trust v Minister of Health* 2006 (3) SA 247 (CC) at paras 74-75).

² *Kotzé v Minister of Health & Another* 1996 (3) BCLR 417 (T) at 425F.

- The official's "reasons" for opposing the approval, abound with statements not supported by any facts, have no merit and are, at best, highly speculative.
- The information provided in the assessment report falls far short as a basis for forming a rational opinion concerning any alleged lack of desirability of the proposed use.

Character of Hamman Street: The two existing buildings will remain "residential" in terms of appearance, scale and character.

- An *in loco* inspection will show that the two existing buildings are not even visible from Hamman Street and therefore unable to have any visual impact on its alleged residential character.
- The attached plan shows that only 6 of the 16 erven in Hamman Street are currently still used for purely residential purposes.
- There is no information in the assessment report to support the idea that the buildings in Hamman Street have any tourism value or that the street has a tourism-orientated character.
- The medium-density residential development of the available 8 795m², favoured by the officials, translates into potentially 48 residential units. It will change the area's character far more than the retention of the existing house and garage.

Traffic: There is no factual information in the TIA (Annexure "H") or the assessment report to indicate that the proposed office use will "*exacerbate localised congestion and residential disruption*". To the contrary, the TIA confirms that the number of trips associated with the proposed use "*will be marginal and will have an insignificant impact on the external road network*".

- It explains why the responsible municipal engineer raised no concerns regarding the potential traffic impact of the proposed office use.
- Potentially 48 residential units will have a resultant trip generation of 48 vehicles/ hour during the a.m. and p.m. peak hours, whilst the use of the garage's ±145m² additional GLA, will only add 3 peak hour trips to the trips generated by the dwelling's office use.

Tourism and safer environment: The assessment report fails to include any facts to support the idea that residential development will support tourism and contribute to a safer environment.

- The Police will confirm that the number of burglaries, robberies and assaults taking place in residential areas by far exceeds such occurrences where office use takes place.
- None of the 23 property owners in the area, that were individually notified, raised safety concerns. All but one of those that initially objected to the proposal, have withdrawn their objections and 18 owners have expressed themselves in favour of the proposal.

The remaining objector's concern relates to the impact of future redevelopment of the property, which is legally irrelevant for purposes of the current land use application.

I submit that there is no factual information before you to support a rational finding that the proposed use lacks desirability due to its *effects on existing rights* and request that the rezoning application be approved.

HAMMAN STREET LAND USES



- Mixed-Use Zone
- Conventional Residential Zone
- Application Site

Nr	Erf	Description
HAS FORMAL LAND USE APPROVAL BASED ON INFORMATION OBTAINED FROM STELLENBOSCH MAPPING PUBLIC GIS VIEWER:		
1	Erf 758	Consent use approval for a guest house
2	Erf 769	Consent use approval for a guest house - temporary approval from 2024/05/31 until 2029/05/31
3	Erf 763	Temporary approval for a B&B facility - no date available. Current land use application concluded public participation for a consent use for a guest house
4	Erf 14144	Consent use approval for a guest house
DOES NOT HAVE FORMAL LAND USE APPROVAL (THAT IS PUBLICLY AVAILABLE) - BUT IS USED FOR THE FOLLOWING LAND USES:		
5	Erf 771	Student accommodation - Hamman Student Rooms Accommodation (Wincere Executive)
6	Erf 760	Peet le Roux Physiotherapy
7	Erf 768	Twice Central Guest House
8	Erf 764	Student commune

ZONING ALLOWS FOR THE LAND USE ON SITE:

9	Erf 722	Hudsons (Restaurant)
10	Erf 757	Dorp Street Dental, Optometrist, Okasie (flower shop)

22 September 2025

SUBMISSION TO THE MUNICIPAL PLANNING TRIBUNAL REGARDING OBJECTION TO THE LAND DEVELOPMENT APPLICATION: ERF 787, HAMMANN STREET, STELENBOSCH (REFERENCE TP605/2024)

The submission is made by Mr Roelou Slabber, on behalf and as Trustee of the Venezia Trust, an adjacent owner of Erf 14144 in Hammann Street.

We lodged an objection against the application as we will be affected by the office use and a rezoning permanently permitting offices in the street, as well as any future mixed use redevelopment of the property.

We are in principle not opposed to a change in use and intensified development or to the redevelopment of the property in keeping with the surrounding residential land use and spatial development policies of the Municipality but object to the proposed rezoning for the continued and expanded office use and accordingly a foot in the door for future unspecified mixed use development.

