



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14938 (TP110/2022)

Our File Reference Number: Erf 1440, Kayamandi

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL:** [REDACTED]

Sir/Madam

## **APPLICATION IN TERMS OF SECTION 15(2)(O) AND 15(2)(B) OF THE STELLENBOSCH MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING 2023 ON ERF 1440, KAYAMANDI**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 That the following applications in terms of Section 15(2) of the of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015, namely:
    - 2.1.1 Application in terms of Section 15(2)(o) for consent use in order to use the ground floor ( $\pm 314\text{m}^2$ ) of an existing building as a business premises (supermarket) on Erf 1440, Kayamandi;
    - 2.1.2 Application in terms of Section 15(2)(b) for a permanent departure for the under provision of four (4) parking bays on Erf 1440, Kayamandi;

**BE APPROVED** in terms of Section 60 of the said By-law and subject to conditions of approval.

3. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said By-law:
  - 3.1 The approval only applies to the application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Municipality, or other legislation, By-laws or Regulations that may be applicable.

- 3.2 The development must be undertaken generally in accordance with the referenced Proposed SDP with Drawing No. 0117.090 Rev. 4, drawn by WJ Studio and dated 2023/05/04, attached as **Annexure B**.
- 3.3 Building plans must be submitted for all changes of use in the existing buildings and which building plan(s) must be approved, and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 3.4 Building plans must be generally in accordance with the referenced Proposed SDP with Drawing No. 0117.090 Rev. 4, drawn by WJ Studio and dated 2023/05/04, attached as **Annexure B**.
- 3.5 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the use.
- 3.6 The use hereby permitted and activities onsite must comply with the Western Cape Noise Control Regulations, must not cause public nuisance (traffic, parking & noise) to the adjacent and adjoining property owners and must not interfere with their rights.
- 3.7 No directorial, advertisement, or any other signs may be erected on the subject property or in the road reserve prior to the approval of Stellenbosch Municipality or the competent authority.
- 3.8 The conditions imposed by the Directorate: Infrastructure Services as contained in their memorandum dated 19/12/2023 and comments dated 24/02/2023, attached as **Annexure E** be complied with.
- 3.9 The conditions imposed by the District Municipality (Health Department) as contained in their letter dated 03/03/2023, attached as **Annexure E** be complied with.
4. The reasons for the above decision are as follow:
- 4.1 The property is located in an industrial area and the limited nature of the business premises use applied for will not be detrimental to the character of the area or surrounding property owners.
- 4.2 Sufficient parking is provided and there will be no impact on existing engineering services.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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.
6. 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:
  - 6.1 The personal particulars of the Appellant, including:
    - a) First names and surname
    - b) ID number
    - c) Company of Legal person's name (if applicable)
    - d) Physical Address
    - e) Contact details, including a Cell number and E-Mail address
7. Reference to this correspondence and the relevant property details on which the appeal is submitted.
  - 7.1 The grounds of the appeal which may include the following grounds:
    - a) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
    - b) 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.
  - 7.2 Whether the appeal is lodged against the whole decision or a part of the decision.
  - 7.3 If the appeal is lodged against a part of the decision, a description of the part.
  - 7.4 If the appeal is lodged against a condition of approval, a description of the condition.
  - 7.5 The factual or legal findings that the appellant relies on.
  - 7.6 The relief sought by the appellant.
  - 7.7 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
  - 7.8 That the appeal includes the following declaration by the Appellant:
    - a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
    - b) 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.

8. 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](mailto:landuse.appeals@stellenbosch.gov.za)
9. 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.
10. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at [landuse.appeals@stellenbosch.gov.za](mailto:landuse.appeals@stellenbosch.gov.za)
11. 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 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.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
13. Kindly note the above decision in the case of any approval, is 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 you've been advised accordingly.

Yours faithfully

  
\_\_\_\_\_  
**FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT**

  
\_\_\_\_\_  
**DATE**



**STELLENBOSCH**  
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# **ANNEXURE B**

SITE PLAN





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## **ANNEXURE E**

COMMENT FROM DEPARTMENTS



**STELLENBOSCH MUNICIPALITY**  
STELLENBOSCH·PNIEL·FRANSCHHOEK

# MEMORANDUM

**DIREKTEUR: INFRASTRUKTUURDIENSTE**  
**DIRECTORATE: INFRASTRUCTURE SERVICES**

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**To ▫ Aan:** Director: Planning + Economic Development  
**Att Aandag** Salome Newman / Nolusindiso Momoti / Nicole Katts  
**From ▫ Van:** Manager: Development (Infrastructure Services)  
**Author ▫ Skrywer:** Tyrone King  
**Date ▫ Datum:** 19 Dec 2023  
**Our Ref ▫ Ons Verw:** Civil LU 2460  
**Your Ref:** LU/14938  
**Re ▫ Insake:** Erf 1440, Kayamandi: Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, for consent use in order to use the ground floor (314m<sup>2</sup>) of an existing building as a business premises (supermarket) on Erf 1440, Kayamandi. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, for a permanent departure for the under provision of 4 parking bays on Erf 1440, Kayamandi.

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The application is recommended for approval, subject to the following:

1. **Civil Engineering Services**
  - 1.1 The existing building's services are to be utilized.
2. **Parking**
  - 2.1 Parking provision must be in accordance with what is indicated on Drawing Number 0117.090 Rev 4 dated 2023/05/04 by WJ Studio (Proposed SDP) – see attached. ~~4~~

JK



\* 4 parking bays must be provided on neighboring Erf 1441 and the parking on Erf 1441 must be notarially tied with Erf 1440. Proof of this notarial tie must be furnished prior to building plan approval. If building plans are not applicable, then this notarial tie must be in place before the facility is put to it's intended use.



**Tyrone King Pr Tech Eng**  
**MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)**

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ERF 1440

1. No Objection

**CONDITIONS**

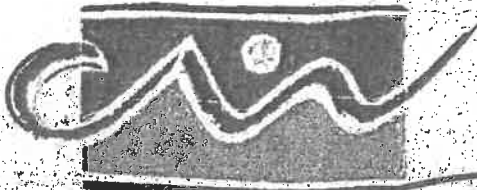
2. All Electrical work to comply to SANS 142 and SANS 104 XA and Municipal by-laws
3. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages.
4. All electrical work to comply with SANS 142 and Municipal electrical by-laws
- 4? If connecting a generator for backup, the generator needs to comply to SANS 10142

Bradley Williams

Date.....24/02/2023.....



Signature



**CAPE WINELANDS DISTRICT**  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

**MEMORANDUM TO/ AAN**

**Official / Beampste**  
**Your ref/ U vrew.**  
**Ref No / Verw. No**  
**Date / Datum**

**: Salome Newman**  
**(Directorate Planning & Economic**  
**Development: Stellenbosch Municipality)**  
**: Ms N. Ngola**  
**: Erf 1440, Stellenbosch**  
**: 15/2/21**  
**: 2023-03-03**

**POROPOSED DEPARTURE APPLICATION FOR: ERF 1440,21 BRIDGE ROAD,  
KAYAMANDI, STELLENBOSCH.**

**There are no objections from an Environmental Health point regarding this application, subject to compliance with the following:**

- 1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance. Must be connected to the existing municipal sewage system, toilet facilities with hand washing facilities must be provided.**
- 2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used.**
- 3. The house shop must have sufficient ventilation to comply with National building Regulations.**
- 4. In the event where food will be prepared or handled and or served to the public, the applicant must apply in writing to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of R638 of 22 June 2018 under the Foodstuffs, Cosmetics and Disinfectants Act, 1972.**
- 6. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)**
- 7. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided.**

**Yours faithfully**

**N. NQOLA**  
**for MUNICIPAL MANAGER**