



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT

DEPARTMENT OF DEVELOPMENT MANAGEMENT

LAND USE MANAGEMENT

www.stellenbosch.gov.za/planning-portal/

FOR GENERAL ENQUIRIES CONTACT landuse.enquiries@stellenbosch.gov.za or 021- 808 8606

INFORMATION GUIDELINE:

SUBMISSION OF LAND USE APPLICATIONS

1. PURPOSE

The land use application process consists of three distinct phases, namely:

1. Submission
2. Administrative
3. Consideration (Decision, Appeal & Come into Operation)

The purpose of this document is to set out the basic requirements and protocol for the **Submission Phase** of land use applications compiled in terms of section 38 of the Land Use Planning Bylaw (the **LUPB**). Application documentation and supporting information should be accurate and be prepared and submitted in accordance with these requirements. Failure to do so, or where submissions are incomplete, grounds for refusing to accept the land use application in terms of section 40 of the said Bylaw.

Land use applications in terms of sections 15 of the LUPB must be submitted online on the AFLA Portal - Town Planning Application Management System (**TPAMS**). A complete application must be submitted in accordance with the prescribed **Land Use Application Form** (Form A or Form B) with all required documents and associated attachments, which includes any instructions or guidance in accordance with the pre-application scrutiny feedback.

The application will be reviewed by the LUM Administration for completeness and adequacy as contemplated in terms of section 41(1)(c) of the LUPB and in accordance with the pre-application process and required documents and information. Receipt of

such an application will be acknowledged within 14 days of receipt if found complete and in compliance with section 38 of LUPB.

2. LAND USE APPLICATION SUBMISSION PROCEDURE¹

General land use application submission process

The process usually involves the following steps.

Preparing application

Step 1: Consult the Zoning Scheme Bylaw to determine permitted land uses, zoning parameters and restrictions, and obtain application forms, submission requirements and information on applicable procedures on the [Planning Portal – Stellenbosch Municipality](#) or contact the Advice Desk at landuse.enquiries@stellenbosch.gov.za or 021-808 8606. The [Citymaps Public GIS Viewer](#) can be visited to determine the zoning of the property and applicability of various overlay zones while the Heritage Inventory [Graded Stellenbosch Heritage | Stellenbosch Heritage Foundation](#) provides access to interactive survey maps.

Step 2: Have a pre-application consultation with a municipal town planner, if required, to discuss the development proposal, to identify any relevant policies, development frameworks, or impact assessments required, and matters that should be addressed in the application. Submit requests by completing the required forms and email it to landuse.applications@stellenbosch.gov.za.

Step 3: If necessary, appoint a consultant (town planner, land surveyor, architect, etc.) to help with the preparation of the application (including any site layout drawings or subdivision plan) according to the submission requirements and guidelines. For more complex applications, it is preferred that a professional town planner be appointed to submit the application. Where necessary, neighbours can be consulted before the application is submitted.

Submitting application

Step 4: Submit the application along with all the required supporting documents on TPAMS [AFLA Portal \(ArcGIS For Local Authorities\)](#). For submission of land use applications, you will need to register a user profile first. It is recommended that the AFLA Portal is used with the Google Chrome web browser. A unique TP# reference number will be allocated to the application when the application is created on the portal which must be used as reference in all correspondence.

3. ADVICE BEFORE SUBMISSION OF APPLICATION

Some applicants require advice from the municipal town planners or engineers before an application is submitted to understand the Municipality's requirements and to agree on the approach of the application and the content of documents to be submitted. A formal **pre-application consultation process** can be followed where either written feedback can be provided, or a meeting be arranged.

NOTE: The process is only a guideline and may be subject to change due to various factors which may include complexity of application, type of application, additional information requested, etc.

Even if a formal process is not followed, advice can be sought via the Advice Desk if there are uncertainties about the different application types, the process or the submission requirements.

Apart from the **LUM Client Charter**, there are also several **Information Guidelines** available for assistance:



4. TOWN PLANNING APPLICATION TYPES

More than one type of application may be submitted, depending on what are planned on the property. 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.

APPLICATIONS IN TERMS OF SECTION 15 OF THE LAND USE PLANNING BYLAW	
15(2)(a)	rezoning of land
15(2)(b)	a permanent departure from the development parameters of the zoning scheme
15(2)(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning
15(2)(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement
15(2)(e)	a consolidation of land that is not exempted in terms of section 24
15(2)(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit
15(2)(g)	a permission required in terms of the zoning scheme
15(2)(h)	an amendment, deletion or imposition of conditions in respect of an existing approval
15(2)(i)	an extension of the validity period of an approval
15(2)(j)	an approval of an overlay zone as contemplated in the zoning scheme
15(2)(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram
15(2)(l)	a permission required in terms of a condition of approval
15(2)(m)	a determination of a zoning
15(2)(n)	a closure of a public place or part thereof

15(2)(o)	a consent use contemplated in the zoning scheme
15(2)(p)	to disestablish a homeowners' association
15(2)(q)	to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services
15(2)(r)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged

Other types of applications	
Approval required in terms of the bylaw for street naming and numbering	
Consent / Permission required in terms of, or the relaxation of a restricted condition in a title deed (includes planning permission in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)	

5. SUPPORTING INFORMATION AND DOCUMENTATION

The minimum supporting information and documentation required to enable the Municipality to assess land use applications are listed below, noting that this is only a guideline, and the Municipality should be consulted to ascertain if any additional requirements relating to the proposal might be required.

In general land use applications require the following supporting information and documents **to be valid and complete**:

- a. A correct application form completed in full and duly signed
- b. A Power of Attorney (POA) letter signed by the landowner (if someone else / an agent submits the application on behalf of the owner). If the property is owned by a company or trust the POA must be accompanied by a resolution letter.
- c. A copy of the relevant title deed/deed of transfer
- d. Where the title deed is unclear, a conveyancer's certificate clearly confirming that the application / land use rights pursued is not restricted by any condition contained in the title deed or any historic title deeds, or clearly indicating the restrictive conditions prohibiting the proposed development
- e. A motivation report explaining what makes the proposal desirable, as well as its likely impact on its surroundings
- f. A locality plan that shows the exact size and boundaries of and access to the property
- g. A site layout/development/sketch plan/subdivision plan illustrating the proposed development
- h. **Proof of payment**
- i. Other documents, where applicable and depending on the type and complexity of the application:
 - i. A landscaping or tree plan
 - ii. A contour plan / existing ground level
 - iii. A breakdown of the typical unit types (internal layout plan & elevation)
 - iv. Perspective illustrations / models

- v. A separate civil services report (for larger developments) or indication of all municipal services and registered servitudes
- vi. Flood line determination (report / plan)
- vii. A copy of an environmental impact assessment (EIA) / heritage impact assessment (HIA) / environmental authorisation (EA) (if required by law)
- viii. A copy of a transport impact assessment (TIA) / transport impact statement (TIS)
- ix. Abutting neighbour consent (standard consent form to be used)
- x. Body Corporate / Homeowners' Association (HOA) consent
- xi. Homeowners' Constitution / architectural guidelines
- xii. Copy of original approval and conditions of approval
- xiii. Minutes of pre-application consultation meeting
- xiv. Additional motivation

Land Use Application Form A is the main application form for all types of land use activities. **Land Use Application Form B** can be used if the application comprises ONLY an application for a departure or for permission either in terms of the zoning scheme or in terms of a condition of approval or in terms of the title deed. If any other type of application is also required, *Land Use Application Form A* must be completed.

It is important to ensure that you fully comply with these requirements when preparing and submitting your application. If not, the application may be considered incomplete and will be returned for corrections, improvements and/or outstanding information.

Applicants are required to submit **one unbound hard copy of the application** to the office for filing purposes. This will be specifically required for applications for larger types of developments that are more complex in nature and require more detailed motivation reports with various attachments and/or specialist studies.

Depending on the nature of the planned development and any unique circumstances, the LUM Office **may need additional information** to help process and assess the application which may be required as identified by the Town Planner during the Control Checklist period before the public participation continues or after the public participation process as may be identified in comments received.

The **Advice Desk** can help with enquiries relating to the completion of the application form or provide an estimate of the application fees payable.

6. MOTIVATION REPORT

The proposed land development must be properly motivated (explained) so that potentially affected parties can fully understand it, and the Municipality can assess it.

For applications that only relates to a departure or a permission, the standard *Land Use Application Form B* must be completed and a motivation of a few sentences or paragraphs in said application form may be sufficient.

For any other type of application, especially larger and more complex applications, however, the motivation must be in the form of a separate, detailed report, that clearly explains all the concepts and details of the planned project, and why it is a sensible proposal.

Such a detailed motivation report may consist of the **following sections**, amongst others:

- a. Background
- b. Physical characteristics of the property and surrounding area supported by photographs
- c. Development proposal. Detailed description of all aspects of the proposed development supported by drawings and plans to give an indication of the proposed built form, landscaping and public interface, including any alternative considerations such as location, scale, use, etc.
- d. Desirability of the proposal to be properly motivated –
 - socio-economic impact
 - compatibility with surrounding uses
 - impact on the external engineering services
 - impact on safety, health and wellbeing of the surrounding community
 - impact on heritage
 - impact on the biophysical environment
 - traffic impacts, parking, access and other transport related considerations
 - whether the imposition of conditions can mitigate an adverse impact of the proposal
- e. Alignment to the provisions of the zoning scheme, and the intent of the relevant base zone of the property
- f. Applicability of the urban and rural as well as the scenic route overlay zones
- g. Assessment of restrictive conditions of previous land use approval or title deed
- h. Consistency with the IDP, MSDF, RSIF, PSDF and relevant policies, guidelines and principles
- i. Site specific motivation to justify the deviation if the proposal does not comply with the MSDF

When an application is submitted for an amendment, suspension or removal of restrictive conditions the criteria referred to in section 33 of the LUPB, should also be considered.

7. SITE LAYOUT PLAN

A site layout plan must indicate at least the following:

- north point
- erf/farm number and street name of abutting properties
- building lines (zoning scheme, title deed and/or design guideline building lines)
- position and width of any service servitude or right of way
- the position of all structures and buildings – new, unauthorised and proposed/new
- floor plans indicating the intended use of every room / area
- vehicle access point and width
- scaled dimensions of on-site parking and loading bays
- fencing or boundary wall
- a table summarising land use information e.g., erf size, existing vs proposed uses and areas, coverage, floor space, floor factor, parking requirements, etc.
- Owners' Association stamp
- drawing number and date (with clear indication of the Revision number and corresponding new date)

It is important to notice the difference in what is referred to as a site layout plan and a Site Development Plan (SDP).

A site layout plan serves the purpose of spatially illustrating the physical characteristics of the subject land and the proposed location, site layout, nature and scale of the use rights and associated development parameters of the proposed land use rights being pursued.

When an application is submitted to rezone land or to acquire any additional land use right, the site layout plan submitted as part of the application may be approved as a condition of approval as the Site Development Plan for the implementation of the approved land use rights insofar as it is sufficient to satisfactorily address the implementation of the subject land use rights that are granted.

If required in terms of the zoning scheme, or if the site layout plan submitted with an application does not adequately address the approved land use rights and conditions of approval, an applicant must submit a site development plan (SDP) to the Municipality and have it approved before any development can commence on the relevant land unit.

The purpose of an SDP is to spatially illustrate the implementation of the existing or approved use rights attached to the subject land, compliance to any associated development parameters, as well as conditions of approval attached to a land use and land development approval.

An SDP does not grant any use rights in addition to the existing or approved use rights attached to the subject property. If land use rights have not been approved in terms of due process, any error of a reference or representation of such land use activity on an approved SDP does not equate to any approval to allow such land use activity.

8. SUBDIVISION PLAN

When applying for the subdivision or consolidation of land, the subdivision or consolidation plan must indicate the following:

- north point
- location of the proposed land units
- clear description labelling of portion number and size of land units
- proposed zonings in respect of the proposed land units
- public places
- existing structures
- existing and proposed access points
- servitudes
- contours with at least a 1m interval or such interval as requested by the Municipality
- existing external engineering services
- any significant natural features
- scale of the plan
- drawing number and date (with clear indication of the Revision number and corresponding new date)
- On a separate plan, the proposed **names and numbers of streets**

If an application for subdivision requires a **servitude** over land which does not belong to the applicant, the applicant must provide a copy of a written agreement with the owner of the land over which the servitude will be registered.

If a subdivision is to be implemented in phases, the subdivision application must be accompanied by a **phasing plan** indicating the following:

- the proposed timeline for the completion of the entire subdivision
- how the subdivision will be implemented and what engineering services must be in place before a certificate contemplated in section 28 may be granted
- that the engineering services for each phase will be able to function independently and in sequence
- the links in engineering services to the next phase
- proposed measures to avoid or mitigate any adverse impact on adjoining land units or proposed land units not located within the phase to be developed
- a map indicating –
 - the proposed subdivision which clearly marks, in bold lines, the boundaries of each proposed phase;
 - each phase labelled alphabetically; and
 - the roads, land units, open spaces, internal engineering services and external engineering services that the applicant will provide for each phase.

9. APPLICATION AND ADVERTISING FEES

The Municipality charges a set fee for the processing of land use applications. The total fee payable is determined by the application type and extent / complexity of the proposal required and may therefore consist of:

- a basic application fee; and/or
- a complexity fee.

The fee must be paid in full on submission of the application, failing which the Municipality will refuse to accept and/or refuse to consider the application. For a complete list of land use management tariffs and application fees, it is advised that the **Council Tariffs and Tariff Rules** be consulted to determine the exact amount payable in respect of the relevant application type(s).

The applicable fees are also included in the relevant Land Use Application Forms (Form A and Form B).

The application fees must be paid at the Cashier or by means of an Electronic Fund Transfer (EFT) and **Proof of Payment (POP) must be submitted with the application**. A unique **TP# reference number** will be allocated to the application when the application is created on the TPAMS portal which must be used as payment reference along with the erf/farm number. The total fee payable depends on the application type, the extent or complexity of the proposal and may consist of a basic application fee (per application type in accordance with the Tariff Rules) and a complexity fee (if applicable). The fees referred to are only for the application, and any advertising and additional costs will be at the applicant's expense.

Application fees are **non-refundable** in accordance with section 39(2) of the By-law. Should the owner/applicant decide to withdraw the application (section 43) after payment has been made, the LUM Office will not be able to arrange for a refund. However, there will be a short window period after acknowledgement of receipt of the application by the LUM Administration, when the application is examined by a town planner (Control Checklist period), that application fees may be refundable if the said application is deemed unnecessary/not required. The refund of application fees will be at the sole discretion of the Municipality.

Should there be a need for additional applications or further impact assessments during the evaluation process, or for additional public participation, an **additional fee may be charged** or cost incurred.

Application **fees are reviewed annually** for each financial year (i.e. from 1 July to 30 June next year) by the Council as part of the Municipal Budget. The Application Forms will therefore be amended on an annual basis to reflect the applicable Council Tariffs.

10. CONTACT DETAILS

- 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 **general town planning enquiries**, assistance with the **submission of applications** or for the submission of requests for **zoning certificates**, phone 021 – 808 8606 or send an email to landuse.enquiries@ Stellenbosch.gov.za or visit the Customer Interface Officer and Advice Desk at the NPK Building on the corner of Plein and Ryneveld Street.
- For any enquiries on **Spatial Planning matters**, phone 021 – 808 8653 or send an email to Spatial.Planning@ Stellenbosch.gov.za.
- For any enquiries on **Heritage Resource matters**, phone 021 – 808 6806 or send an email to Heritage.Resource@ Stellenbosch.gov.za.

11. COMPLIANCE CHECKLIST

INFORMATION AND DOCUMENTATION CHECK	YES	NO
Does the application require a pre-application consultation?		
If a pre-application consultation was required, have the written feedback or approved minutes of the meeting been attached?		
Have the prescribed application forms been completed, signed and dated correctly?		
If relevant, does the application include a power of attorney and resolution letter?		
Does the application include a copy of the relevant title deed or conveyancer certificate as required?		
Is the property affected by any restrictive title deed condition, servitude or lease agreement, or would the planned development be prohibited by any such conditions? If so, has an application been submitted for their removal/relaxation?		
Is the application properly motivated (in terms of desirability and existing statutory frameworks and policies)?		
Is the proposed development adequately illustrated on a scaled site layout/development/sketch plan, which is prepared in line with required standards?		
Are all existing services/infrastructure/servitudes and other restrictions illustrated on the proposed site layout/development plan, as necessary?		
Has the application fees been paid and was proof of payment retained?		
In the case of subdivision, has a proposed subdivision plan been prepared according to the requirements, is the plan appropriately scaled and coloured, and does it include an accurate proposed zoning schedule as well as proposed street names and numbers?		
Has all affected neighbours' consent been obtained (where required)?		
Where necessary, has the Homeowners' Association consent been obtained and was the application prepared in line with the Constitution and design guidelines?		
Is a copy of the relevant impact assessments or authorisations as required by law included?		
Has the application been prepared in accordance with previous approvals and conditions of approval?		