# MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 31ST OF JANUARY 2025 AT THE STELLENBOSCH COUNCIL CHAMBERS, STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH FROM 10H00-15H00

**Ref. no. 3/4/5/2/40**
**2025-01-31**

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 A van der Merwe: Senior Manager - Community Services
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 O Vergotine: Administrative Officer
Mrs B Zondo : Senior Town Planner

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

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| **SMPT 02/01/25** | **LEAVE OF ABSENCE** |
| | Mr M Williams: Senior Legal Advisor |

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| **SMPT 03/01/25** | **DISCLOSURE OF INTERESTS** |
| | None received |

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| **SMPT 04/01/25** | **MINUTES OF THE PREVIOUS MEETING DATED 29 NOVEMBER 2024** |
| | The minutes of the previous meeting was noted. |

| | **MATTERS FOR CONSIDERATION** |
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| **SMPT 05/01/25** | **APPLICATION IN TERMS OF SECTION 15 (2)(G) OF THE STELLENBOSCH MUNICIPALITY LAND USE PLANNING BYLAW, 2023 ON ERF 3298 FRANSCHHOEK FOR CONSENT USE TO ESTABLISH TWO (2) NEW SELF-CATERING TOURIST DWELLING UNITS**<br><br>**Discussion:**<br><br>a. Chairperson Crooijmans-Lemmer handed over to Mrs Zondo to give a brief introduction of the application that served before the Tribunal.<br><br>b. Matters relating to the cultural landscape and other criteria such as urban sprawl, non-clustering of units, location within vineyards and close to the water course were discussed but it diminishes the fact that one additional dwelling unit can be accommodated within the recommended number of units on the land unit. |

**UNANIMOUSLY RESOLVED:**

1. That it **BE DECIDED** that the application for Consent Use on Erf 3298 Franschhoek to establish two (2) new self-catering tourist dwelling 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 proposed application does not conform to the guidelines for the placement of the proposed dwelling units in that the buildings are not clustered together within or near the farmstead precinct in support of the character of the rural landscape

1.2 The proposal will lead to the loss of agricultural land and compromise the existing or potential farming activities.

1.3 The proposal exceeds the number of dwelling units recommended on a property to the extent of 37 ha as prescribed by the MSDF for agricultural properties and thus conflicts with the spatial planning objectives of the MSDF.

2. That it **BE DECIDED** that the application for Consent Use on Erf 3298 Franschhoek to establish two (2) new self-catering tourist dwelling 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:

2.1 There are not any unique circumstances or considerations to serve as compelling justification to deviate from the prescribed number of additional dwelling units and the location / placement of the proposed units.

3. That the following application in terms of Section 15 (2)(g) of the Stellenbosch Municipality Land Use Planning Bylaw, 2023 on Erf 3298 Franschhoek for Consent Use to establish two (2) new self-catering tourist dwelling units:

**BE REFUSED** in terms of Section 60 of the said Bylaw for the following reasons:

3.1 The proposed development deviates from the provisions of the prevailing development agenda and strategy of the Stellenbosch MSDF as contemplated in terms of Section 19 of LUPA.

3.2 The proposed development does not warrant site specific circumstances as contemplated in terms of section 22(2) of SPLUMA.

3.3 The proposed development is not consistent with the broader spatial planning principles as set out in LUPA and SPLUMA.

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| | 3.4 The proposal exceeds the number of dwelling units permitted on a property which is 37ha in extent.<br><br>3.5 The proposal infringes on the authenticity of the rural landscape and does not support the natural and heritage significance of the site which is in a sensitive area within a Grade 3A landscape in terms of Heritage Inventory and Management.<br><br>3.6 The proposed application does not conform to the guidelines for the placement of the proposed dwelling units in that the buildings are not clustered within or near the farmstead precinct but is proposed on productive agricultural land which will lead to the loss of agricultural land and compromise existing or potential farming activities.<br><br>3.7 The property is located adjacent and just outside of the approved urban edge within a transitional area which forms the buffer between the urban area and the rural area, and the development is seen as pre-curser to urban sprawl. |
| **SMPT 06/01/25** | **OTHER MATTERS** |
| **6.1** | **PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)** |
| | a) An amendment of the Problem Property Bylaw is underway and will be submitted to Council for a public participation process to follow.<br><br>b) The Preservation and Development of Agricultural Land Act has been promulgated. The implementation is very much like NEMA. Regulations need to be drafted to identify listed activities before the legislation is enacted.<br><br>c) Municipalities have been instructed by the National Government to adopt a Standard Draft Bylaw for Township Economies. It is noted that the process for the registration of house shops is complex and WCG is required to report on a weekly basis on the progress made in this regard. Stellenbosch Municipality is busy with the registration of spaza shops and is making good progress in understanding the extent of shops in the municipal area.<br><br>d) The amendment of LUPA is underway which inter alia addressed the minimum requirements for the advertisement of the suspension, removal or amendment of restrictive title deed conditions.<br><br>e) The policy vacuum and lack of guidance in building development management on a local level is noted. The City of Cape Town is drafting a bylaw in this regard while the Stellenbosch Municipality is busy with its own efforts. |
| **6.2** | **APPEALS RECEIVED AGAINST MPT DECISIONS** |

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| | a) The appeal on The Bridge on Farm 742/5 Paarl against the conditions of approval has been dismissed and the decision has been varied by the Appeal Authority in December 2024.<br><br>b) An appeal has been received on the decision by the MPT to refuse the application for a consent use on Farm no. 124/11, Stellenbosch to allow a tourist accommodation establishment within the proposed ten (10) self-catering units.<br><br>c) An appeal has been received on the decision by the MPT to approve the application for rezoning, subdivision, departure, consent use and closure of a public place on Erf 7001, Stellenbosch. |
| **6.3** | **GENERAL** |
| | a) The MPT noted the implementation of the woonerf concept in Dennesig, Stellenbosch.<br><br>b) The Cape Winelands & Overberg District Planning Forum hosted by DEA&DP is scheduled for 5 February 2025.<br><br>c) With reference to Mossel Bay Municipality, who decided to change their Appeal Authority, it is noted that the different options have not yet been discussed with the new Executive Mayor of Stellenbosch, but an investigation in this regard is being considered. |

**Mrs H Crooijmans-Lemmer**

**CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**

**Mr P van Zyl**

**DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL**