



Application Number: LU/14970 (TP213/2022)

Our File Reference Number: Erf 172, Jamestown

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 TO UTILIZE A PORTION OF THE EXISTING BUILDING FOR PURPOSES OF A LIQUOR SHOP ON ERF 172, JAMESTOWN

1. The above application refers.
2. The duly authorised decision maker hereby decides 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 utilize a portion of the existing building for purposes of a liquor shop on Erf 172, Jamestown,

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval

2.2 The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:

- 2.2.1 The approval only applies to the proposed application under consideration, as indicated on the referenced (**4241-001 and 4241-002, dated 19 September 2022**) 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.

- 2.2.2 The development must be undertaken generally in accordance with the site plan as referenced **4241-001 and 4241-002, dated 19 September 2022** and attached as **ANNEXURE C**.
- 2.2.3 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.
- 2.2.4 Building plans must be generally in accordance with the site plan as referenced **4241-001 and 4241-002, dated 19 September 2022** and attached as **ANNEXURE C**.
- 2.2.5 The conditions imposed by **Manager: Health Services (Cape Winelands)** as contained in their email dated 03 May 2023, be complied with (see **ANNEXURE H**).
- 2.2.6 The area for the liquor shop be limited to $\pm 105\text{m}^2$.
- 2.2.7 The proposal must adhere to the Stellenbosch Municipality Liquor Trading Hours By-law.

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

- 3.1 The principle of establishing a bottle store/liquor shop on a mixed-use zone property is generally accepted as being a sound planning practice.
- 3.2 The proposal will not have any impact on the natural or built environment as it will be operated from an existing building.
- 3.3 The proposal is in line with the surrounding land uses of the area.
- 3.4 It is clearly that the proposed use would be compatible with existing developments and will not require additional parking as no additions are proposed.

4. Matters to be noted:

- 4.1 Building plans be approved by the Municipality prior to any building work commencing.
- 4.2 business license and a liquor license be applied for if required.

- 5. 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.

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:

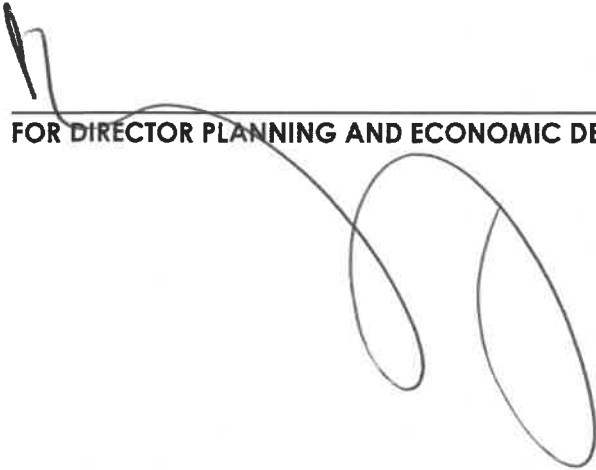
- (a) The personal particulars of the Appellant, including:
 - (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;
- (b) Reference to this correspondence and 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.

7. 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
8. 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.
9. 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>).
10. 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.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

12. 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

16/7/2023

DATE:

ANNEXURE C

**APPLICATION FOR CONSENT USE TO UTILIZE A
PORTION OF THE EXISTING BUILDING FOR
PURPOSES OF A LIQUOR SHOP ON ERF 172,
JAMESTOWN**

SITE DEVELOPMENT PLAN

1:100

ANNEXURE H

**APPLICATION FOR CONSENT USE TO UTILIZE A
PORTION OF THE EXISTING BUILDING FOR
PURPOSES OF A LIQUOR SHOP ON ERF 172,
JAMESTOWN**

**COMMENT FROM THE MANAGER:
HEALTH SERVICES (CAPE WINELANDS
DISTRICT)**

Charlene Williams

From: Nolusindiso Momoti
Sent: Wednesday, 03 May 2023 15:19
To: Shiraaz Hendricks
Cc: Charlene Williams
Subject: FW: Application for Consent Use on Erf 172, Jamestown: Comment

Good day Shiraaz,

Please find below comment from Environmental Health department.



Kind regards / Vriendelike Groete
Nolusindiso Momoti (Sindi)
Administrative Officer
 Land Use Management
 Planning & Economic Development

T: +27 21 808 8673: F + 27 21 886 6899
 NPK Building, 1st Floor, C/O Plein & Ryneveld
 Street, Stellenbosch, 7600
www.stellenbosch.gov.za



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http://www.stellenbosch.gov.za/main_pages/disclaimerpage.htm



FILE NR:	
SCAN NR:	E 172 ST
COLLABORATOR NR:	749044

From: Tracey-Lee Mouton <Tracey-lee@capewineland.gov.za>
Sent: Wednesday, May 3, 2023 3:09 PM
To: Nolusindiso Momoti <Nolusindiso.Momoti@stellenbosch.gov.za>
Cc: Fabian van Wyk <fabian@capewineland.gov.za>
Subject: [EX] RE: Application for Consent Use on Erf 172, Jamestown: Comment

Good day,

Attention: To whom it may concern

Sir/Madam

**RE: APPLICATION FOR TEMPORARY DEPARTURE/CONSENT USE: ERF 172, JAMESTOWN.
 (Application no. LU/14970)**

This application is recommended for approval, from an Environmental Health perspective.

The business referred to in the application has applied to this Department, for the necessary certification to operate a food premises.

This Department reserves the right to set further requirements during the running of the business.

Please contact me if you have any further questions or comments in this regard.

Yours faithfully,

Tracey-Lee Mouton

From: Nolusindiso Momoti <Nolusindiso.Momoti@ Stellenbosch.gov.za>
Sent: Wednesday, 03 May 2023 12:12
To: Fabian van Wyk <fabian@capewinelands.gov.za>
Cc: Ferencia September <ferencia@capewinelands.gov.za>
Subject: FW: Application for Consent Use on Erf 172, Jamestown: Comment

Good day Fabian,

(¹) Please note that comment for the above-mentioned application is still outstanding.



Kind regards / Vriendelike Groete
Nolusindiso Momoti (Sindi)
Administrative Officer
Land Use Management
Planning & Economic Development

T: +27 21 808 8673: F + 27 21 886 6899
NPK Building, 1st Floor, C/O Plein & Ryneveld
Street, Stellenbosch, 7600
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About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens. Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

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The information contained in this communication from nolusindiso.momoti@ Stellenbosch.gov.za sent at 2023-05-03 12:12:50 is confidential and may be legally privileged. It is intended solely for use by fabian@capewinelands.gov.za and others authorized to receive it. If you are not fabian@capewinelands.gov.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by [IOCO](#)