



**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## **LAND USE MANAGEMENT**

# **Information Guideline on Land Use Rights for Events & Occasional Uses**

**September 2022**

## CONTENT

• LAND USE MANAGEMENT	2
• EVENT APPLICATIONS AND LAND USE RIGHTS	2
• LAND USE RIGHTS ALLOWING EVENTS	4
• OCCASIONAL USE EVENTS	5
• LAND USE APPLICATIONS	8
• CONTACT DETAILS	9

## LAND USE MANAGEMENT

The **LAND USE MANAGEMENT (LUM)** Office forms part of the **Development Management Department** in the **Directorate Planning and Economic Development** (PED). We are responsible for land use management and must ensure that land is developed in a desirable and sustainable way by upholding the Stellenbosch Municipality: **Land Use Planning Bylaw**, 2015 and the Stellenbosch Municipality: **Zoning Scheme Bylaw**, 2019 as well as any related land use management policies and guidelines to ensure a quality living environment with opportunities that addresses the needs and aspirations of all the communities.

## EVENT APPLICATIONS AND LAND USE RIGHTS

The Stellenbosch Municipality: **Events Bylaw**, 2016 defines an event as:

- (a) any sporting, recreational, entertainment, including live entertainment or event acts;*
- (b) any educational, cultural or religious event;*
- (c) any business event including marketing, public relations and promotional events, or exhibitions, or*
- (d) any charitable event, including any conference, organizational or community event, or any similar activity hosted at a stadium, venue or*
- (e) along a route or its precinct.*

An application to host an event is submitted by the **event organiser** in terms of the Events Bylaw and must include all information required in the application form and any additional information as may be requested by the Municipality. The Events Bylaw stipulates that in the event of failure to submit the information required, an application will not be considered in terms of said Bylaw.

Event applications are administered by the **EVENTS DEPARTMENT** in the **Directorate Community and Protection Services**. Before deciding on an application, the Events Department circulate the event application to internal departments for comment. It is

required of the Land Use Management Office to provide town planning comments on events applications from a land use rights perspective.

The Zoning Scheme Bylaw governs land use rights, permissions and development parameters and binds every landowner, and every user of land. As each property in the Municipal area are allocated a zoning, providing for specific land uses, the event application form requires the **property description** where the **venue** to be used for the event is located, in order to confirm the zoning of the property / land unit. The property description refers to the Erf or Farm number of the subject property as indicated in the Title Deed. As part of your event application, you are required to provide proof to confirm the zoning or approved land use rights of the subject property. This information must be obtained from the **landowner**. Failure to confirm the status with required supporting documents will render the application incomplete. (A letter by the owner, providing consent or permission to the event organiser to use the property for a specific event does not meet this requirement.)

The form allows for three different situations in line with the provisions of the Zoning Scheme which are listed below and further described in the section to follow.

**OPTION 1:**

This will be the first event of the year that will be hosted on the subject property for the current calendar year. (An affidavit by the registered landowner confirming that this will be the first event hosted on the subject property for the subject calendar year MUST be attached.)

**OPTION 2:**

The zoning or primary land use right of the property makes provision for events. (Written confirmation of the land use right MUST be attached.)

**OPTION 3:**

A Consent Use approval has been obtained as granted by the Stellenbosch Municipality for "Occasional Use", allowing the hosting of events on the subject property. (The relevant Municipal Approval for the Consent Use for "Occasional Use" MUST be attached.)

## LAND USE RIGHTS ALLOWING EVENTS

The Zoning Scheme Bylaw does not define 'events' but uses the term 'occasional use'.

**An OCCASIONAL USE means the use of a property for an event on a temporary basis for a once off, or recurring activity which is ordinarily not permitted in the base zone such as a market, place of assembly, place of worship, sport facility, place of entertainment, business, conference, place of education, community, medical, restaurant, welfare, or an activity which involves the extraordinary gathering of people over and above the normal permitted or approved uses or capacity on the property, either as a once-off, or on an intermittent basis or at regular intervals.**

In accordance with the provisions of the Zoning Scheme Bylaw any property may host one occasional use event per calendar year as a primary right without the need to obtain any additional land use rights. In such a case **Option 1** is applicable and an affidavit by the registered landowner confirming that it is the first event of the year on the property (not the first event by the event organiser on the property) must be attached to the event application.

For any and all subsequent events, an application must be made, and permission granted in terms of the Land Use Planning Bylaw for a consent use that would permit the hosting of further events on the subject property.

