

STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

LAND USE MANAGEMENT

Client Services Charter

October 2023

CONTENT

• WHO WE ARE	2
• OUR CLIENTS	3
• WHAT WE DO	3
• WHY PLANNING	4
• OUR FUNCTIONS	5
• WHAT GUIDE US	6
• SERVICE STANDARDS	7
• HOW TO CONTACT US	9
• HOW TO COMMUNICATE WITH US	13
• TPAMS	15
• PAYMENT AND INVOICES	15
• TYPE OF LAND USE APPLICATIONS	16
• LAND USE APPLICATION PROCESS	17
• COMMENTING ON LAND USE APPLICATIONS	23
• APPEALS ON LAND USE APPLICATIONS	25
• LAND USE COMPLAINTS	28

WHO WE ARE

Stellenbosch Municipality's area of jurisdiction also known as the WC024 covers a geographical area of approximately 830km² and includes the towns of Stellenbosch which stretches past Jamestown to Raithby in the South, Bottelary, Koelenhof, and Klapmuts to the North, and over the Helshoogte Pass to Pniel, Johannesdal, Kylemore, Groendal and Franschhoek in the East. The main settlements are the historic towns of Stellenbosch and Franschhoek, and Klapmuts.

Stellenbosch is situated about 50 km from Cape Town and is flanked by the N1 and N2 main routes. Politically, the Municipality forms part of the Cape Winelands District Municipality (CWDM) of the Western Cape Province of South Africa. The Municipality adjoins the City of Cape Town (CCT) to the west and south and the Breede Valley, Drakenstein and Theewaterskloof Municipalities to the east and north. Functionally, Stellenbosch Municipality forms part of the Greater Cape Metropolitan area.



OUR CLIENTS

Our clients are the people we work with or have an impact on and are people who live, work in, invest in or visit in the municipality. We are committed to addressing the needs of all our clients and the community and attention will be given to each individual application or request. We are committed to provide services in the best possible way.

WHAT WE DO

Directorate	Responsibilities
Office of the Municipal Manager	Strategic Management; Internal Audit; Corporate Governance; Risk Management; Intergovernmental Relations; International Relations; Integrated Development Planning; Strategic Management; Organisational Performance Management; Communications; and Knowledge Management.
Financial Services	Revenue Management; Expenditure Management; Budget Preparation and Management; Management of Financial Statements; Supply Chain Management; Financial Systems; and Asset Management.
Corporate Services	Administrative Services; Legal and Compliance; Human Resources Management; Individual Performance Management; Information and Communication Technology; Councillor's Support; Committee Services; Municipal Court; and Properties Management and Municipal Building Maintenance.
Infrastructure Services	Roads, Transport and Storm Water; Water and Wastewater Services; Electrical Services; Waste Management; and Infrastructure Planning, Development and Implementation.
Planning and Economic Development	Development Management; Development Planning; Integrated Human Settlements; Building Management; Heritage Resource Management; Spatial Planning and Land Use Management; Local Economic Development and Tourism, Housing Development; Informal Settlements; and Housing Administration.
Community and Protection Services	Community Development; Protection Services; Disaster Management and Fire Services, Traffic and Law Enforcement Services; Library Services; Parks and Cemeteries; Recreation, Sport and Halls; and Environmental Management.

WHY PLANNING

LAND USE PLANNING is to manage the process of change in the living environment through the facilitation of sustainable development that will foster economic prosperity, enhance social wellbeing, and protect the environmental integrity. As Stellenbosch Municipality is sought after for the opportunity and quality of life it offers, large parts of the municipal area are constantly under pressure for development; in the form of various types of residential development, and commercial development ranging from business to tourist and visitor facilities in the rural areas surrounding villages.

DEVELOPMENT PLANNING is pro-active in nature to plan for development. It entails a land use planning activity to gather, research and process development information to formulate spatial development frameworks and plans, policies, and guidelines to address development challenges and objectives and implement associated projects to facilitate desired development outcomes.

Tools: Municipal Spatial Development Frameworks (SDF), Local area plans, Precinct plans, Planning reports, guidelines and policies, Geographic information, Heritage resource registers and management plans.

DEVELOPMENT MANAGEMENT is re-active in nature to manage development. It entails a land use planning activity to manage land use rights and development by applying and ensuring compliance with planning legislation and consistency with development plans and guidelines to give effect to desirable developments in support of development planning objectives.

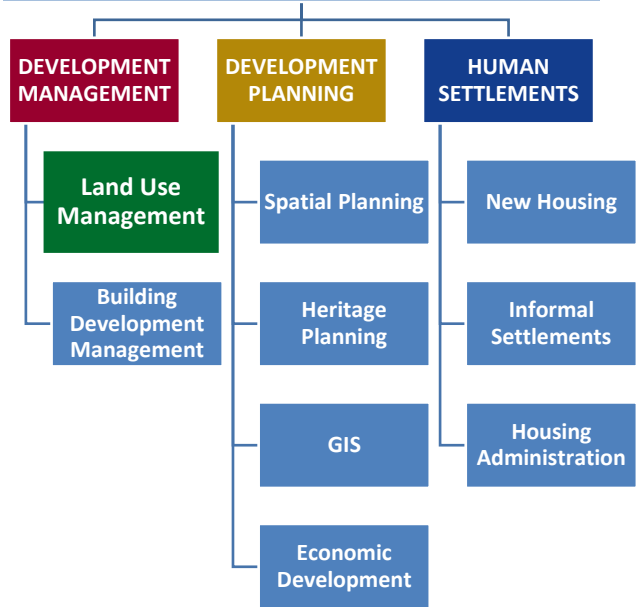
Tools: Land use planning bylaw, Zoning scheme, Zoning register, Zoning map, Title Deeds, Building regulations.

OUR FUNCTIONS

LAND USE MANAGEMENT (LUM) forms part of the Development Management Department in the Directorate Planning and Economic Development (PED) in the Stellenbosch Municipality.

We are responsible for land use management and must ensure that land is developed in a desirable and sustainable way by upholding the Land Use Planning Bylaw, 2023 and the Zoning Scheme Bylaw, 2019 of Stellenbosch Municipality, 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 by:

DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT



- Administering the processing of land use applications
- Administering the zoning scheme (evaluation of land use applications and decision making)
- Land use compliance management (letters of approval, compliance to conditions of approval and certify vesting of land use rights)
- Administering the Municipal Planning Tribunal (MPT) (decision making body)
- Administering the appeals process on behalf of the Appeal Authority (Mayor)
- Land use enforcement (action against non-compliance with land use rights or conditions of approval)

The LUM staff is proud to deliver these services to the best of our ability and according to mutually accepted standards. In terms of our mission, we strive to contribute to future development and growth in the region.

WHAT GUIDE US

NATIONAL GOVERNMENT

- Spatial Planning and Land Use Management Act and Regulations (SPLUMA)
- National Spatial Development Framework (NSDF)
- RED Book Neighbourhood Planning and Design Guide
- Guidelines for the Provision of Open Space
- Integrated Urban Development Framework (IUDF) and Implementation Plan
- Social Facility Provision Toolkit

PROVINCIAL GOVERNMENT

- Land Use Planning Act and Regulations (LUPA)
- Provincial Spatial Development Framework (PSDF)
- Greater Cape Metro Regional Spatial Implementation Framework (RSIF)
- Heritage and Scenic Route Specialist Study
- Land Use Planning Guidelines: Rural Areas

MUNICIPAL

- Land Use Planning Bylaw
- Zoning Scheme Bylaw
- Municipal Spatial Development Framework (MSDF)
- Local Area Plans (e.g., Adam Tas Local Spatial Development Framework)
- Policies and Guidelines (various)
- Delegations
- Categorisation Model and Decision Making

DEPARTMENTAL

- Business Plan
- Standard Operating Procedures (SOP)
- Practice Notes
- Formats and Templates
- Registers

IMPORTANT NOTICE:

The new Bylaw on Municipal Land Use Planning is effective from 1 July 2023 and the Municipality embarked on the process to review and amend the Zoning Scheme Bylaw.

SERVICE STANDARDS

We have set the following service standards. These are the times and periods we are striving for with the necessary capacity levels in position. Please measure us against these standards. But remember, you as a client also have the responsibility to provide correct and detailed information to us.

SERVICE DESCRIPTION	SERVICE LEVEL
GENERAL	
Telephone Calls Answered	5 rings
Telephonic Enquiries Answered / Provide Feedback, if not Finalised	3 working days
Response to General Land Use Enquiries (Landuse.Enquiries@stellenbosch.gov.za)	3 working days
Written Enquiries Answered / Provide Feedback, if not Finalised	10 working days
Personal Enquiries Provide Feedback, if not Finalised	10 working days
PRE-APPLICATION CONSULTATION AND SCRUTINY	
Acknowledgement of Receipt (Landuse.Applications@stellenbosch.gov.za)	3 working days
Written feedback, after Internal Technical Meeting or Request for Pre-Consultation Meeting	14 working days
LAND USE APPLICATIONS	
Acknowledgement of Receipt via TPAMS (AFLA Portal) (gis.administrator@stellenbosch.gov.za)	3 working days
Acknowledge Complete Application and Submit Invoice OR Request for Outstanding Information	14 days
Communicate Instruction to Advertise, if necessary	21 days
Circulate for Internal 30-day Comment Period	21 days
Comments Provided to Applicant (after closing date)	14 days
Compile Planning Assessment Report and Decision by Authorised Employee (after receipt of reply to comments / POE)	60 days
Compile Planning Assessment Report and Decision by Municipal Planning Tribunal (MPT) (after receipt of reply to comments / POE)	120 days
MPT Agenda placed on Website	14 days before meeting
Notification of Land Use Decision	21 days

LAND USE APPEALS	
Acknowledge Receipt of Appeal (Landuse.Appeals@ Stellenbosch.gov.za)	3 working days
Acknowledge Valid Appeal and Issue Invoice	5 working days
Give Written Notice of Appeal to Applicant	14 days
Compile Appeal Assessment Report (After Closing Date of 21-Day Comment Period)	30 days
Submit Report to Appeal Authority through Office of Municipal Manager after completion	14 days
Notification of Land Use Appeal Decision	21 days
LAND USE COMPLAINTS AND ZONING VIOLATIONS	
Response to General Enquiries (Zoning.Violations@ Stellenbosch.gov.za)	3 working days
Acknowledgement of Receipt of Complaint	3 working days
Desktop Investigation of Complaint and Written Feedback	10 working days
Site Inspection	4 working days
Request Affidavit, if required	3 working days
Serve Notice	14 working days
Vary or Confirm Notice (After Receipt of 30-day Objection Period)	30 days
Handover of Land Use Contravention File to Municipal Court	10 working days
TOWN PLANNING INTERNAL COMMENTS	
Building Plan Applications	14 days
Event Applications	3 working days
Liquor License Applications	14 working days
REQUEST FOR ZONING CERTIFICATES	
Acknowledge Request and Issue Invoice (Landuse.Enquiries@ Stellenbosch.gov.za)	3 working days
Finalise and Communicate Zoning Certificate	21 working days

We do not shy away from hard work and are willing to constantly adapt to meet the needs of our clients. We would like to know what you think of our services. Your opinion is important to us.

HOW TO CONTACT US

Stellenbosch Municipality

PO. Box 17, Stellenbosch, 7600

Town House Complex, Plein Street, Stellenbosch, 7600

<https://stellenbosch.gov.za>

CONTACT US

EMERGENCY SERVICES • 24 hours / after hours	
Fire Services	021 808 8888
Traffic Emergencies	021 808 8890
Water, Roads, Stormwater, Electrical, Refuse	021 808 8890 / 8891 / 8999

GENERAL MUNICIPAL NUMBERS 08:00 – 16:30 weekdays			
Municipal Service	Contact Number	Municipal Service	Contact Number
General Municipal	021 808 811 1	Roads	021 808 8280
Community Services	021 808 8437	Storm water	021 808 8280
Building Control	021 808 8696	Traffic Services	021 808 8800
Electrical Services	021 808 8343	Water Services	021 808 8215
Human Settlement	021 808 8402	Finance Accounts Enquiries	021 808 8498
Law Enforcement	021 808 8890 / 8999	Municipal Court	021 808 8192 / 52
Parks	021 808 8160	Buildings Maintenance (excluding rental stock)	021 808 8142