Erf 787 is located at the end of a *cul-de-sac*, surrounded by residential properties. It currently takes access via a right of way servitude through the La Gratitude Office Park and if the use is changed, then this access should be retained to avoid negative effects on the Hammann Street residents.

The proposed Mixed-use Zone in terms of the Stellenbosch Municipality Zoning Scheme Bylaw permits numerous uses and development which would not be compatible with the surrounding residential character of the area and should not be permitted at the end of a *cul-de-sac*. Rezoning of the property to an undesirable zoning on the grounds that it will be limited to a single primary use of limited scale cannot be supported, as a future application would only have to argue that the primary use needs to change, which requires a significantly less onerous process and motivation than a rezoning. A rezoning to a Local Business Zone, which also permits offices as a primary use, would be more appropriate although still not desirable from our perspective as neighbours. Any redevelopment should be for appropriate residential purposes and not for any business use that would cause continuous discomfort and disturbance to the residents in the street.

The conversion of the garage will further entrench the current business use and lead to an increase in business-related traffic in the street and can therefore not be supported. Extension or expansion of the existing temporary business use erodes the residential character of the street where the only business is guest accommodation and occupational practices in dwelling houses, and which play an important role in the retention of the character of the street under difficult circumstances in a central location. Additional traffic and business activity will put further pressure on the owners in trying to retain the residential character of the street, while the owners of the business premises (subject property) do not reside there and might not understand the importance of retaining the residential character as do the residents.

Densification and intensification of the land development on the site can be achieved with a lesser Local Business Zone as indicated above, albeit equally unacceptable to us, and with a rezoning to a Multi-unit Residential Zone that will also increase the value of the land for the owner and contribute to the achievement of the Municipality's spatial planning objectives. If development of the site in

terms of the primary uses under the Mixed-use Zone is not intended, then why apply for such zoning?

According to the motivation a traffic impact statement was prepared (ITS Innovative Transport Solutions) and it concluded that: *"the estimated number of trips associated with the proposed development will be marginal and will have an insignificant impact on the external road network."* However, it did not assess the development impact of a Mixed-use Zone development which, according to the application, can be achieved with a site development plan amendment application. If cannot be argued that the access via Hamman Street is acceptable for a Mixed-use Zone development. If so, then it would assume that all other properties in the street could be granted similar use rights, in which case clearly the access would be completely insufficient.

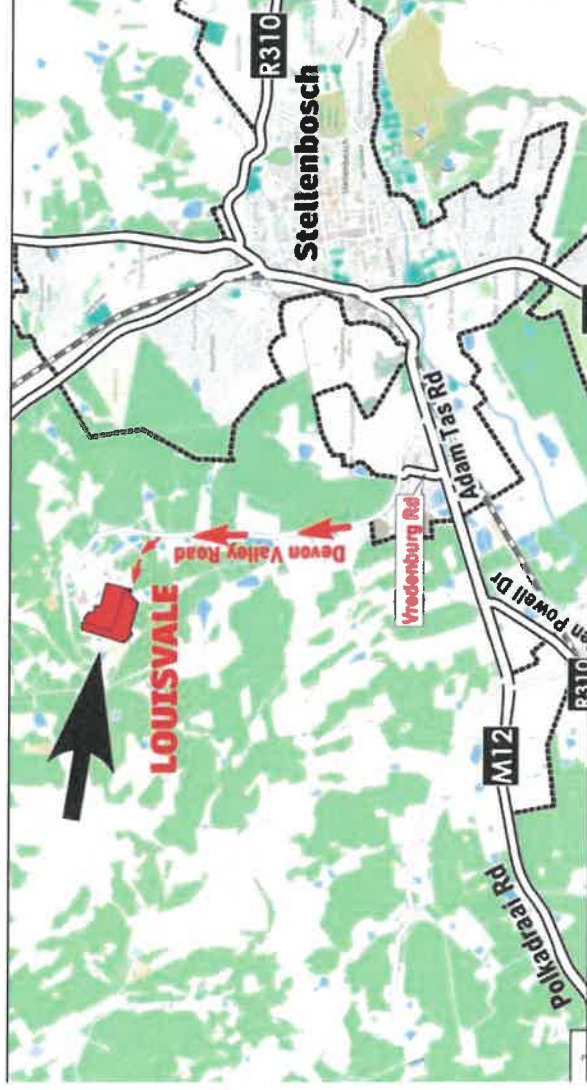
The potential impact of traffic in the *cul-de-sac* with limited space, the additional pedestrian movement, the changing movement patterns, the change in activity patterns, and the effects of non-residential buildings on the residents of the street have not been appropriately assessed and are under-estimated.

We maintain our objection and request that the application for rezoning to a Mixed-use Zone be refused.

APPLICATION FOR A CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT, DEPARTURE AND SUBDIVISION ON FARM NO. 65/13 & 30, STELLENBOSCH DIVISION

PRESENTATION TO THE MPT

DATE: 26 SEPTEMBER 2025

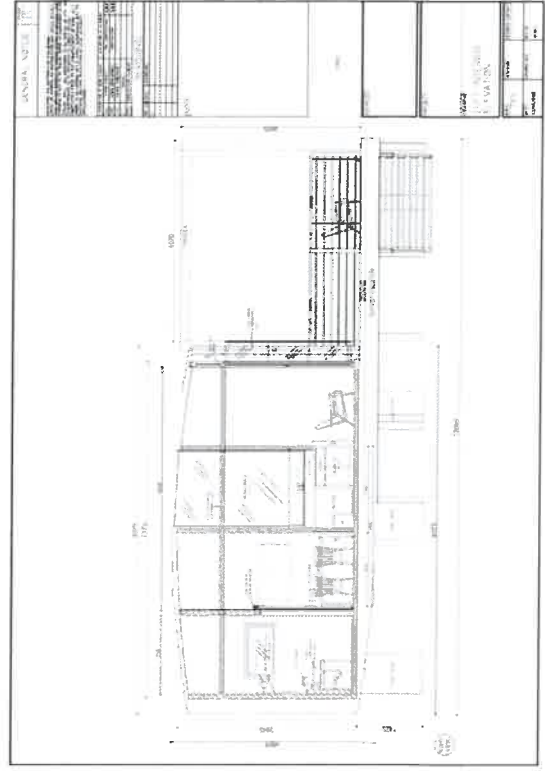


PREPARED BY:



URBAN DYNAMICS CAPE
TOWN & REGIONAL PLANNERS

1 DEVELOPMENT AREA



2

REASONS FOR DECISION



1. SITE-SPECIFIC CIRCUMSTANCES

No site-specific circumstances that warrants justifiable grounds to deviate from MSDF.

