

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 21 NOVEMBER 2025

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 21st OF NOVEMBER 2025 AT THE KAYAMANDI CORRIDOR, KAYAMANDI, STELLENBOSCH MUNICIPALITY, GEORGE BLAKE STREET, STELLENBOSCH FROM 10H00-15H00

**Ref. no. 3/4/5/2/40
2025-11-21**

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr D Leo

Mr S Boshoff

Internal Members

Mr M Williams: Senior Legal Advisor

Mr A Barnes: Director - Planning and Economic Development

Mr J Benjamin: Senior Manager – Development Planning

Officials

Mr S Carstens: Senior Manager: Development Management

Mrs C Kriel: Manager: Land Use Management

Mr B de la Bat: Manager: Spatial Planning

Mrs O Vergotine: Administrative Officer

Mr G Goosen: Senior Town Planning

Mr G de Vries: Land Use Inspector

Mr K Erasmus: Planning Intern

Mr E Ascott: Planning Intern

Observers

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

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ITEM	SUBJECT
SMPT 01/11/25	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present and highlighted the importance of using today as a moment to take a stand against gender-based violence.

SMPT 02/11/25	LEAVE OF ABSENCE
	Mr A van der Merwe: Senior Manager: Community Services Mrs M Francis: Senior Manager - Infrastructure Planning, Development, and Implementation Mr K Munro: Director Development Management, Department Environmental Affairs and Development Planning

SMPT 03/11/25	DISCLOSURE OF INTERESTS
	None received

SMPT 04/11/25	MINUTES OF THE PREVIOUS MEETING DATED 31 OCTOBER 2025
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/11/25	APPLICATION FOR CONSENT USES TO PERMIT A TOURIST ACCOMMODATION ESTABLISHMENT AND TOURIST FACILITIES ON ERF 211, RAITHBY <p>Discussion:</p> <ol style="list-style-type: none"> a. Chairperson Crooijmans-Lemmer handed over to Mr Goosen to give a brief introduction of the application that served before the Tribunal. b. A general discussion followed about the trend of padel courts being built in rural areas of Stellenbosch. It was noted that an application for padel courts on a farm in Franschhoek was refused by the Municipality, and the decision was overturned and approved by the Appeal Authority. Mention was also made of two applications for padel courts in the City of Cape Town on farms where such developments were approved as a tourist

	<p>facility, as well as references to international examples. Recognition was also given to the fact that there are a lot of complaints in urban areas because the activity is accompanied by noise, flood lighting and other social activities and therefore the location of the site, whether in the rural or the urban area must be carefully considered.</p> <ul style="list-style-type: none"> c. The unsafe access to the Avontuur farm as well as previous conditions requiring improvements to access from the R44 were discussed. Plans for the possible future upgrading of the R44 road and the comments of the Provincial Roads Authority were noted. d. The members emphasised that long-term consequences of decisions about land uses, especially in the rural area must be carefully considered. e. It was confirmed by the Municipality that a compliance notice was served for the contravention and based on representations submitted, the decision was taken to confirm the compliance notice and the landowner was instructed to cease the activity pending the outcome of the land use decision which was in process. Further enforcement and legal processes will follow should the application not be approved. f. The members agreed that padel courts are viewed as destination sporting facilities rather than tourist facilities and should in principle not be supported on agricultural zoned properties outside rural nodes but can possibly be supported as part of a rural resort development. An alternative suggestion was made to possibly support the application to permit the padel courts for a limited period of time, with the condition of a contravention penalty being payable and that the activity should not extend beyond a maximum period of five years. g. Clarity was given on the internal comments from the Spatial Planning Office (which suggested this permission for a limited period of time), which were included in the report. The comment from Spatial Planning was written in 2023 and since then internal discussions have been held on policy positions as part of the review of the MSDF which influenced the evaluation of the application for consideration to refuse the padel court. The MPT asked that in future the Planning Assessment report should highlight such shifts and consolidated policy positions. h. The MPT Members voted on the decision on the application relating to the padel courts and four members voted to support the proposal that the application be approved for a limited period of time which should not be extended and subject to a contravention penalty, while four members voted against the approval of the application, in which case the Chairperson in the event of an equality of votes had the deciding vote in terms of paragraph 5.6 of the Rules of Procedure of the MPT. The Chairperson cast her deciding vote in support of not approving the padel courts part of the application, as recommended in the report. i. The MPT members are all in support of the application for the tourist accommodation establishment and the tourist facility for the restaurant, wine tasting and sales facility to also be used as a function venue. <p>RESOLVED:</p> <ul style="list-style-type: none"> 1. That the application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law for consent use to permit a tourist facility
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	<p>(outdoor sport) consisting of two (2) padel courts with associated viewing deck, clubhouse facilities and parking area on Erf 211, Raithby</p> <p>BE REFUSED in terms of Section 60 of the said By-law.</p> <p>2. The reasons for the above decision are as follows:</p> <p>2.1. The proposal is not generally in line with the spatial vision of the Spatial Development Framework for the rural areas.</p> <p>2.2. The proposed land use is not aligned with the purpose of the Zoning Scheme By-law for Agriculture and Rural Zone properties as the use is not considered an ancillary use to agriculture or an appropriate agriculture and rural tourism activity.</p> <p>2.3. The proposed land use is in conflict with the objectives of the Zoning Scheme By-law and the Western Cape Land Use Planning Guidelines for Rural Areas as it is not considered a rural activity but rather an urban activity that is more appropriate within, or peripheral to, urban centres.</p> <p>2.4. Competitive sporting facilities such as padel courts in rural areas have a negative impact on not only agricultural activities and the tranquillity and ambience of the rural areas but also other appropriate and established agriculture and rural tourism and passive recreational activities.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>3. That the following application(s) in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning By-law for consent use on Erf 211, Raithby for:</p> <p>3.1. the use of the existing main dwelling house as a tourist accommodation establishment,</p> <p>3.2. a tourist facility to permit a restaurant and wine tasting and sales facility, including the expansion of the existing restaurant and wine tasting and sales facility with indoor and outdoor seating areas,</p> <p>3.3. a tourist facility to use the restaurant and wine tasting and sales facility and existing wine cellar as a function venue,</p> <p>BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.</p> <p>4. The approval is subject to the following conditions imposed in terms of Section 66 of the said By-law:</p> <p>4.1. The approval only applies to the land uses hereby approved and shall not be construed as authority to depart from any other legal</p>
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	<p>prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.</p> <p>4.2. The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.</p> <p>4.3. The land uses hereby approved be located in accordance with the endorsed site development plans, attached as Annexure A with drawings referenced Basemap of Avontuur Estate Erf 211, with Sheet No. 1 of 5 to 5 of 5, drawn by Joubert & Brink Surveyors and dated 20 Jul 2023.</p> <p>4.4. The non-agricultural land uses hereby permitted must remain subservient to and not adversely impact the primary agricultural land use activities on the subject property or surrounding properties.</p> <p>4.5. The tourist accommodation establishment be limited to the existing dwelling house indicated on the site plan, attached as Annexure A with drawings referenced Floor plans of Tourist Accommodation Establishment, with Sheet No. 1 of 2 to 2 of 2, and the surrounding associated outdoor areas.</p> <p>4.6. The existing building to be used as the tourist accommodation establishment is to remain the primary use dwelling house on the subject property and the construction of a new dwelling unit to serve as a replacement of the primary use dwelling house is not permitted.</p> <p>4.7. The tourist accommodation establishment be limited to a maximum number of nine (9) bedrooms and a maximum of 18 paying overnight guests shall be permitted at any one time.</p> <p>4.8. The tourist accommodation establishment facilities and surrounding associated outdoor areas be for the exclusive use of paying overnight guests only.</p> <p>4.9. The selling or supply of meals and/or refreshments by the tourist accommodation establishment shall be for overnight paying guests only.</p> <p>4.10. The area for the restaurant and wine tasting and sales facility be limited to the building and area indicated on the site plan, attached as Annexure A with Drawing No. D2149/C/201, referenced Ground floor plan: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 3rd of September 2024 and Drawing No. D2149/C/301, referenced Section A-A/Elevations: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 20th of August 2024.</p>
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| | <p>4.11. The function venue be limited to 170 seats/attendees and the building and area indicated on the site plan, attached as Annexure A with Drawing No. D2149/C/201, referenced Ground floor plan: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 3rd of September 2024 and Drawing No. D2149/C/301, referenced Section A-A/Elevations: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 20th of August 2024.</p> <p>4.12. The function venue hereby permitted to operate only between 09:00-24:00.</p> <p>4.13. The use of outdoor amplified sound associated with the approved land uses is not permitted.</p> <p>4.14. No more than one event (function, reception, or any other) is permitted on the property at any given time.</p> <p>4.15. Effective traffic control measures must be provided during functions or events to regulate traffic flow at the entrance and exit points of the property, and also to direct and manage onsite traffic flow and parking to ensure that the R44 Road is not obstructed.</p> <p>4.16. Sufficient on-site parking to be provided in accordance with the provisions of the Zoning Scheme By-law to the satisfaction of the Municipality.</p> <p>4.17. The existing entrance and exist points of the subject property along the R44 Road to be relocated in accordance with the requirements, and at a time determined by the Western Cape Government Department of Infrastructure (Transport Infrastructure Branch).</p> <p>4.18. The land uses hereby permitted, and all related premises must comply with the relevant health regulations at all times.</p> <p>4.19. The non-agricultural land uses hereby permitted shall not create any undue noise or be a nuisance to the surrounding area and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulation PN200/2013 and the By-law on the Prevention of Public Nuisances & the Keeping of Animals.</p> <p>4.20. 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 (or qualified) conditions of approval have been complied with.</p> |
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	<p>4.21. 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.</p> <p>4.22. Building plans be generally in accordance with the site plans, attached as Annexure A with drawings referenced Floor plans of Tourist Accommodation Establishment, with Sheet No. 1 of 2 to 2 of 2, Drawing No. D2149/C/201, referenced Ground floor plan: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 3rd of September 2024, and Drawing No. D2149/C/301, referenced Section A-A/Elevations: Restaurant / Wine tasting extensions, drawn by Jurgen Breuninger Architectural Design and dated 20th of August 2024.</p> <p>4.23. 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.</p> <p>4.24. The conditions imposed by the Directorate Infrastructure Services as contained in the memorandum dated 05/08/2025, and attached as Annexure B1, be complied with to the satisfaction of the said department.</p> <p>4.25. The conditions imposed by the Cape Winelands District Municipality (Environmental Health) as contained in the email dated 05/12/2023, and attached as Annexure B2, be complied with to the satisfaction of the said department.</p> <p>4.26. The conditions imposed by the Western Cape Government Department of Infrastructure (Transport Infrastructure Branch) as contained in the letter dated 17/02/2024, and attached as Annexure B4, be complied with to the satisfaction of the said department.</p> <p>5. The reasons for the above decision are as follows:</p> <p>5.1. The land uses hereby approved is for the expansion of existing approved tourist facilities and/or uses to be accommodated within and around exiting approved buildings. Agricultural land will not be converted to make provision for any of the non-agricultural activities and the proposal will therefore not undermine the agricultural potential of the subject property or surrounding properties.</p> <p>5.2. The land uses hereby approved is compatible with the surrounding area and serves as the diversification of farm income through appropriate and acceptable means. Similar agricultural and rural</p>
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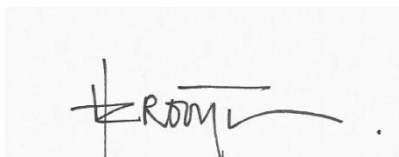
	<p>tourism uses are currently conducted on the surrounding properties.</p> <p>5.3. The land uses hereby approved are aligned with the objectives and principles of the Stellenbosch Municipality Spatial Development Framework and Western Cape Land Use Planning Guidelines for Rural Areas, and the purpose of the Zoning Scheme By-law for Agriculture and Rural Zone. It establishes appropriate agricultural and rural related tourism opportunities without compromising agricultural production, biodiversity conservation, or scenic quality.</p> <p>6. Matters to be noted:</p> <p>6.1. An application for the erection of advertising signs to be submitted for approval to the Municipality and that all signage on the property be erected to the satisfaction of the Municipality or be in line with the relevant signage policy of the Municipality.</p> <p>6.2. No directional signage be erected without the prior approval of the applicable authority.</p> <p>6.3. All electrical requirements to be directed to Eskom.</p> <p>6.4. A business license and a liquor license to be applied for if required.</p> <p>6.5. Any existing unauthorised land uses and building structures not supported in this decision must be ceased and any unauthorised structures must be removed, and the land be rehabilitated.</p> <p>6.6. Should, after following due process -</p> <ul style="list-style-type: none"> 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 approved tourist facilities or tourist accommodation establishment 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, <p>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.</p>
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SMPT 06/11/25	OTHER MATTERS																														
6.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)																														
	The Municipality is considering the comments received on the draft Zoning Scheme Bylaw and it is noted that further public participation may be followed depending on the amendments forthcoming from the input received.																														
6.2	APPEALS RECEIVED AGAINST MPT DECISION																														
	<p>No new appeals were received or decided in November, and five appeals are currently in the administrative process.</p> <table><tr><th>Reference</th><th>Erf No.</th><th>Date received</th><th>Application detail</th><th>Status</th></tr><tr><td>LU/9820</td><td>Farm 717/1, Paarl</td><td>28-05-2025</td><td>MPT decision on Groenfontein development, Klapmuts</td><td>Administrative phase</td></tr><tr><td>LU/14498</td><td>Farm 1252, Stellenbosch</td><td>17-06-2025</td><td>MPT refusal of tourist accommodation and facilities on Bo-Helderberg farm</td><td>Administrative phase</td></tr><tr><td>LU/16630</td><td>Farm 266/11, Stellenbosch</td><td>10-06-2025</td><td>MPT refusal of tourist accommodation on farm north of Polkadraai Road</td><td>Administrative phase</td></tr><tr><td>LU/16357</td><td>Farm 1832, Paarl</td><td>04-06-2025</td><td>MPT refusal of tourist accommodation on farm north of Wemmershoek</td><td>Administrative phase</td></tr><tr><td>LU/16752</td><td>Farm 1557, Stellenbosch</td><td>08-10-2025</td><td>MPT decision on subdivision and consolidation of agricultural land, Welgevonden area</td><td>Administrative phase</td></tr></table>	Reference	Erf No.	Date received	Application detail	Status	LU/9820	Farm 717/1, Paarl	28-05-2025	MPT decision on Groenfontein development, Klapmuts	Administrative phase	LU/14498	Farm 1252, Stellenbosch	17-06-2025	MPT refusal of tourist accommodation and facilities on Bo-Helderberg farm	Administrative phase	LU/16630	Farm 266/11, Stellenbosch	10-06-2025	MPT refusal of tourist accommodation on farm north of Polkadraai Road	Administrative phase	LU/16357	Farm 1832, Paarl	04-06-2025	MPT refusal of tourist accommodation on farm north of Wemmershoek	Administrative phase	LU/16752	Farm 1557, Stellenbosch	08-10-2025	MPT decision on subdivision and consolidation of agricultural land, Welgevonden area	Administrative phase
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6.3	GENERAL
	The Chairperson wished everyone a blessed festive season and thanked the members and officials for their contribution during the year. The Tribunal in turn thanked the Chairperson for her leadership during the year.



Mrs H Crooijmans-Lemmer

CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mr P van Zyl

DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL