



NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:

Application Property Address: **35 Bergstedt Street, Cloetesville, Stellenbosch**

Application Property Number: **7678**

Applicant: **Herman Rhode-** info@liquorlicenceconsultants.co.za

Owner: **Edwina Page-** edwinapage22@gmail.com

Application Reference: **LU/15603 (TP311/2023)**

Application Type: **Section 15 (2) (c) of the Stellenbosch Municipality Land-Use Planning By-Law 2015 for a Temporary Departure for the sale of Alcoholic Beverages.**

Detailed description of land use or development proposal, including its intent and purpose:

1. **Application is made in terms of Section 15 (2) (c) of the Stellenbosch Municipality Land-Use Planning By-Law 2015 for a Temporary Departure in order to utilize a portion of the existing dwelling house (bedroom 3) as a liquor shop on ERF 7678, Stellenbosch.**

- For the sale of liquor for consumption off the premises where liquor is sold.
- Formal application will be made to Western Cape Liquor Authority.

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>.

If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing.
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments.
- The physical address and contact details of the person submitting the comments.
- The interest that the person has in the subject application.
- The reasons for the comments, which must be set out in sufficient detail to:
 - Indicate the facts and circumstances that explain the comments.
 - Where relevant demonstrate the undesirable effect that the application will have if approved.
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and

- Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: **W Herman Rhode-** info@liquorlicenceconsultants.co.za .By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days **(60 days if it is a state entity)** from the date of this notice to be received on or before the closing date of **(25th September 2023 – 30 days/ 25th October 2023 – 60 days)**

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at **(0848022222)** during normal office hours.

Yours faithfully

Herman Rhode

KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GEÏNTERESSEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:

Adres van aansoek eiendom: **35 Bergstedt Street, Cloetesville, Stellenbosch**

Aansoek eiendom beskrywing: **7678**

Aansoeker: **Herman Rhode-** info@liquorlicenceconsultants.co.za

Eienaar: **Edwina Page-** edwinapage22@gmail.com

Aansoek Verwysing: **LU/15603 (TP311/2023)**

Tipe Aansoek: **Aansoek in terme van Gedeelte 15 (2) (c) van die Stellenbosch Munisipaliteit se Beplanning Verordening, 2015 vir 'n Tydelike Afwyking vir die verkoop van Alkoholiese Drank.**

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

1. Aansoek in terme van gedeelte 15(2)(c) van die Stellenbosch Munisipaliteit se Beplanning Verordening, 2015 vir 'n Tydelike Afwyking Vir die verkoop van drank vir verbruik buite die perseel waar drank verkoop word.
2. Formele aansoek sal by Wes-Kaap Drankraad gemaak word.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteitingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal vandie Stellenbosch Munisipaliteit se Webtuiste vir die tydskuur van die publieke deelnameproses by die volgende adres:

<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>.

Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker

versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaarlewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsamebesonderhede moet bevat ten opsite van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien dieaansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoekstrydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stelom kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: **Herman Rhode-** info@liquorlicenceconsultants.co.za. Deur 'n beswaar, kommentaar of verhoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar moet binne 30 dae **(60 dae indien dit 'n staatsentiteit sal wees)** vanaf diedatum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laastedag van die sluitings datum van **(25 September 2023 – 30 days/ 60days until 25 Oktober 2023)**

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van dievermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskontak word vir bystand by die vermelde elektroniese pos adres of telefonies by (0848022222) gedurende normale kantoor ure.