2. EXCEEDS NUMBER OF DWELLING UNITS

Exceeds the number of dwelling units permitted on a property of 16ha

3. PRECEDENT SETTING

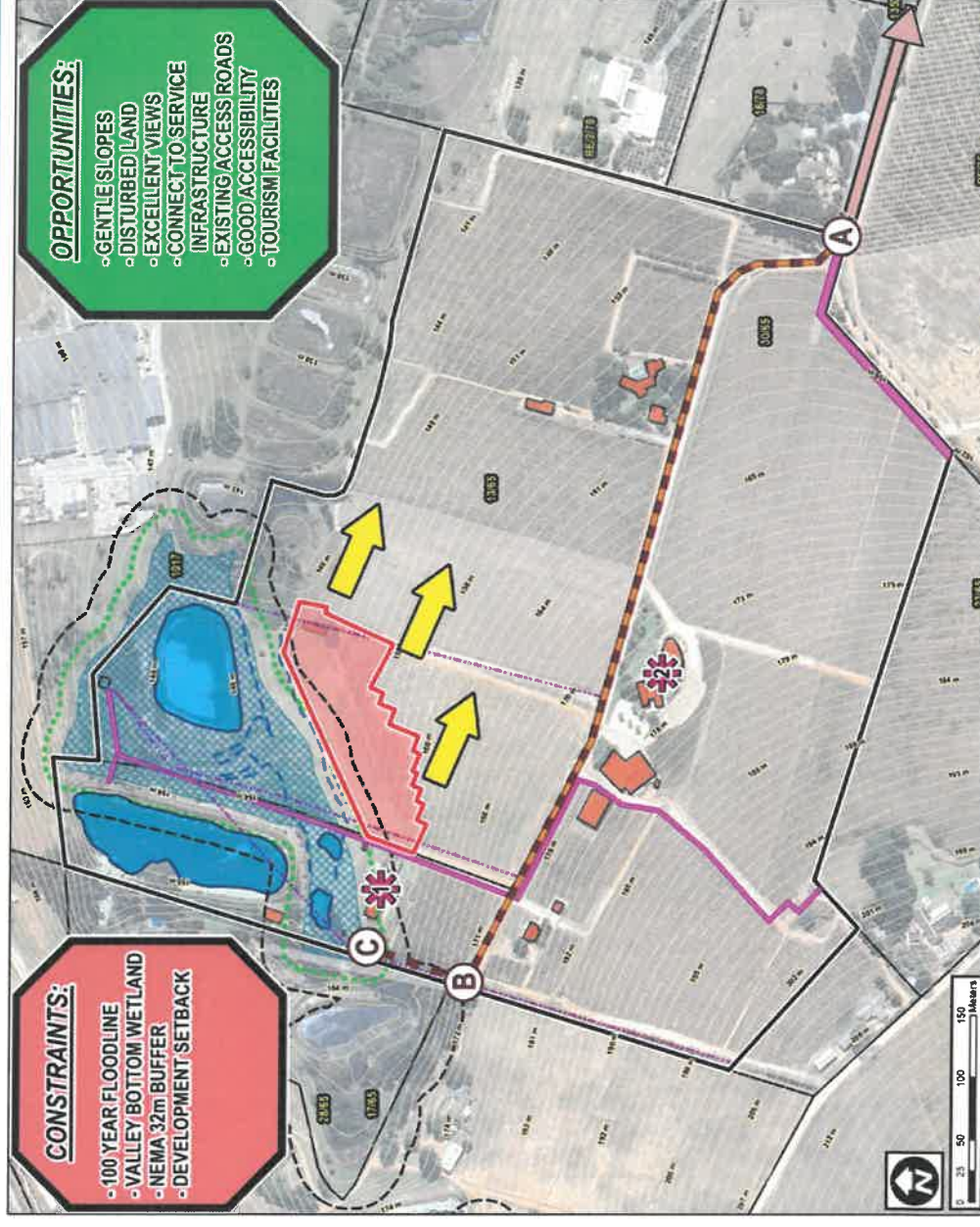
4. CONTRADICTS WITH VISION, STRATEGIC OBJECTIONS/PRINCIPLES OF MSDF

2 REASONS FOR DECISION



1. SITE-SPECIFIC CIRCUMSTANCES

- High visual absorption capacity
- Association with wine industry
- Access route is closed off
- Closed off valley
- Unique design (1st in South Africa)



2 REASONS FOR DECISION



1. SITE-SPECIFIC CIRCUMSTANCES

- High visual absorption capacity
- Association with wine industry
- Access route is closed off
- Closed off valley
- Unique design (1st in South Africa)



2

REASONS FOR DECISION



2. EXCEEDS NUMBER OF DWELLING UNITS

- Tourism accommodation **not** similar to additional dwelling unit

Additional Dwelling Unit: Definition	Compliant
• Self-contained & interleading rooms	X
• At least one bedroom & one kitchen	✓
• Utilized as a complete residence	X
• Residence for 1 x family	X

Tourism accommodation **cannot** be defined as an additional dwelling unit



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REASONS FOR DECISION



2. EXCEEDS NUMBER OF DWELLING UNITS

- Key findings of the planning evaluation

6.4 “The proposed units are self-catering and subsequently classified in terms of the zoning scheme as dwellings”

10. “The proposed number of dwelling units for tourist accommodation will exceed the number allowed and will be out of character...”

13. “...deviates from the MSDP (i.e. number of dwelling units)



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REASONS FOR DECISION



2. EXCEEDS NUMBER OF DWELLING UNITS

2.18. Tourist accommodation and hotel in this zone

- (1) When the number or scale of buildings, in which accommodation for transient guests is provided, exceed the maximum number or scale of dwelling houses and additional dwelling houses permitted on a land unit, or if other buildings, which are not the approved main dwelling house, second dwelling house or additional dwellings units, are converted to transient guest accommodation, the activity shall be classified either as a tourist accommodation establishment or a hotel, depending on the type of accommodation and the ancillary uses.
- (2) A tourist accommodation establishment or hotel is a consent use in this zone.
- (3) When considering a consent use application, the Municipality shall adhere to the assessment criteria and other requirements set out in section 213.

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REASONS FOR DECISION



2. EXCEEDS NUMBER OF DWELLING UNITS

“tourist accommodation establishment” (toeriste-akkomodasie-ondererneming) means an enterprise which provides the accommodation for **transient guests** which exceeds the scale and extent of tourist dwelling unit or guest house, and which is also not a hotel with its ancillary public facilities, and:

- i) may have an informal, clustered layout which takes cognisance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards.
- ii) may consist of self-catering units.
- iii) and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the zone.
- iv) where the following land uses may only be undertaken only with the specific further consent use approval of the Municipality regardless of whether tourist accommodation or tourist facilities is a primary right in that zone or not:
 - a) additional facilities for day visitors.
 - b) wellness centres and meeting rooms which serve resident guests.
 - c) camping sites with ancillary facilities.
 - d) tented accommodation, tree houses, mobile accommodation or the use of any construction materials and methodologies that are not ordinarily used.



