

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 31 OCTOBER 2025

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

**Ref. no. 3/4/5/2/40
2025-10-31**

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr S Boshoff

Internal Members

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

Mrs C Kriel: Manager: Land Use Management

Ms O Vergotine: Administrative Officer

Mr P April: Senior Town Planner

Mr R Fooy: Senior Town Planner

Mr G Goosen: Senior Town Planner

Mr G de Vries: Land Use Inspector

Mrs C Hauptfleisch: Senior Spatial Planner

Mrs X Mqhoma: Spatial Planner

Observers:

Ms Tamryn Kumm, Councillor: Ward 8, Mayoral Committee Member: Planning, Local Economic Development & Tourism

Mrs Z Nortje: Town Planner CK Rumboll & Partners

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ITEM	SUBJECT
SMPT 01/10/25	OPENING AND WELCOME
	<p>Chairperson Crooijmans-Lemmer welcomed all present.</p> <p>Director Barnes welcomed and introduced Councillor Ms Tamaryn Kumm to the meeting.</p> <p>The WCG Department Environmental Affairs and Development Planning conducted a SPLUM Governance Assessment and Stellenbosch Municipality achieved an overall score of 82%, placing it in the "highly effective" category of municipalities in the province. The Director thanked the Department, and the Chairperson congratulated the Municipality on this achievement.</p>
SMPT 02/10/25	LEAVE OF ABSENCE
	<p>Mr D Leo</p> <p>Mr A van der Merwe: Senior Manager - Community Services</p> <p>Mr S Carstens: Senior Manager: Development Management</p>
SMPT 03/10/25	DISCLOSURE OF INTERESTS
	None received
SMPT 04/10/25	MINUTES OF THE PREVIOUS MEETING DATED 26 September 2025
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/10/25	<p>APPLICATION FOR REZONING AND SUBDIVISION OF PORTION 1 OF FARM 1631, PAARL (LU/ 18385) (TP967/2024)</p> <p>Discussion:</p> <ol style="list-style-type: none"> Chairperson Crooijmans-Lemmer handed over to Mr Fooy to give a brief introduction of the application that served before the Tribunal. Questions for clarity were asked about the consideration of landscaping and screening due to the location and being part of the scenic route.

	<p>Due to challenges with roots and maintenance and the fact that the pylons are quite high, landscaping from a technical perspective is not supported.</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 Portion 1 of Farm 1631, Paarl for:</p> <p>1.1. Rezoning of Portion 1 of Farm 1631, Paarl, in terms of Section 15(2)(a) of the said by-law from Agricultural Zone I to Sub Divisional Area, to accommodate the following zonings:</p> <p>1.1.1. 2 X Utility Services Zone 1.1.2. 1 X Agriculture and Rural Zone</p> <p>1.2. Subdivision of Portion 1 of Farm 1631, Paarl, into 2 portions and a remainder in terms of Section 15(2)(d) of the said by-law comprising the following:</p> <p>1.2.1. 2 X Utility Services Zone - Portion A ($\pm 4930\text{m}^2$) and Portion B ($\pm 5484\text{m}^2$) 1.2.2. 1 X Agriculture and Rural Zone - Remainder Portion 1 of Farm 1631, Paarl ($\pm 101.4567\text{m}^2$)</p> <p>1.3. Subdivision of Portion 1 of Farm 1631, Paarl, to register an electrical servitude area - with a width of 22m for the proposed overhead line, in terms of Section 15(2)(d) of the said by-law.</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 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>
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	<p>2.3. The development be undertaken in accordance with the Subdivision and Servitude Plans with reference BIEN/12799/ZN, Dated SEPT 2024, attached as Annexure B.</p> <p>2.4. 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 erf in the subdivision.</p> <p>2.5. The services servitude be registered in the title deed of Portion 1 of Farm 1631, Paarl, on registration of the 1st property of the subdivision application.</p> <p>2.6. Building plans be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of the land.</p> <p>2.7. The subdivision only comes into effect once all the conditions or relevant legislative provisions have been complied with.</p> <p>3. The reasons for the above decision are as follows:</p> <p>3.1. The proposal is aligned with the strategic intent of the Municipal Spatial Development Framework (MSDF) and capital expenditure framework of the Municipality to provide the surrounding rural area of Groot Drakenstein, Simondium and Pniel with increased electricity supply in support of economic resilience and growth.</p> <p>3.2. The locations of the proposed substations were determined based on the location of the existing substation, the proximity of Eskom's power supply, and the designated feeder area.</p>
<p>SMPT 06/10/25</p>	<p>APPLICATION FOR REZONING, DEPARTURE AND PERMISSION IN TERMS OF THE ZONING SCHEME BYLAW: ERF 346, STELLENBOSCH. (LU/17275)</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> <p>b. Members raised concerns about the proposal and recommendation as the location of the property holds more potential as what has been proposed. The following points were mentioned and debated:</p> <p>c. The current Multi-unit Residential zoning is regarded more appropriate than what is proposed.</p> <p>d. The property lends itself to the provision of inclusionary housing.</p> <p>e. Local business implies the creation of opportunities within walking distance of the community while the proposal is for an undefined office space in a gated development, and does not suggest uses such as a coffee shop etc.</p>

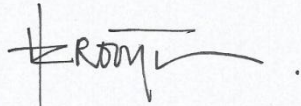
- f. The property is located within the town's centre structure on the periphery of the Adam Tas Corridor (ATC) with the overall objective of non-motorised transport (NMT) and higher density residential development and provides an opportunity to link the ATC with the centre business district (CBD).
- g. The proposed slip way to link with Adam Tas Road is unkind to NMT which is one of the main objectives of the ATC and its surrounds, taking into consideration that the future use of the Adam Tas Road depends on the relevant provincial department of Western Cape Government.
- h. The Conservation Advisory Committee (CAC) shaped the proposal in terms of height restrictions and the design of the building as it is located within the Urban Conservation Overlay Zone, not taken into account the development objectives of the ATC LSDF.
- i. The Department noted that the application was submitted with consideration of other existing land uses in the vicinity such as the retirement village, residential developments and business and offices in e.g. the close by Harold Street and Market Street.
- j. A technical point raised which was taken into consideration in the receipt and evaluation of the application is that the property is less than 1000sqm and in terms of the Zoning Scheme Bylaw although zoned Multi-Unit Residential Zone, it reverts to the development parameters of Conventional Residential Zone due to its size. So even if the property is optimally used there may not be a requirement for inclusionary housing due to the maximum development potential of three storeys on a site in the Urban Conservation Overlay Zone.
- k. In the absence of a precinct plan and local LSDF for the area, the technical consideration by the Department is based on the development parameters in the Zoning Scheme Bylaw. The dwelling house on the property was demolished in pursuance of densification and providing business opportunities on the property and Local Business is regarded the most appropriate zone for the proposed development. The difference in the term 'local business' in its general understanding in comparison to the purpose of the Local Business Zone is noted. It was also clarified that the Local Business Zone allows for offices and shops and that the application was amended to decrease the number of flats from 12 to 8 and increase the office space floor area based on public comment.
- l. The sentiment was emphasised by individual MPT Members that the MPT has a task and responsibility to work towards the bigger vision of that part of Stellenbosch and every decision made by the MPT needs to go towards supporting the ATC and the policy intentions of the Municipality. That decisions must be in pursuit of policy objectives for increased density within walking distance of opportunity while the opinion is hold that the proposal is for a car driven development for an unknown office use and does not align to agreed policy of Stellenbosch.

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	<p>m. There were different opinions on the decision when one member voted to support the recommendation and seven members voted to refuse the application.</p> <p>RESOLVED:</p> <p>1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Erf 346, Stellenbosch for:</p> <p>1.1. the Rezoning of Erf 346, Stellenbosch in terms of Section 15(2)(a) of the said bylaw, from Multi-Unit Residential Zone to Local Business Zone to accommodate flats and offices space.</p> <p>1.2. Departure in terms of Section 15(2)(b) of the said bylaw to provide 24 parking bays instead of the required 28 parking bays.</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. Lack of alignment with the development management objectives and SPLUMA related policy of the Municipality, including the MSDF related to land use and the form of associated activity in the CBD periphery.</p>
SMPT 07/10/25	OTHER MATTERS
7.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
	<p>a. Mrs C Hauptleisch presented Stellenbosch's Inclusionary Zoning Policy: Lessons and Insights on Policy Development. See attached.</p> <p>b. The following spatial planning initiatives are envisaged by the Department Development Planning:</p> <ul style="list-style-type: none"> • Compilation of the following Local Spatial Development Frameworks (LSDF) <ul style="list-style-type: none"> ○ Koelenhof LSDF (2025/26 financial year) ○ Dwarsriver Valley LSDF (2025/26 financial year) ○ Greater Franschhoek LSDF (co-funding agreements to be concluded) ○ Rural Area LSDF • Review of Municipal Spatial Development Framework (MSDF), including a spatial trends analysis (2025/26 financial year) • Review of the Capital Expenditure Framework (CEF) (2025/26 financial year)

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	<ul style="list-style-type: none">• Review of the Inclusionary Zoning Policy (2025/26 financial year)
7.2	APPEALS RECEIVED AGAINST MPT DECISION
	<p>a. One new appeal was received on the decision on the application for the subdivision and consolidation of Farm 1557, Erf 16576 and Erf 13836 (LU/16752)</p> <p>b. No new appeals were decided in October.</p>
7.3	GENERAL
	The next meeting is scheduled for 21 November 2025. The venue and time will be confirmed.



Mrs H Grooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mr P van Zyl

DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



STELLENBOSCH'S INCLUSIONARY ZONING POLICY

LESSONS AND INSIGHTS ON POLICY DEVELOPMENT

Authors: Claudia Hitzeroth & Chantel Hauptfleisch (July 2025)



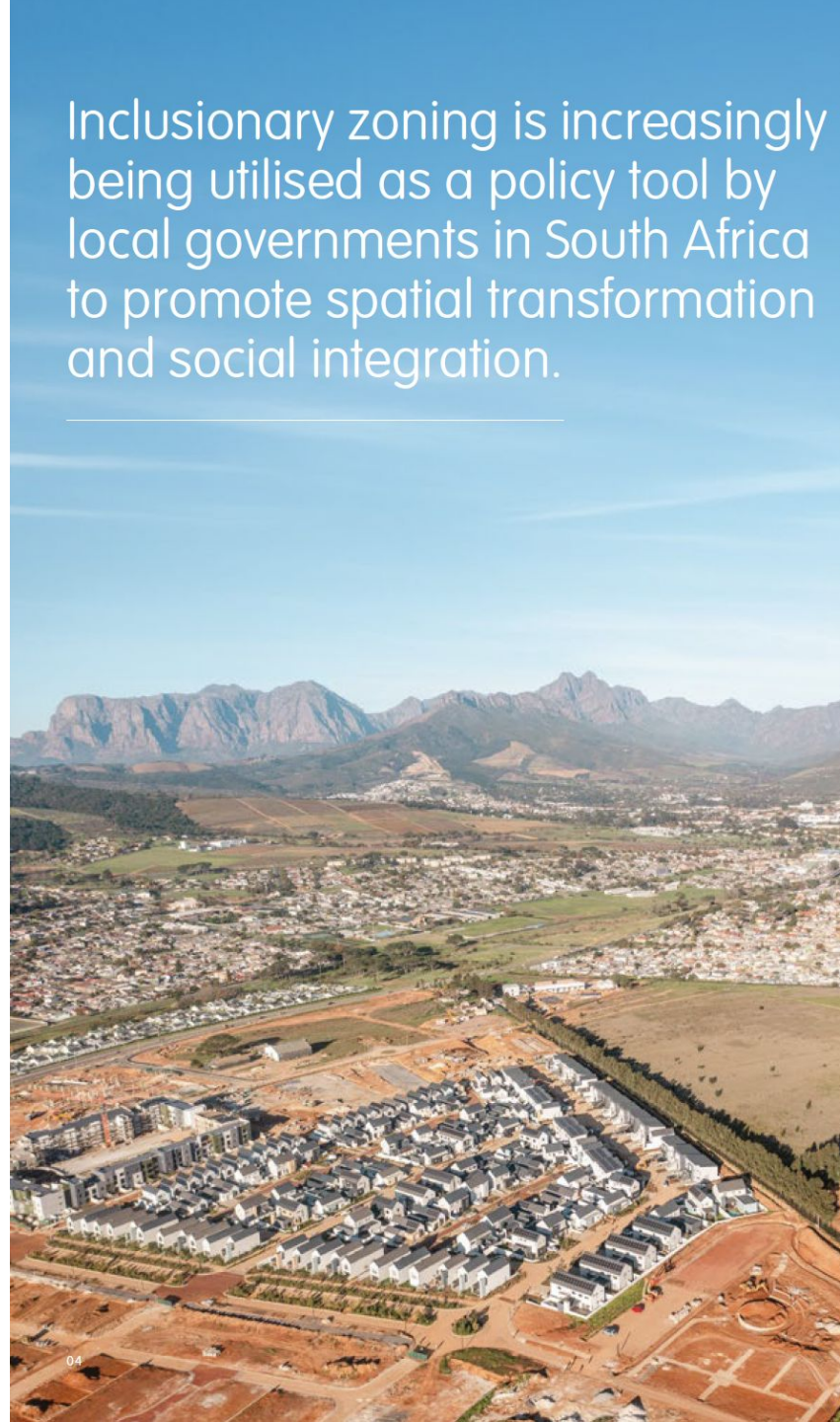
SECTION 1

INTRODUCTION

WHAT IS INCLUSIONARY ZONING?

- Policy tool that requires or incentivises private developers to include a portion of affordable housing in new residential developments
- Goal: Foster social inclusion and counteract the legacy of spatial segregation
- Relies on the spatial planning and land-use management systems controlled at a municipal level
- Not a substitute for other housing interventions, but a complementary mechanism
- Functions as a land value capture tool to recoup some of the unearned increment gained from planning permissions

Inclusionary zoning is increasingly being utilised as a policy tool by local governments in South Africa to promote spatial transformation and social integration.



The choice of model has significant implications for policy effectiveness, private sector engagement, market impacts and the overall affordability of the inclusionary housing units.

It is essential to carefully define policy objectives for a specific context and tailor policy parameters accordingly to suit the local market conditions.

TIMELINE OF INCLUSIONARY HOUSING IN SOUTH AFRICA

This timeline documents important legislative and policy developments in relation to inclusionary housing in South Africa.

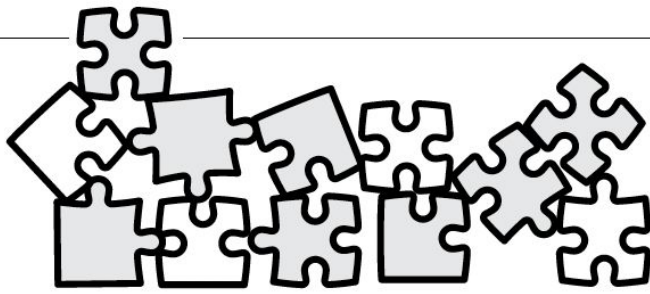




SECTION 2

STELLENBOSCH CONTEXT

UNDERSTANDING THE URBAN CHALLENGES FACING STELLENBOSCH
MUNICIPALITY IN 2016 – 2019



KEY CHALLENGES FACING STELLENBOSCH MUNICIPALITY

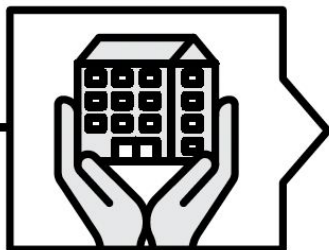
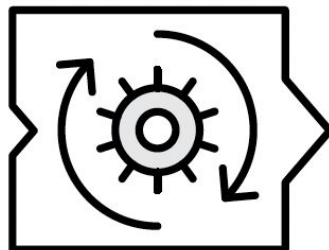
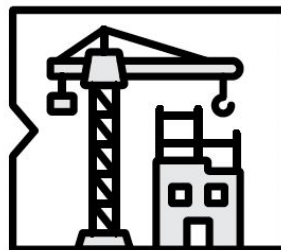
According to Stellenbosch Municipality's 2019 MSDF, the municipality faced a number of key challenges:

1. Need for housing and shelter had not been adequately met, both for lower income groups and those in employment
2. Property and land was inordinately expensive
3. Inequality was particularly evident in the structure of settlements & majority many new developments were peripheral and entrenching inefficiencies
4. Studentification
5. Existing industrial operations were impeding large-scale settlements restructuring
6. Relatively small municipal budget

BOX 4



POLICY EXCERPT



ACTIONS TO PROMOTE WELL-LOCATED AFFORDABLE HOUSING

The 2019 MSDF identified three types of actions that would promote the provision of well-located affordable housing:

1. Protective actions (things to be protected and maintained to achieve the vision and spatial concept): Existing settlement hierarchy must be maintained with Stellenbosch and Klappmuts prioritised for further development over the short to medium term.

2. Change actions (things that need to be changed, transformed, or enhanced to achieve the vision and spatial concept): Actively support residential densification and infill development within urban areas (with due consideration to the valued qualities of specific areas).

3. New development actions (new developments or initiatives to be undertaken to achieve the vision and spatial concept): Develop the Adam Tas Corridor as a mixed-use, high density urban district, with strong internal and external public and non-motorised transport connections.

THE ADAM TAS CORRIDOR



The western edge of town
recognised as an opportunity for
catalytic redevelopment.



EXTENSIVE CHANGES IN LAND-USE RIGHTS TO ENABLE CATALYTIC REDEVELOPMENT

Figure 1: Zoning and Land-Use Rights before the Adam Tas Corridor Catalytic Intervention

