9.	**ITEMS FOR NOTING**

9.1	**REPORT/S BY THE EXECUTIVE MAYOR**

9.1.1	**REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: APRIL – JUNE 2026**

Collaborator No: 809177
IDP KPA Ref No: Good Governance
Meeting Date: 29 July 2026

1. SUBJECT: REPORT ON THE DECISIONS TAKEN BY THE EXECUTIVE MAYOR FOR THE QUARTER: APRIL – JUNE 2026

2. PURPOSE

To inform Council of the decisions taken by the Executive Mayor from April 2026 to June 2026 **(**see **APPENDIX 1)**.

3. DELEGATED AUTHORITY

As per the delegations from Council and powers vested in the Executive Mayor by legislation.

For Notification

4. EXECUTIVE SUMMARY

In terms of the Municipal Structures Act 117 of 1998 Section 56 (5) it is stated that:

"An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor."

5. RECOMMENDATION

that Council take note of the decisions taken by the Executive Mayor.

6. DISCUSSION / CONTENTS

6.1 Background

In terms of the Municipal Structures Act 117 of 1998, Section 56 (5) it is stated that:

"An Executive Mayor must report to the municipal council on all decisions taken by the Executive Mayor."

6.2 Discussion

Council approved delegations to the Executive Mayor and legislation also contains powers that are vested in the Executive Mayor on which reports are made for notification.

The Executive Mayor also takes decisions in consultation with the Mayoral committee. The decisions of the 2025/26 financial year will be reported in a separate item.

6.3 Financial Implications

Dealt with in terms of the approved budget.

6.4 Legal Implications

The decisions are in line with approved delegations or powers vesting in the Executive Mayor.

6.5 Staff Implications

This report has no additional staff implications to the Municipality.

6.6 Previous / Relevant Council Resolutions

Item 9.1.2 – Council meeting: 2026-04-22

6.7 Risk Implications

Risk implications are mitigated when decisions taken are in line with approved powers and functions.

6.8 Comments from Senior Management

The report was not circulated for comment. The Executive Mayor discusses relevant issues with the Municipal Manager who takes up actions with the Directors directly.

ANNEXURES

Annexure 1: Decisions taken by the Executive Mayor in the period April 2026 to June 2026.

Appendix 1 – Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law: Application for consent use on erf 834, Franschhoek.

Appendix 2 - Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law: Application for consent use and departure on farm no. 266/11, Stellenbosch Division.

Appendix 3 - Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law: Application for rezoning, departure and permission in terms of the zoning scheme by-law on erf 346, Stellenbosch.

Appendix 4 - Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law: Application for amendment of a condition of approval: erf 406 and 398, Raithby [TP1308/2025]

Appendix 5 - Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law: Application for consent use and departure on erf 1397, Stellenbosch.

FOR FURTHER DETAILS CONTACT:

NAME	DONOVAN MULLER
POSITION	***MANAGER: COUNCILLOR SUPPORT***
DIRECTORATE	***CORPORATE SERVICES***
CONTACT NUMBERS	***021 8088314***
E-MAIL ADDRESS	***Donovan.Muller@stellenbosch.gov.za***
REPORT DATE	***07 July 2026***

ANNEXURE 1

DELEGATIONS EXERCISED FOR PERIOD [APRIL - JUNE 2026]

EXECUTIVE MAYOR

Delegation	Category	Report Subject and Recommendations	Date Received	Date Resolved	Resolution and Comments (if any)
LUP 63	PLANNING	Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law: Application for consent use on erf 834, Franschhoek.	17/04/2026	19/06/2026	VARY [see attached document – Appendix 1]
LUP 63	PLANNING	Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law: Application for consent use and departure on farm no. 266/11, Stellenbosch Division.	17/04/2026	19/06/2026	REVOKE [see attached document – Appendix 2]
LUP 63	PLANNING	Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law: Application for rezoning, departure and permission in terms of the zoning scheme by-law on erf 346, Stellenbosch.	19/05/2026	19/06/2026	REVOKE [see attached document – Appendix 3]
LUP 63	PLANNING	Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law: Application for amendment of a condition of approval: erf 406 and 398, Raithby [TP1308/2025]	19/05/2026	19/06/2026	CONFIRM [see attached document – Appendix 4]
LUP 63	PLANNING	Appeal lodged in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning by-law: Application for consent use and departure on erf 1397, Stellenbosch.	10/06/2026	24/06/2026	CONFIRM [see attached document – Appendix 5]

APPENDIX 1

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NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE ON ERF 834 FRANSCHHOEK

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law:

Tick the appropriate box:

CONFIRM		**VARY**	**X**	**REVOKE**	
THE DECISION OF THE AUTHORISED DECISION-MAKER ON 11 JULY 2025, IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW TO APPROVE THE APPLICATION FOR CONSENT USE ON ERF 834, FRANSCHHOEK (LU/17746 / TP940/2024)					

A. BACKGROUND

1. The abovementioned Appeal refers.

2. The Authorised Decision-maker, on the 11th of July 2025 and in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, approved the application for consent use in order to utilise the existing five (5) bedrooms dwelling unit as tourist dwelling unit.

3. An appeal was received in respect of the above decision on the 05th of August 2025 in terms of Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law from surrounding property Owners D. Cupido, M. Weerts, C. Moores, P. Moores, J. Atkinson, S. Atkinson, and W. & B. Hugo.

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4. The Applicant was afforded an opportunity to comment on the appeal and C. Hofmeyr of Hofmeyr Attorneys provided comments on behalf of the Applicant / Owner of Erf 834. Comments were received on the 27th of August 2025.

5. The appeal assessment report was submitted to the Appellant and Applicant in terms of Section 81(6) of the Stellenbosch Municipal Land Use Planning By-law for comment on the 9th of March 2026. Additional time to submit comments was requested and all parties were granted additional time to submit their comments until the 30th of March 2026. The Appellant submitted comments on the 27th of March 2026. No comments were received from the Applicant or any other party.

6. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the motivation and documentation submitted as part of the land use application, the written appeal, the reports of the relevant Authorised Employees, the written submissions and representations received, I have taken the following decision.

C. APPEAL RESOLUTION

The appeal submitted against the decision of the Authorised Decision-maker made on the 11th of July 2025 to approve the of application with reference number LU/17746 / TP940/2024 **BE DISMISSED**, but that the subject decision **BE VARIED,** in so far as the amendment and inclusion of conditions of approval and matters to be noted, in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law as follows:

1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law on Erf 834, Franschhoek for:

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1.1 Consent Use in terms of Section 15 (2) (o) of the said By-law in order to utilise the existing five (5) bedrooms dwelling unit as tourist dwelling unit,

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said By-law:

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 By-laws or Regulations that may be applicable.

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.

2.3 The development be implemented in accordance with the Site Plan referenced as drawing no: S 01 001, project no: SL-A-25-100, drawn by: Studio Limn Architecture, dated 2025/02/24, attached as **Annexure A**.

2.4 The tourist dwelling unit be limited to five (5) bedrooms and a maximum of 10 paying transient guests or lodgers shall be permitted at any one time.