2

REASONS FOR DECISION



3. PRECEDENT SETTING

As a general rule, non-agricultural development may not be permitted outside the urban edge except for bona-fide holiday/tourism accommodation, bona fide agri-industry development, agri-settlements, and social facilities and infrastructure necessary for rural development (**this guideline is subject to the principle that each proposed land development area should be judged on its own merits** and no particular use of land, such as residential, commercial, conservation, industrial, community facility, mining, agricultural or public use, should in advance or in general be regarded as being less important or desirable than any other land-use).



2

REASONS FOR DECISION



4. CONTRADICTS WITH VISION, STRATEGIC OBJECTIONS/PRINCIPLES OF MDSF

4.1.2. Key Principles

Working towards this vision, a number of principles are key:

First, maintain and grow the assets of the Stellenbosch Municipality's natural environment and farming areas. Humanity depends on nature for physical and spiritual sustenance, livelihoods, and survival. Ecosystems provide numerous benefits or ecosystem services that underpin economic development and support human well-being. They include provisioning services such as food, freshwater, and fuel as well as an array of regulating services such as water purification, pollination, and climate regulation. Healthy ecosystems are a prerequisite to sustaining economic development and mitigating and adapting to climate change. The plan provides for activities enabling access to nature and for diversifying farm income in a manner which does not detract from the functionality and integrity of nature and farming areas and landscapes.

KEY POLICY FOR SPCs :

SEMF

- As a general rule, non-agricultural development may not be permitted outside the urban edge except for bona-fide holiday/tourism accommodation, bona-fide agri-industry development, agri-settlements, and social facilities and infrastructure necessary for rural development (this guideline is subject to the principle that each proposed land development area should be judged on its own merits and no particular use of land, such as residential, commercial, conservation, industrial, community facility, mining, agricultural or public use, should in advance or in general be regarded as being less important or desirable than any other land-use).



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REASONS FOR DECISION



4. CONTRADICTS WITH VISION, STRATEGIC OBJECTIONS/PRINCIPLES OF MDSF

Tourist accommodation:

- ✓ Recognising the prospects of tourism to diversify and strengthen the rural economy, the provision of a variety of short term tourism accommodation across the rural landscape that is in keeping with the local character is supported.
- Large scale tourist accommodation should preferably be provided in or adjacent to existing towns and rural settlements. Tourist accommodation in the rural landscape could be allowed if, of an appropriate scale and form, appropriate to the SPC.
- ✓ Tourist accommodation situated outside of the urban edge should be clustered in visually discreet nodes, preferably make use of existing buildings or new buildings on disturbed footprints, located within or peripheral to the farmstead, reinforce rural landscape qualities, and cater exclusively for the temporary accommodation for in town visitors.
- ✓ Whilst it is preferable that they be located within the farmstead, dispersed rental units should be on existing farm roads, in visually unobtrusive locations, and be self-sufficient in terms of servicing.
- ✗ Additional dwelling units should be restricted to 1 unit per 10ha, to a maximum of 5 units; 175m² maximum floor area including garaging and building height of 1 storey (6.5m).
- ✓ Additional dwelling units should be non-alienable, whether individual erf, sectional title, share block or other.
- Camp sites of multiple free standing or linked structures of a temporary nature may include caravans and tents, but excludes mobile homes (pleitenberg homes or ship containers) and are conventionally seen as being part of resort developments, but can also be permitted on agricultural land, dependent on scale.
- Camping establishments should be restricted to a low impact scale and intensity in keeping with the context of the area and its surrounding character.
- ✓ A resort development should be closely associated with a resource which clearly advantaged and distinguished the site, in terms of its amenity value, from surrounding properties.
- ✓ Resorts may not be located within productive agricultural landscapes, but must be situated adjacent to a rural feature or resource (e.g. dam, river) that offers a variety of leisure and recreation opportunities (e.g. hiking, mountain biking, water based activities), and is well connected to regional routes.
- Rezoning to resort zone should not be entertained for properties of which the size is less than 50 ha. Only in exceptional circumstances should more than 50 units be allowed.
- ✓ Subdividing and alienating individual units in rural resort developments is not be allowed. The resort development itself may not be subdivided and alienated from the original farm (whether individual erf, sectional title, share block or other).
- ✓ Rural resorts should be compact and clustered in nodes and a range of accommodation types is encouraged.
- The building height of any new resort unit should be restricted to that of a single storey (6.5m).
- ✓ The maximum floor area of a resort unit should be limited to 120m², including garaging.

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CONCLUSION



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THANK YOU



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