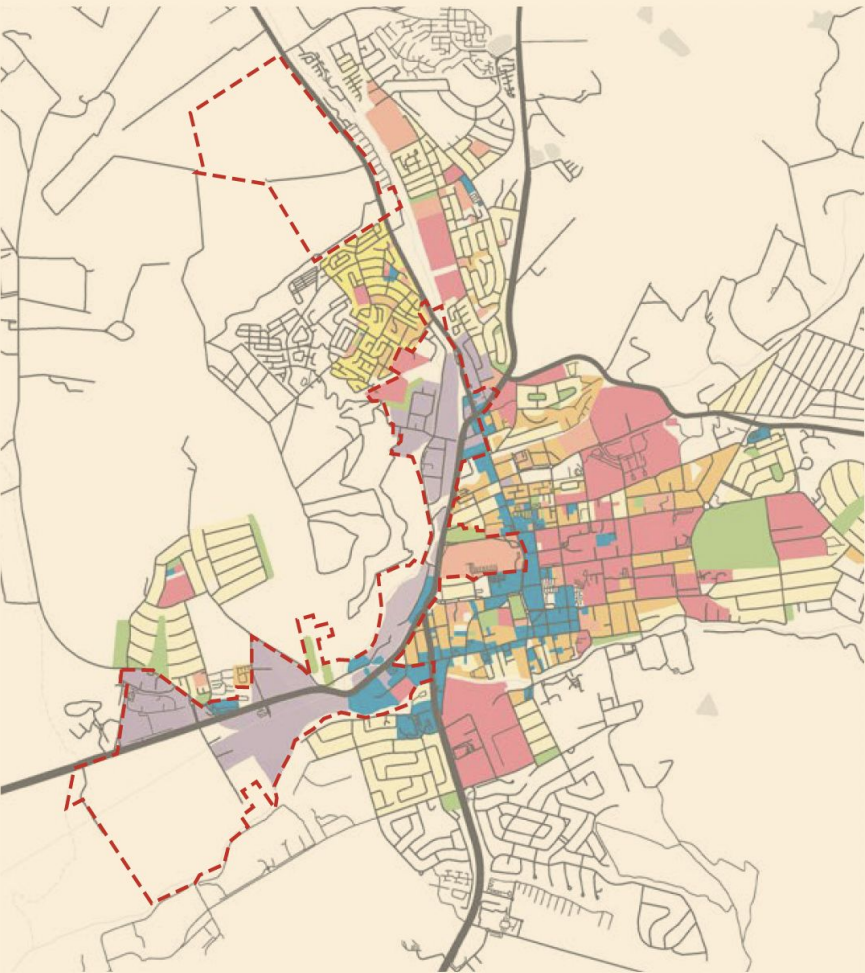
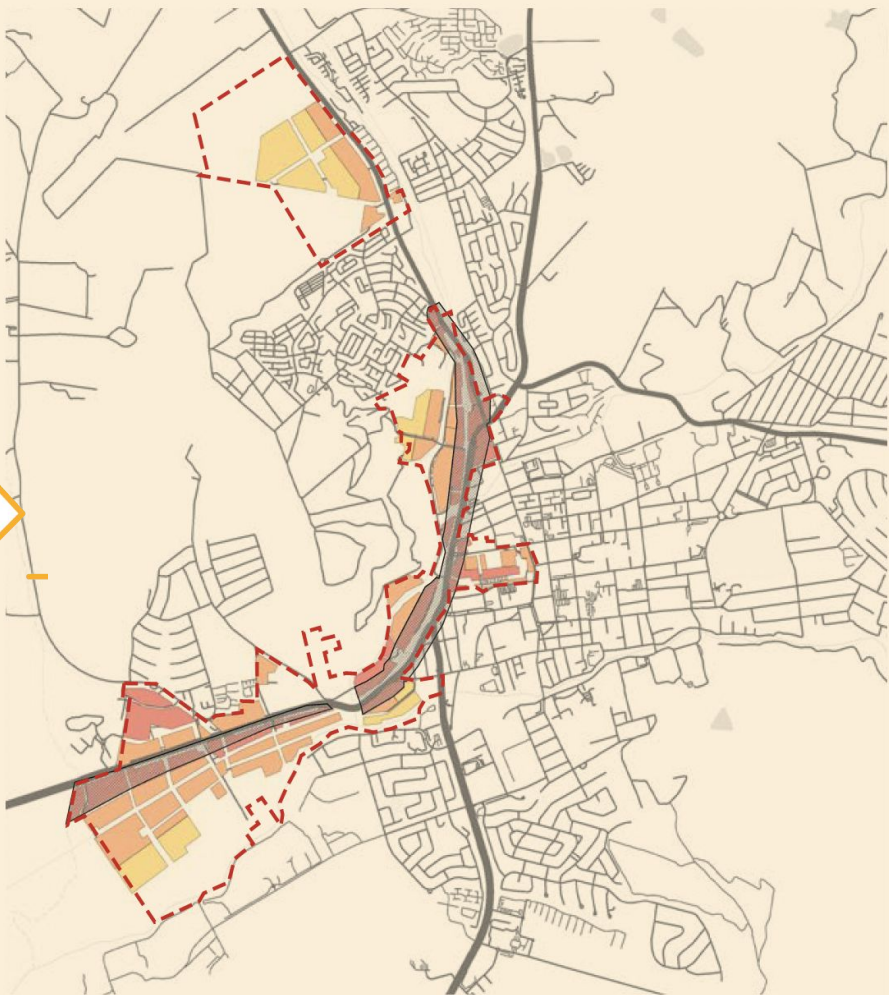
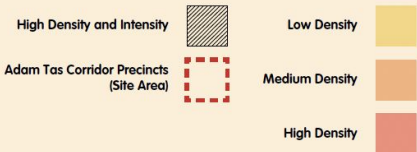
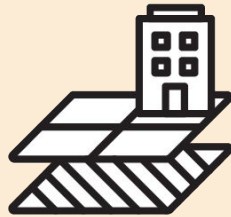


Figure 2: Density Parameters after the Adam Tas Corridor Catalytic Intervention



1



Existing rights

- Change in economy leading to changes in land use requirements.
- Relocating industries which can lead to urban decay.
- “Fixing the window”

2 New rights

Upzoning area to unlock new mixed use rights



3



Land value gain

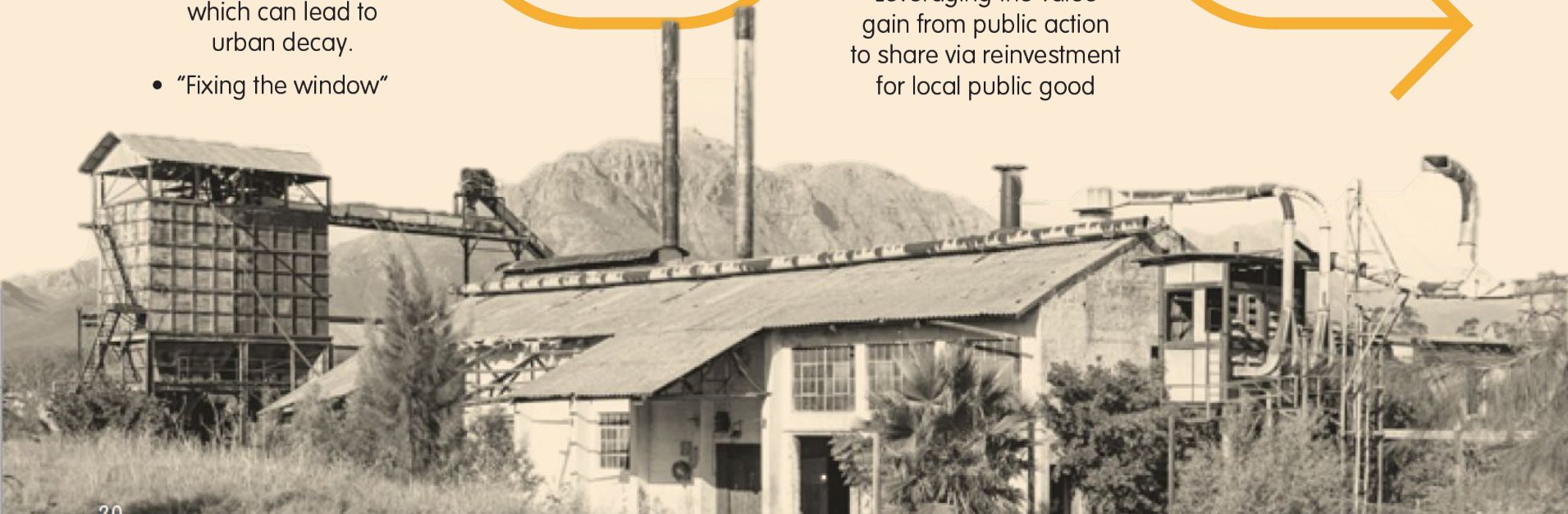
- Value added as a result of public action
- Leveraging the value gain from public action to share via reinvestment for local public good



4

Land value sharing/ reinvestment

- Inclusionary housing
 - Public realm improvements
- Systematic access and mobility improvements
- Social and economic inclusion



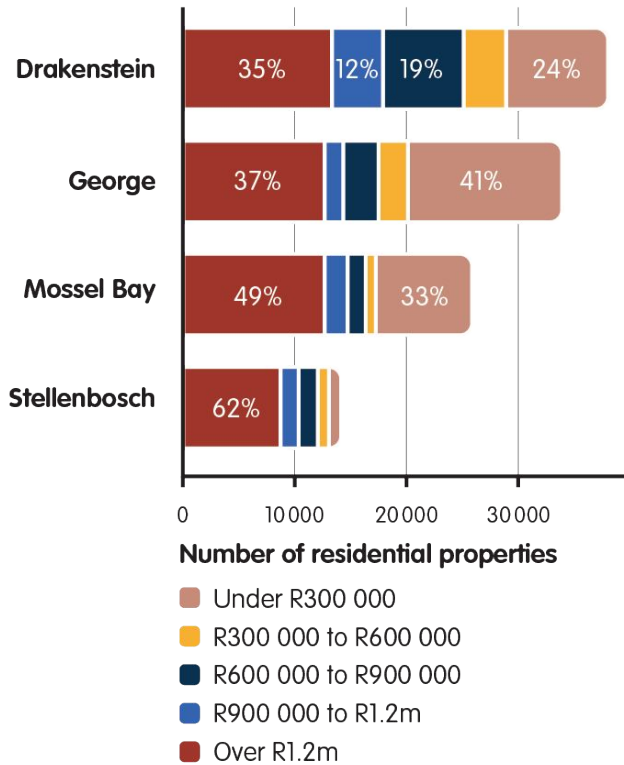


SECTION 3

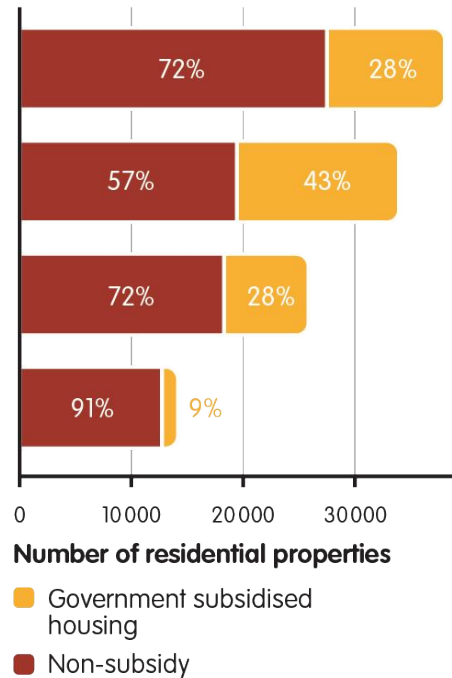
DEVELOPING AN INCLUSIONARY ZONING POLICY

SETTING THE EVIDENCE BASE: HOUSING MARKET STUDY

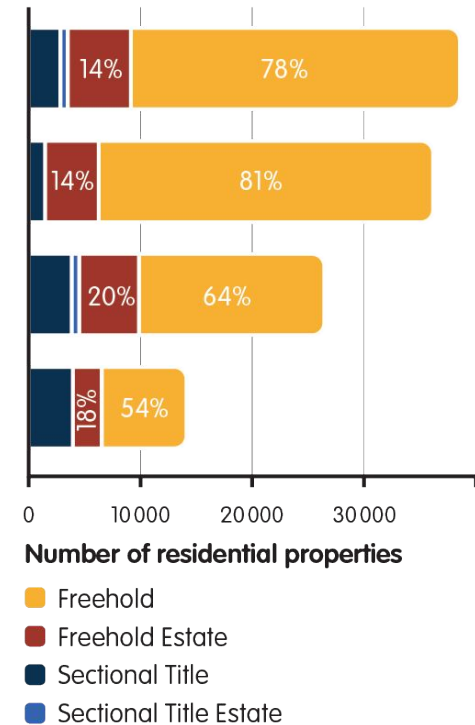
Market Segment



Subsidy Type



Property Type



In Stellenbosch luxury housing made up the majority of housing market at 62%. However, income data showed that only 22% of the town's population would be able to afford properties in this luxury segment.

DEFINING AFFORDABILITY

A clear unmet demand for housing at:

- entry-level (< R300 000)
- affordable (R300 000 - R600 000)
- conventional markets (R600 000 - R900 000)

