



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING AND ECONOMIC DEVELOPEMNT
DEPARTMENT OF DEVELOPMENT MANAGEMENT

INFORMATION GUIDELINE:

LAND USE MANGEMENT (LUM) SERVICES

Following the compulsory closing of all non-essential services to the public from 27 March 2020 due to the Covid19 pandemic and the state of National lock down, the services of the Land Use Management and Building Development Management were reinstated at the Stellenbosch Municipality for the public since 1 June 2020. Being mindful of the uncertainties about the Covid19 pandemic, it is deemed proper to institute the services in a way that it can be sustained regardless of the alert level that may be applicable to the Municipality.

It is therefore deemed proper to continue to observe the need for ongoing restrictions on movement and social distancing, as well as to manage the risk of undue exposure for both the public and officials of the Department. Consequently, the services will be rendered by electronic means only and as a general rule no personal contact or meetings with any officials of the Department will be permitted until further notice.

It is consequently necessary to implement alternative operational procedures and requirements to enable the provision of the services by electronic means, which also needs to comply with any legal requirements and prescripts for such processes.

The only exception will be the necessary required site inspections for any permitted building works for which purpose stringent protocols will be implemented to minimise any risk to our officials and workers on site.

All officials of the Department have consequently been equipped to perform their duties by electronic means from their places of residence. In order to reinstate the services, it will nevertheless be required to make the offices available to the relevant officials on a regulated and rotational basis to access records and perform certain duties. The offices will however not be open nor accessible for the general public until such further notice.

This status will continue for as long as the National lock down is enforced and it is deemed necessary to prevent the risk associated with undue exposure through personal contact, or such changing circumstances that would remove the restrictions on the free movement of the public,

This communication serves to inform the community, stakeholders and applicants of the Stellenbosch Municipal area on the operating procedures that will be applied to provide a service standard that is practically viable as well as administratively fair.

DEVELOPMENT OF ELECTRONIC SUBMISSION AND PROCESSING SYSTEM

A new web-site interface known as the ArcGIS for Local Authority Portal (AFLA Portal) has been designed and developed which will enable the online submission and processing of various types of applications at municipalities. The system consists of different AFLA modules, of which the **TPAMS (Town Planning Applications Management System)** and **BPAMS (Building Plans Applications Management System)** has been developed to be introduced for this Department.

These systems will enable applicants to submit applications electronically and facilitate the electronic processing of the applications, which will also allow the live online tracking of applications as well as continuous communication via email notifications to the applicant.

The BPAMS is operational and safe some difficulties since its inception on 2020, is generally well accepted by the public and staff.

The National lock down has delayed the necessary training and finalization of the TPAMS, but the Municipality is still committed to the implementation and launching of the system in the near future provided that any outstanding matters to finalise the system can be successfully addressed.

It is consequently necessary to introduce interim measures to enable the Department to deliver its service, and the following operating procedures will be applied.

LAND USE MANAGEMENT OPERATING PROCEDURES

The following operating procedures will be applied in terms of the relevant provisions of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, (hereafter referred to as “the Bylaw”):

1) **Methods of communication:**

- 1.1 Due to the working arrangements, and to ensure that all enquiries receive the necessary attention, it is important to follow the methods of communication and use the contact persons and details provided.
- 1.2 Please make use of email facilities as the primary means of contact that would enable the Department to prioritise tasks and optimise our services.
- 1.3 For any **general land use management or town planning enquiries**, as well as all enquiries related to the processing of existing or newly submitted land use applications or exemption certificates or zoning certificates, please phone 021 – 808 8606 or send an email to landuse.enquiries@stellenbosch.gov.za.
- 1.4 The administrative section will be responsible to track, manage and report on progress with the processing of applications. The Town Planners prioritise work relating to the evaluation of land use applications and will not be engaged in any administration of the applications. Accordingly, please refrain from

contacting the Town Planners on enquiries on progress with applications and use the contact details for such enquiries as provided.