SOCIAL MEDIA		
Facebook	Stellenbosch Municipality	https://www.facebook.com/StellenboschMunicipality
Twitter	@StellMun	https://twitter.com/StellMun
Instagram	stellenbosch_municipality	https://www.instagram.com/stellenbosch_municipality/
LinkedIn	Stellenbosch Municipality	https://www.linkedin.com/company/123030/admin/

WhatsApp 076 951 0768



WhatsApp
 Services
 076 951 0768
 Law Enforcement
 079 622 4722

Download the
**Stellenbosch
 Citizen App**





<http://stellenbosch.comunity.me/d/stel/>

LAND USE MANAGEMENT CONTACT DETAILS

Development Management Office

Corner Plein & Ryneveld Street
 NPK Building
 1st Floor

Manager: Land Use Management	Chrizelle.Kriel@ Stellenbosch.gov.za 021 – 808 8660
Customer Care	Annecke.Hardouin@ Stellenbosch.gov.za 021 – 808 8606
For any general enquiries relating to land use management or town planning and the processing / status of applications and requests for zoning certificates	landuse.enquiries@ Stellenbosch.gov.za 021- 808 8606
For the submission of pre-application consultation and scrutiny forms and request for exemption certificates and permissions	landuse.applications@ Stellenbosch.gov.za 021 – 808 8690
For the submission of land use applications AFLA Portal - TPAMS	https://citymaps.stellenbosch.gov.za/aflaportal/home
For the submission of appeals or any related enquiries	landuse.appeals@ Stellenbosch.gov.za 021 – 808 8697
For the submission of land use complaint forms or any related enquiries	zoning.violations@ Stellenbosch.gov.za 021 – 808 8688
<u>Planning Portal – Stellenbosch Municipality</u>	<u>https://www.stellenbosch.gov.za/planning-portal/</u>

LAND USE MANAGEMENT ADVICE SERVICE

LUM ADVICE DESK - WEEKDAYS @ 08.30 – 13.30

Pending the opening of the Customer Care Center at the entrance to the NPK Building, the Land Use Management Office is open to the public for general inquiries via our Advice Desk on weekdays between 08.30 – 13.30.

Our Customer Interface Officer, Annecke Hardouin, will welcome you on the 1st Floor after you pass the Security Desk at the entrance of the building. She will address all inquiries and, where necessary, call the town planner on duty for technical assistance during the Advice Desk hours. The Advice Desk is not open to the public for general inquiries after 13.30.

If you wish to contact the office for general inquiries or further information you are welcome to contact our Customer Interface Officer on 021 – 808 8606 or send an email to landuse.enquiries@stellenbosch.gov.za. If she cannot answer your query while you wait, it will be referred to another official or a town planner who will contact you on the contact details provided.

When you wish to make an appointment to meet with any specific official in the LUM Office, you can contact the person directly for a meeting, alternatively Kaylin Coetzee, Administrative Assistant in the office of the Manager: Land Use Management can be contacted on 021 – 808 8669 or Kaylin.Coetzee@stellenbosch.gov.za for help with arranging meetings. The LUM Office prefers those meetings be arranged during the same hours.

The arrangement for dedicated Advice Desk hours enables the Customer Interface Officer to address email inquiries, process requests for zoning certificates and fulfil other administrative duties in the afternoons. Dedicated Advice Desk hours help the town planners to focus afternoons on professional work and the evaluations of applications.

HOW TO COMMUNICATE WITH US

- 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.
- Make use of email facilities as the primary means of contact that would enable the Department to prioritise tasks and optimise our services.
- Since the Municipality does not have a general switchboard system, telephone lines are transferred internally between staff in the LUM office if the direct line of a specific person is not answered. Please note that when the line is busy or the person is not at his/her desk, and the next person to whom the call is diverted is also busy, it sometimes happens that phones are not answered as expected. Your understanding and patience in this regard is appreciated and you are advised to try again a little later, alternatively an email can be sent to landuse.enquiries@ Stellenbosch.gov.za where the Customer Interface Officer will address the matter or refer it to the relevant person for his/her attention.
- 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, phone 021 – 808 8606 or send an email to annecke.hardouin@ Stellenbosch.gov.za our Customer Interface Officer or to landuse.enquiries@ Stellenbosch.gov.za to make contact with our land use administrators.
- The land use administrative section will be responsible to track, manage and report on progress with the processing of applications. The Town Planners prioritise work relating to technical matters and the evaluation of land use applications.
- For the **submission of pre-application scrutiny or consultation forms or requests for exemption certificates**, phone 021 – 808 8690 or send an email to landuse.applications@ Stellenbosch.gov.za.
- For any requests for **zoning certificates**, phone 021 – 808 8606 or send an email to landuse.enquiries@ Stellenbosch.gov.za or visit our Customer Interface Officer at the NPK Building on the corner of Plein and Ryneveld Street.
- For any enquiries related to **letters of decision** on land use applications, and **clearance certificates**, phone Ulrich von Molendorff on 021 – 808 8682 or email him at Ulrich.Vonmolendorff@ Stellenbosch.gov.za.

TPAMS: TOWN PLANNING APPLICATION MANAGEMENT SYSTEM

A new web-site interface known as the ArcGIS for Local Authority Portal (AFLA Portal) has been designed and developed which enables the online submission and processing of various types of applications at the Municipality. The system consists of different AFLA modules, of which the **TPAMS (Town Planning Applications Management System)** and BPAMS (Building Plans Applications Management System) are in operation. Before submitting your first land use application in TPAMS, you will need to register first. We recommend that the external facing AFLA Portal is used with the Google Chrome web browser <https://citymaps.stellenbosch.gov.za/aflaportal/home>.

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. 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 or valid appeal has been received.

An application / appeal will only be processed after payment has been received.

TARIFF STRUCTURE AND BANKING DETAILS

The approved tariff structure can be accessed and viewed on the municipal website <https://stellenbosch.gov.za/> as well as the banking details for the General Account.

PAYMENT REFERENCE

Use both the Land Use or Town Planning application number **and** the Erf/Farm number indicated on the invoice as a reference when making EFT payment: LU/TP_____ and Erf/Farm _____

TYPE OF LAND USE APPLICATIONS

Depending on what you are planning for your property, you may need to submit more than one type of application. Different types of applications requiring approval in terms of Section 15(2) of the Municipal Land Use Planning Bylaw can usually be lodged at the same time:

- rezoning of land
- permanent departure from the development parameters of the zoning scheme
- departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land
- subdivision of land that is not exempted
- consolidation of land that is not exempted
- removal, suspension or amendment of restrictive conditions in respect of a land unit
- permission required in terms of the zoning scheme
- amendment, deletion or imposition of conditions in respect of an existing approval
- extension of the validity period of an approval
- approval of an overlay zone as contemplated in the zoning scheme
- amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
- permission required in terms of a condition of approval
- determination of a zoning
- closure of a public place or part thereof
- consent use contemplated in the zoning scheme
- disestablish a home owner's association
- rectify a failure by a home owner's association
- permission required for the reconstruction of an existing building that constitutes a non-conforming use

LAND USE APPLICATION PROCESS

PRE-APPLICATION CONSULTATION PROCESS

- For any intended land use application on which guidance is required, or which involves a rezoning or subdivision of land, a **Pre-Application Scrutiny Form** with supporting documents can be submitted in the prescribed format available on the [Planning Portal – Stellenbosch Municipality](https://www.stellenbosch.gov.za/planning-portal/) - <https://www.stellenbosch.gov.za/planning-portal/>.
- Except when guidance is required on the type of application or related documentation, it is not a requirement to submit a Pre-Application Scrutiny Form for:
 - a building line departure or any other departure application;
 - an additional use or technical approval / permission in terms of the zoning scheme;
 - an extension of the validity period of an approval;
 - permissions required in terms of a condition of approval such as the submission of a site development plan, architectural design guidelines, landscaping plan, the constitution of an owners' association or street naming and numbering;
 - a consent use contemplated in the zoning scheme; and
 - consolidation.
- It is however compulsory to submit a Pre-application Scrutiny Form for any rezoning or subdivision of land, the removal of restrictive conditions or an amendment of conditions of approval.
- A signed copy of the pre-application scrutiny form must be submitted by email to landuse.applications@stellenbosch.gov.za.
- A town planner will scrutinise the information and provide written feedback on the type of application and documentation required for the submission of the correct land use application.
- An internal town planning technical weekly meeting will be held where all pre-application scrutiny submissions will be discussed to finalise feedback to be provided to the applicant.
- If a follow-up pre-application consultation meeting is required, the necessary arrangements will be made with the applicant. A request for a meeting can be

made by submitting the **Pre-Application Consultation Form** to landuse.applications@stellenbosch.gov.za. The Applicant will be responsible to submit Minutes of such Pre-Application consultation meeting, to which feedback for finalisation will be provided by the Town Planner within 3 working days.

- An applicant will only be permitted to submit a land use application if the process of required pre-application scrutiny, and, if applicable, a pre-application consultation, has been satisfactorily concluded.

SUBMISSION OF LAND USE APPLICATIONS

- The maximum size of any single document for receipt through the municipal email services is restricted to 35 MB. If the electronic size of the application exceeds this limit, documents can be submitted through available platforms for the transmission of large electronic files like Drop Box or WeTransfer.
- A **Request for Exemption Certificate** in terms of section 24 of the Municipal Land Use Planning Bylaw, must be submitted in accordance with the prescribed formats in PDF format by email to landuse.applications@stellenbosch.gov.za.
- A **Request for a Zoning Certificate** must be submitted by email to landuse.enquiries@stellenbosch.gov.za in accordance with the prescribed formats in PDF format.
- Land use applications in terms of sections 15(g), (l), (m), (p) and (q) for permission required in terms of the zoning scheme, permission required in terms of a condition of approval, the determination of a zoning or to disestablish or rectify a failure of an owners' association must be submitted in accordance with the prescribed **Application Form** with all required documents and associated attachments by email to landuse.applications@stellenbosch.gov.za.
- Land use applications in terms of sections 15(a)-(f), (h)-(k), (n) and (o) of the Municipal Land Use Planning Bylaw must be submitted online on the AFLA Portal – **TPAMS** <https://citymaps.stellenbosch.gov.za/aflaportal/home>. A complete planning application must be submitted in accordance with the prescribed **Land Use Application Form** with all required documents and associated attachments, which includes any instructions or guidance in accordance with the pre-application scrutiny feedback. It is recommended that an **Application Summary**

Report (in MSWord) is submitted to the relevant town planner to facilitate the assessment process.

- The planning application will be reviewed for completeness and adequacy as contemplated in terms of section 41(1)(c) of the Land Use Planning Bylaw and in accordance with the pre-application process and required documents and information.
- If such planning application is confirmed as complete and adequate, a proforma invoice will be issued for the application fees.
- 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.
- 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.

PROCESSING AND PUBLIC PARTICIPATION

- If any additional information on the application is required as contemplated in terms of section 42 of the Land Use Planning Bylaw, such information must be submitted prior to the public participation process' commencement.
- It will be required from the Applicant to conduct the required public participation process as contemplated in terms of section 45(3) of the Land Use Planning Bylaw and in accordance with the prescribed instruction of such public participation process which will be issued to the Applicant.
- The prescribed **Consent Form** must be used for declarations by affected parties or property owners.
- The Western Cape Land Use Planning Amendment Act, 2021 enables municipalities to decide themselves which communication methods to utilise to give direct notification to inform parties whose rights may be affected of their intention to consider certain types of land use applications. The Municipality is no longer restricted to the methods of direct notice that are listed in section 115 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- It is required from applicants to serve the required notices by alternative means as provided for in terms of section 35 of the Land Use Planning 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 Land Use Planning Bylaw.