Die uwe

Herman Rhode

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2022-10-24

Attention:
Department: Spatial Planning and Environment
Stellenbosch Municipality
Street Address:
71 Plein Street, Stellenbosch
Postal Address:
P O Box 17, Stellenbosch 7599
Tel: 021 808 8658
Fax: 021 886 6899
www.stellenbosch.gov.za

APPLICATION FOR TEMPORARY DEPARTURE FOR: SALE OF ALCOHOLIC BEVERAGES FOR ERF 7678, 35 BERGSTEDT STREET, CLOETESVILLE, STELLENBOSCH

This application is hereby submitted to request for **temporary departure** of the subject property to permit the sale of alcoholic beverages on an off-consumption basis (i.e. Liquor Store)

This application is submitted in terms of the following legislation:

- a) Spatial Planning and Land Use Management Act, 2013.
- b) Stellenbosch Municipality Zoning Scheme By-Law, 2019.

Attached as part of this application are the following:

- 1. This coverletter.
- 2. Comprehensive motivationreport.
- 3. Annexures.

If there are any enquiries with regards to this application, do not hesitate to Emmanuel Akufuna on 074 418 7577 and via email at emmanuel@eternityservices.co.za.

Regards



Mr. Emmanuel Akufuna
Professional Architectural Technologist
PAT34897891

APPLICATION FOR **TEMPORARY DEPARTURE FOR:** SALE OF
ALCOHOLIC BEVERAGES FOR ERF 7678, 35 BERGSTEDT
STREET, CLOETESVILLE, STELLENBOSCH

PREPARED BY:

Emmanuel Akufuna (PAT34897891)

Cell: 074 418 7577

Email: emmanuelakufuna@eternityservices.co.za

ON BEHALF OF:

Client name: EDWINA PAGE

Cell No.: 060 924 0985

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1 SECTION 1: BACKGROUND AND PURPOSE OF THE APPLICATION

1.1 Application background

Eternity services (Pty) Ltd. has been appointed by Edwina Page to compile and submit this application to the Stellenbosch Municipality on her behalf. The special power of attorney is attached as Annexure 1

1.2 Land ownership

Erf 7678, Cloetesville, Stellenbosch is owned by Edward and Flora Page who has since passed on. The property is in the process of being transferred to their daughter, Edwina Florina Page who has inherited the property. The deed of transfer (T25803/2000) is attached as Annexure 2 and the confirmation from the transferring attorneys is attached as annexure 3

1.3 Purpose of the application

Erf 7678, Cloetesville, Stellenbosch, hereafter referred to as "the property" is currently zoned Conventional Residential Zone as per the zoning extract attached as Annexure 5.

At present the property is developed with a 3-bedroom residential dwelling. No alterations are envisaged to the existing dwelling structure in order to permit for the sale of alcoholic beverages on an off-consumption basis.

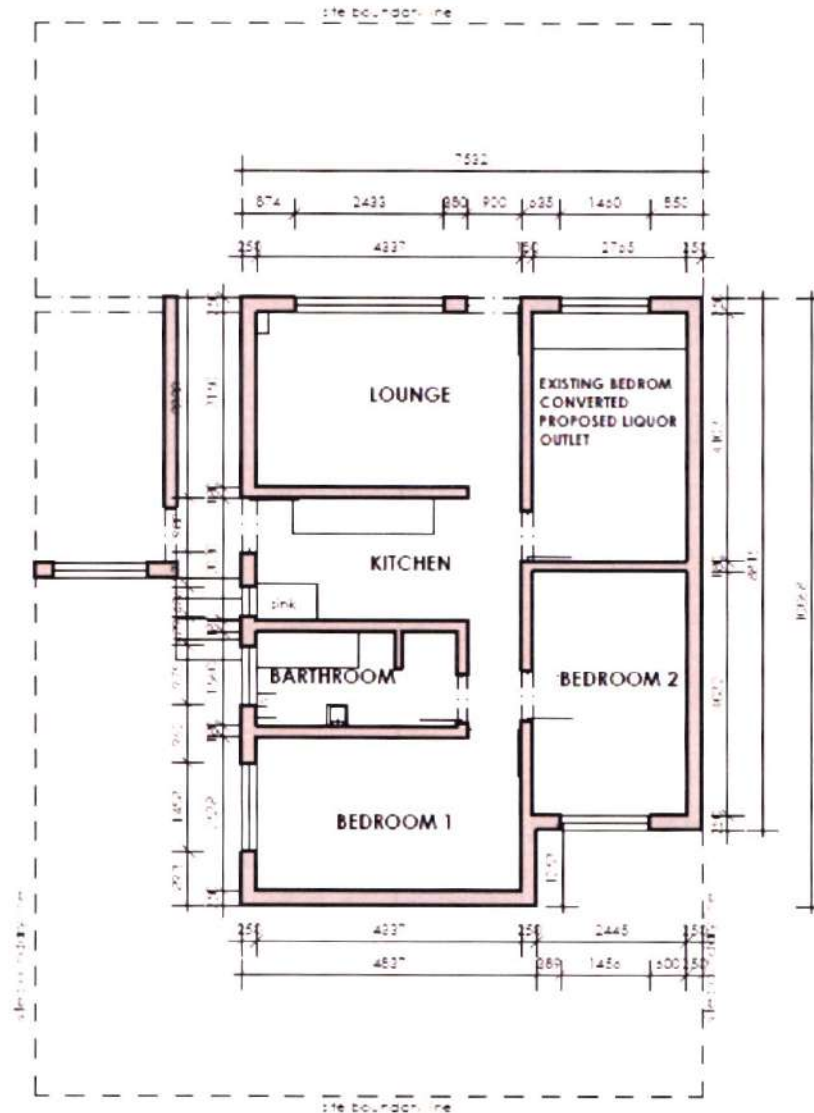


Figure 1: Existing Dwelling with envisaged area for sale of alcoholic beverages

The subject property measures 205m² in extent, which is the average size of erven within this neighborhood. There will be no increase in coverage or density on the subject property. **The total extent of the area to be used is 11,5sqm as indicated in the figure below (in blue dashed line)**

Furthermore, it is worth noting that there is no proposed increase in the size of the existing structures on the erf and the primary use of the property will remain residential.

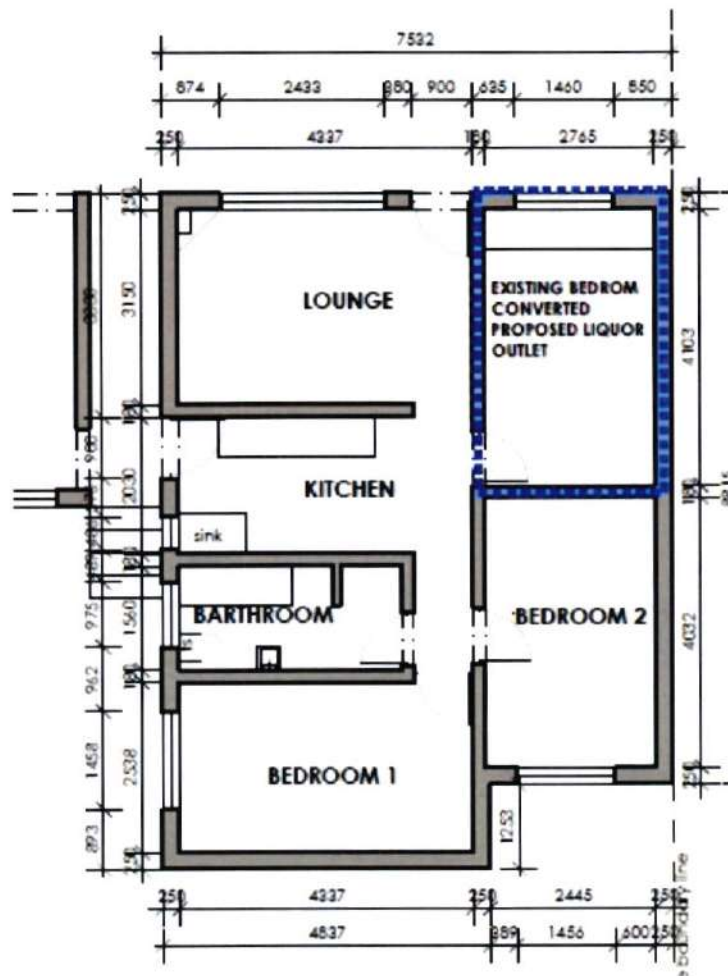


Figure 1.1: Indicating total extent of shop to be used (in blue).



