

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 29 MAY 2026

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 29th OF MAY 2026 AT THE STELLENBOSCH COUNCIL CHAMBERS, STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH FROM 10H00-15H00

Ref. no. 3/4/5/2/40

2026-05-29

Chairperson

Mrs H Crooijmans-Lemmer

External Members

Mrs C Havenga

Mr S Boshoff

Internal Members

Mr A Barnes: Director - Planning and Economic Development

Mr J Benjamin: Senior Manager – Development Planning

Technical Advisor

Mr K Munro: Director Development Management, Department Environmental Affairs and Development Planning

Officials

Mr S Carstens: Senior Manager: Development Management

Mrs C Kriel: Manager: Land Use Management

Mrs O Vergotine: Administrative Officer

Mr P April: Senior Town Planner

Mr T King: Manager: Development: Infrastructure Services

Mrs T Leibrandt: Manager: Environmental Management

Mr L van Stavel: Manager: Housing Development

Mr S October: Programme Manager – Housing Development

Visitors

Ms Qwabe - HAD

Ms Mfenguza - HAD

Mr Nicholas Wilson

Mrs Jo Smith

Observers

Councillor G Petersen

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ITEM	SUBJECT
SMPT 01/05/26	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.

SMPT 02/05/26	LEAVE OF ABSENCE
	Deputy-Chairperson Mr P van Zyl Mr D Leo Mr M Williams: Senior Legal Advisor Mrs M Francis: Senior Manager - Infrastructure Planning, Development, and Implementation Mr A van der Merwe: Senior Manager - Community Services Councillor Kumm Ms T Kumm: Ward 8 and Mayoral Committee Member: Planning, Local Economic Development & Tourism

SMPT 03/05/26	DISCLOSURE OF INTERESTS
	None received

SMPT 04/05/26	MINUTES OF THE PREVIOUS MEETING DATED 24 APRIL 2026
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/05/26	APPLICATION FOR REZONING, SUBDIVISION, CANCELLATION OF A SUBDIVISION (ROAD SERVITUDE), STREET NAMING AND NUMBERING: ERF 64, KYLEMORE. Discussion: <ol style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Mr P April to give a brief introduction of the application that served before the Tribunal. b. Mr Nicolas Wilson requested an oral presentation on behalf of the Farm Dwarsriviershoek Banhoek Stellenbosch – Baldric Farm 1118 Stellenbosch Division as attached and asked Mrs. Jo Smith to speak on his behalf first. She raised

	<p>concerns regarding the specific beneficiaries of the project and the capacity of existing community facilities (specifically schools, clinics, and police services) to support the development.</p> <ul style="list-style-type: none"> c. Mr Nicholas Wilson raised concerns regarding the proposed development's density, layout design, and potential environmental impacts. d. In response to a query from the Chairperson regarding the noted objections, the Municipality confirmed that the public participation process had been conducted in full compliance with prescribed statutory processes. e. A query was raised regarding stormwater management on the site and the Applicant clarified that while the initial design layout featured a man-made dam, the layout was subsequently amended following a dam catchment and water body study. A green belt open space system has now been incorporated into the design to serve as a stormwater management and retention area. The Administration confirmed that the design of these green areas for stormwater management is included under the conditions of approval from the Infrastructure Services Department and will be finalised during the detailed planning phase. f. Concerns were raised regarding the need for a clear, definitive report confirming that the dam site is safe and suitable for urban development and how stormwater now will be accommodated on site. It is not clear which portion of the Public Open Space is required for this and if/how this can be combined with active use of these spaces especially during the rainy season. Concerns were also raised regarding the lack of passive surveillance on these green areas. g. Concerns were raised regarding discrepancies and conflicting information within the report and specialist studies submitted, specifically concerning the outdated heritage and environmental reports attached. It was noted that the engineering report corresponds to the initial layout rather than the revised design. The Applicant explained that numerous additional documents had been requested post-submission. Because the project has been in development for many years, explain the different dates of the reports. The Applicant acknowledged an omission if certain reports were missing from the current agenda pack. h. Mr. Munro noted that the previous EIA had lapsed, and a new EIA had only recently been submitted. It was acknowledged that alternative layout options would be addressed during the EIA process, which may subsequently impact the land use application. There is no clarity as to what specialist studies are required as part of the current EIA process. i. Mr. van Stavel provided historical context, noting the project commenced in 2010 but faced significant delays due to municipal property transfers, service provider appointments, and securing powers of attorney. He highlighted that there are currently 760 registered applicants on the Kylemore housing database and that the beneficiaries already reside in Kylemore and utilise local infrastructure such as roads, schools, etc. In order to secure funding for the project from National Government in the current funding cycle it is critical to have an approved land use application soonest. j. It was mentioned by Mr Munro that the previous EIA had lapsed, and a new EIA has only recently been submitted. It is noted that alternative options and layouts will be addressed in the process and may impact the land use application. k. Members expressed support for addressing local housing needs but noted that clear, concise, and integrated supporting documentation is currently lacking.
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The current layout plan was questioned, which, despite 15 years of development, proposes 400 identical erven without addressing the need for rental units for single or elderly residents. It was noted that the information presented is insufficient for an immediate decision and queried the way forward to approve the rezoning in principle while safeguarding community interests and ensuring local resident's benefit by proactively reserving land for future community needs, such as a crèche, or clinic.

- l. Mr van Stavel clarified that because the area is not designated as a restructuring zone, social rental housing is excluded from the project. However, the proposal accommodates various housing typologies based on available government subsidies.
- m. Mr. Munro proposed a phased approach, suggesting that the Tribunal consider approving only the rezoning application to subdivisional area at this stage, leaving the detailed layout plan and other technical considerations to be reviewed and approved at a later phase and members agreed that this is the best approach and agreed that a decision on the subdivision application will not be considered but be referred back to the Municipality to address the matters as discussed.
- n. Members debated mechanisms to ensure that the immediate community benefits directly from the project, and it was decided to include such a condition of approval.

UNANIMOUSLY RESOLVED:

1. That the application in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Erf 64, Kylemore for the **Rezoning** in terms of Section 15(2)(a) of the said bylaw, from Agricultural and Rural Zone to Subdivisional Area Overlay Zone

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

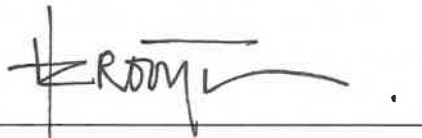
2. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 2.1 The approval only applies to the proposed applications under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 2.2 The density requirement for residential opportunities be limited to a maximum of 80 dwelling units per hectare.
 - 2.3 The development includes but is not necessarily limited to, the following supporting land uses: local business, community facilities, utility services, transport facilities, open space and public roads.
 - 2.4 A subdivision plan be submitted for approval by the Municipal Planning Tribunal.

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	<p>2.5 The proposed development primarily addresses the housing need of people living in the Dwarsrivier Valley.</p> <p>2.6 The rezoning hereby approved be valid for a period of ten (10) years from the date of final notification that the approval comes into operation and lapses if the conditions herein are not complied with within that period.</p> <p>3. The reasons for the above decision are as follows:</p> <p>3.1. The property is needed by the Municipality for an integrated urban settlement development to address the municipal housing backlog and Erf 64, Kylemore was identified as a suitable site for such a development with a particular goal to deliver on the mandate to provide subsidize housing opportunities.</p> <p>3.2. The land was obtained from the national treasury with the sole purpose to construct or develop low-cost houses and should the land not be used for this purpose, the land must be returned to the custodianship of the DPWI, hence the application for subsidize housing opportunities.</p> <p>3.3. It is not envisaged that the health, safety and welfare of the community will be affected negatively by the proposed housing development.</p> <p>4. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw on Erf 64, Kylemore for:</p> <p>4.1 The subdivision in terms of Section 15(2)(d) of the said bylaw, in accordance with the Subdivisional Area Overlay Zone into 432 Portions.</p> <p>4.2 In terms of Section 15(2)(k) of the said bylaw for the cancellation of a right of way servitude (Diagrams L.G. No. 11339/94 and No. 3262/1999), which will be replaced by a public road.</p> <p>BE REFERRED BACK to the Municipality to adequately and satisfactorily address the matters and concerns raised by the MPT given that the relevant information to make an informed decision is not available.</p> <p>5. Matters to be noted:</p> <p>5.1. The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.</p> <p>5.2. The necessary authorization/permission in terms of NEMA needs to be obtained from the Department of Environmental Affairs and Development Planning.</p>
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SMPT 06/05/26	OTHER MATTERS
6.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
	<ol style="list-style-type: none">1. The Problem Property Bylaw was approved by Council and promulgated on 8 May 2026.2. A meeting with the Franschhoek Rate Payers Association took place and the finalisation of the Draft Zoning Scheme Bylaw is underway. Further consultation with the Agricultural Society will also be undertaken.
6.2	APPEALS RECEIVED AGAINST MPT DECISION
	<ol style="list-style-type: none">1. No new appeals received in May against decisions taken by the MPT.2. One appeal decision taken by the Appeal Authority on 6 May 2026 to dismiss and vary the decision taken by the MPT by amending conditions of approval<ul style="list-style-type: none">• Farm 717/1, Paarl – rezoning for a mixed-use development, Klappmuts
6.3	GENERAL N/A



Mrs H Crooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL