

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 18 SEPTEMBER 2026

**MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING
HELD ON FRIDAY, 18th OF SEPTEMBER 2026 AT THE STELLENBOSCH COUNCIL CHAMBERS,
STELLENBOSCH MUNICIPALITY, PLEIN STREET, STELLENBOSCH FROM
10H00-15H00**

**Ref. no. 3/4/5/2/40
2026-09-18**

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P van Zyl

External Members

Mrs C Havenga

Internal Members

Mr J Benjamin: Senior Manager – Development Planning

Mr A van der Merwe: Senior Manager - Community Services

Mr M Williams: Senior Legal Advisor

Mrs M Francis: Senior Manager - Infrastructure Planning, Development, and Implementation

Technical Advisor

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

Officials

Mr S Carstens: Senior Manager: Development Management

Mrs C Kriel: Manager: Land Use Management

Mrs L Engelbrecht: Senior Town Planner

Mrs O Vergotine: Administrative Officer

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ITEM	SUBJECT
SMPT 01/09/26	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.
SMPT 02/09/26	LEAVE OF ABSENCE
	Mr D Leo Mr S Boshoff Mr A Barnes
SMPT 03/09/26	DISCLOSURE OF INTERESTS
	None received
SMPT 04/09/26	MINUTES OF THE PREVIOUS MEETING DATED 26 JUNE 2026
	The minutes of the previous meeting was noted.
	MATTERS FOR CONSIDERATION
SMPT 05/09/26	APPLICATION FOR CONSENT USE FOR A TOURIST ACCOMMODATION ESTABLISHMENT AND A DEPARTURE ON FARM NO. 90/20, STELLENBOSCH DIVISION Discussion: <ul style="list-style-type: none">a. Chairperson Crooijmans-Lemmer handed over to Mrs L Engelbrecht to give a brief introduction of the application that served before the Tribunal.b. Questions for clarity was asked about the limit of occupants as indicated as a condition by the Spatial Planning Section and it was noted that the proposal exceeds the generally accepted rural threshold of 7 bedrooms or 14 guests and may trigger Activity 6 of Listing Notice 3 in terms of the NEMA EIA regulations. And for this reason a matter to be noted was included in the recommendation as the development requires the submission of a NEMA Applicability Checklist to DEADP.c. After a brief discussion and clarification regarding the contravention penalty payable, there was unanimous support for the proposed development.

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UNANIMOUSLY RESOLVED:

1. That it **BE DECIDED** that the application for Consent Use and Departure on Farm No. 90/20, Stellenbosch Division to permit a tourist accommodation establishment with a total of seven (7) guest accommodation units (10 bedrooms), deviates from the provisions of the Stellenbosch Municipality SDF as contemplated in terms of Section 19 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), for the following reasons:

1.1 The proposed development exceeds the number of dwelling units permitted on a property of 3.3ha prescribed by the MSDf for Agricultural properties and thus is in conflict with the spatial planning objectives of the MSDf.

2. That it **BE DECIDED** that the application for Consent Use and Departure on Farm No. 90/20, Stellenbosch Division to permit a tourist accommodation establishment with a total of seven (7) guest accommodation units (10 bedrooms) does warrant site specific circumstances as contemplated in terms of Section 22(2) of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the following reasons:

2.1 The proposed development involves the adaptive reuse of existing buildings, with no new structures, extensions or external additions proposed.

3. That the applications in terms of Section 15(2) of the Stellenbosch Municipality Land Use Planning By-Law, 2024 on Farm No. 90/20, Stellenbosch Division for:

3.1 **Consent Use** in terms of section 15(2)(o) of said bylaw to permit a tourist accommodation establishment with a total of seven (7) guest accommodation units (10 bedrooms), replacing the existing restaurant and wine-tasting and sales facility; and

3.2 **Departure** in terms of section 15(2)(b) to exceed the height of two dwelling units (Cottage 3 and 4) to two storeys in lieu of one storey, and the coverage of one dwelling unit (Cottage 3) from 120m² to 166m²,

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

4. **The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw.**

4.1 The approval only applies to the proposal 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.

4.2 The development be implemented substantially in accordance with the **DRAWING NO. 100, 200, 300, 201_DATED 17 APRIL 2025 AND 05 MARCH 2025, AND DRAWN BY RCD DESIGNS**, and attached as **ANNEXURE C**.

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	<p>4.3 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.</p> <p>4.4 The tourist accommodation establishment must be confined within the footprint of existing buildings converted to seven (7) self-catering units, and no new buildings must be constructed.</p> <p>4.5 The tourist accommodation 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. 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</p> <p>4.6 The conditions imposed by the Directorate: Infrastructure Services as contained in their memo dated 15 September 2025, attached as ANNEXURE E, be complied with.</p> <p>4.7 The tourist accommodation establishment be subservient to the dominant agricultural use of the property.</p> <p>4.8 No employee housing for farm workers may be developed in the place of the former employee housing units that are converted to tourist dwelling units / tourist accommodation establishment approved in this application, and should the need arise for such employee housing units for farm workers in future, the existing tourist dwelling units be converted back to its original use as employee housing units.</p> <p>4.9 The tourist accommodation establishment for the use of existing buildings is restricted to the said buildings and no extension 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.</p> <p>4.10 The tourist accommodation establishment and its associated 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 facilities by day visitors or any persons other than registered overnight 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.</p> <p>4.11 A landscaping plan be submitted to and approved by the Municipality with the submission of building plans for approval. The landscaping plan shall provide for appropriate indigenous landscaping and tree planting to reinforce and complement the existing werf character of the property. The plan shall also</p>
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	<p>incorporate measures to adequately screen parking areas and built form from public and neighbouring views.</p> <p>4.12 The land use to 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).</p> <p>4.13 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.</p> <p>4.14 Building plans for all existing unauthorised structures or uses be submitted to and approved by the Municipality and no land uses associated with any unauthorised structures may commence operating before building plan approval.</p> <p>4.15 The approval of any building plan is subject to full compliance with all relevant and qualified conditions of land use rights to be indicated on the <i>Town Planning Compliance Checklist for Building Plans</i> to be submitted with an application for the approval of the building plan.</p> <p>5. The reasons for the above decision are as follows:</p> <p>5.1 The proposal is contained entirely within the established farmstead and makes use of existing buildings. No new buildings, extensions or additional development footprint are proposed.</p> <p>5.2 The property will continue to operate as an active agricultural holding, including vineyard cultivation. The tourism accommodation will therefore function as a supplementary use and will not displace the primary agricultural activity.</p> <p>5.3 The accommodation establishment replaces the existing restaurant and wine-tasting and sales operation. It is anticipated to generate less traffic, noise, visitor activity and associated disturbance than the previous public-oriented tourism use.</p> <p>5.4 The accommodation is located within the existing buildings and will not encroach upon or require the conversion of vineyard areas or other productive agricultural land.</p> <p>5.5 The proposal will retain the existing buildings and will not introduce new structures or significant visual changes. This limits its potential impact on the Stellenbosch Farms cultural landscape and scenic qualities.</p>
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6. Matters to be noted

- 6.1 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.
- 6.2 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 [be in line with the signage policy of the Municipality].
- 6.3 No directional signage be erected without the prior approval of the Provincial Roads Engineer and/or the Municipality.
- 6.4 The applicant shall obtain written confirmation from the competent environmental authority as to whether the proposed development triggers any listed or specified activities in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) and the applicable Environmental Impact Assessment Regulations.
- 6.5 A liquor license be obtained from the relevant authority, if required.
- 6.6 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.
- 6.7 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 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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SMPT 06/09/26	OTHER MATTERS
6.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)
	<p>a. The final draft zoning scheme bylaw will be submitted to Council for consideration in October.</p> <p>b. The meeting was informed about a recent series of articles in the Daily Maverick called "Bread & Wine" relevant to agriculture and development in the rural areas which is an interesting read.</p> <p>c. The MSDF review report will be submitted to Council for consideration. It is proposed to amend the MSDF next year with specific reference to Klapmuts and the input from a regional planning perspective impacting development in the area.</p> <p>d. The importance of the Department of Agriculture's role in the drafting of rural policy and SDF planning processes is emphasized. The relevance of environmental and heritage legislation, new agricultural and climate change legislation and its impact on land use and municipal planning is important.</p>
6.2	APPEALS RECEIVED AGAINST MPT DECISION
	<p>a. No new appeals received against any MPT decisions. Six appeals were received on decisions taken by the authorised official between July – September.</p> <p>b. The Appeal Authority in July, August and September decided on twelve appeals of which five were on MPT decisions:</p> <ul style="list-style-type: none"> • Erf 211 Raithby - Decision was Revoked • Farm 266/11 Stellenbosch - Decision was Revoked • Farm 1557, Stellenbosch - Decision was Confirmed • Farm 140/3, Stellenbosch - Decision was Confirmed • Erf 346, Stellenbosch – Decision was Revoked
6.3	GENERAL



Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mr P van Zyl
DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL