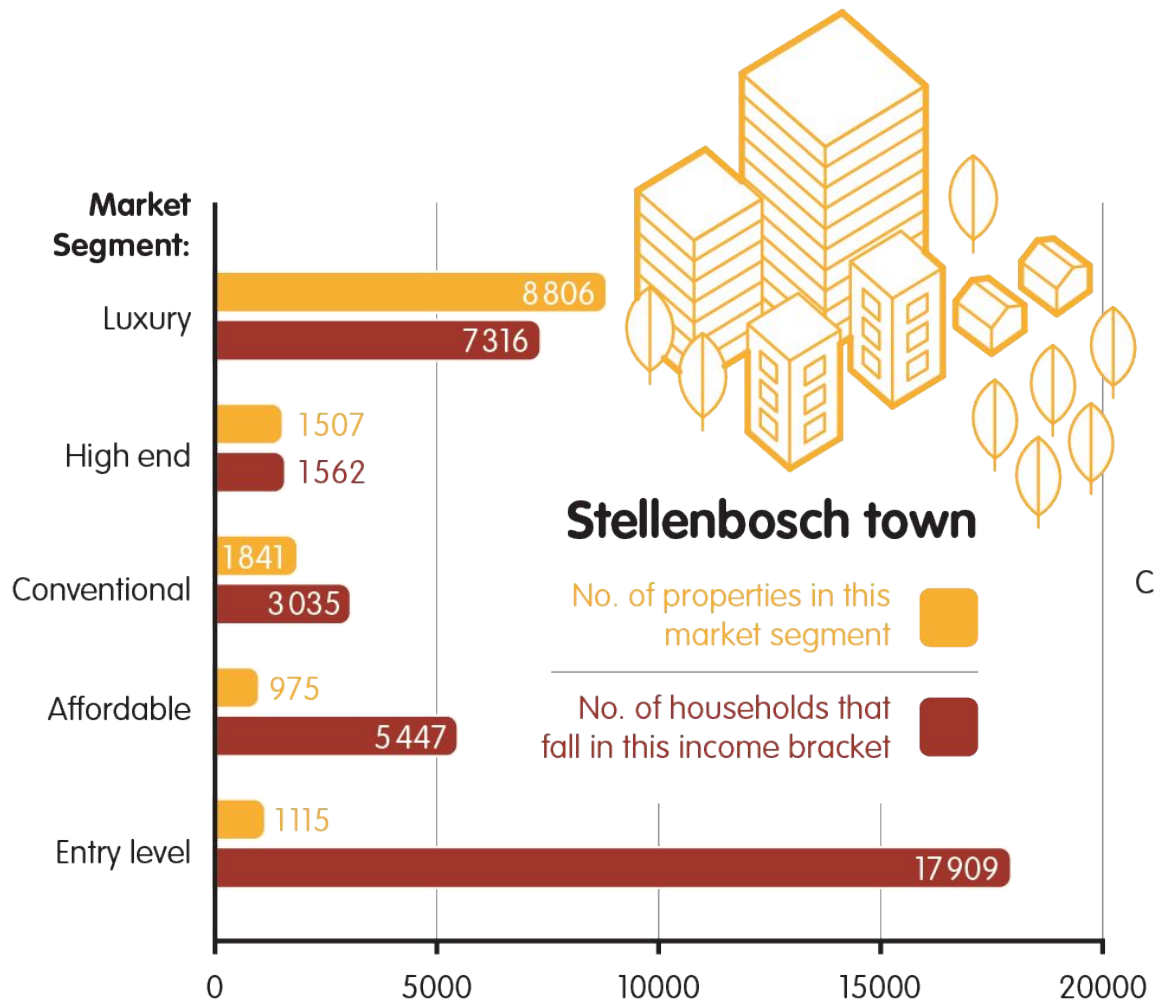


Figure 4 (below): Comparison of Proportion of Household Properties in the Affordable, Conventional, High End and Luxury Market Segments to Households in the Equivalent Market Segments (WC DEA&DP, 2022) ⁵⁸

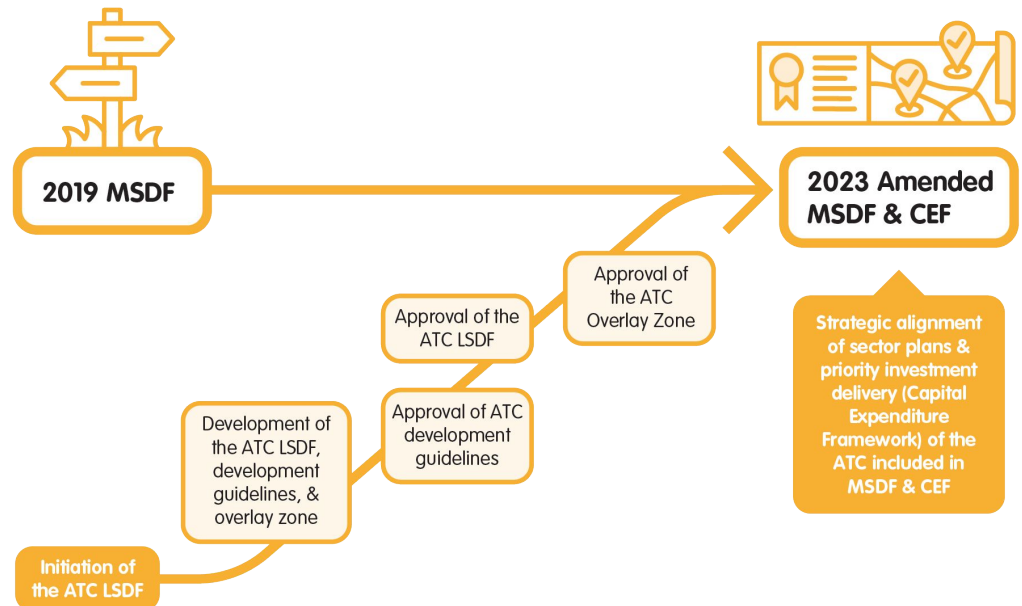
ESTABLISHING ENABLING POLICY FRAMEWORKS

1. Western Cape Inclusionary Housing Policy Framework

- Adopted in October 2022
- Sets out the legislative and policy basis for the application of inclusionary housing provisions in land-use planning permissions

2. Adam Tas Local Spatial Development Framework

- Apportioned a significant amount of land-use rights and bulk to each precinct
- Lays basis for Development Guidelines and an Overlay Zone



TRANSITIONAL PHASE:

NEGOTIATING INCLUSIONARY HOUSING AGREEMENTS IN THE ABSENCE OF AN INCLUSIONARY ZONING POLICY



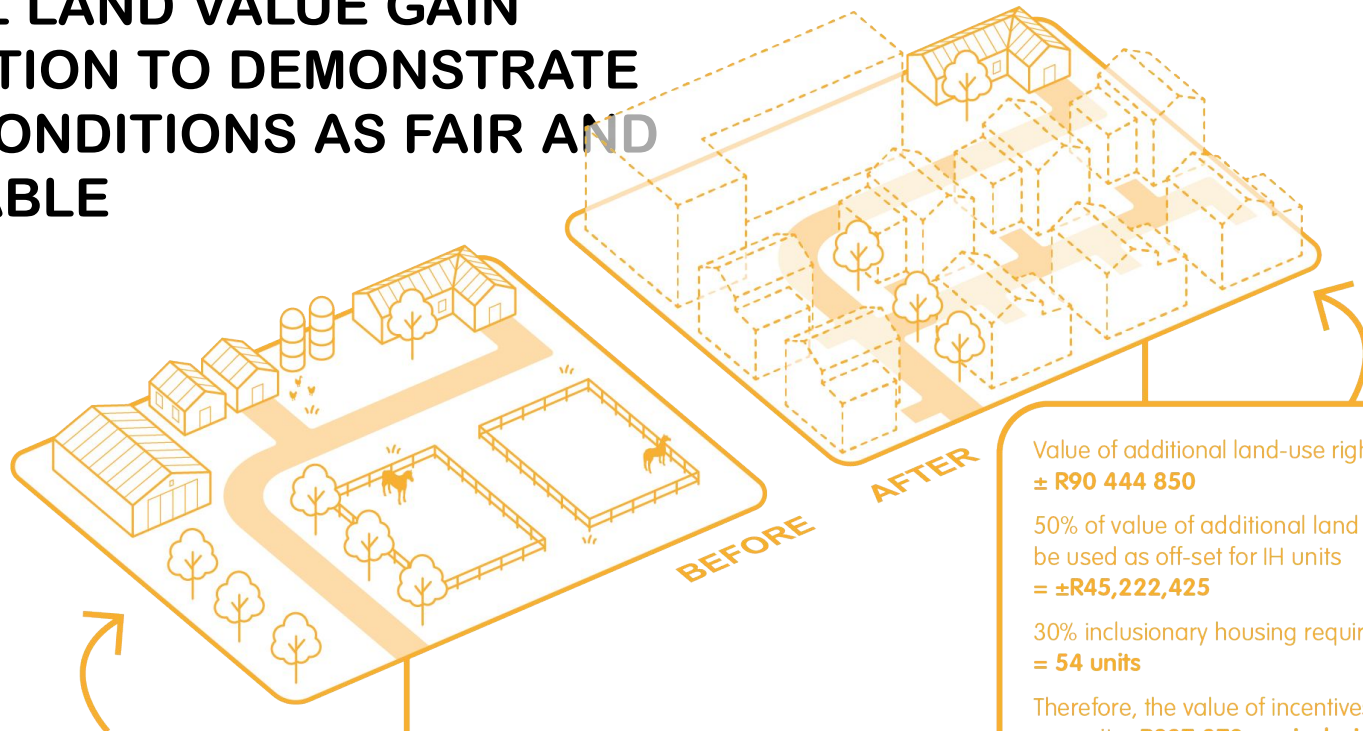
In 2020 multiple land-use applications for large-scale residential developments were submitted, it was important not to miss the opportunity for these developments to contribute toward the supply of affordable housing.

The municipality imposed the provision of inclusionary housing as a condition of approval on planning applications.

343 affordable housing units included into developments that would have been majority student or high-income housing otherwise.

Should not set precedent but represented a transitional phasing-in of the policy requirements.

RESIDUAL LAND VALUE GAIN CALCULATION TO DEMONSTRATE POLICY CONDITIONS AS FAIR AND REASONABLE



Existing Rights on Erf

Agricultural and
Rural Zone

Primary residential
land-use rights:

1 320m²

Rights applied for from municipality

Subdivisional area zoned for multi-unit
residential purposes:

- Group housing
- High-density residential flat development
 - Density bonus to exempt 50 dwelling units/hectare to 60 dwelling units/hectare

Estimated additional
land-use rights:

18 098m²

Value of additional land-use rights:

± R90 444 850

50% of value of additional land rights to
be used as off-set for IH units

= ±R45,222,425

30% inclusionary housing requirement
= 54 units

Therefore, the value of incentives offered
per unit = **R837 870 per inclusionary
housing unit**

Calculated using residual land value
approach:

Formula $R_{mv} = Cc + Dp + RLV + Ar$

Value of the additional rights sought/
offered = 20% of $R_{mv} \times Ar$

Market value for residential space
($R_{mv} = R25\ 000/m^2$)

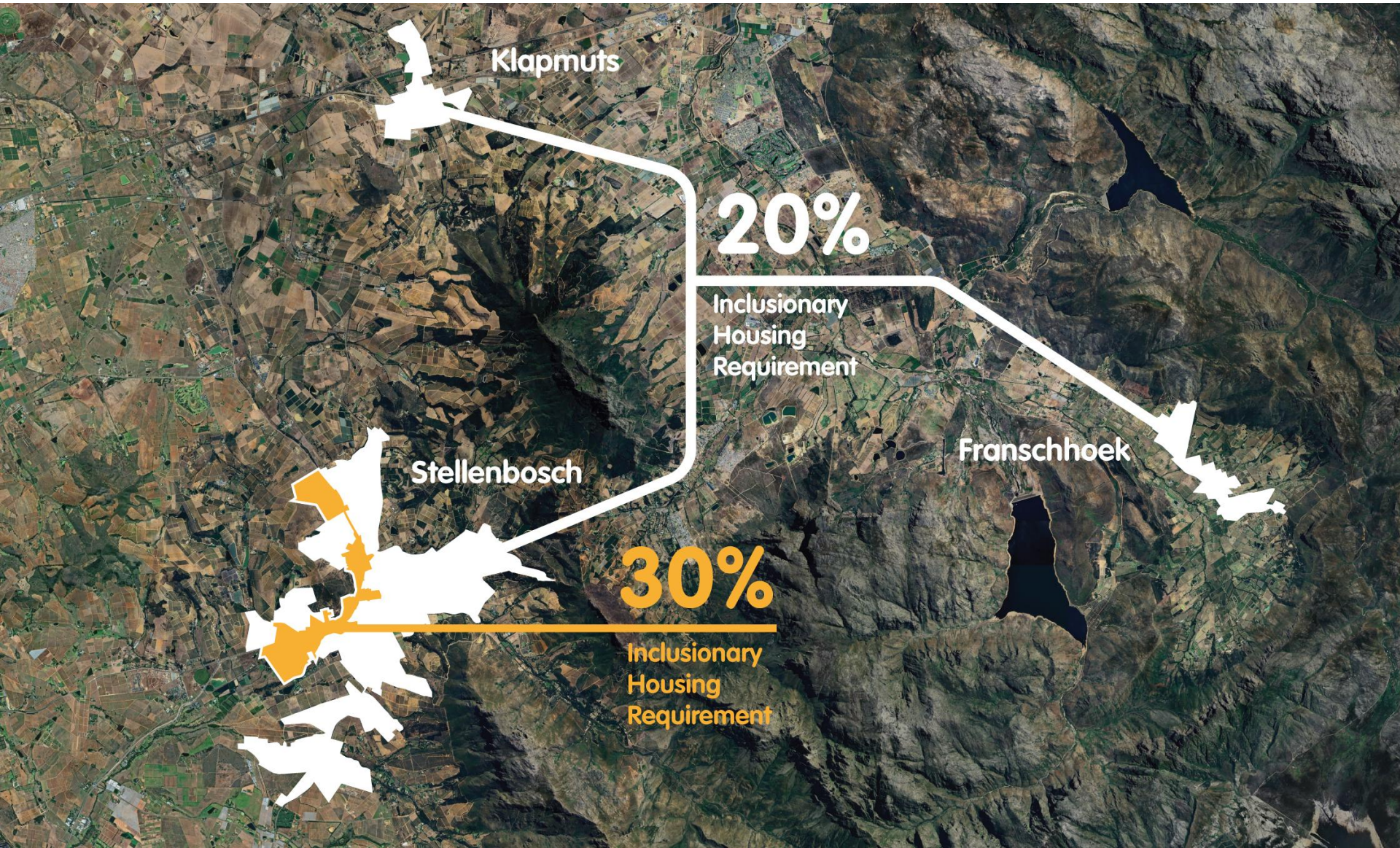
For a full explanation of residual land value calculations
please visit pg. 20 of 'Inclusionary Housing Practice
Note': www.dag.org.za/wp-content/uploads/2024/08/LVC-Inclusionary-Housing-Practice-Note-Digital.pdf



SECTION 4

POLICY ADOPTION AND IMPLEMENTATION

HOW THE STELLENBOSCH INCLUSIONARY ZONING POLICY WORKS





BOX 12

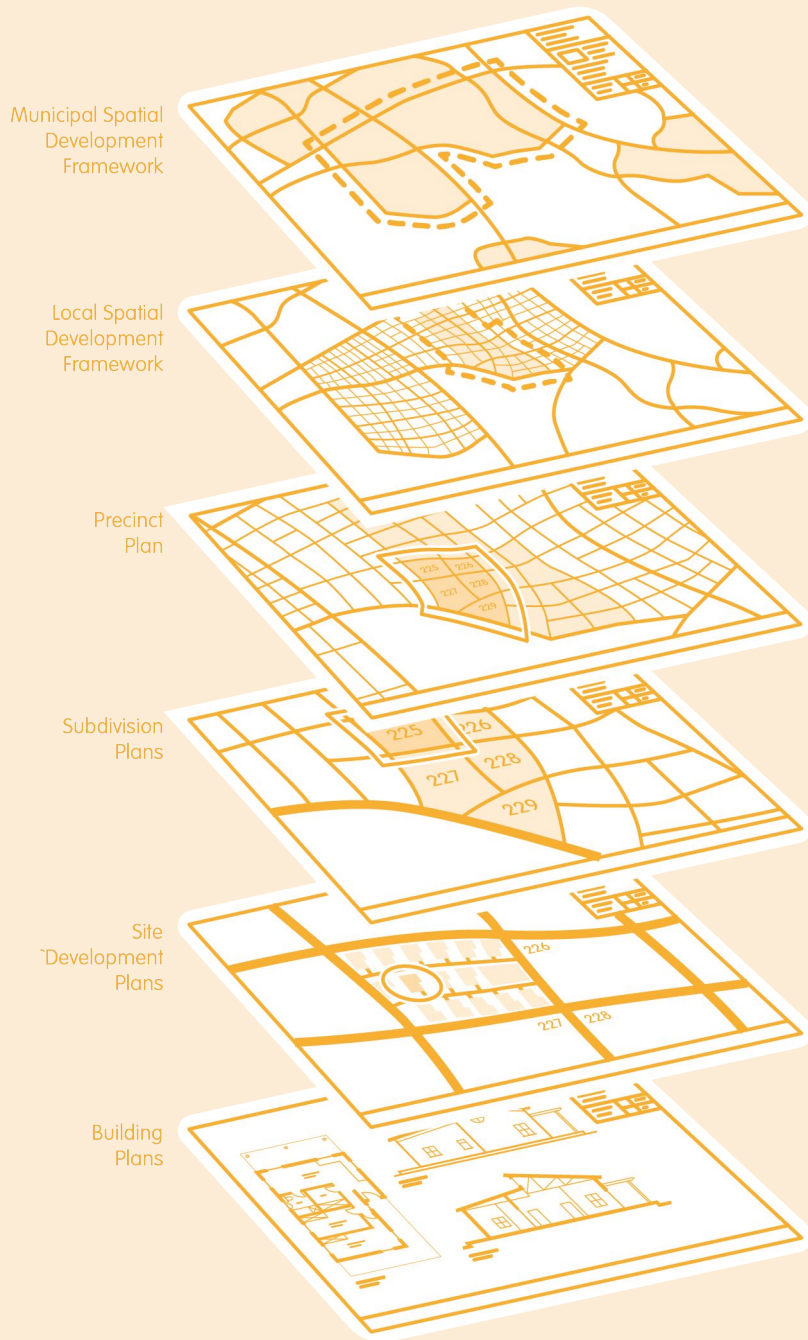
PRIORITY DEVELOPMENT AREAS

- Stellenbosch town, Klapmuts & Franschhoek
- Developments of 20 units or more
- 20% inclusionary housing

BOX 13

SPECIFICATIONS OF INCLUSIONARY HOUSING UNITS

- Rental or ownership
- 30-year affordability
- Excludes student housing and transient guests
- R300 000 – R1.2 million
- Targeting households with monthly income of R3 500 – R27 000



HOW THE POLICY WORKS IN THE ADAM TAS CORRIDOR

- Adoption of the Adam Tas Local Area Overlay Zone in 2023/4
- Stipulates permitted land-uses and allocates land area and floor area per land-use and precinct
- Follows a 'package of plans' approach

A new residential or mixed-use development which includes 20 dwelling units or more, must contain a minimum of 30% of the total units to be targeted at affordable housing on-site (also referred to as inclusionary housing units), falling within the affordability thresholds for rental or ownership.

IMPLEMENTATION AND POLICY OUTCOMES IN FIRST YEAR

- LUM system and its officials are responsible for implementing the policy

907 inclusionary housing units have been accounted for from 7 developments





SECTION 5

CONCLUSIONS

KEY ENABLERS

- Evidence-based understanding of urban challenges
- Robust and aligned policy framework that responds to spatial justice principles
- Continued and consistent political support
- Active and buoyant property market
 - Housing market study
- Spatial targeting to unlock catalytic areas
- Capital expenditure framework that relates to catalytic infrastructure provision
- Municipal officials recognizing value creation opportunities





LESSONS LEARNT

- Identified opportunities to apply land value capture principle at the right time within the Adam Tas Corridor
- Inclusionary zoning is also feasible in areas outside of the Adam Tas Corridor
- A transitional phase was necessary
 - To not miss opportunities
 - Account for development feasibilities
 - Does not set precedent
- Policy certainty and clear parameters allow for capitalization into land price



THANK YOU

https://landvaluecapture.org.za/wp-content/uploads/2025/08/lvc_stellcasestudy_final_mr.pdf