- 1.5 For the **submission of pre-scrutiny forms, new land use planning applications or requests for zoning- or exemption certificates**, please send an email to landuse.applications@stellenbosch.gov.za or phone 021 – 808 8690.
- 1.6 For any enquiries related to **letters of decision** on land use applications, and **clearance certificates**, please email Ulrich von Molendorff Ulrich.Vonmolendorff@stellenbosch.gov.za or phone 021 – 808 8682.
- 1.7 For enquiries related to matters on the **Municipal Planning Tribunal** please email Lenacia Kamineth Lenacia.Kamineth@stellenbosch.gov.za or phone 021 – 808 8697.
- 1.8 For the submission of **Appeals** and all enquiries related to processing of Appeals please e-mail landuse.appeals@stellenbosch.gov.za or phone Lenacia Kamineth on 021 – 808 8697.
- 1.9 For the submission of all land use complaints or general enquiries related to **land use law enforcement** please email zoning.violations@stellenbosch.gov.za or for enquiries related to specific land use law enforcement aspects Errol Williams or Denny Jacobs can be contacted on Errol.Williams@stellenbosch.gov.za or 021 – 808 8688 or Denny.Jason@stellenbosch.gov.za and on 021 – 808 8695, respectively.
- 1.10 For any enquiries on **Spatial Planning matters**, please email Bernabe De La Bat on Bernabe.DeLaBat@stellenbosch.gov.za or phone 021 – 808 8653.
- 1.11 For any enquiries on **Heritage matters**, please email Katherine Robinson on katherine.robinson@stellenbosch.gov.za on or phone 021 – 808 6806.

2) Payment and & invoices:

Payments will only be accepted by Electronic Fund Transfer on the submission of a Proforma Invoice which will contain the Municipal Banking Details and the Reference Number that should be used for the payment. The proof of payment for any application should be submitted by email. An application will only be processed after payment has been received.

Banking Details:

Account Holder Name: Stellenbosch Municipality
Bank: FIRST NATIONAL BANK (FNB)
Branch no.: 210554
Account no.: 62869253684

Payment reference: LU/_____ and ERF/FARM _____

Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment

3) Pre-application consultation process:

- 3.1 For any intended land use application, a pre-Application Scrutiny form with such required supporting documents must be submitted Electronically in the prescribed format available on the Municipal Website <https://www.stellenbosch.gov.za/planning-portal/>
- 3.2 This form is available in MsWord format that would enable the electronic completion of the form. A PDF signed copy of the form must be submitted by e-mail to landuse.applications@stellenbosch.gov.za.
- 3.3 An internal weekly meeting will be held where all pre-application scrutiny submissions will be discussed to finalise feedback to be provided to the applicant.
- 3.4 If a follow-up pre-application consultation meeting is required, the necessary arrangements will be made with the applicant for a meeting via electronic media (MS Teams) and in accordance with the availability of all required officials and other necessary participants.
- 3.5 The Applicant will be responsible to submit Minutes of such Pre-Application consultation meeting, to which feedback for finalisation will be provided within 3 working days.
- 3.6 An applicant will only be permitted to submit a land use application if the process of pre-application scrutiny, and, if applicable, a pre-application consultation, has been satisfactorily concluded.

4) Submission of new Planning Applications:

- 4.1 All planning applications must be submitted via email and in PDF format by email to landuse.applications@stellenbosch.gov.za.

- 4.2 Please note that the maximum size of any single document for receipt through the municipal e-mail services is restricted to 35 MB. If the electronic size of the application exceeds this limit, documents can be submitted through available platform for the transmission of large electronic files like Drop Box or WeTransfer.
- 4.3 A complete planning application must be submitted in accordance with the prescribed format with all required documents and associated annexures, which includes any instructions or guidance in accordance with the pre-application scrutiny feedback.
- 4.4 The planning application will be reviewed for completeness and adequacy as contemplated in terms of section 41(1)(c) of the Bylaw and in accordance with the pre-application process and required documents and information.
- 4.5 If such planning application is confirmed as complete and adequate, a proforma invoice will be issued for the application fees. No payment must be made prior to receipt of a proforma invoice with the required reference number for payment, and which will only be provided once a complete application has been received.
- 4.6 The application fees must be paid by means of an Electronic Fund Transfer and on receipt of the Proof of Payment, the application will be deemed as submitted for processing and a receipt of such application will be issued to the applicant.
- 4.7 Should there be any insurmountable difficulties in the submission of any land use application, the Department is committed to resolve such matters and to make alternative arrangements with individual applicants which is practical and viable to ensure that such services will be delivered.

5) Processing and Public Participation for new planning applications

- 5.1 If any additional information on the application is required as contemplated in terms of section 42 of the Bylaw, such information must be submitted prior to the public participation process' commencement.
- 5.2 It will be required from the Applicant to conduct the required public participation process as contemplated in terms of section 45(3) of the Bylaw and in accordance with the prescribed instruction of such public participation process which will be issued to the Applicant.