- Total number of staff to be employed at the shop is 3 people with no additional parking bays being required as it is envisaged that the majority of the clients are the local community who would be walking to the store.
- Working hours to be:
 - Monday – Saturday : 9am – 6pm
 - Sunday : closed

2 **SECTION 2: MOTIVATION**

2.1 **Introduction**

This section of the report provides a detailed motivation for the proposed consent use.

2.1.1 **Area of Jurisdiction**

Erf 7678 Cloetesville is located within the Stellenbosch Municipal district.

2.1.2 **Locality of Property**

2.1.3 **Surrounding Zoning and Land uses**

The surrounding erven is predominately zoned as Conventional Residential Zone. See annexure 6 Attached

2.2 **Applicable legislation**

This application is hereby submitted in terms of the following legislation:

2.2.1 Spatial Planning and Land Use Management Act, 2013.

- The approval of the consent use will permit for the property to be utilized for more than just residential purposes and thus allowing the owner to generate additional income of the subject property.
- The surrounding landowners will have the convenience of locating goods in close proximity to their place of residence.

2.2.2 The Stellenbosch Municipality Zoning Scheme By-Law, 2019

- Section 49 allows for the additional uses in a dwelling
Below is an extract from the Stellenbosch Municipality Zoning Scheme By-Law 2019 Chapter 7 for Conventional Residential Zone

49. Land use within this zone		
(1) The following land uses are permitted in this zone:		
Primary Uses	Additional Uses (not exceeding threshold in this chapter and subject to technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> Dwelling house 	<ul style="list-style-type: none"> Bed and breakfast establishment Home day care centre Home occupation practice Home lodging Second dwelling Occasional use (one event/year) Private road 	<ul style="list-style-type: none"> Commune Extramural facility Group housing Guest house House shop Occasional use (>one event/year) Tourist dwelling unit Additional uses exceeding parameters in this chapter
(2) Additional uses are only permitted in a dwelling house and second dwelling house once technical approval is granted by the Municipality.		
(3) Additional uses are only permitted in group houses only once the owners' association has granted permission and thereafter the Municipality has granted a technical approval.		
(4) Except for a second dwelling, only one additional use per land unit is permitted.		
(5) A second dwelling and group housing units may be registered separately by sectional title.		

- Section 51 of the Stellenbosch Municipality Zoning Scheme By-Law 2019. Below is an extract of section 51, Chapter 7 for Conventional Residential Zone.

51. Additional uses in a dwelling house or second dwelling house

- (1) A technical approval of an additional use in a dwelling house or second dwelling house shall not be issued in terms of section 13(8)(f) unless all the applicable parameters in this section are complied with. Any deviation from these parameters requires a consent use application in terms of Planning Law.
- (2) The operator of an additional use activity shall reside on the land unit from which the additional use activity is conducted, and the dominant use of the land unit shall remain the operator's residence.
- (3) Apart from a second dwelling, only one additional use may be conducted on any property at any given time.
- (4) An operator of an additional use may either use a portion of the dwelling house in which he resides or a portion of, or the entire second dwelling for an additional use. If the additional use is conducted from the same dwelling in which the operator resides, a family, other than the operator's family, may reside in the other dwelling unit on the land unit.
- (5) The nature of any alterations to the dwelling house or second dwelling to accommodate additional use shall be such that the building can at any time revert to its use as a dwelling house or second dwelling, and additional uses, other than a second dwelling, may not be reflected on a building plan.
- (6) The residential character of the façade of the dwelling house or second dwelling shall be retained to the satisfaction of the Municipality.
- (7) No goods, material or equipment in connection with the additional use shall be displayed or be visible from a public road. Any such goods, materials or equipment to be stored on the land unit shall be within an enclosed structure which forms part of the dwelling house, second dwelling or its normal outbuildings.
- (8) The additional use may not cause a public nuisance.
- (9) No noxious trade, risk activity, escort agency or adult entertainment business shall be permitted as an additional use in this zone.
- (10) Additional uses may not cause any excessive fumes or smell to be emitted, cause any noise disturbance, be harmful or a disturbance to the neighbours, may not cause excessive congregation of people, disturbing after-hours activity, excessive parking in the public road or an excessive increase in the number and frequency of visitors to the land unit so as to be a nuisance, in the sole opinion of the Municipality.
- (11) No advertising sign may be displayed other than a single non-illuminated sign which does not project over a public road and which does not exceed 0,5m².
- (12) No more than one vehicle not exceeding 3500kg may be used in connection with the additional use and may be stored on the land unit.
- (13) An affected party may lodge a complaint if an additional use is causing a disturbance, affects their health, welfare or safety, or does not comply with the provisions in this section. Upon receiving a complaint, the Municipality shall investigate the matter, and if necessary serve a compliance notice in terms of the

2.3 Development Potential

2.3.1 Desirability

- socio-economic impact
- surrounding land uses
- impact on engineering services
- traffic impact

- biophysical environment

The above desirability aspects are elaborated upon below:

2.3.1.1 Socio-economic impact:

This development will result in jobs with regards to the selling of goods and additional income to the owner.

2.3.1.2 Surrounding land uses:

the subject property will continue to be utilised for residential purposes as its primary. Therefore, the residential character of the neighbourhood will be retained.

2.3.1.3 Impact on engineering services:

no adverse impact on existing municipal services is envisaged.

2.3.1.4 Traffic impact:

there will be no increased burden on the existing road network.

2.3.1.5 Bio-physical environment:

The site is already developed and there are no trees or vegetation worth preserving onsite.

2.3.2 SPLUMA

The diversification of land use ensures that modern sustainable neighborhoods are created and are introduced to older and new parts of a City or municipality.

Below is a diagram representing the pillars pivotal for sustainable development according to Allen et al.:

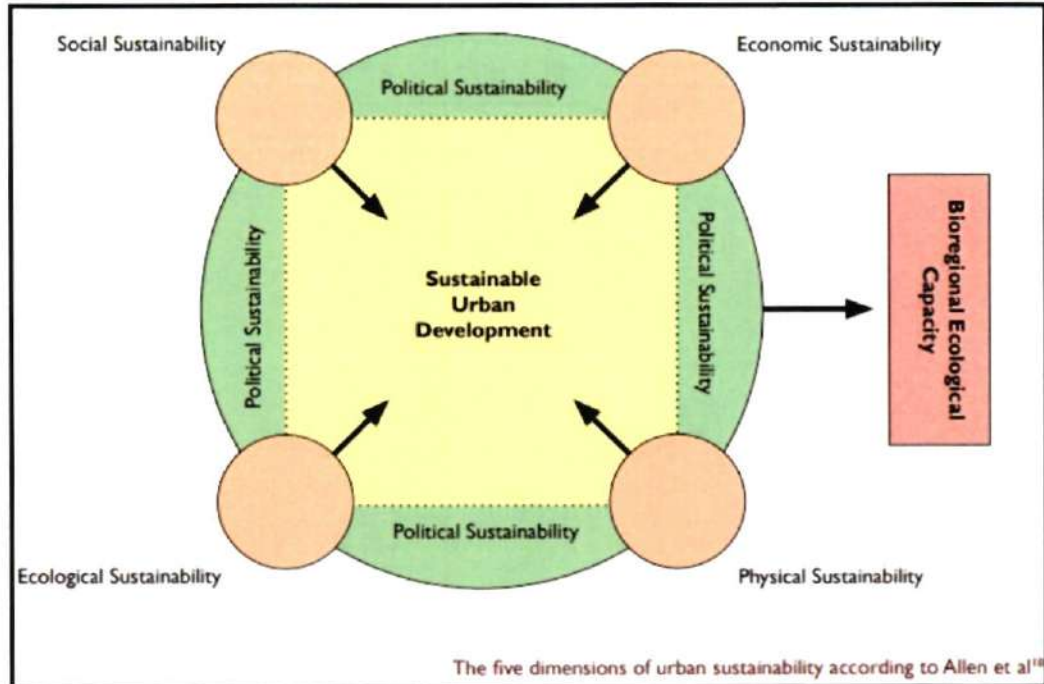


Figure 2: Principles of sustainable development.

From the previous diagram (i.e. Figure 2), Allen et al. summarize factors essential for a sustainable urban development as follows:

2.3.2.1 Sustainable Development

2.3.2.1.1 Economic sustainability:

the ability of the local economy to sustain itself without adversely impacting on the bio-physical environment. The current proposal has no adverse impact on the bio-physical environment as the site is already developed.

2.3.2.1.2 Social sustainability:

effective policies and actions aimed at improving the

quality of life and access to land and land use rights. Promoting businesses in close proximity of residential areas ensures that commuting distances are reduced for residents and ensures that money that could have been spent elsewhere is reinvested back into local neighbourhoods.

2.3.2.1.3 Ecological sustainability:

a balance between the impact of urban development on the city-region and global carrying capacity. The proposed business activities are minor in terms of scale and will have far less impact at a city region or globally.

2.3.2.1.4 Physical sustainability:

The capacity of the built environment and technological structures will sustain human life and productive activities. Modern architectural features will ensure that an environmentally sustainable structure marinated on site.

2.3.2.1.5 Political sustainability:

The quality of governance systems and frameworks guiding the preceding dimensions.

The proposed development adheres to the above sustainable pillars, as the favourable approval of this application will ensure that the ecological footprint of the municipality is reduced, by having mix land uses (i.e. residential and business) on a single property. The latter will result in less travel time for residence and money is circulated within the local community.

The proposal adheres to the principles of SPLUMA as elaborated upon below:



Figure 8: SPLUMA principles.

2.3.2.2 SPLUMA Principles

2.3.2.2.1 Spatial justice:

The proposal will allow for the subject property to continue to be utilized for residential purposes, and thus ensuring the security of a housing opportunity is preserved within the City. The business component will allow the owner to generate income from the subject property.

2.3.2.2.2 Spatial sustainability:

This development is the most sustainable and effective utilization of the property, as it discourages urban sprawl and centralizes the provision of goods in the neighbourhood.

2.3.2.2.3 Efficiency and equality:

By introducing a business component and still retaining the residential component on the subject property, this proposal ensures that a family has an equal opportunity to have access to the housing market and still be able to generate an income from the subject property without discrimination or prejudice.

2.3.2.2.4 Spatial resilience:

As there are no proposed alterations to the existing dwelling house, the proposal will not effect the spatial resilience of the existing environment that is and shall be capable of withstanding unforeseen natural disasters.

2.3.2.2.5 Good administration:

The approval of consent to permit the sale of alcoholic beverages ensures a pro-development stance is taken by the Municipality and a good administrative stance is taken on the part of the municipality while allowing for economic opportunities within residential neighbourhood in a well-regulated manner.

2.4 Building Plan

A building plan of the proposed alterations is attached as annexure 5.



2.5 Recommendations

This report has detailed that development proposal under consideration adheres to the overarching principles relating to equity, efficiency, spatial resilience, and justice as prescribed by SPLUMA.

The approval of this application will not deviate from the residential character of the neighbourhood nor have an adverse impact on the natural environment.