- 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 agreed to in consultation with the applicant.
- 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.
- The Applicant must prepare all such 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 placement on the Municipal Website.
- 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.
- All applications are published on the Municipal Website. To manage the applicable timeframes allowed for comments effectively, this will be done daily to coincide with the publishing of 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.
- 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 addressing any comments from the internal Departments.
- The POE must be accompanied by the **POE Checklist**.

- It is recommended that an **Application Summary Report**, inclusive of a **Public Participation Section (in MSWord)** is submitted to the relevant town planner to facilitate the assessment process.
- The onus of the feasibility and successful outcome for the serving of notices and advertisement is the sole responsibility of the Applicant. If such serving of notices or advertisement is not deemed effective, the Municipality may at its sole discretion suspend the processing of the application for such time until the serving of notices or advertisement was concluded as instructed.
- 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 Land Use Planning Bylaw to properly assess and consider the application, it will be communicated with the applicant and concluded prior to the evaluation of the application.

DECISIONS ON LAND USE APPLICATIONS

- The applications will be duly evaluated, and such planning assessment reports will be submitted to the authorised decision makers for consideration.
- Administrative decisions and certain land use applications will be decided by the Municipality in accordance with the **System of Delegations** approved by Council Vide Item 11.8.1 of 24 May 2023.
- Council has resolved Vide Item 11.8.5 of 24 May 2023 to appoint in terms of section 73(1)(b) of the Bylaw ten persons as members (five external members and five internal members) of the **Municipal Planning Tribunal** for a new term of office for a period of 5 years, commencing on 1 June 2023.
- To enhance service delivery, the **Categorisation Model** as approved by Council Vide Item 11.8.1 of 24 May 2023, that assigns categories of applications to different decision makers, makes provision for, in addition to the MPT, three authorised employees on different levels of management. Such regime will expedite decision making by assigning appropriate categories of applications to such different decision makers.
- Measures will also be implemented for in person meetings or via the MS Teams platform for the MPT to decide on the applications that 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.

COMMENTING ON LAND USE APPLICATIONS

LAND USE APPLICATION NOTICES

Any interested and affected person may, in terms of Section 50 of the Land Use Planning Bylaw submit comments on a land development application for which a notice was published or served in terms of sections 45 and 46 of the said Bylaw. The notice will only provide the summary detail of the land development application. The full application document will however be available for inspection on the [Planning Portal – Stellenbosch Municipality](https://www.stellenbosch.gov.za/planning-portal/) for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning-portal/>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the applicant.

COMMENT FORMAT

In terms of section 50 of the Bylaw, the following format and requirements needs to be observed when commenting on a land development application:

- The comments must be made in writing.
- The comments must refer to the application Reference Number and property details, which will be provided in the notice.
- The name of the person that submits the comments.
- The physical address and contact details of the person submitting the comments.
- The interest that the person has in the subject application.
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - indicate the facts and circumstances that explain the comments;
 - where relevant demonstrate the undesirable effect that the application will have if approved;
 - where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - enable the applicant to respond to the comments.

PROCEDURES

- The comments must be addressed to the applicant that undertakes the land development application by electronic mail to the email address that will be provided in the notice.

APPEALS ON LAND USE APPLICATIONS

SUBMITTING AN APPEAL

- Any person has the right to an appeal in terms of section 79(2) of the Municipal Land Use Planning Bylaw if his/ her rights are affected by a decision on a land use and land development application or a duly authorised decision maker fails to decide on a land use and land development application.
- An appeal must be submitted to the Appeal Authority within 21 days from the date of notification of a decision on a land use application.
- Appeals must be addressed to the Municipal Manager and submitted to his/her designated official by means of email to landuse.appeals@stellenbosch.gov.za.
- Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal.
- No late appeals or an extension of time for the submission of appeals are permitted in terms of section 80(1)(a) of the Land Use Planning Bylaw.
- An appeal on the failure of a decision maker to decide on an application, may be lodge any time after the expiry of the applicable period contemplated in section 57(1) or (2) of the said Bylaw.
- If an appellant fails to provide the prescribed information, the appeal will be invalid in terms of Section 81(1)(b) of the said Bylaw.
- No appeal right on a land use and land development application, or failure to decide on such application, exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
- All decisions on land use and land development applications are suspended and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and the applicant or appellant has been advised accordingly.

