



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/12920

Our File Reference Number: Erf 7555, Stellenbosch

Your Reference Number: Erf 7555, Stellenbosch

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR A CONSENT USE: ERF 7555, LANG STREET, CLOETESVILLE, STELLENBOSCH

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 Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for a **Consent Use** to allow for a liquor shop on Erf 7555, Cloetesville, Stellenbosch,

BE APPROVED in terms of Section 60 of the said Bylaw.
3. The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:
 - 3.1 The approval only applies to the proposed application (consent use) under consideration, as indicated on the referenced (2021-0859-01) site plan, attached as **ANNEXURE C** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 3.2 The development must be undertaken generally in accordance with the site plan as referenced (2021-0859-01) and attached as **ANNEXURE C**.

- 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 generally in accordance with the site plan / floor layout plan as referenced (2021-0859-01) and attached as **ANNEXURE C**.
- 3.5 The conditions imposed by **Cape Winelands District (Health Services)** as contained in their memo dated 29 October 2021, as stipulated below, be complied with (see **ANNEXURE K**);
- a) *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 system.*
 - b) *The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternatively an approved waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.*
 - c) *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 Regulations 962 of 23 November 2012.*
 - d) *Strict adherence to all COVID-19 related guidelines and Regulations to be observed.*
 - e) *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 the local authority (SANS 10103 of 2003)*
 - f) *An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided.*
- 3.6 The conditions imposed by the **Manager: Electrical Services** as contained in their memo dated 29 October 2021, as stipulated below, be complied with (see **ANNEXURE L**);
- a) *If the supply is not efficient, applicant need to apply for upgrade*
 - b) *Application cost is the responsibility of the applicant.*
 - c) *All electrical wiring for the building should be carried out in accordance with SANS 0142 Municipal by-laws and SANS 10400XA Energy Efficiency.*
 - d) *Appropriate caution shall be taken during construction, to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved.*
- 3.7 The area for the liquor shop be limited to $\pm 215\text{m}^2$.

3.8 The proposal must adhere to the Stellenbosch Municipality Liquor Trading hours By-law.

4. The reasons for the above decision are as follows:

4.1 The principle of establishing a bottle store/liquor shop on a business zone property is generally accepted as being a sound planning practice;

4.2 The proposal will not have any impact on the natural or built environment as it will be operated from an existing building

4.3 It is clearly evident that the proposed use would be compatible with existing developments and will not require additional parking as no additions are proposed.

5. Matters on the application TO BE NOTED:

5.1 Building plans be approved by the Municipality prior to any building work commencing.

5.2 A business license and a liquor license be applied for if required.

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:

(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.
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
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 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>).

11. 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.
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 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

30/5/2022

DATE:

Copies to Objectors

(a) **Stellcare**

E-mail: [REDACTED]

(b) **Mr & Ms Dempers**

E-mail: [REDACTED]

(c) **Ward Councillor: Elsabe Vermeulen**

E-mail: [REDACTED]

(d) **VGK Stellenbosch URCSA**

E-mail: [REDACTED]

(e) **Weltevrede 2 Buurtwag**

E-mail: [REDACTED]