2.5 All vehicles of transient guests or lodgers must be parked on the property. No parking in any street is permitted.

2.6 A contravention penalty in accordance with the prevailing and applicable Council Tariffs in respect of the unlawful utilisation of land is payable within 30 days from the date of final notification that the approval comes into operation.

2.7 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment and within 30 days of the decision on the application to the satisfaction of the Directorate Infrastructure Services. See **Annexure B**.

2.8 The land use granted must not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken to avoid environmental noise pollution in terms of the Western Cape Noise Control Regulations, 2013, PN. 200/2013 made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

2.9 This approval is valid for and will lapse after a period of five (5) years from date of final notification.

2.10 This approval is attached to the current owner of the property at the time of the application and is therefore non-transferable and lapses with any change in property ownership after the date of the final notification.

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

3.1 There are no rational grounds to revoke the initial decision as no distinction is made between the different residential areas of Franschhoek where accommodation for transient guests is considered more appropriate. The

scale, nature and appropriateness of a such an establishment is rather determined by its location and the size of a property and dwelling unit.

3.2 The approval is only valid for five (5) years from date of final notification whereafter the submission of a new application will be required. Such an application will be evaluated on its own merits taking into consideration any change in policy or by-laws and also enduring complaints received.

3.3 The use of the property will remain residential and is not considered a pure business use that is incompatible with residential areas. No alterations are made to the existing dwelling unit to accommodate the land use, thus preserving the residential character of the area. The land use granted is non-transferable and the property can therefore not be sold as a business venture.

3.4 Sufficient parking (a bay per bedroom) can be provided onsite for the land use granted. Inappropriate use of parking bays or overcrowding of the tourist dwelling unit resulting in additional vehicles are enforcement issues to be dealt with accordingly.

4. **Matters** to be noted:

4.1 This approval allows the use of the property for the accommodation of transient guests but does not permit the use of the property for the hosting of functions, events or other gatherings by transient guests and any visitors without the approval of the Municipality.

4.2 An application for the erection of advertising signs be submitted for approval to the Municipality and that all signage on the property be

erected to the satisfaction of the Spatial Planning Department: Heritage Resource Management.

4.3 No directional signage may be erected without the prior approval of the Provincial Roads Engineer and/or the Municipality.

4.4 The approved land use rights only come into effect once all suspensive conditions or relevant legislative provisions, including the payment of the contravention penalty, have been complied with.

4.5 Should, after following due process:

a) 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,
b) The operational use of the facilities be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels, and/ or,
c) The property be used for any unauthorised uses not permitted in terms of this approval,

the 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 structures to be reverted to uses in line with the primary use of the property.

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SIGNATURE: _____ **DATE:** 19/06/2026

Ald. Jeremy Fasser
Executive Mayor
(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-law)

APPENDIX 2

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NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE AND DEPARTURE ON FARM NO. 266/11, STELLENBOSCH DIVISION

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law:

Tick the appropriate box:

CONFIRM		VARY		REVOKE	X
THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL ON 28 MARCH 2025, IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW TO REFUSE THE APPLICATION FOR CONSENT USE AND DEPARTURE ON FARM NO. 266/11, STELLENBOSCH DIVISION (LU/16630 / TP589/2023)					

A. BACKGROUND

1. The abovementioned Appeal refers.

2. The Municipal Planning Tribunal, on the 28th of March 2025 and in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, refused the application for consent use on Farm No. 266/11, Stellenbosch Division in order to utilise an existing unauthorised building (which consists of two dwelling units comprising five bedrooms and associated support facilities) as an extension to the existing approved guest house to ultimately allow for a tourist accommodation establishment with a total of 18 bedrooms on the subject property. The departure application to relax the 5,0m common building line (adjacent to Farm No. 266/10)

to 0,3m and 0,9m to accommodate the subject building on the subject property was also refused.

3. An Appeal was received in respect of the above decision on the 10th of June 2025 in terms of Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law from T. Walters of TV3 Architects and Town Planners (Pty) Ltd and J. Du Plessis of DHM Incorporated on behalf of the registered owner of Farm No. 266/11.

4. The Objector was afforded the opportunity to comment on the appeal, and comment was received from C. Erasmus of Stellenbosch Interest Group on the 01st of July 2025.

5. The appeal assessment report was submitted to the Appellant / Applicant and Objector in terms of Section 81(6) of the Stellenbosch Municipal Land Use Planning By-law for comment on the 11th of March 2026. The Appellant submitted comments on the 17th of March 2025.

6. A request for an oral hearing was granted, and the oral hearing was held on the 28th of May 2026. The Appellant / Applicant and Objector was afforded an opportunity to submit written representations prior to the oral hearing date. Submissions were submitted by Stellenbosch Interest Group and T. Walters. The Appellant / Applicant and representative of the Objector attended the oral hearing in-person.

7. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the motivation and documentation submitted as part of the land use application, the written Appeal, the reports of the relevant Authorised Employees, the written submissions and representations received, and the oral hearing proceedings, I have taken the following decision.

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B. APPEAL RESOLUTION

The Appeal submitted against the decision of the Municipal Planning Tribunal made on the 28th of March 2025, in respect of the subject application LU/16630 / TP589/2023 **BE UPHELD**, and that the subject decision **BE REVOKED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law and **BE REPLACED** as follows:

1. That the application(s) in terms of Section 15(2) of the Stellenbosch Municipality Land Use Planning By-law on Farm No. 266/11, Stellenbosch Division for:

1.1 Consent Use in terms of Section 15(2)(o) of the said By-law for a tourist accommodation establishment limited to a total number of 18 bedrooms which derives from the conversion of the existing guesthouse approval and the inclusion of an additional existing unauthorised building consisting of two (2) dwellings and five (5) additional bedrooms and associated support facilities;

1.1 Departure in terms of Section 15(2)(b) of the said By-law to relax the northwestern common building line (adjacent to Farm No. 266/10) from 5,0m to stretch from 0,3m on the northwestern point to 0,9m on the southwestern point to accommodate the existing unauthorised building on the subject property,

BE APPROVED in terms of Section 60 of the said By-law.

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said By-law:

2.1 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 By-laws or Regulations that may be applicable.

2.2 The development be implemented substantially in accordance with the endorsed site development plan reference as Project no: P3130 with Plan no: 4, drawn by TV3 and dated 24/11/2023, attached as **Annexure A**.

2.3 The use of the unauthorised building be undertaken in accordance with the floor and elevation plans referenced as Project No: RCAD/06/13 with Drawing No: 101 and 102, drawn by RCAD and dated Jan 2013, attached as **Annexure A**.

2.4 A building plan indicating any unauthorised building work and the resulting change of land use be submitted and approved prior to the vesting of the land use rights.

2.5 The non-agricultural land uses hereby permitted must remain subservient to and not adversely impact the primary agricultural land use potential or natural environment on the subject property or surrounding properties.

2.6 The tourist accommodation establishment units hereby approved shall be used exclusively for transient guest occupancy on a short-term basis. No long-term leases or permanent residential agreements shall be entered into for any unit or room. The units are strictly restricted to self-catering tourist use. They may not be utilised as "additional dwelling units" or primary residences for permanent occupants.

2.7 The tourist accommodation establishment is restricted to the said buildings and no extensions in the number of units or the size of its footprints are permitted, and the land use right for the tourist accommodation establishment may not be repurposed into any newly build or redeveloped structures, and the existing structures may also not be repurposed for any other non-agricultural use.

2.8 Should the approved and purpose built tourist accommodation establishment cease to operate, the repurposing of any structure and facilities associated with the subject approved land use activity will not be permitted and the subject structures, facilities and related infrastructure, at the cost of the owner, must be demolished and the site be rehabilitated, and the land and any buildings that are not demolished be restored for agricultural related uses or uses permitted as primary use rights in terms of the zoning of the property within a year of ceasing the approved land use activity.

2.9 The tourist accommodation establishment and its associated support facilities are reserved for the exclusive use of overnight transient guests. The site may not be used as a function venue or for the hosting of events, including but not limited to weddings, receptions, conferences, or training sessions. Use of the associated facilities by day visitors or any persons other than registered overnight transient guests is strictly prohibited. No self-catering unit may be utilised for any purpose other than guest lodging; specifically, no organised group activities or gatherings are permitted within the units or its associated support facilities.

2.10 The land use must not create any undue noise or be a nuisance to the surrounding area and that precautionary measures be taken to avoid environmental noise pollution in terms of the Western Cape Noise Control Regulations, 2013, PN. 200/2013 made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

2.11 Sufficient onsite parking be provided in accordance with the provisions of the Zoning Scheme By-law to the satisfaction of the Municipality and that onsite parking be provided on the same land unit where the land use is located.

2.12 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans to the satisfaction of the Directorate Infrastructure Services.

2.13 The conditions relating to infrastructure services imposed by the Directorate Infrastructure Services contained in the memorandum dated 16/07/2024 and comment dated 16/04/2024, and attached as **Annexure B**, be complied with to the satisfaction of the said department.

2.14 A contravention penalty in accordance with the prevailing and applicable Council Tariffs in respect of the unlawful utilisation of land is payable within 30 days from the date of final notification that the approval comes into operation and prior to the approval of any building plan.

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

3.1 The approval is for the existing structure to be utilised in conjunction with an approved land use rights for tourism accommodation.

3.2 Due to the property size agricultural use is a non-viable option, however it will and should not be detrimental to the rural landscape and the surrounding agriculture use.

4. **Matters** to be noted:

2.1 The approved land use rights only come into effect once all suspensive conditions or relevant legislative provisions, including the payment of the contravention penalty, have been complied with.

2.2 Building plans for all proposed or unauthorised structures or change in land use be submitted to and approved by the Municipality. The approval of any building plan is subject to full compliance with all relevant and qualified conditions of land use rights and approvals to be indicated on the Town Planning Compliance Checklist for Building Plans.

2.3 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.

2.4 No directorial, advertisement, or any other signs or flags may be erected on the subject property or in any road reserve prior to the approval of Stellenbosch Municipality or the authorised authority.

2.5 Should the premises be used for a category of business which is required to be licensed in terms of the Business Act, No. 71 of 1991 i.e. sale and supply of

meals, health and entertainment, etc, then application be made for the relevant business license. Should food be prepared or handled, then application also be made in writing to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability (COA) for food premises in terms Regulation 638 of 22 June 2018 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972.

2.6 A liquor license be obtained from the appropriate authority if required.

2.7 Should, after following due process –

a. The subject approval remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
b. The use of the property be in breach of any of the conditions of approval, inclusive of persistent complaints, and/ or
c. The property be used for any unauthorised uses not permitted in terms of this and other approvals,

the 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 structures to be reverted to uses in line with the primary use of the property.

SIGNATURE: _____ **DATE:** 19/06/2026

Ald. Jeremy Fasser
Executive Mayor

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(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-law)

APPENDIX 3

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NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR REZONING, DEPARTURE AND PERMISSION IN TERMS OF THE ZONING SCHEME BY-LAW ON ERF 346, STELLENBOSCH

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law:

Tick the appropriate box:

CONFIRM		**VARY**		**REVOKE**	**X**
THE DECISION OF THE MUNICIPAL PLANNING TRIBUNAL ON 31 OCTOBER 2025, IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW TO REFUSE THE APPLICATION FOR REZONING AND DEPARTURE ON ERF 346, STELLENBOSCH (LU/17275 / TP780/2024)					

A. BACKGROUND

1. The abovementioned appeal refers.

2. The Municipal Planning Tribunal, on the 31st of October 2025 and in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, refused the application for the rezoning Erf 346 from Multi-unit Residential Zone to Local Business Zone to accommodate flats and offices. The application for departure to provide 24 parking bays instead of the required 28 parking bays was subsequently also refused. No decision was taken in respect of the application for permission in terms of the Zoning Scheme By-law to construct a new building in the Stellenbosch Urban Conservation Area Overlay Zone. Such a decision is delegated to an

Authorised Employee in terms of the approved system of delegations and will be finalised accordingly.

3. An appeal was received in respect of the above decision on the 9th of December 2025 in terms of Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law from A. Vos of Vos Maree Attorneys on behalf of the Applicant / property Owner.

4. The Objector, M. Scheepers was informed of the appeal, but no comment was received.

5. The appeal assessment report was submitted to the Appellant and Objector in terms of Section 81(6) of the Stellenbosch Municipal Land Use Planning By-law for comment on the 17th of April 2026 and the 19th of May 2026. A. Vos indicated that there are no further comments and no comment was received from M. Scheepers.

6. A request for an oral hearing submitted by the Appellant was granted and held on the 28th of May 2026. The Appellant and Objector was invited and afforded an opportunity to submit written representations prior to the oral hearing date. The Appellant and Applicant submitted written representations and representatives of the Owner and Appellant attended the oral hearing in-person. The Objector did not respond to the invitation and did not attend the oral hearing.

7. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the motivation and documentation submitted as part of the land use application, the written appeal, the reports of the relevant Authorised Employees, the written submissions, and the oral hearing proceedings, I have taken the following decision.

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C. APPEAL RESOLUTION

The appeal submitted against the decision of the Municipal Planning Tribunal on the 31th of October 2025 to refuse the subject application with reference number (LU/17275 / TP780/2024) **BE UPHELD**, and that the subject decision **BE REVOKED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law and **REPLACED** as follows:

1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law on Erf 346, Stellenbosch for:

   1.1 the **rezoning** of Erf 346, Stellenbosch in terms of Section 15(2)(a) of the said By-law, from Multi-unit Residential Zone to Local Business Zone to accommodate flats and offices,

   1.2 **Departure** in terms of Section 15(2)(b) of the said By-law to provide 24 parking bays instead of the required 28 parking bays,

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

2. The approval is subject to the following conditions imposed in terms of Section 66 of the said By-law:

   2.1 The approval only applies to the applications under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.

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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.

2.3 The development be undertaken in accordance with the SDP – Site Plan and SDP – Plans, Sections & Elevation referenced as Project S025-23, Drawing Numbers 00-00 and 00-01, dated 2025/10/13 and drawn by NEO Architects and attached as **Annexure A**.

2.4 Building plans for all new structures or uses be submitted to and approved by the Municipality prior to the commencement of any building works, including any initial land preparation. The approval of any building plan is subject to full compliance with all relevant and qualified conditions of land use rights and approvals that are to be indicated on the Town Planning Compliance Checklist for Building Plans.

2.5 Development charges are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the approval of any building plans to the satisfaction of the Directorate Infrastructure Services.

2.6 The conditions relating to infrastructure services imposed by the Directorate Infrastructure Services contained in the memorandum (Civil LU 2798) dated 03/02/2025, and attached as **Annexure B**, be complied with to the satisfaction of the said department.

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2.7 The conditions imposed by the Western Cape Government Chief Directorate Road Planning contained in the letter dated 14/03/2025, and attached as **Annexure C**, be complied with to the satisfaction of the said department.

2.8 Sufficient on-site parking be provided in accordance with the provisions of the SDP – Site Plan and SDP – Plans, Sections & Elevation referenced as Project S025-23, Drawing Numbers 00-00 and 00-01, dated 2025/10/13 and drawn by NEO Architects, attached as **Annexure A** at all times, and sufficient on-site parking to be illustrated on the building plans to the satisfaction of the Municipality.

2.9 The rezoning approval restricts the land use rights of the subject property to flats and offices only, and pursuing any additional land use rights attached to the subject zoning of the Local Business Zone will require the submission and consideration of a fresh land use and land development application to vest any additional land use rights.

2.10 The proposed building plans and proposed signage must be submitted to the Conservation Advisory Committee for consideration before the respective application submissions are made to Building Development Management (Building Plan Application) and Spatial Planning Department: Heritage Resource Management (Signage Application).

2.11 All signage must be designed with sensitivity to respect the importance and nature of the entrance to the Stellenbosch Urban Conservation Area and Stellenbosch Central Business District, and no internally illuminated signage are permitted.

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

3.1 The proposal is consistent with the Municipal Spatial Development Framework. The proposal is considered an appropriate means of providing socio-economic opportunities and densifying an identified settlement centre area where mixed land uses should be actively supported.

3.2 The property is located in a mixed land use transition zone peripheral to the Adam Tas Corridor Local Area Overlay Zone and Central Business District of Stellenbosch. The proposal constitutes the optimal use of land by developing the property to accommodate context appropriate land uses (flats and offices).

3.3 The subject property is located at a focal point at the entrance to the core of Stellenbosch town and the proposed building will be highly visible. The design and placement of the proposed building is sensitive to the surrounding receiving environment, and it will contribute to the enhancement of the entrance to the core of Stellenbosch town without detracting from the area's cultural significance. The Conservation Advisory Committee supported the design and placement of the proposed building.

3.4 Sufficient municipal services are available for the proposed development, and no objection was received from the relevant Road Authorities regarding the access to the property and parking provision. The proposed parking arrangement is therefore deemed sufficient for the envisage number of trips to be generated and to cater for the onsite activities.

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4. **Matters** to be noted:

4.1 An application for the erection of advertising signs must be submitted for approval to the Municipality and all signage on the property must be erected to the satisfaction of the Spatial Planning Section: Heritage Resource Management and must be compliant with any signage policy of the Municipality.

4.2 The Section 15(2)(g) application for permission in terms of the Zoning Scheme By-law to construct a new building in the Stellenbosch Urban Conservation Area Overlay Zone be reverted to the Authorised Employee for a decision in terms of the approved system of delegations.

4.3 When a new zoning scheme by-law is implemented for Stellenbosch Municipality, the property's zoning will be converted to the most restrictive zoning in the new zoning scheme by-law that permits the approved land use rights.

SIGNATURE: _____ **DATE:** 19/06/2026

Ald. Jeremy Fasser
Executive Mayor
(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-law)

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DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT
DEVELOPMENT MANAGEMENT: LAND USE MANAGEMENT

PLANNING REPORT ON APPLICATION IN TERMS OF SECTION 15(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW

APPLICATION DETAILS:
APPLICATION FOR REZONING, DEPARTURE AND PERMISSION IN TERMS OF THE ZONING SCHEME BYLAW: ERF 346, STELLENBOSCH.

Application Reference	LU/17275	**Commencement Date**	18/07/2024
Applicant	CK Rumboll & Partners	**Last day for comments or additional information**	13/10/2025
Erf/Farm nr	Erf 346	**Place**	Stellenbosch
Zoning	Multi-Unit Residential Zone	**Other approvals**	none

X	**TYPE OF APPLICATION**
X	**15(2)(a) rezoning of land***
X	**15(2)(b) a permanent departure from the development parameters of the zoning scheme**
	15(2)(c) a departure granted on a temporary basis to utilize land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*
	15(2)(e) a consolidation of land that is not exempted in terms of section 24*
	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*
X	**15(2)(g) a permission required in terms of the zoning scheme**
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*
	15(2)(l) a permission required in terms of a condition of approval
	15(2)(m) a determination of a zoning
	15(2)(n) a closure of a public place or part thereof
	15(2)(o) a consent use contemplated in the zoning scheme
	15(2)(p) to disestablish a homeowners' association
	15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services
	15(2)(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building
	Approval required in terms of relevant policy for street naming and numbering

	Approval required in terms of Council policies or by-laws – Specify:
	Consent / Permission required in terms of a title deed (includes where planning permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)

NATURE AND SCOPE OF PROPOSED LAND USE APPLICATION

1. Application for rezoning of Erf 346, Stellenbosch in terms of Section 15(2)(a) of the Stellenbosch Municipal Bylaw on Municipal Land Use Planning from Multi-Unit Residential Zone to Local Business Zone to accommodate flats and offices space.

2. Application for departure in terms of Section 15(2)(b) of the said bylaw to provide 24 parking bays instead of the required 28 parking bays.

3. Application for permission in terms of Section 15(2)(g) of the said bylaw to construct a new building in the Urban Conservation Overlay Zone.

See **APPENDIX 2** for Site Development Plans and Building Plans, and the applicant's motivation in **APPENDIX 3**.

Note: Although the western common building line of 3m is encroached, the written consent of the adjacent property owner was obtained which automatically relax the building line as per Section 97(2)(g) of the Zoning Scheme Bylaw. Hence no application for building line departure submitted.

ASSESSMENT CHECKLIST

CONSIDERATION CRITERIA	YES	NO	Comments, if any
Accurate intergovernmental and public participation process followed	Yes		The application was extensively advertised to all interested and affected parties, internal and external departments. The public participation process commenced on 10 October 2024 with advertising in the Eikestad News, a site notice and notices to interested an affected party, with 30days granted for interested and affected parties (which concluded on 13 November 2024) and 60days for departments. One (1) objection was received, which the applicant responded to in the Portfolio of Evidence attached as **APPENDIX 4**.
Conditions imposed by departments	Yes		1) Conservation Advisory Committee (**APPENDIX 5**). 2) Director: Infrastructure Services (**APPENDIX 6**). 3) Western Cape Government – Chief Directorate Road Planning (**APPENDIX 7**)
DCs applicable	Yes		Calculations will be applicable as provided in the engineering comments, based on the municipal DC policy (**APPENDIX 7**).
Objections received	Yes		1) Michael Scheepers from Amatoni Flats (Pty) Ltd (Flat 34) See the POE, attached as **APPENDIX 4** (In Annexure M of the POE).

