



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/15382 (TP322/2023)

Our File Reference Number: Erf 410, Franschhoek

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 410, LE ROUX, 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 made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law 2023 for consent use to permit the use of a portion ($\pm 135\text{m}^2$) of an existing building as a liquor store on Erf 410, Le Roux;

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 Council or other legislation or By-Laws or Regulations that may be applicable.

3.2 The development be undertaken generally in accordance with the Site Plan as referenced Dwg. No. PLG01-2/3 and Floor Plan as referenced Dwg. No. PLG01-2/3, drawn by D. van Driel and dated 29/09/2022 (attached as **Annexure B**).

3.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.

3.4 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.

3.5 Building plans must be generally in accordance with the Site Plan as referenced Dwg. No. PLG01-2/3 and Floor Plan as referenced Dwg. No. PLG01-2/3, drawn by D. van Driel and dated 29/09/2022 (attached as **Annexure B**).

3.6 The conditions imposed by the Directorate: Infrastructure Services as contained in their memo dated 06/07/2023 and email dated 03/07/2023 (attached as **Annexure G**), be complied with.

4. The reason for the above decision is as follows:

4.1 The new liquor store is proposed in the established business node of Groendal, Franschhoek where such uses are generally acceptable as it is compatible with the surrounding uses.

5. Matters to be noted:

5.1 The applicant must obtain the relevant approval in terms of the Western Cape Liquor Act and the Stellenbosch Municipality Liquor Trading Hours By-Law.

6. 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.

7. 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:

7.1 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

8.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

8.3 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.

8.4 Whether the appeal is lodged against the whole decision or a part of the decision.

8.5 If the appeal is lodged against a part of the decision, a description of the part.

8.6 If the appeal is lodged against a condition of approval, a description of the condition.

8.7 The factual or legal findings that the appellant relies on.

8.8 The relief sought by the appellant.

8.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

8.10 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.

9. 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

10. 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.

11. 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

12. 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:

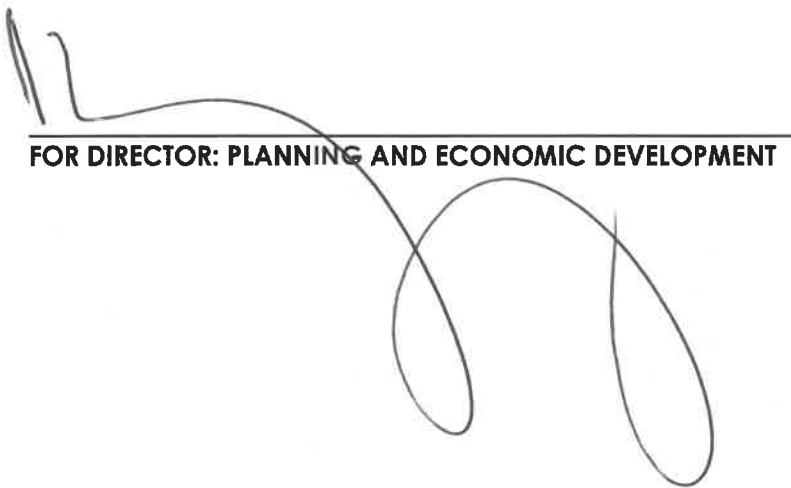
- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
- (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
- (c) The notice 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.

13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

14. 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



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke that extends to the right, crossing over the printed text below.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

6/9/2023
DATE: _____

COPIES TO:

[REDACTED]



STELLENBOSCH
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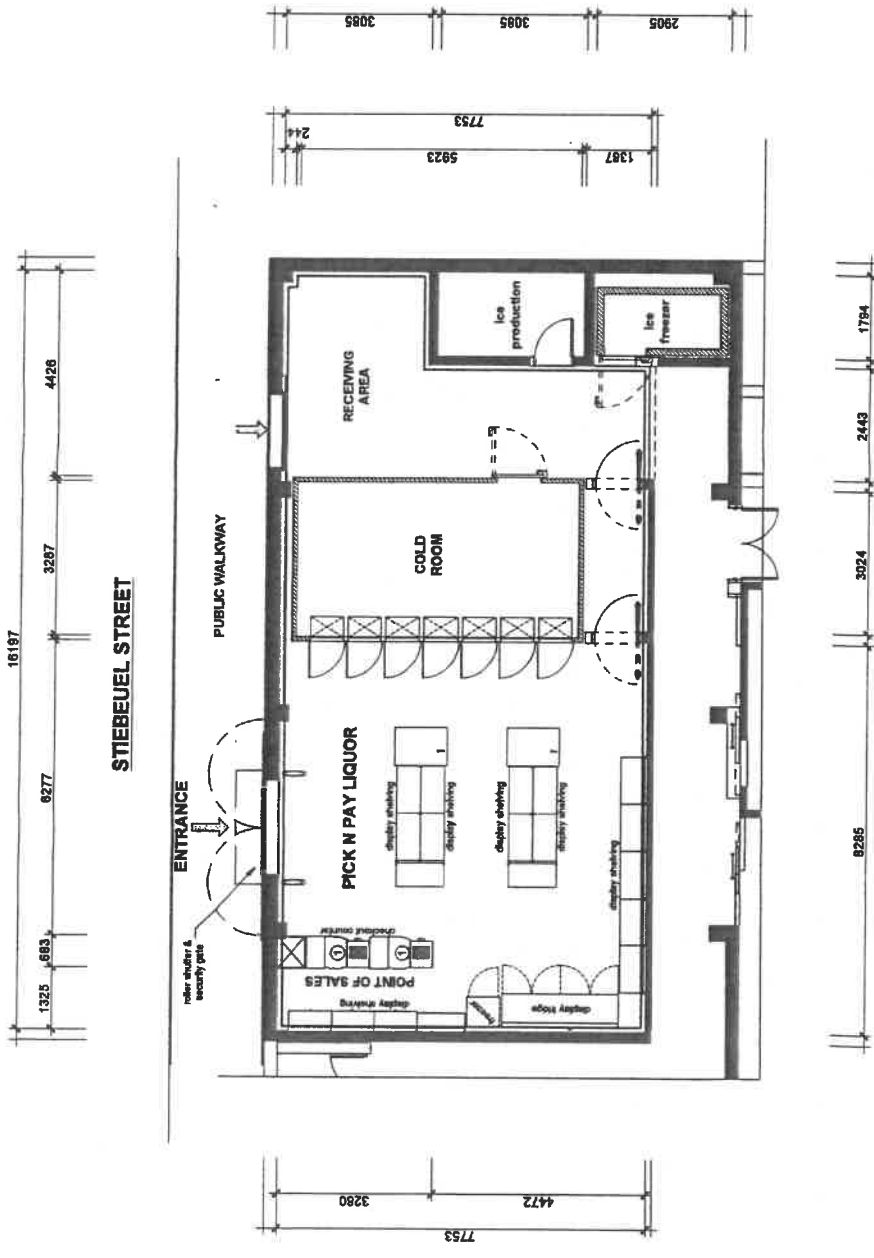
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE B

SITE PLAN

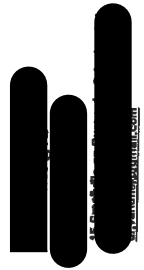
NOTES

This drawing is for Liquor license application. It is, consequently not to be used for submission to municipality as a working drawing or to be used for construction purposes.



FLOOR PLAN

PICK N PAY LIQUORS
 (GROENDAL FRANSCHHOEK)
 ERF 410
 C/O LE ROUX & MARKS STREET
 GROENDAL
 FRANSCHHOEK
 7690

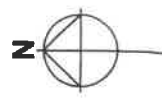
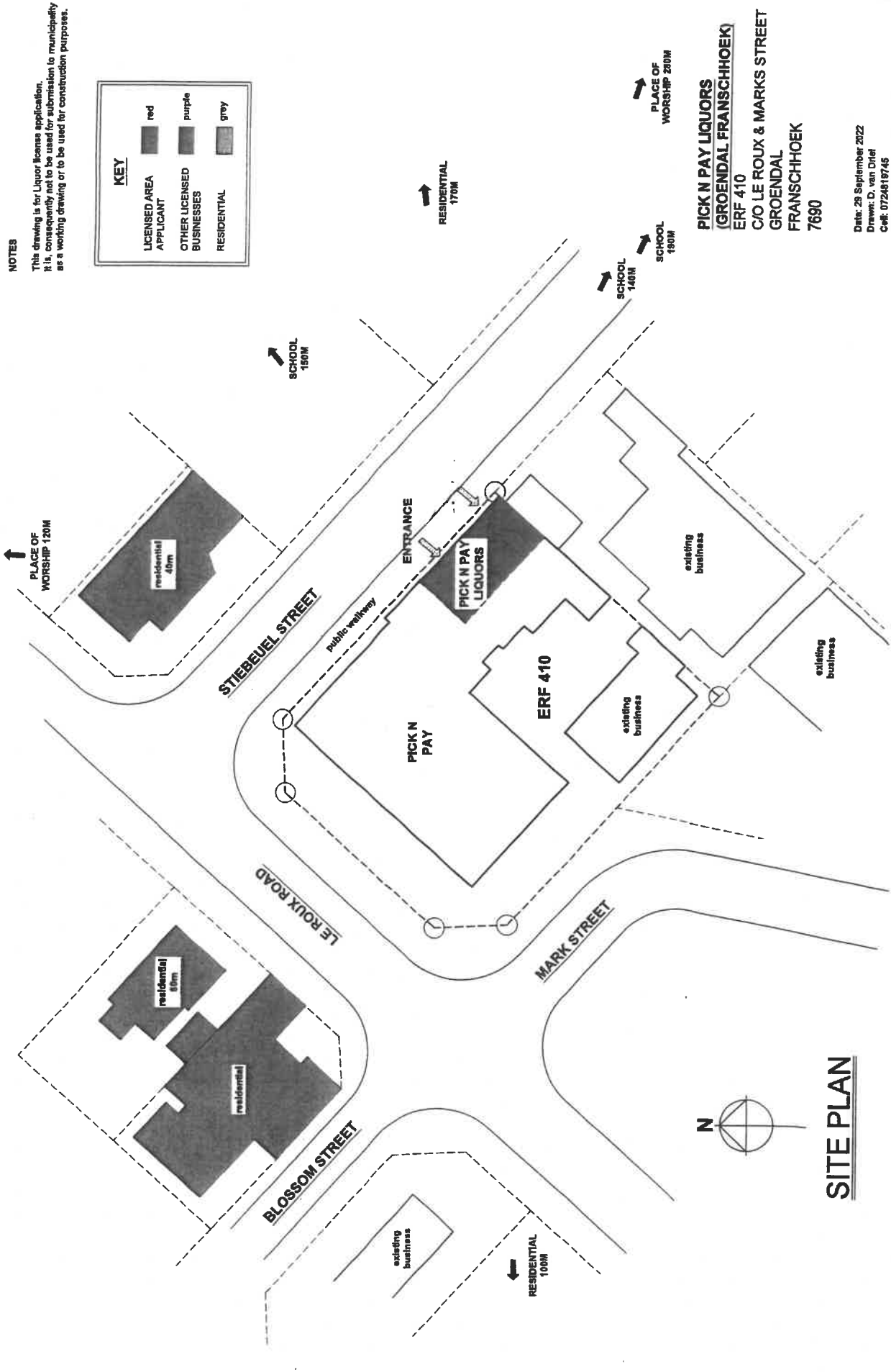


DWG. NO. PLG01-1/3

NOTES

This drawing is for Liquor license application. If it, consequently not to be used for submission to municipality as a working drawing or to be used for construction purposes.

KEY	
LICENSED AREA	red
APPLICANT	purple
OTHER LICENSED BUSINESSES	grey
RESIDENTIAL	grey



SITE PLAN

PICK N PAY LIQUORS
(GROENDAL FRANSCHHOEK)
 ERF 410
 C/O LE ROUX & MARKS STREET
 GROENDAL
 FRANSCHHOEK
 7690

Date: 29 September 2022
 Drawn: D. van Diek
 Cell: 072481 8746
 19 Smelkoff on Burgundy, 2 Amber Rd.
 Burgundy Estate
 dr.vandierik@gmail.com

DWG. NO. PLG01-2/3



STELLENBOSCH MUNICIPALITY

STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att ▫ Aandag: Salome Newman
From ▫ Van: Principle Technician: Development (Infrastructure Services)
Author ▫ Skrywer: Kurt Titus
Date ▫ Datum: 06 July 2023
Our Ref ▫ Ons Verw: Civil LU 2514
Your Ref: LU/15382
Re ▫ Insake: Erf 410, Franschhoek: 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 to permit the use of a portion (±135m²) of an existing building as a liquor store on Erf 410, Le Roux.

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

To prevent deliveries from disturbing pedestrians on the existing sidewalk or motorists using that particular road. The application in terms of civil engineering services are approved on condition that the proposed delivery receiving area is moved to the back of the liquor store (near the U-safe entrance).

K Titus

Kurt Titus

Principal Technician: Development (Infrastructure Services)

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Charlene Williams

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From: Martin Slabber
Sent: Monday, 03 July 2023 08:16
To: Salome Newman; Bradley Williams
Cc: Charlene Williams
Subject: RE: ERF 410, GROENDAL, FRANSCHHOEK : APPLICATION FOR CONSENT USE: ELECTRICAL ENGINEERING SERVICES (COMMENTS BY EMAIL)

GENERAL: NONE

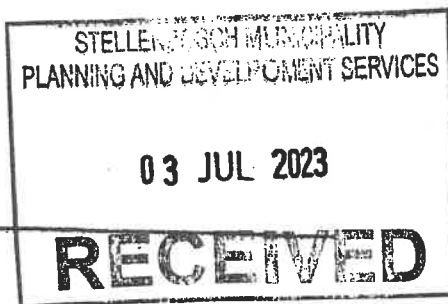
CONDITIONS: If any electrical services must move, remove, change or upgrade – apply via recoverable cost application, for applicants cost.

Subject to SANS 10142,204-1-2008, energy savings and efficiency implementation and Municipal bylaws – Only existing electrical connection is available.

1. Installation of 10A electrical control units
2. Solar water heating/heat pump installation
3. Energy efficient lightning
4. Roof insulation
5. Cooking with gas fired appliances
6. Control air condition equipment with energy saving devices.
7. Preheat at least 50% of hot water with alternative energy savings devices.

TX

Groete:
Martin Slabber
Sin. Supt. Dwarsrivier Elect.
Engineering Services



Martin.slabber@stellenbosch.gov.za

D: +27 83603 3431

T: + 27 21 808 8338

www.stellenbosch.gov.za

www.facebook.com/stellenboschmunicipality

twitter.com/StellMun

Hugenoote Road 23 Franschhoek 7690

PO Box 18, Franschhoek, 7690

PO Box 17, Stellenbosch, 7599

FILE NR:	OUTGOING POST
	EF 410 FH
SCAN NR:	
COLLABORATOR NR:	752298

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Published at the following link: http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm

From: Salome Newman <Salome.Newman@stellenbosch.gov.za>
Sent: Monday, 26 June 2023 12:44
To: Bradley Williams <Bradley.Williams@stellenbosch.gov.za>
Cc: Martin Slabber <Martin.Slabber@stellenbosch.gov.za>; Charlene Williams