(f) **E van Niekerk / M van Niekerk / V.van Niekerk**

Registered Post: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

(g) **Mnr D R Olivier**

Registered Post: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

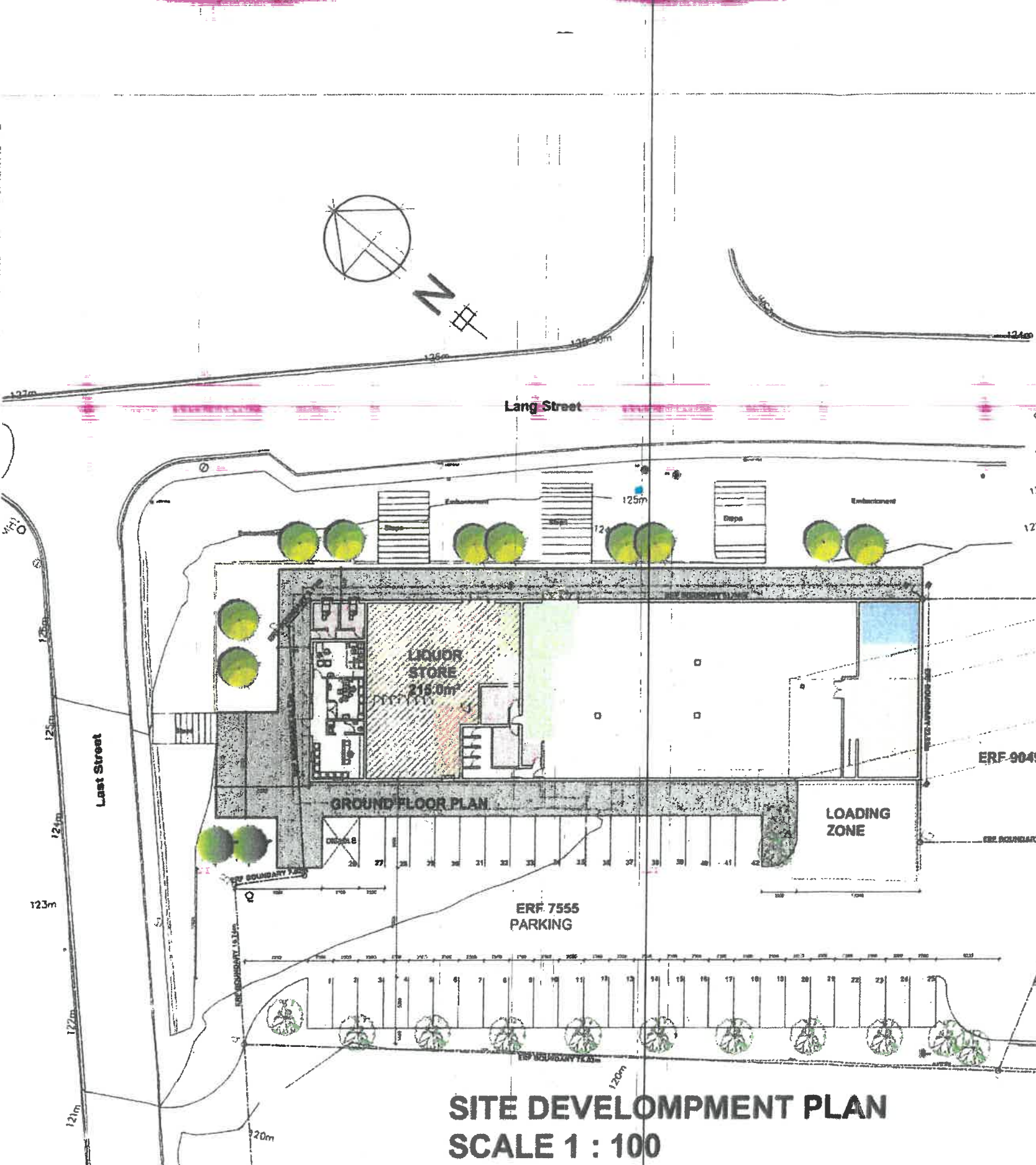
(h) **A September / C September / K September (Petition)**

Registered Post: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

ANNEXURE C

**APPLICATION FOR A CONSENT USE ON
ERF 7555, STELLENBOSCH**

SITE DEVELOPMENT PLAN/SITE PLAN



PERMISSABLE AND PROPOSED DEVELOPMENT

Restriction:	Permissible:	Provided:
ERF 7555	3158.35m²	3158.35m²
Coverage MIXED-USE ZONE	100%	33.65%
Floor Factor :	3.0	0.33
Coverage:	3158.35m²	1220.0m²
Building Lines:		
Street building lines MIXED-USE ZONE	0.0m	0.0m on LANG and LAST STREET
Latent building line (West): Mixed-use Zone	0.0m	25.0m
Latent building line (South): Mixed-use Zone	0.0m	0.0m
Space Between Existing Structure and New Structure		0.0m
BUILDING POPULATION		
Building Classification		Mix Zone I
Total AREA - Ground Floor		1220.0m²
Total Area - Basement		132.15m²
PARKING REQUIREMENTS		
Parking ratio Require	Permissible:	Provided:
Floor Area - 839.61m²	839.61m²	839.61m²
Storage Area - 271.01m²		
1 Parking bay per 25.0m²	1 per 25.0m²	1 per 25.0m²
	38	41
DISABLE	1	1



BASEMENT FLOOR PLAN

**SITE DEVELOPMENT PLAN
SCALE 1 : 100**

NO. REVISIONS	DATE
1 REVISIONS	21-05-2021
1 MUNICIPAL	

Legal note:

- Please note that the legal liability of this plan expires after 5 years from date on plan.
- All products specified have to be installed as specified. Any other method of installation or deviation from the specs will release Van Heerden Architecture(Pty) Ltd of any legal liability.
- All products carry a manufacturers guarantee, and can't be guaranteed by Van Heerden Architecture(Pty) Ltd. Any deviation from the plans has to be reported to Van Heerden Architecture(Pty) Ltd before such deviation is applied, and a new altered plan has to be acquired before any deviation may be made. Making any changes contradicting this plan is a offence.

All building work has to comply with SANS10400 and NHBRC regulations.

PROPOSED SHOPRITE CHECKERS

ERF 7555, CLOETESVILLE STELLENBOSCH

VAN HEERDEN ARCHITECTURE
SACAP T1084
SAIAT 32642

CONVEYOR'S SIGNATURE: _____
ARCHITECTURE'S SIGNATURE: _____

DRAWING STATUS CODES:
A: Design • B: Working • C: Municipal • D: Tender • E: Construction • F: As Built

ALL STANDARD REQUIREMENTS (NATIONAL BUILDING REGULATIONS AND MUNICIPAL BY-LAWS) MUST BE ADHERED TO • CONSTRUCTION MUST BE TO CHECK AND VERIFY ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE WORK COMMENCES • PROPOSED DIMENSIONS INCLUDING SCALE SET-OUTS, PERMITTED GREEN SPACES DIMENSIONS • REFER ANY AND ALL CONFLICTS IMMEDIATELY TO THE ARCHITECTURE CONSULTANT AND OWNER RESPONSIBLE CONSULTANTS FOR DESIGN AND ENGINEERING ON THE DRAWING IS THE SOLE RESPONSIBILITY OF VAN HEERDEN ARCHITECTURE (PTY) LTD. AND CONVEYOR IS RELEASED.

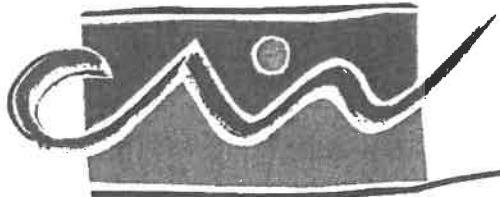
DATE: 21-05-2021	SCALE: 1:100	PROJECT: 2021-0859-01
DESIGNED: [Signature]	CHECKED: [Signature]	DATE: 21-05-2021
DRAWN: [Signature]	SCALE: 1:100	
PROJECT: 2021-0859-01		

2021-0859-01
MUNICIPAL APPROVAL

ANNEXURE K

**APPLICATION FOR A CONSENT USE ON
ERF 7555, STELLENBOSCH**

**COMMENT FROM THE MANAGER:
HEALTH SERVICES**



CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN : N. Katts
(Directorate Planning Economic & Development: Stellenbosch Municipality)
Official / Beampste : Mr F.C. van Wyk
Your ref/ U vrew. : ERF 7555, Stellenbosch
Ref No / Verw. No : 15/2/6/1
Date / Datum : 2021-10-29

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES
02 NOV 2021
RECEIVED

APPLICATION FOR TEMPORARY DEPARTURE: ERF 7555, STELLENBOSCH

There are no objections from an Environmental Health point of view 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 system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternatively an approved waste removal service must be used. Refuse bins must be strategically placed and accessible to the public.
3. 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 Regulation 962 of 23 November 2012.
4. Strict adherence to all COVID-19 related guidelines and Regulations to be observed.
5. 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)
6. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided.

Yours faithfully

F.C. VAN WYK
for MUNICIPAL MANAGER

REF NO:	
SCHEM NR:	ERF 7555 S
COLLABORATION NR:	716367

ANNEXURE L

**APPLICATION FOR A CONSENT USE ON
ERF 7555, STELLENBOSCH**

**COMMENT FROM THE MANAGER:
ELECTRICAL SERVICES**

Erf 7555 (LU/12920)

1. No Objection

2.

CONDITIONS:

1. If supply is not efficient applicant need to apply for upgrade.
2. Application cost is the responsibility of the applicant.
3. All electrical wiring for the building should be carried out in accordance with SANS 0142 Municipal by-laws and SANS 10400XA Energy Efficiency
4. Appropriate caution shall be taken during construction, to prevent damage to existing electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages?

General Comment:

No Comment

Bradley Williams
021 808 8336



Signature

29/10/2021

Date