- 5.3 It is to be noted that, notwithstanding the reported expected reopening of the postal services, the use of registered mail may nevertheless not be readily accessible to the broader public due to applicable restrictions on movement, and which practice should also not be promoted due to the ongoing need for social distancing.
- 5.4 The authorisation by the Western Cape Minister for Local Government and Development Planning to deviate from the prescribed compliance with section 44 of the Land Use Planning Act, 2014 (Act 3 of 2014), and as read together with the enabling provisions of the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002), now authorises the Municipality to duly make use of alternative means to give notice as provided for in section 35 of the Bylaw. Cognisance should also be taken of the Western Cape Land Use Planning Amendment Bill [B 6-2020]. The purpose of the Amendment Bill is to enable municipalities to use other methods, such as electronic communication, to inform parties whose rights may be affected of their intention to consider certain types of land use applications. The amendment will not restrict municipalities any longer to the methods of direct notice that are listed in section 115 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- 5.5 It would consequently be required from applicants to serve the required notices by such alternative means as provided for in terms of section 35 of the Bylaw. Such requirements for a specific application will be prescribed in the advertisement instruction that will be provided to the applicant in terms of section 35(3) of the Bylaw.
- 5.6 Alternative methods for such notices will preferably be served by means of email but should any email address of an identified interested and affected party not be available, alternatively means of delivery as prescribed, available and practical, will be prescribed in consultation with the applicant.
- 5.7 If any such alternative means is not viable or deemed effective for any specific application, the standard practice of notice by registered letter, if indeed available by the postal services at the time, will be required.
- 5.8 The Municipality will also provide a list of all the applicable local registered organisations, as well as any Government Department, who should also be notified for comments on the application. The Municipality will also assist with

any available information on email addresses, but the onus will remain with the applicant to obtain such email or any other addresses.

- 5.9 The Applicant must prepare all such draft advertisements and notices in accordance with the advertisement instruction and the standard templates for such advertisements and notices of the Municipality and submit same to the planning office for review. The Applicant can proceed with the necessary advertisements and notices only after receipt of the feedback and such final instruction from the Municipality.
- 5.10 The Municipality will undertake the notification of the application to internal Departments for comments, and forward same by email to the Applicant for the required responding comments.
- 5.11 All applications will from now onwards also be published on the Municipal Website. For the purpose of managing the applicable timeframes allowed for comments effectively, this will be done weekly to coincide with the necessary publishing of any notices in the local newspapers. For the same purpose the instruction for the serving of any associated notices will also dictate to coincide with such chosen date.
- 5.12 A Portfolio of Evidence (POE) on the public participation process must be submitted in the prescribed format together with any responding comments on any and all such inputs received on the application, including responding comments on any inputs received from internal Departments. The POE may therefore not be submitted prior to receiving and also addressing any comments from the internal Departments.
- 5.13 The onus of the feasibility and successful outcome of alternative means for the serving of notices is the sole responsibility of the Applicant. If such alternative means of serving of notices is not deemed effective and there are no other viable means for the successful conclusion of the process, the Municipality may at its sole discretion suspend such processing of the application for such time until circumstances permit the serving of such notices by registered postal mail.
- 5.14 If any comments submitted on the application results therein that alternative information or documents are required as contemplated in terms of section 52 of the Bylaw to properly assess and consider the application, it will be

communicated with the applicant and concluded prior to the evaluation of the application.

6) Decisions on planning applications:

- 6.1 The applications will be duly evaluated, and such planning reports will be submitted to the duly authorised decision makers for consideration.
- 6.2 To enhance service delivery, the categorisation model that assigns categories of applications to different decision makers, has been reviewed and duly approved to make provision for, in addition to the Municipal Planning Tribunal, appoint three authorised officials on different levels of management. Such regime will expedite decision making by assigning appropriate categories of applications to such different decision makers.
- 6.3 Measures will also be implemented for meetings via the MS Teams platform for the Municipal Planning Tribunal (MPT) to decide on the applications that still needs to be considered and decided on by the MPT, which measures will include the participation of any party by prior arrangement by similar virtual electronic means.

7) Decision letters and appeal period:

- 7.1 Decision letters will also be dispatched by email, which will include such email notice to all persons and institutions that commented on the application, and for which purpose such email addressed needs to be available.
- 7.2 Decision letters will also be published weekly on the Municipal Website. The decision letters will, for the purpose of managing the applicable timeframes effectively, also only be communicated to coincide with the Website notice. The appeal period will be calculated from the date of such notice.
- 7.3 The decision letter will include all the required details and information for the submission of an Appeal by means of email communication (landuse.appeals@stellenbosch.gov.za) and will no longer require the current requirement for the submission of a completed prescribed form.

7.4 The procedures and required information for the submission of an appeal will also be published in an Information Guideline on the Planning Portal of the Municipal Website in order to be accessible for any party who wishes to submit an appeal on any decision.