If an occasional use event is permitted in the base zone and the scale of the event is in accordance with capacities on an approved building plan, then the event is not an occasional use, but a permitted use. **Option 2** is applicable in this situation and any documentation (e.g., zoning certificate) to prove that the zoning of the property allows occasional use as a primary right must be attached to the event application.

Where the zoning of the property does not allow an occasional use event as a primary right, it might have been approved as an additional use or consent use in terms of the Land Use Planning Bylaw. In such an instance, **Option 3** is applicable and a copy of the land use approval (decision letter) or a zoning certificate must be attached to the event application as proof of the land use right to host such events.

No person may commence, continue, or cause the commencement or continuation of, land development including occasional use events, without the approval of the Municipality. The **owner of land** or his or her agent may apply to the Municipality to acquire the land use right to host events. A land use application for an additional use or consent use is a prescribed statutory process which may require public participation and may be subject to appeals. A land use application must therefore be launched timeously to be finalised prior to the event.

## OCCASIONAL USE EVENTS

Section 30 of the Zoning Scheme Bylaw regulates as follows:

- (1) One occasional use event within a 12-month period is permitted on a land unit in any use zone, on condition that:
  - (a) the activity will not involve amplified sound;
  - (b) all vehicles associated with the event shall park on the property;
  - (c) the number of people who attend such an event may not exceed the number of on-site parking bays times four or 500 people, whichever is the lesser;
  - (d) adequate portable ablution facilities are provided on the property; and
  - (e) the event will not commence during peak traffic hour, as determined by the Municipality, and the event will not commence before 09:00 or continue past 22:00.
- (2) Occasional use events which do not comply with the conditions in subsection (1), or which occur intermittently or is recurring, shall require a consent use application in any use zone.
- (3) When considering an application for a consent use in terms of subsection (2) the Municipality may:
  - (a) grant its approval for a series of occasional use events on specified dates or days, or for a specified period or duration, and shall impose conditions which will manage the impact and frequency of occasional uses,

- including imposing a maximum limit on the number of people who may attend or be involved in such an occasional use; or
- (b) may approve a maximum number of events over a specific period which can be held at the owner's later decision; or
  - (c) approve only one event at a time.
- (4) The Municipality may grant a consent use for an occasional use without serving notice if it is satisfied that the impacts of such use especially, but not limited to traffic, parking and noise, will not extend beyond the boundary of the land unit.
  - (5) Where the Municipality believes the occasional use is likely to have an impact beyond the boundaries of the land unit, and in all instances where it involves outdoor amplified sound, an application for a consent use shall be made and will be subject to notification in terms of Land Use Planning Law.
  - (6) **All occasional uses require events permits as set out in the Municipality's Events Bylaw and said events permit shall only be issued in terms of that bylaw if the event is a permitted land use in terms of this Zoning Scheme Bylaw or if the required land use application has been approved.**
  - (7) An application for occasional use shall be accompanied by the necessary information, including a site development plan, as prescribed in the Municipality's application form for occasional use, and the Municipality may request any relevant information, studies and management plans to enable them to decide on the matter.
  - (8) Recurring occasional uses may not take place for more than 5 days per month. Should this threshold be exceeded the activity is considered a full-time activity and a rezoning to the appropriate base zone should be considered to allow the said use on a permanent basis.
  - (9) The Municipality may impose any conditions it deems necessary to mitigate the impact of the activity including (but not limited to) conditions relating to the duration and frequency of the occasional use, erection and removal of temporary structures, cleansing, hours of operation, traffic management, and any other matter which may be necessary.
  - (10) **The operator of an event and the owner of the land unit, shall be jointly responsible for adherence to all conditions of approval** including also making adequate arrangement for all electrical, ablution, water, safety, health and other facilities

which may be required by the activity, as well as to obtain all other permits and permissions which may be required in this regard.

- (11) When approving a recurring occasional use, the Municipality shall ensure that such use does not adversely impact on the primary use rights of the property or the owners' ability to continue to exercise the primary uses for which the property shall be used.
- (12) A land unit, when not used for an occasional use, shall be used for at least one of the primary or consent uses on a permanent basis, and an additional use can never be the only land use on a land unit.
- (13) Making an application in terms of this Zoning Scheme does not exempt any owner or event organiser from compliance with any other law.

**It is to be noted that all events as defined in the Events Bylaw requires the necessary events permit application, notwithstanding that it may be permitted in terms of the Zoning Scheme Bylaw. Over and above that, noise regulations may also require additional permit applications, and the erection of any temporary structures may require building plan approval.**

It is further stipulated by the Zoning Scheme Bylaw that a site development plan may be required by the Municipality for any primary uses (first event per year). An occasional use application must be accompanied by a site development plan prior to the commencement of an occasional use activity on the site.

Notwithstanding the above, any occasional use in the Conventional Residential Zone, Less Formal Residential Zone or Multi-Unit Residential Zone, attendance shall not exceed 100 persons. The Municipality may waive the on-site parking requirement provided that enough parking is available elsewhere, to the Municipality's satisfaction.

In the Public Roads and Parking Zone, the Municipality may allow sidewalks to be used for an occasional use, and on a more permanent basis for outdoor dining and trading, provided that the flow for pedestrians is not impeded by these uses and that the proprietor has entered into the required agreements with the Municipality.



## LAND USE APPLICATIONS

The LUM Office can be contacted for a zoning certificate to confirm the zoning category and land use rights of a property. The **Zoning Certificate Request** form is available on the Planning Portal at [https:// Stellenbosch.gov.za/land-use-planning-forms/?cp\\_133=2](https:// Stellenbosch.gov.za/land-use-planning-forms/?cp_133=2). The completed form must be submitted to [landuse.applications@ Stellenbosch.gov.za](mailto:landuse.applications@ Stellenbosch.gov.za). The applicable fee of R500 (2022/23) is payable on receipt of an invoice and reference number. The average timeframe for the issuing of certificates is 2-3 weeks, depending on the complexity of the development history of the property.

For **General Enquiries** or for more information to obtain the required land use rights to host events, the LUM Office can be contacted via [landuse.enquiries@ Stellenbosch.gov.za](mailto:landuse.enquiries@ Stellenbosch.gov.za). Depending on the land use and what type of occasional use event you are planning for your property, you may need to submit more than one type of application to acquire the correct land use rights to host the event. Different types of applications requiring approval in terms of Section 15(2) of the Land Use Planning Bylaw can usually be lodged at the same time.

The **Land Use Application** form is available on the Planning Portal at <https:// Stellenbosch.gov.za/land-use-planning-forms/>. For the submission of your first application, you need to register first on the AFLA Portal. We recommend that the AFLA Portal is used with the Google Chrome web browser. An application for a consent use must be submitted along with the required information on the Town Planning Application Management System (TPAMS) at <https://citymaps.stellenbosch.gov.za/aflaportal/home>.

For more information on Land Use Management and related function, services and application processes refer to the LUM Client Service Charter available at the Planning Portal at <https:// Stellenbosch.gov.za/download/land-use-management-client-charter/>.

## CONTACT DETAILS

### Planning Portal – Stellenbosch Municipality <https://www.stellenbosch.gov.za/planning-portal/>

Manager: Land Use Management	<p style="text-align: center;"> <a href="mailto:Chrizelle.Kriel@stellenbosch.gov.za" style="color: #003366;">Chrizelle.Kriel@stellenbosch.gov.za</a>                      021 – 808 8660                 </p>
Customer Care	<p style="text-align: center;">021 – 808 8606</p>
For <b>any general enquiries</b> relating to land use management or town planning and the processing / status of applications	<p style="text-align: center;"> <a href="mailto:landuse.enquiries@stellenbosch.gov.za" style="color: #003366;">landuse.enquiries@stellenbosch.gov.za</a>                      021- 808 8606                 </p>
For the <b>submission of pre-application scrutiny forms and requests</b> for an exemption certificate or zoning certificate	<p style="text-align: center;"> <a href="mailto:landuse.applications@stellenbosch.gov.za" style="color: #003366;">landuse.applications@stellenbosch.gov.za</a>                      021 – 808 8690                 </p>
For the submission of <b>land use complaints</b> or any related enquiries	<p style="text-align: center;"> <a href="mailto:zoning.violations@stellenbosch.gov.za" style="color: #003366;">zoning.violations@stellenbosch.gov.za</a>                      021 – 808 8688                 </p>
For the submission of all land use management applications	<p style="text-align: center;"> <a href="https://citymaps.stellenbosch.gov.za/aflaportal/home" style="color: #003366;">https://citymaps.stellenbosch.gov.za/aflaportal/home</a> </p> <p style="text-align: center;">                     For the submission of your first application, you need to Register first. We recommend that the AFLA Portal is used with the Google Chrome web browser.                 </p>