APPEAL FORMAT

- All appeals must include the following personal information of the appellant as well as information on the subject property and any relevant correspondence:
 - Reference to any relevant correspondence
 - Details on the relevant property on which the appeal is submitted

- First names and surname
- ID number
- Company of Legal person's name (if applicable)
- Physical Address
- Contact details, including a cell phone number and email address.
- Appeals on a decision of a land use and land development application must also include the following prescribed information to satisfy the requirements of section 80(2) of the Land Use Planning Bylaw:
 - The grounds of the appeal which may include the following grounds:
 - that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
 - whether the appeal is lodged against the whole decision or a part of the decision;
 - if the appeal is lodged against a part of the decision, a description of the part;
 - if the appeal is lodged against a condition of approval, a description of the condition;
 - the factual or legal findings that the appellant relies on;
 - the relief sought by the appellant; and
 - any issue that the appellant wishes the Appeal Authority to consider in making its decision.
- An appeal on the failure of a decision maker to decide on an application, must include the facts that prove the failure (refer to section 81(1)(h)).
- An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said Bylaw:
 - Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the Municipality may determine.

- The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
- The notice must be served in accordance with section 35 of the said Bylaw and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
- Proof of serving the notification must be submitted to the Municipality within 14 days of serving the notification.

DECLARATION

All appeals must include the following declaration by the appellant:

- The appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct.
- The appellant is aware that it is an offence in terms of section 86(1)(d) of the said Bylaw to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.

PROCEDURES

- Our office is responsible for the processing of appeals and provide administrative support to the Appeal Authority. Any enquiries related to the process can be addressed to landuse.appeals@stellenbosch.gov.za.
- After the appeal assessment report has been compiled, it will be circulated to the relevant parties for comments in terms of section 81(6) of said Bylaw before it is submitted via the Municipal Manager's Office to the Appeal Authority.
- The **Executive Mayor** of the Municipality is the Appeal Authority in respect of decisions of the MPT or an authorised employee and he/she may consider an appeal by means of the consideration of the written appeal and comments or by means of an oral hearing.
- Once the appeal has been decided by the Appeal Authority, our office will notify the parties of the decision.

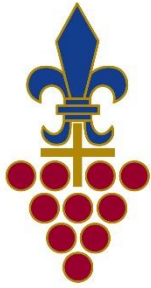
LAND USE COMPLAINTS

RECEIPT OF COMPLAINT

- Complaints can be submitted on the prescribed **Complaint Form** and submitted by email to Zoning.Violations@stellenbosch.gov.za. Details, such as the property description or street address, ownership details, proof of zoning violation or non-compliance with land use rights or conditions of approval must be included.
- In the absence of proof, an affidavit by the Complainant is required.

INVESTIGATION AND POSSIBLE ACTIONS

- The designated land use inspector will conduct a site inspection in order to assess the situation. Should the matter fall under the control of another Department, the complainant is advised accordingly with a copy of the Department's response forwarded to that Department.
- Should it be discovered that the complaint is of a temporary one and is likely to cease shortly, the offender is warned to ensure that no interference with the amenities of the neighbourhood exists for the period.
- Should the inspection reveal that the use may be regularised, the offender is told to submit a land use application. It should be noted that this procedure is normally used when amenity interference is considered minimal. This may be confirmed in writing with deadlines for the submission of the application and the complainant is advised of options available to him/her as a potential objector.
- Should the inspection reveal a use that cannot be considered favourably by the Department, the offender is warned that the use is not permitted in terms of the Zoning Scheme Bylaw and the Land Use Planning Bylaw. The offender is given a period within which to cease operating.
- The property is monitored by the designated land use inspector for a period of two weeks. A notice in terms of Section 15 of the Land Use Planning Bylaw may be served on the offender.
- Should the inspection reveal that the use is in conflict with the provisions of the Zoning Scheme Bylaw, a notice in terms of section 87 of the Land Use Planning Bylaw is then served on the owner/occupier/operator of the property ordering the termination of the misuse. There may be a delay in obtaining information in the



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY