



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11136

Our File Reference Number: Erf 144, La Motte

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR CONSENT USE: ERF 144, LA MOTTE, FRANSCHHOEK

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the application in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015, for a Consent Use (Section 15(2) (o)) to utilize the existing outbuilding for purposes of a house shop on Erf 144, cnr of Olienhout Street and Bergendal Street, La Motte;
 - 2.2 **BE APPROVED** in terms of Section 60 of the said Bylaw and subject to the following conditions of approval in terms of Section 66 of the said Bylaw:
 - (a) The approval applies only to the consent use in question and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;
 - (b) The approval granted does not exempt the applicant/ operator from complying with any other legal prescriptions or requirements that might have a bearing on the activity;
 - (c) The approval will lapse if not exercised within 5 years from the date of final notification;
 - (d) The primary use of the land unit shall remain the residence of the proprietor of the establishment and his/ her family;
 - (e) The proposed house shop must be used in accordance with Drawing No. 153/2015, Dated 18 April 2017 and is limited to ±31,2m² only.

- (f) No parking will be allowed for customers within the road reserve. If parking creates nuisance to the public, parking must be created on the erf.
- (g) No name or advertising sign shall be erected on the property, except one which complies with the Council's approved "Guidelines for the design and control of signs".
- (h) The conditions imposed by **the Manager: Health Services (Winelands Health)** as contained in their memo dated 31 July 2020, and stipulated below, be complied with (**see ANNEXURE J**);
 - i. Environmental pollution
 - a. No pollution such as water, air, dust or noise pollution may occur on any part of the premises during the operation of this facility.
 - ii. Sewerage/Sanitary facilities
 - b. The sewerage system from the proposed development must conform to Stellenbosch Municipality's specifications, conditions and approval.
 - c. Sewerage disposal on the premises must at all times take place in nuisance-free manner and shall be the owner's responsibility.
 - iii. Potable water/Storm water
 - d. The quality of the potable water on the premises must all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.
 - iv. Solid waste disposal
 - e. Refuse collection and storage must be done in a way that will not cause a health nuisance.
 - v. Food handling
 - f. All areas where food is handled must comply with the minimum requirements for food handling premises as determined in Regulation R638 (General Hygiene Requirements for Food Premises Regulations) in terms of the Foodstuffs Act (Act 54 of 1972).
 - g. The food handling areas may under no circumstances be operated without prior application being made to the Municipal Health Department of the Cape Winelands District Municipality for a Certificate of Acceptability. This certificate will only be issued after inspection and if the premises meet the requirements of Regulation R638.
 - vi. General Conditions:
 - h. The requirements for smoking in public places as contained in Regulation 975-Notice Relating to Smoking of Tobacco Products in Public Places, issued in terms of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended, be complied with at all times.

2.3 Matter on the application **TO BE NOTED:**

- 2.3.1 All electrical requirements should be directed to Eskom.

2.4 The Reasons for the above decision are as follows:

- a. The house shop will not have a detrimental impact on the area as there will not be any alterations or additions to the existing building.
 - b. The proposed activity is low key and provides essential service to the surrounding community.
 - c. The proposed activity will not detrimentally affect the character of the surrounding area due to the scale and nature of the activity.
 - d. No Additional parking is required as the traffic generation will be minimal as the premises will be visited by surrounding communities probably on foot.
 - e. The fact that a house shop is to be considered as a Consent Use in terms of the Stellenbosch Zoning Scheme Bylaw, 2019 on properties zoned Conventional Residential Zone, highlights the intension of the zoning scheme to accommodate such uses after the necessary application procedure has been followed.
- 3 You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
- 4 Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
- (a) The personal particulars of the Appellant, including:
 - (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
 - (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - (c) The grounds of the appeal which may include the following grounds:

- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) 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.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law 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.

5 Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za

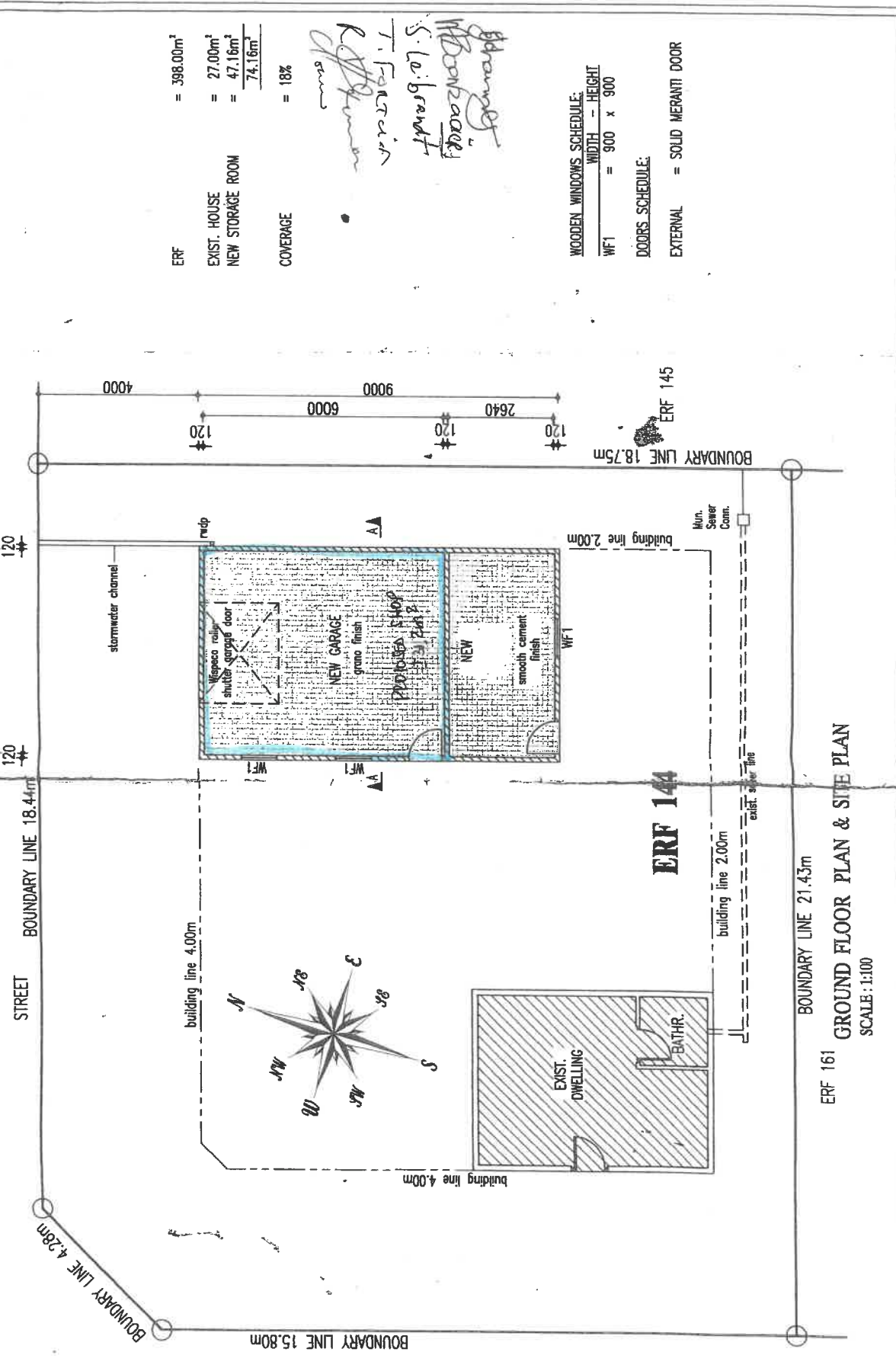
6 Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

- 7 The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
- 8 An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
- 9 Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
- 10 Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully


FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

24/8/2021
DATE:



ERF	=	398.00m ²
EXIST. HOUSE	=	27.00m ²
NEW STORAGE ROOM	=	47.16m ²
		<u>74.16m²</u>
COVERAGE	=	18%

T. Farman
S. Leibrandt
M. Donzack
Blumenthal

WOODEN WINDOWS SCHEDULE:
 WIDTH -- HEIGHT
 WF1 = 900 x 900

DOORS SCHEDULE:
 EXTERNAL = SOLID MERANTI DOOR

Revision notes:
 All work must comply with National Building Regulations and Local Authorities By-laws. Builder to work according plan and use own discretion where necessary. All levels and dimensions to be checked before any work commences. Preference to be given to written dimensions above scaling from plan.

LET'S CONSULTANTS
 [Redacted]
 [Redacted] CELL

Drawn by:
 ELTON SWARTZ
 Client:
 MRS. M. LUCAS

Drawing
 NORTH, SOUTH, WEST & EAST ELEVATIONS
 PLAN Nr. 153/2015

Date:
 2017-04-18
 Scale @ A3:
 1:100
 SACAP registered

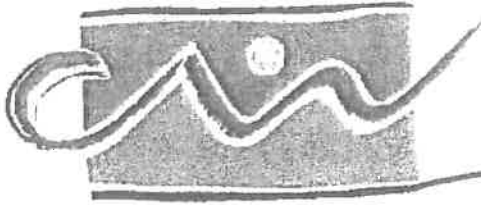
Project:
 PROPOSED NEW STORAGE BUILDING AT EXIST. HOUSE AT ERF 144, OLIENHOUT STREET, LA MOTTE

ERF 161
 ERF 144
 GROUND FLOOR PLAN & SITE PLAN
 SCALE: 1:100

ANNEXURE J

**APPLICATION FOR CONSENT
USE: ERF 144, CNR OF
OLIENHOUT STREET AND
BERGENDAL STREET, LA
MOTTE**

**COMMENT FROM THE
MANAGER: HEALTH
DEPARTMENT (WINELANDS
HEALTH)**



CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

NAVRAE/ENQUIRIES/IMBUZO:
TELEFOON/TELEPHONE/UMNXEBA:
FAKS/FAX/IFEKSI:
E-POS/E-MAIL/E-MAIL:
U VERW/YOUR REF/REF YAKHO:
ONS VERW/OUR REF/REF YETHU:

Mnr. M. Mathee
021-8711001
021-8721277
mathee@capewinelands.gov.za
Erf 144 La Motte (LU/11136)
Erf 144 La Motte

Alexanderstraat 46 Alexander Street
☒ 100
STELLENBOSCH
7599

Alle korrespondensie moet aan die Munisipale Bestuurder gerig word/
All correspondence to be addressed to the Municipal Manager/Yonke imbalelwano mayithunyelwe kuMlawuli kaMasipala

31 July 2020

**The Municipal Manager
Stellenbosch Municipality
P.O. Box 17
STELLENBOSCH
7599**

Dear Sir

APPLICATION FOR TEMPORARY DEPARTURE - Erf 144 La Motte

Your email dated 30 July 2020 refers.

From an environmental health perspective this application may be recommended for approval; provided that the following conditions are complied with:

1. Environmental pollution

1.1 No pollution such as water, air, dust or noise pollution may occur on any part of the premises during the operation of this facility.

2. Sewerage/Sanitary facilities

2.1 The sewerage system from the proposed development must conform to Stellenbosch Municipality's specifications, conditions and approval.

2.2 Sewage disposal on the premises must at all time take place in a nuisance-free manner and shall be the owner's responsibility.

3. Potable water/Storm water

3.1 The quality of the potable water on the premises must at all times comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.

4. Solid waste disposal

4.1 Refuse collection and storage must be done in a way that will not cause a health nuisance.

5. Food handling

- 5.1 All areas where food is handled must comply with the minimum requirements for food handling premises as determined in Regulation R638 (General Hygiene Requirements for Food Premises Regulations) in terms of the Foodstuffs Act (Act 54 of 1972).
- 5.2 The food handling areas may under no circumstances be operated without prior application being made to the Municipall Health Department of the Cape Winelands District Municipality for a Certificate of Acceptability. This certificate will only issued after inspection and if the premises meet the requirements of Regulation R638.

6. General conditions

- 6.1 The requirements for smoking in public places as contained in Regulation 975 – Notice Relating to Smoking of Tobacco Products in Public Places, issued in terms of the Tobacco Products Control Act, 1993 (Act 83 of 1993) as amended, must be complied with at all times.

Yours faithfully



**ENVIRONMENTAL HEALTH PRACTITIONER
for MUNICIPAL MANAGER**