

MINUTES: STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL 27 FEBRUARY 2026

MINUTES OF THE STELLENBOSCH MUNICIPAL PLANNING TRIBUNAL MEETING HELD ON FRIDAY, 27th OF FEBRUARY 2026 AT THE PNIEL LIBRARY HALL, MAIN ROAD, PNIEL, FROM 10H00-15H00

Ref. no. 3/4/5/2/40
2026-02-27

Chairperson

Mrs H Crooijmans-Lemmer

Deputy-Chairperson

Mr P Van Zyl

External Members

Mrs C Havenga

Mr S Boshoff

Internal Members

Mr A van der Merwe: Senior Manager- Community Services

Mr M Williams: Senior Legal Advisor

Mr J Benjamin: Senior Manager – Development Planning

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 O Vergotine: Administrative Officer

Mrs L Engelbrecht: Senior Town Planner

Ms B Zondo: Senior Town Planner

Mr G Goosen: Senior Town Planner

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ITEM	SUBJECT
SMPT 01/02/26	OPENING AND WELCOME
	Chairperson Crooijmans-Lemmer welcomed all present.

SMPT 02/02/26	LEAVE OF ABSENCE
	Mr D Leo Mr A Barnes: Director - Planning and Economic Development Councillor: T Kumm

SMPT 03/02/26	DISCLOSURE OF INTERESTS
	None received

SMPT 04/02/26	MINUTES OF THE PREVIOUS MEETING DATED 21 November 2025
	The minutes of the previous meeting was noted.

	MATTERS FOR CONSIDERATION
SMPT 05/02/26	APPLICATION FOR REZONING TO SUBDIVISIONAL AREA & SUBDIVISION: FARM NO. 1307/2 AND FARM NO. 1307/3 (TO BE CONSOLIDATED), STELLENBOSCH DIVISION Discussion: <ol 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. Overall, it is the opinion of the MPT that the bigger picture has not been resolved by the applicant as there appears to be no consideration to connect and integrate the different areas of development. c. Questions were raised regarding the purpose of Portion A and Portion B of the former and current development proposal. Clarity was given based on the applicant's motivation that Portion A will keep its current zoning to be used for agricultural activities, while Portion B is earmarked for a municipal housing project

adjacent to the Longlands Village development. However the above results in an increasingly fragmented and segregated urban form.

- d. A question was raised whether the application to be considered is only restricted to the housing estate component that was submitted in the application as an amendment for subdivision, or if the rest of the property should also be regarded as being part of the current application and therefore subject to reconsideration. It was confirmed that the approach of the initial application was for the amendment of the subdivision plan to increase the density of the approved conventional residential component to more than double. As the former subdivisional area zoning did not support the proposed increased density, the approach of the application had to be amended to establish a new subdivisional area zone that will support and permit such increased density and the associated subdivision plan. As such, the total property must be subject to the application and decision.
- e. Regarding the clarity obtained on the scope of the application, and having regard that the previous agreements relating to the social housing contribution on Portion B are still applicable, concerns were raised on the principle that a significant increase in residential opportunities are petitioned in the current application, whilst the associated contribution to the social housing development component have not been re-considered. As the area is not identified as a priority development area in the MSDF, it is noted that the Inclusionary Zoning Policy is not enforceable, but the application for enhanced densities and the social housing agreement does present a similar opportunity to review the social development contribution. The layout currently creates a buffer between the housing developments. The available vacant land can instead offer opportunities for (much needed) sport and recreation facilities for the community as well as an increase of the Social Housing component.
- f. The rationale of the original development concept and proposal presented the agricultural portions of the property as being inherent design features of the envisaged estate development. The current application still alludes to present the agricultural land as an open space design element of the development but does not clarify the continued purpose of these agricultural components and this matter should be clarified and the rationale of the agricultural components as part of the proposed development should be reinforced as part of the development and to be owned and managed as communal land by the HOA to the benefit of the wider community.

UNANIMOUSLY RESOLVED:

1. That the following applications in terms of the Stellenbosch Municipal Land Use Planning By-Law, 2023, on Farm No. 1307/2 and Farm No. 1307/3, Stellenbosch Division namely:
 - 1.1 The **rezoning** of the consolidated property in terms of Section 15(2)(a) of the said Bylaw from the Subdivisional Area Zone as approved in 2015 to a Subdivisional Area to allow for the following uses:
 - a) *Hundred and thirteen (113) x **Conventional Residential Zone** erven (erven 1 – 113) and approximately 2,93ha in extent, for dwelling houses.*

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	<p>b) Six (6) x Private Open Space Zone erven (114-119) and approximately 1,79ha in extent, for open space purposes.</p> <p>c) One (1) x Private Open Space Zone erf (120) and approximately 1,40ha in extent for private road purposes.</p> <p>d) One (1) x Agriculture and Rural Zone erf (121) and approximately 2,3ha in extent for agricultural purposes.</p> <p>e) One (1) x Agriculture and Rural Zone erf (122) and approximately 1,43ha in extent for agricultural purposes and a wine cellar (agricultural industry).</p> <p>f) One (1) x Multi-Unit Residential Zone erf (Portion B) and approximately 0,97ha in extent for group housing purposes.</p> <p>1.2 The subdivision of the consolidated property in terms of Section 15(2)(d) of the said Bylaw in accordance with Subdivision Zoning Plan No 1, 01 October 2024, and drawn by TV3 Architects Town Planners and Urban Designer; to allow for a residential development on Portion A in accordance with the subdivisional area zone above.</p> <p>BE REFERRED BACK to the Municipality, in order to address the matters and concerns that was raised by the MPT.</p> <p>2. Noting the following matters:</p> <p>2.1 There is general support for the proposed increase density of the development.</p> <p>2.2 The proposed revised access and egress on Polkadraai Road appear acceptable.</p> <p>2.3 However, the following items need to be explored with the applicant / developer:</p> <p>2.3.1 The integrated future development of the Vlottenburg precinct and the subject land holding as a whole, including considering an appropriate future for holdings currently listed as Portion A and Portion B as part of the implementation of the development.</p> <p>2.3.2 This should consider the broader community needs, for example increased affordable or social housing, communal sport fields, public open space etc.</p>
<p>SMPT 6/02/26</p>	<p>APPLICATION FOR CONSENT USE ON FARM 140/3 KYLEMORE</p> <p>Discussion:</p> <p>a. Chairperson Crooijmans-Lemmer handed over to Mrs B Zondo to give a brief introduction of the application that served before the Tribunal.</p> <p>b. Discussions follow about the desirability of the proposal in an area where the rural character is changing due to the major construction works on adjacent properties. On its own the proposal might be acceptable but not clarifying the</p>

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	<p>current uses which constitutes a contravention of the zoning scheme, the misrepresentation is noted.</p> <p>c. The Municipality confirmed that a process for the drafting of a Local SDF for the area has commenced. It was also confirmed that the construction on the adjacent properties is in compliance with approved building plans.</p> <p>UNANIMOUSLY RESOLVED:</p> <p>1. That the following application(s) in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw on Farm 140/3 Kylemore for a Consent Use to construct the proposed second dwelling unit and utilise the second dwelling unit as three (3) bedrooms guest house.</p> <p>BE REFUSED in terms of Section 60 of the said Bylaw.</p> <p>2. The reasons for the above decision are as follows:</p> <p>2.1 The proposal is in conflict with the applicable Stellenbosch Zoning Scheme By-law, on its presentation and not in line with the intent of the zoning scheme.</p> <p>2.2 The proposal is submitted and motivated as a second dwelling unit, while a site inspection conducted revealed that the existing pool house with bar is being utilised/converted to a second dwelling unit in contravention with the approval, thereby constituting a misrepresentation of current uses.</p> <p>2.3 Establishing a third dwelling unit on a property situated within an agricultural and rural zone is not permitted on properties smaller than 10 ha.</p> <p>2.4 In the event that the pool house has not been converted, the proposed development would nevertheless have a detrimental impact on the surrounding low-density rural agricultural area, as well as on the broader cultural landscape of the Dwarsriver Valley.</p> <p>2.5 The application is misleading and not consistent with the vision of the MSDF to preserve agricultural land and maintain the rural character of the area and may be regarded as contributing to urban sprawl.</p> <p>2.6 The property is located adjacent and just outside of the approved urban edge within a transitional area which forms the buffer between the Kylemore urban area, and the rural area and the development is regarded as precursor to urban sprawl.</p>
SMPT 07/02/26	OTHER MATTERS
7.1	PLANNING POLICIES (REVIEWED OR APPROVED BY COUNCIL)

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	<div>a. The draft Zoning Scheme Bylaw is still under way, and the Municipality is considering the input received, especially from the Agricultural Society and the Franschhoek community relating to AirB&B / tourist dwelling units.</div> <div>b. The draft Problem Property Bylaw was submitted to Council for approval.</div> <div>c. The Koelenhof LSDF which was funded by private developers, was submitted to Council for approval to proceed with the public participation process.</div> <div>d. A consultant was appointed to draft the Dwarsrivier LSDF to be finalised in the next financial year.</div> <div>e. The economic Rural Development Strategy was advertised for public comment.</div> <div>f. The Tree Management Policy has been updated.</div>																									
7.2	APPEALS RECEIVED AGAINST MPT DECISION																									
	<div>a. Two new appeals were received for Erf 346, Stellenbosch and Erf 211, Raithby.</div> <table><tr><th>Reference</th><th>Erf No.</th><th>Date received</th><th>Application detail</th><th>Status</th></tr><tr><td>LU/16002</td><td>Erf 211 Raithby</td><td>27-11-2025</td><td>MPT decision on Padel Courts</td><td>Administrative phase</td></tr><tr><td>LU/17275</td><td>Erf 346 Stellenbosch</td><td>9-12-2025</td><td>MPT decision on Alexander Street flats and offices</td><td>Administrative phase</td></tr></table> <div>b. One appeal was recently decided for Farm 124/11.</div> <table><tr><th>Reference</th><th>Erf No.</th><th>Date received</th><th>Application detail</th><th>Status</th></tr><tr><td>LU16296</td><td>Farm 124/11 Stellenbosch Division</td><td>22-12-2024</td><td>MPT decision on Tourist accommodation</td><td>The Appeal Authority resolved on 16 January 2026 that the appeal submitted against the decision of the Municipal Planning Tribunal of the 29th of November 2024, in respect of the subject application BE UPHELD, and</td></tr></table>	Reference	Erf No.	Date received	Application detail	Status	LU/16002	Erf 211 Raithby	27-11-2025	MPT decision on Padel Courts	Administrative phase	LU/17275	Erf 346 Stellenbosch	9-12-2025	MPT decision on Alexander Street flats and offices	Administrative phase	Reference	Erf No.	Date received	Application detail	Status	LU16296	Farm 124/11 Stellenbosch Division	22-12-2024	MPT decision on Tourist accommodation	The Appeal Authority resolved on 16 January 2026 that the appeal submitted against the decision of the Municipal Planning Tribunal of the 29 th of November 2024, in respect of the subject application BE UPHELD , and
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					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
7.3	GENERAL				
	a. The Chairperson gave feedback on a meeting held with Anthony Barnes and Stiaan Carstens and the agreement that was reached to make the Departments' quarterly reports available to the MPT.				



Mrs H Crooijmans-Lemmer
CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL



Mr P van Zyl
DEPUTY-CHAIRPERSON: MUNICIPAL PLANNING TRIBUNAL