Proposal complies with applicable laws, policies, guidelines, the IDP and SDP and/or technical requirements in terms of Section 65	Yes		

DESIRABILITY CONSIDERATIONS IN TERMS OF SECTION 65 OF THE BYLAW	
Socio-economic impact	The introduction of office space may drive up local demand for services, creating some jobs which may reduce poverty and increase revenue. The proposed facilities could subsequently contribute to increase and enhanced economy activity of the town.
Compatibility with surrounding uses	Access will be obtained from Alexander Street, which is characterise by a variaty of different lands use including a retirement village, a church with ancillary use, multi-level residential flats, single residential dwellings, a police station, offices and the municipal courts. The immediate surrounding area therefore have a mix of land uses and the proposed mixed of offices and flats will therefore not be foreign to the surrounding land uses.
Impact on the external engineering services	Sufficient municipal services can be provided to the development, subject to Development Contribution payments.
Impact on safety, health and wellbeing of the surrounding community	The mixed of residential and offices will compliment the residential uses adjacent to it, notwithstanding the rezoning to Local Business Zone. The zoning is just the most appropriate zoning for the intended land use.
Impact on heritage	The Municipal Conservation Advisory Committee recommended the application and proposed building plans for approval, subject to certain conditions.
Impact on the biophysical environment	None.
Traffic impacts, parking, access and other transport related considerations	The existing access has been deemed sufficient, while the future realignment of the road was also considered in the road access designs on the property. These proposals were accepted by both the municipal and provincial roads authorities. Although application is made for a parking departure from 28 to 24 parking bays in terms of the municipal zoning scheme bylaw, a total number of 26 parking's bays is provided of which 4 will be tandem. Additional 8 bicycle and 4 motorbike parking are provided. The 24 parking bays will be sufficient in terms of the provincial road's authorities' requirements, which only require 23 parking bays onsite.
Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land	Conditions could be imposed that could mitigate the impact on the surrounding environment.

OBJECTIONS RECEIVED AND CORRESPONDING REPLY BY APPLICANT
In a separate letter the applicant responded to the objection as listed in the Portfolio of Evidence, attached as **APPENDIX 4.** The departmental comment is provided in the planning evaluation section of this report.

KEY FINDINGS OF PLANNING EVALUATION

1. **Proposal**

The application intends to establish a local business premises, providing 8 flats and ±403m² of offices space. The existing dwelling on the property has already been demolished, leaving the property vacant.

The initial application was amended to reduce the number of residential units from 12 to 8 and to increase the office space from ±224m² to ±400m² in reaction to objections received.

2. **Characteristics of surrounding environment;**

As previously mentioned the area are characterise by a mixed of land uses, ranging from offices, tourist accommodation (guesthouses), student residences, residential flats specifically to its south and single dwellings to its north, a church with ancillary uses, a retirement village and public open spaces.

The low-key local business use for offices is therefore not a noise generated business, that will change the ambiance and character of the area negatively. Noise pollution generated by the daily traffic on the R44 is of more off a concerned than the possible noise nuisances being generated from the proposed onsite activities.

The proposed uses are not foreign to Stellenbosch and the specific neighbourhood, as the town also boasts a number of office buildings and residential flats all over the Stellenbosch Conservation area. This proposed development maintains the 3m building line and 3 storey height applicable to the adjacent objector's property, for when the adjacent zoning of a property is not local business or Industrial Zone, considering that Erf 10825 is zone Multi-Unit Residential Zone. The 3m distance away from Erf 10825, Stellenbosch is therefore compliant in terms of the zoning scheme bylaw. The original zoning of Multi-Unit Residentials would have allowed a similar building line of 4.5m for any flats and the new site development plan for a Local Business zoning do still allows for a reasonable distance away from the objector's property. No overlooking features is proposed that may have an influence over privacy concerns raised by the objector.

The neighbour's consent has however been obtained for Erf 440, to have a building at 1m instead of the 3m required building line where a Local Business Zone site borders a property with another zoning other than Local Business or Industrial. The zoning scheme stipulate that once the adjacent property owners' consent has been obtained in writing the building line is deemed to be automatically relaxed and no further application is therefore applicable.

It is therefore not envisaged that the office and apartment building, will have a negative impact on its immediate surroundings.

3. **The height of the proposed building**

It should be noted that the height of the building is restricted to 3 storeys for 15m from the public road and not higher than 10m from ground level. The proposal complies with this zoning parameter. See building plans in **APPENDIX 2**.

4. **Access to the property:**

Main access is proposed from Alexander Street over an existing access arrangement. The proposal however does make provision for future road widening and realignment purposes of Alexander Street and R44 intersection. The trips generated is insignificant to future road widening at the subject intersection. No further requirements were stipulated by both the Traffic Impact Statement or the competent roads authorities. The proposed access arrangements are not envisaged to have a safety concern to traffic in Alexander Street.

5. Parking arrangements

The parking arrangements was approved by our Infrastructure Services Department and the shortfall of 4 parking bays, supplemented by bicycle and motorbike parking on site, would not significantly impact on traffic flow or overflow of parking onto public places and adjacent streets. The provincial roads authority only requires 23 parking bays for the envisage development, 24provided parking bays and the additional bicycle and motorbike parking, plus 4 tandem parking buys, is therefore deemed sufficient for the development's purposes.

As the area is centrally located and within walking distance of most amenities including the station, the departure for the number of parking bays is supported.

6. Heritage perspective:

Erf 346 is located within the Urban Conservation zone. The demarcation of the conservation zone was based on the 'Core zone" which consisted of the area where historical Stellenbosch originally developed and which is around Dorp Street, Church Street, and the area around the Braak. This area function as a buffer zone to control new development. To properly preserve the core urban conservation zone as well as the main entrances leading to the urban conservation zones, a wider area was included in the urban conservation zone. The proposed development is located within the buffer zone and at the entrance to the Urban Conservations zone leading to the Braak.

As such, one of the primary factors to consider when assessing the development proposal is the impact that the new buildings will have on one of the main and important gateways into historical Stellenbosch. For this reason, the application was submitted to the Conservation Advisory Committee (CAC) for assessment and advice. The CAC supported the proposed development after engaging in the design on several occasions. The CAC recommended that the final building plans be referred to them to ensure that the building plans conform to the design proposal.

Flats and Offices are not listed in the zoning scheme as land uses that may have a detrimental impact on the conservation character of the area.

7. Entrance to the Urban Conservation Zone

The new building will be north facing and particularly visible by traffic driving along Adam Tas in a southerly direction and will act to some degree as a focal point at the entrance to the Conservation zone at Alexander Street. The design of the building as well as the scale and proportion, makes it an appropriate building for the particular position.

However, due to the building being situated as a focal point at the entrance to the Conservation zone, and furthermore, due to the high degree of visibility, any signage on the façade of the building will have an impact. Signage should therefore be designed with particularly sensitivity to respect the importance and nature of the entrance to the Urban Conservation Zone and Stellenbosch Central Business District (CBD). In this regard no internally, illuminated signage should be permitted and an application for signage, designed by the architect of the building, must be submitted to the Stellenbosch Conservation Advisory Committee together with the final building plan.

The new building will therefore not detract aesthetically from its immediate surroundings and the permission in terms of the zoning scheme regulations could be recommended for approval to the competent municipal authority. See **APPENDIX 8** for site photos.

8. Land Use Planning assessment:

Proposed zoning;
The zoning of Local Business Zone is best fit and appropriate zoning category to accommodate a

land use which is not uncommon in the area. Several Local Business zonings has been approved in the past accommodate office space in Herold Street and Mark Street, which is in close proximity. All activities will be restricted to only the proposed land use and no other land uses is an automatic assume right. Flats and offices in the Stellenbosch historic area, is therefore not foreign to cultural landscapes, streetscape and Land uses and could be recommended for approval.

Building line departures;
As mentioned the applicable departure is automatically relaxed with the written consent granted by the affected adjacent property owner of Erf 440, Stellenbosch. The proposed departure will not compromise road safety, hinder the municipalities infrastructure department to perform its mandatory tasks or impact on any adjacent property owner.

Spatial perspective;

The development will provide a mix of office and residential units within walking distance of most amenities in town and is close to the train station. As such the development is consistent with the spirit of the Municipal SDF and Adam Tas Corridor LSDF, in that it provides infill development that is supportive of non-motorized transport, and which will increase residential opportunities in the Central Business District. The immediate area surrounding the proposed new development is characterized by multi-unit residential development interspersed with professional offices.

The Municipal Spatial Development do recognise that the spatial decisions impact on what settlements become.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects

The MSDF therefore seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include the integration of the principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA on the other hand sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following, Spatial Justice, Spatial Efficiency, Spatial Sustainability, Spatial Resilience and Good Administration. None of the above principles is compromised by the proposed apartments and office development in a generally mixed used area.

After having independently considered and weighted all the relevant information, as explained above, the evaluation of the subject land use and land development application concludes that:

1. The proposed development will provide much needed residential opportunities within walking distance to the CBD and transport interchanges.
2. It is in a mixed-use area adjacent to the Adam Tas Corridor and will complement the latter development.
3. Sufficient municipal services will be provided for the development.
4. The development will enhance accommodation and office space needs and the local economy without significantly disrupting the immediate surrounding residential environment.

5. The proposed land uses will be easily integrated into the existing surrounding neighbourhood.
6. The unique design and architectural styles for the new building approved by the municipal advisory committee, will complement the character of the surrounding area.
7. The zoning applied for, relevant departures from parking provision, access of a public road and architectural style will ensure that the proposal is compatible with the surrounding land uses and will minimize the potential conflict with residents of the area it is located in.
8. The proposed building is well designed to blend in with the architectural style of the existing buildings and the area, preserving its character while attracting visitors to the urban conservation area.
9. The zoning category is just a tool to the intended flats and offices and will be restricted to the proposed operations, which is not prohibited by the relevant spatial planning frameworks.
10. The properties location on the periphery of the urban conservation zone, in a mixed-use area of residential, community buildings, accommodation and business use, is in a transition zone where partially protected land meets new developmental needs, potentially acting as a buffer zone to ensure that the inner part of the conservation needs, the need for development and the safety, protection and welfare of habitats are balanced.
11. The objector's concerns were adequately address with the proposals submitted and amended, considering that all relevant building lines will be complied with on the objector's side and the uses reverts to flats which was a primary right in the original zoning of the property as well. The residential development adjacent to the objector's property was therefore not an unknown and could have happened at any stage.

The subject land use and land development application is, having regard to the conclusions above, viewed as consistent with the relevant legislative / principles / policy / guidelines / plans and consequently grounds for supporting the subject land use and land development application.

List relevant plan numbers	Project S025-23, Drawing Number 00-00 and 00-01, dated 2025/10/13 and drawn by NEO Architects.
List annexures	**APPENDIX 1** – Locality **APPENDIX 2** – Site and building plans **APPENDIX 3** – Motivational Report **APPENDIX 4** – Portfolio of Evidence **APPENDIX 5** – Conservation Advisory Committee **APPENDIX 6** – Director: Infrastructure Services & Electrical Engineering **APPENDIX 7** – Western Cape Government – Chief Directorate Road Planning **APPENDIX 8** – Site photos

RECOMMENDATION:

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:

   1.3 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.

   1.4 **Departure** in terms of Section 15(2)(b) of the said bylaw to provide 24 parking bays instead of the required 28 parking bays.

   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:

2.3 The approval only applies to the proposed applications 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.

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 The development be undertaken in accordance with the Site Development and Building Plans with reference; Project S025-23, Drawing Number 00-00 and 00-01, dated 2025/10/13 and drawn by NEO Architects and attached as **APPENDIX 2**.

2.6 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 conditions of approval have been complied with.

2.7 Compliance with the conditions relating to infrastructure services, including DC calculations contained in their memorandum (Civil LU2798, dated 03 February 2025) and attached as **APPENDIX 6**.

2.8 Compliance with the conditions relating to Western Cape Government – Chief Directorate Road Planning contained in their letter dated 14 March 2025, attached as **APPENDIX 7**.

2.9 Sufficient on-site parking be provided in accordance with the provisions of the Building Plans with reference; Project S025-23, Drawing Number 00-00 and 00-01, dated 2025/10/13 and drawn by NEO Architects, attached as **APPENDIX 2** and to be illustrated on the final building plans at all times.

2.10 The rezoning only grants the right to operate the property for flats and office space from Erf 346, Stellenbosch and any other land uses listed in the zoning categories will require a new application for processing and a decision by the municipal decision maker.

2.11 Signage should be designed with particularly sensitivity to respect the importance and nature of the entrance to the Stellenbosch Urban Conservation Zone and Stellenbosch Central Business District. No internally illuminated signage should be permitted and an application for signage, designed by the architect of the building must be submitted to the Conservation Advisory Committee together with the final building plans before submissions to the municipal building management department.

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

3.1 The proposed highly visibility building at a focal point at the entrance to the Stellenbosch town will enhance the entrance to the town and not detract from its cultural significance.

3.2 Access will be from a major higher order road, carry through traffic into and out of town, and not a quiet residential street, which will protect the residential neighbourhood.

3.3 The development will provide in the need for office space and residential opportunities, without significantly disrupting its immediate residential environment.

3.4 Sufficient municipal services will be provided for the development.

3.5 The requested parking departure has been approved by the relevant competent road's authorities, and the provided parking arrangements is deemed sufficient for the number of trips envisage to be generated and the onsite activities.

3.6 Although the zoning of the block of properties between Harolds, Stasie, Papegaai and Alexander Streets is all zoned Multi-Unit Residential, the rezoning applied for of Local Business Zone, relevant departure from onsite parking provisions, access off an higher order access street into the Central Business District and proposed architectural style, will ensure that the proposed flats and office space is compatible with the surrounding land uses and will minimize the potential conflict with local residents.

4 Matters **to be noted**:

4.1 That the application for permission in terms of Section 15(2)(g) of the said bylaw to construct a new building in the Stellenbosch Urban Conservation Overlay Zone revert

back to the Authorized Employee for a decision in terms of the approved system of delegations.

4.2 When the new zoning scheme bylaw is implemented for Stellenbosch Municipality, the property's zoning will be converted to the most restrictive use permitted under the new bylaw.

ASSESSMENT RECOMMENDATION BY TOWN PLANNER

The proposed land use and land development application has been duly evaluated in terms of process and desirability with the recommendation for consideration.

Name: P April
Capacity: Senior Town Planner
SACPLAN Registration:

Signature:
Date: 13/10/2025

REVIEW OF ASSESSMENT AND RECOMMENDATION

The recommendation for decision is hereby submitted for consideration to the authorised decision-maker in accordance with the System of Delegations OR Categorisation Model approved in terms of Section 69 of the said Bylaw vide Item 11.8.1 dated 24 May 2023.

Category / Delegation Item Number: **(i)** A(c), B(2) – decided by MPT **(ii)** LUP85 (Under delegated authority)
Decision Making Authority: MPT
Rational: Rezoning of any land to a scale or to use(s) in nature that are deemed to cause the transformation of an area, regardless of any supportive planning directives and /or alternatively, if the application is not consistent with the purpose and intent of the prevailing zoning scheme provision.

Name:
Capacity:
SACPLAN Registration:

Signature:
Date:

MPT ADMINISTRATION OF PLANNING APPLICATION ASSESSMENT REPORT

Administrator to Stellenbosch Municipal Planning Tribunal:
It is hereby confirmed that proper notice was served of the Municipal Planning Tribunal meeting at which this land use and land development application will serve for consideration.

The land use and land development application will serve at the scheduled meeting of the Stellenbosch Municipal Planning Tribunal on:

Date: .....

Name:
Capacity:

Signature:
Date:

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Application Number: LU/17275
Our File Reference Number: Erf 346 Stellenbosch
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: zanelle@rumboll.co.za

Sir / Madam

APPLICATION FOR REZONING, DEPARTURE AND PERMISSION IN TERMS OF THE ZONING SCHEME BYLAW: ERF 346, STELLENBOSCH

1. The above application refers.

2. The Municipal Planning Tribunal on 31 October 2025 resolved as follows:

3. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Erf 346, Stellenbosch for:

   3.1 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.
   3.2 **Departure** in terms of Section 15(2)(b) of the said bylaw to provide 24 parking bays instead of the required 28 parking bays.

   BE REFUSED in terms of Section 60 of the said Bylaw.

4. The **reasons** for the above decision are as follows:

   4.1 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.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

6. Appeals must be submitted by completing the required form with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law.

7. **Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address:** landuse.appeals@stellenbosch.gov.za

8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

9. The appeal form and approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za or 021 – 808 8684.

10. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

    (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
    (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
    (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
    (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

12. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

19/11/2025

DATE

COPIES TO:

1.) **Michael Scheepers**
amatoni@adept.co.za

APPENDIX 4

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NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR AMENDMENT OF A CONDITION OF APPROVAL: ERF 406 AND 398, RAITHBY [TP1308/2025]

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law:

Tick the appropriate box:

CONFIRM	**X**	**VARY**		**REVOKE**	
THE DECISION OF THE MUNICIPALITY ON 24 OCTOBER 2025, IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW TO APPROVE THE APPLICATION FOR AMENDMENT OF A CONDITION OF APPROVAL: ERF 406 AND 398, RAITHBY [TP1308/2025]					

A. BACKGROUND

1. The abovementioned appeal refers.

2. The Municipality, on the 24th of October 2025 and in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, approved the application for amendment of a condition of approval pertaining to a subdivision and registration of servitudes approval applicable to Erf 406 and 398, Raithby. Condition 3.9 of the subdivision and registration of servitudes approval (decision letter dated 11 March 2025) was amended as requested by the Applicant. Reference to Erf 167 and the requirement to register a right of way servitude over

Erf 398 in favour of Erf 167 at the same time as the other servitudes were removed from condition 3.9.

3. An appeal was received in respect of the amendment of condition decision on the 12th of November 2025 in terms of Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law from J. Volschenk of JV Planning Consultants, in conjunction with Kulenkampff & Associates on behalf of the Owner of Erf 406 and 398, Raithby. The appeal pertains to a specific condition of approval imposed and matters to be noted.

4. Comment on the appeal was received from both the Methodist Church of Southern Africa, Owner of Erf 167 and the Raithby Rate Payers Association. Both parties were in support of the Appellant.

5. The appeal assessment report was submitted to the interested and affected parties in terms of Section 81(6) of the Stellenbosch Municipal Land Use Planning By-law for comment on the 17th of April 2026. It should be noted no comments were received.

6. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the motivation and documentation submitted as part of the land use application, the written appeal, the reports of the relevant Authorised Employees, I have taken the following decision.

C. APPEAL RESOLUTION

The appeal submitted against the decision of the Municipality, on the 24th of October 2025 to approve the subject application (with conditions) with reference number

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TP1308/2025 **BE DISMISSED**, and that the subject decision **BE CONFIRMED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law as follows:

1. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law:

   1.1 Amendment of condition 3.9 in approval letter dated 11 March 2025, in terms of Section 15(2)(h) of the said By-law, by excluding reference to the registration of a right of way servitude in favour of Erf 167, Raithby over Erf 398, Raithby and to read as follows;

   "3.9 The right of way servitude over Portion 1 to 3 in favour of the subdivided portions of Erf 406, Raithby; over Erf 398, Raithby in favour of Portions 1 to 4 of Erf 406, Raithby simultaneous registration of the subdivision in the deed's office, in all the title deeds of the applicable property/ies and transfer to the new title deeds, will be the responsibility and for the cost of the owners."

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

2. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:

   2.1 The approval applies only to the amendment of the condition of approval and shall not be construed as authority to depart from any legal prescriptions or requirements from all other internal and external departments.

2.2 All other conditions listed in approval letter dated 11 March 2025, remain applicable unless replaced by this approval and must be complied with at all times.

2.3 The validity period of the approval, notwithstanding the date of this amendment of condition, remains from the final letter of notification dated 02 April 2025.

2.4 Facilitating the registration of a right of way servitude over Erf 398, Raithby in favour of Erf 167, Raithby remains the responsibility of the owner of Erf 398, Raithby at all times.

3. Matters to be **noted**:

3.1 The access to Erf 167, Raithby will not be altered and existing rights and arrangements will remain the same, ensuring that the property is not land locked, until such time a right of way servitude is registered to formalise the existing access arrangement.

4. The **reasons** for the above decision are as follows:

4.1 The Authorised Official's decision to approve the above application is endorsed as rational. The reasons for the decision relate directly to the impact of the amended condition on all parties involved without disregarding any party's rights. The Appeal Authority therefore agrees with the following reasons for approval provided by the Authorised Official:

a) No surrounding property owners will be materially affected by this application for the amendment of the subject condition of approval to

exclude the registration of a servitude in favour of the owners of Erf 167, Raithby as requested by themselves.

b) The responsibility to facilitate the registration of a right of way servitude over Erf 398, Raithby in favour of Erf 167, Raithby remains with the owner of Erf 398, Raithby and amending the subject condition as proposed do not absolve them of this duty.

4.2 The Appellant's argument that the registration of a right of way servitude over Erf 398 is not required as the Owner of Erf 167 is entitled to claim a right of way of necessity (via necessitates) is noted but it ignores the Municipality's responsibility to ensure that all properties have access to public roads. A requirement for the registration of a servitude is the only land use planning mechanism that is within the Municipality's mandate to secure access to properties that do not have direct access to public roads.

4.3 The approval of the application for registration of a 6.5m right of way servitude over Erf 398, Raithby in favour of Erf 167, Raithby as per previous decision letter dated 11 March 2025 is confirmed as no appeal was received against that decision. The Owner, or any future Owners of Erf 398 may therefore act on the decision within the approved validity period. The conditions imposed as part of the subject application for amendment of condition of approval, and matters to be noted, merely remind any Owner of Erf 398 of the responsibility to grant a right of way servitude in favour of Erf 167 should the need arise in the future. The Municipality will be neglecting its abovementioned duty by amending the condition of approval and matter to be noted as proposed by the Appellant.

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4.4 The need to remove the matters to be noted 6.1 is irrelevant as it is a non-enforceable matter merely acknowledging the existing access arrangement and that access to Erf 167 be formalised by registering a right of way servitude in the future when needed.

SIGNATURE: _____ **DATE:** 19/06/2026

Ald. Jeremy Fasser
Executive Mayor
(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-law)

APPENDIX 5

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NOTICE OF DECISION OF APPEAL AUTHORITY

APPEAL LODGED IN TERMS OF SECTION 79(2) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW: APPLICATION FOR CONSENT USE AND DEPARTURE ON ERF 1397, STELLENBOSCH

DECISION OF APPEAL AUTHORITY

The Appeal Authority hereby, in terms of Section 81(7) of the Stellenbosch Municipal Land Use Planning By-law:

Tick the appropriate box:

CONFIRM	X	VARY		REVOKE	
THE DECISION OF THE AUTHORISED DECISION-MAKER ON 11 FEBRUARY 2026, IN TERMS OF SECTION 60 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW TO APPROVE THE APPLICATION FOR CONSENT USE AND DEPARTURE ON ERF 1397, STELLENBOSCH (LU/17738 / TP922/2024)					

A. BACKGROUND

1. The abovementioned Appeal refers.

2. The Authorised Decision-maker, on the 11th of February 2026 and in terms of Section 60 of the Stellenbosch Municipal Land Use Planning By-law, approved the application for consent use and departure on Erf 1397, Stellenbosch to operate a tourist accommodation establishment. The departure application was for the relaxation of building lines to accommodate new bedrooms and additions of en-suites to existing bedrooms.

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3. An Appeal was received in respect of the above decision on the 06th of March 2026 in terms of Section 79(2) of the Stellenbosch Municipal Land Use Planning By-law from B. Hayes on behalf of Stellenbosch Interest Group.

4. The Applicant was afforded the opportunity to comment on the appeal, and comments were received on the 18th of March 2026 from J. Du Plessis of J. Du Plessis Attorney and A. Vermeulen of 2ADspace Architects Inc. on behalf of the registered owner of Erf 1397.

5. The appeal assessment report was submitted to the Appellant and Applicant in terms of Section 81(6) of the Stellenbosch Municipal Land Use Planning By-law. Stellenbosch Interest Group submitted comments on the 28th of May 2026, and A. Vermeulen provided correspondence on the 01st of June 2026.

6. After careful perusal and consideration of all the relevant information, which included the relevant provisions of the By-law, the motivation and documentation submitted as part of the land use application, the written Appeal, the reports of the relevant Authorised Employees, the written submissions received, I have taken the following decision.

B. APPEAL RESOLUTION

The Appeal submitted against the decision of the Authorised Decision-maker dated 11th of February 2026, in respect of the subject application referenced LU/17738 / TP922/2024 **BE DISMISSED**, and that the subject decision **BE CONFIRMED** in terms of Section 81(7)(b) of the Stellenbosch Municipal Land Use Planning By-law as follows:

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1. That the following application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law on Erf 1397, Stellenbosch for:

   1.1 **Consent use** in terms of Section 15(2)(o) of the said By-law to operate a tourist accommodation establishment on Erf 1397, Stellenbosch.

   1.2 **Departure** in terms of Section 15(2)(b) of the said By-law to relax 4.5m building line:

   a) To 0m on the western boundary (adjacent to Erf 1369) to allow for additions of en-suites to the existing bedrooms.
   b) To 1.5m on the southern boundary (adjacent to Erf 4682), new bedrooms.
   c) To 2.7m on the eastern boundary (adjacent to Erf 1398) to accommodate the proposed new bedrooms.

BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

2. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:

   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 By-laws or Regulations that may be applicable.

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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.

2.3 The subject development be restricted for the exclusive use of the dwelling and additions as a 11-bedroom tourist accommodation establishment.

2.4 The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken to avoid environmental noise pollution in terms of the Noise Control Regulations made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

2.5 Building plans be submitted for all changes of use in the existing buildings and which building plan(s) be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.

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

2.7 Conditions imposed by the Infrastructure Services Department as contained in the memorandums dated 19 March 2025 attached as **Appendix 7**, be complied with.

2.8 Building plans, generally within accordance with Site Development Plan; dated July 2025, Drawing No. SDP-24-07 and Drawing No. CS-24-07-01 to 04, dated 21 July 2025, drawn by 2adspace Architects attached as

Appendix 2, be submitted and approved by the Municipality, prior to the commencing of any building works, for all changes of use, including internal alterations, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

2.9 Sufficient on-site parking at all times be provided in accordance with the provisions of the Zoning Scheme By-law and as illustrated on the site plan (See **Appendix 2**) to the satisfaction of the Municipality.

2.10 The applicant must apply for refuse removal services from Stellenbosch Municipality, or alternatively, make use of an approved waste removal service.

2.11 If food is to be prepared, handled, or served to the public, the applicant must submit a written application to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability, in accordance with Regulation 638 of 22 June 2018.

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

3.1 The property is appropriately zoned Multi-unit Residential and is well-located within the urban fabric of Stellenbosch town. The proposal will result in the optimal use of an existing building (with additions) within the centre of Stellenbosch town without compromising its heritage significance, and with no adverse negative impacts on the surrounding property owners or character of the area.

3.2 All concerns raised by interested parties and relevant departments, including Heritage Western Cape have been adequately addressed. Also,

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the building line departures to permit encroachments or additions to the existing building are minor. The proposed tourist accommodation establishment will therefore not have a negative impact on the surrounding community or heritage significance of the property or area.

3.3 All heritage related recommendations, including the front yard garden space and boundary walls were considered and the current proposal, with mitigation measures are deemed appropriate. The proposal in its current form is also not in conflict with the provisions of the Municipal Spatial Development Framework and the Zoning Scheme By-law Urban Conservation Overlay Zone.

3.4 The proposal promotes economic development by supporting the tourism objectives of the Municipality and providing additional and appropriately located accommodation aimed at tourists.

3.5 Any further development proposals requiring additional parking bays or rights not listed as primary use rights will be subject to a new land use application and considerations based on the merits of such a proposal. The Appellant's concern regarding potential future use is therefore irrelevant.

4. **Matters** to be noted - None

SIGNATURE: _____ **DATE:** 24/06/2026

Ald. Jeremy Fasser
Executive Mayor
(Appeal Authority in terms of Section 79(1) of the Stellenbosch Municipal Land Use Planning By-law)