



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/16652 (TP625/2024)

Our File Reference Number: Erf 173, Koelenhof

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

PER E-MAIL:

Sir/Madam

APPLICATION FOR A CONSENT USE ON ERF 173, KOELENHOF

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1.1 That the application in terms of Section 15(2)(o) of the Stellenbosch Municipal Land Use Planning Bylaw, 2023 for a **Consent Use** to permit a liquor store (boutique wine shop) on Erf 173, Devonbosch Estate, Koelenhof, Stellenbosch;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.
 - 2.1.2 The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 2.1.3 The approval only applies to the consent use under consideration, as indicated on the referenced, **Plan Nr. 2018-002-000, dated 23 June 2019**, Site Plan, attached as **ANNEXURE B** 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.
 - 2.1.4 The development must be undertaken in accordance with the site plan as referenced, Plan Nr. 2018-002-000, dated 23 June 2019, and attached as **ANNEXURE B**.

- 2.1.5 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use. The area of the liquor shop will be limited to unit 1 ($\pm 178\text{m}^2$ in extent) as indicated on the Site Development **Plan Nr. 2018-002-000, dated 23 June 2019**.
- 2.1.6 Sufficient on-site parking must be provided in accordance with the provisions of the subject Zoning Scheme Bylaw.
- 2.1.7 An application for the erection of advertising signs be submitted for approval to the municipality and that all signage on the property be erected to the satisfaction of the Municipality.
- 2.1.8 The proposal must adhere to the Stellenbosch Municipality Liquor Trading Hours By-law.
- 2.1.9 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. 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 existing parking will be sufficient.
- 3.4 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.

4. Matters to be noted:

- 4.1 Building plans be approved by the Municipality prior to any building work commencing.
- 4.2 A 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 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:
 - 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 7appeal 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. The relief sought by the appellant.

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

7.7 That the appeal includes the following declaration by the Appellant:

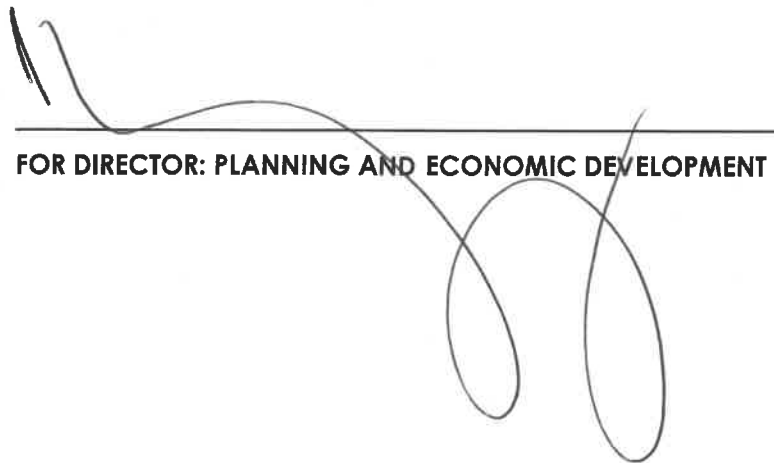
- a) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
- b) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in 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

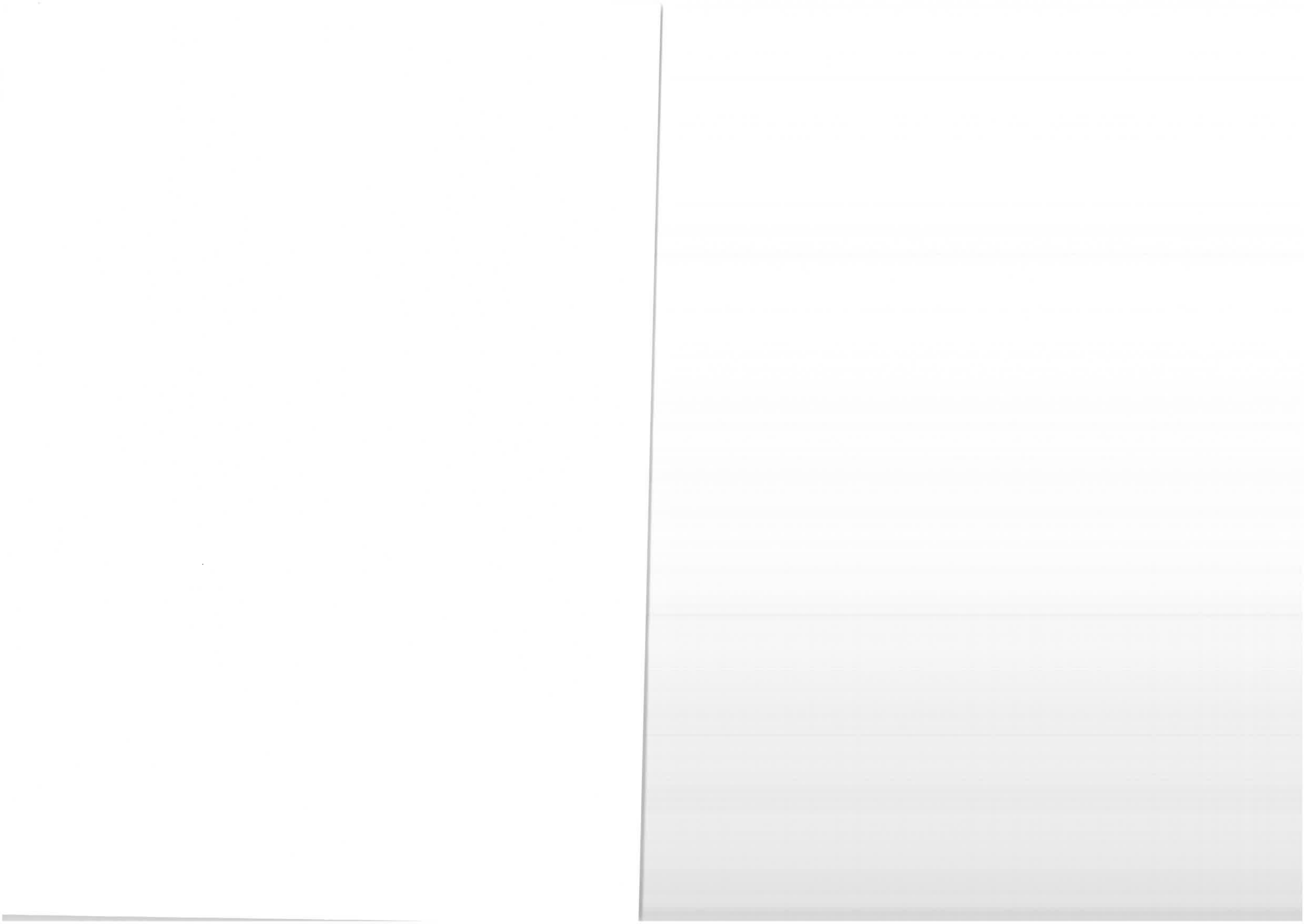
9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference 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
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

30/5/2024
DATE: _____

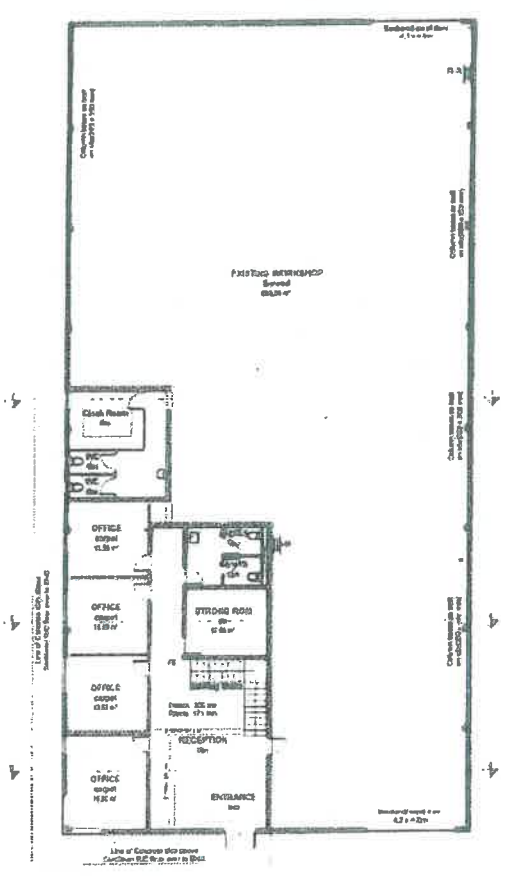


ANNEXURE B

**APPLICATION FOR A CONSENT USE ON ERF 173,
DEVONBOSCH DEVELOPMENT, KOELENHOF,
STELLENBOSCH**

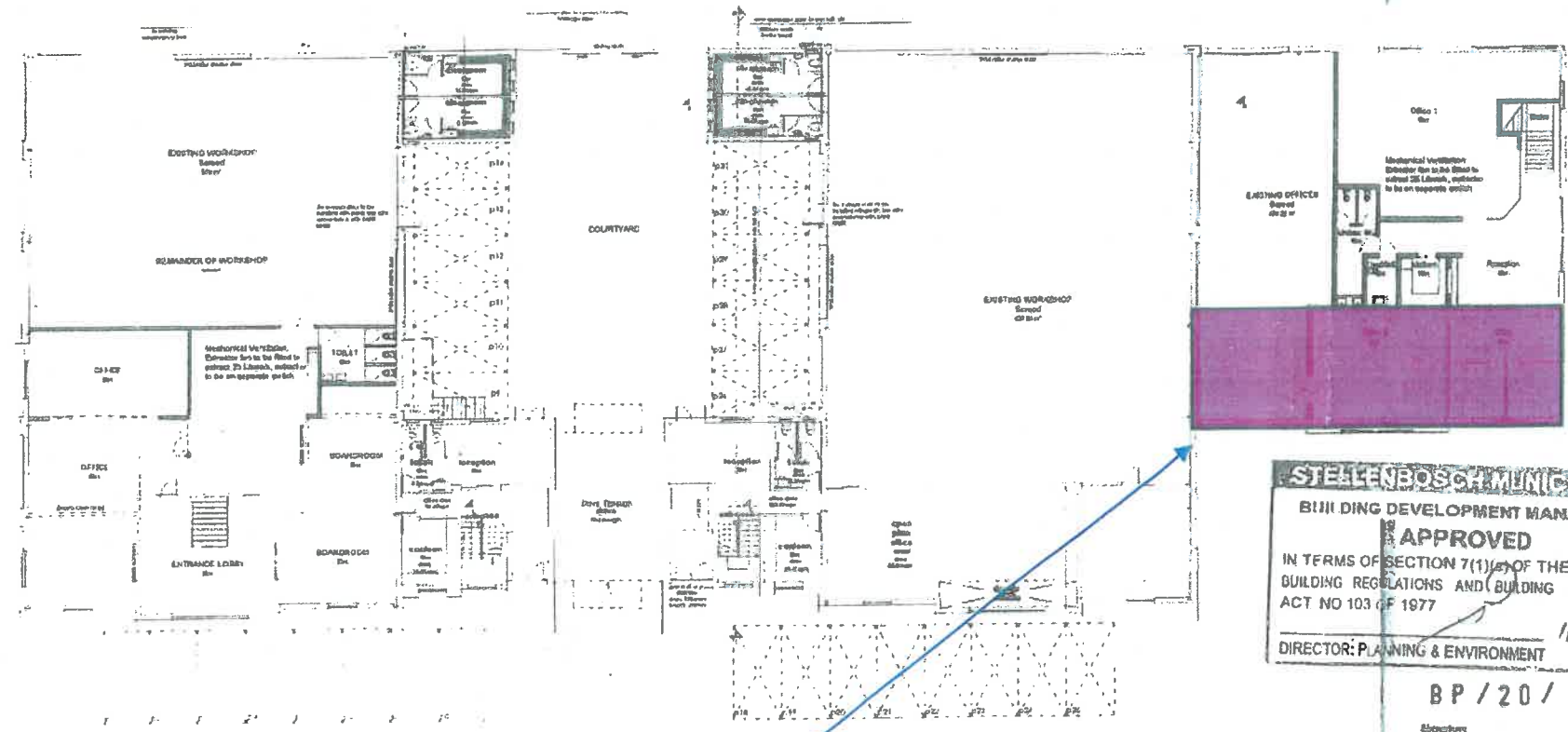
SITE DEVELOPMENT PLAN/SITE PLAN

- LEGEND
- Room
 - Door
 - Window
 - Staircase
 - Entrance
 - Exit
 - Other



NOTE
All columns and doors are
shown correct as per
information with project's
status and specifications

GROUND FLOOR PLAN
Scale: 1:100



Portion of Ground Floor
Unit, Building 4, Erf 173

1. ALL BUILDINGS MUST
BE DESIGNED, CONSTRUCTED & MAINTAINED TO BE SAFE AND NOT CAUSE
ANY HARM TO THE PUBLIC OR THE ENVIRONMENT.
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DRAWING REGISTER

Drawing: 1/2013
Description: 1/2013
Rev: 1/2013

OCCUPATION CLASSIFICATION

WORK CLASSIFICATION

STELLENBOSCH
BUILDING DEVELOPMENT MANAGEMENT
APPROVED
IN TERMS OF SECTION 7(1) OF THE NATIONAL
BUILDING REGULATIONS AND BUILDING STANDARDS
ACT NO 103 OF 1977
DIRECTOR: PLANNING & ENVIRONMENT
DATE: 16/12/2006

BP/20/165

Signature: [Signature]

Project: Farm no. 65 portion 43,
Stellenbosch

Client: Blue Dawn Trading (Pty) Ltd

Drawing: Ground Floor Plan

Scale: 1:100

Date: 25/03/2013

AS SHOWN

002

2018 002 000

Ground Floor
First Floor
400.33 m²
400.33 m²

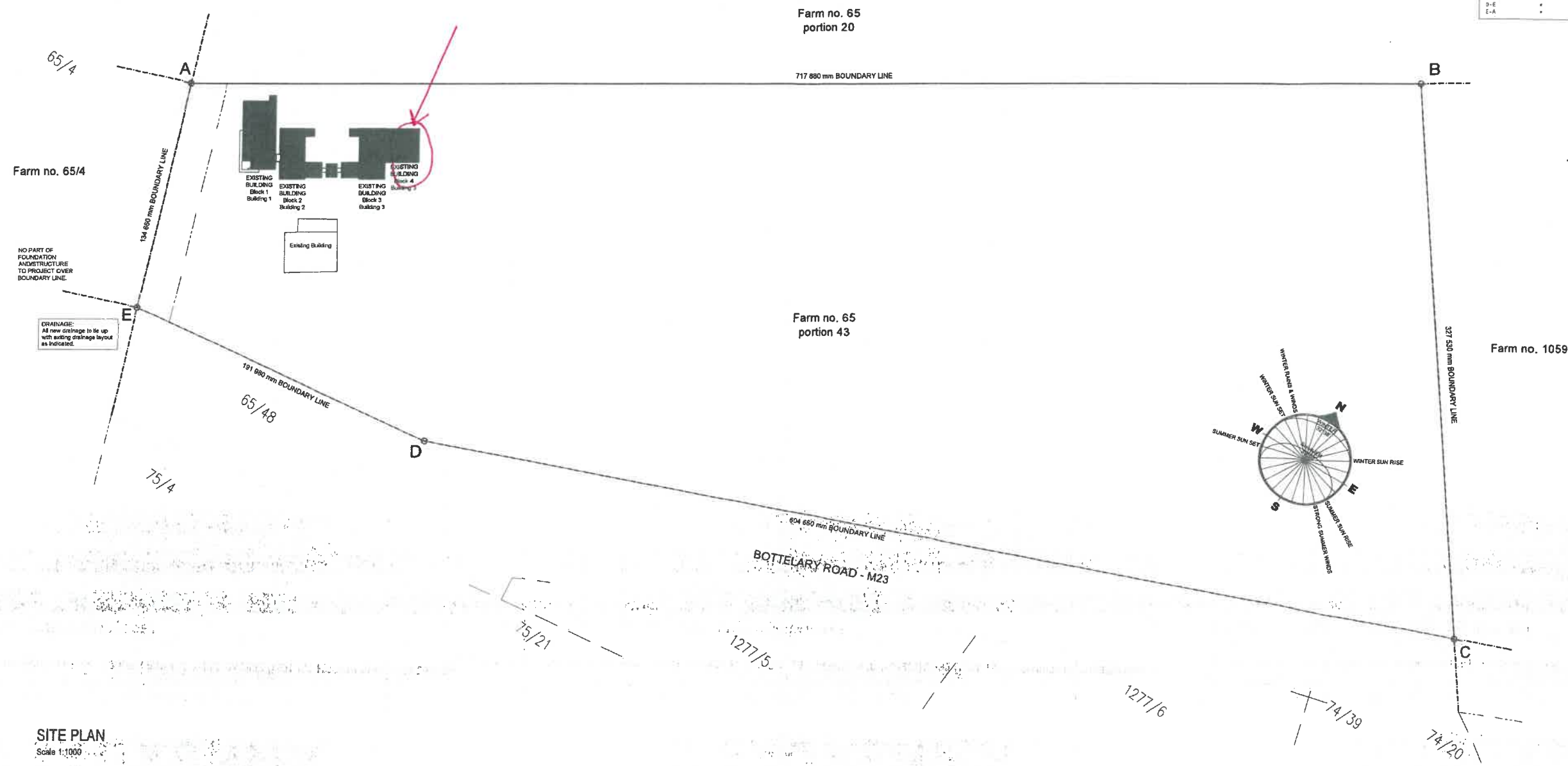


MAP VIEWER
Scale NTS

LOCATION MAP
Scale NTS

BOOK SHEET DETAILS
Revised value
Revised value
Under roof covering
Cafing
Cafing board thickness
As shown
334

SITE INFORMATION:	
Farm no. 65	22.39 HA
Portion 43	
A-B	717 880 mm
B-C	327 530 mm
C-D	804 680 mm
D-E	191 580 mm
E-A	134 680 mm



SITE PLAN
Scale 1:1000