

**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## **LAND USE MANAGEMENT**

# **INFORMATION GUIDELINE ON LAND USE CONTRAVENTIONS AND ENFORCEMENT**

**MARCH/APRIL 2024**

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## 1. INTRODUCTION

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The Land Use Management (LUM) Office forms part of the Development Management Department in the Directorate Planning and Economic Development (PED). We are responsible for land use management and must ensure that land is developed in a desirable and sustainable way by upholding the Stellenbosch Municipality: Land Use Planning Bylaw, 2023 and the Stellenbosch Municipality: Zoning Scheme Bylaw, 2023 as well as any related land use management policies and guidelines to ensure a quality living environment with opportunities that addresses the needs and aspirations of all the communities.

However, landowners or the occupants of premises sometimes contravene these regulations and restrictions (for example, where a neighbour operates a commune from a residential erf). Such illegal activities often have a negative impact on surrounding residents and the general amenity of the area.

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## 2. WHAT ACTIVITIES ARE CONTROLLED BY THE PLANNING DEPARTMENT

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Not all land use and development problems and complaints can be resolved by Stellenbosch Municipality's Land Use Management Department. Various other departments in the Municipality deal with matters such as:

For matters such as:

- unkempt parks;
- dangerous/overhanging trees;
- fire risks, air and noise pollution;
- illegal dumping;
- informal trading;
- refuse removal/street cleaning;
- road and street lighting defects;
- safety on construction sites; and
- traffic offences.

Should you wish to complain about any of these, you are encouraged to contact the responsible municipal department or relevant external enforcement agency.

Also note that boundary disputes between neighbours and the unlawful occupation of buildings (where the buildings are otherwise in line with the property zoning) are considered private matters in which the Municipality cannot intervene.

Development aspects that may however require planning approval and in respect of which the Land Use Management Department can indeed investigate complaints and will seek to resolve any contraventions, include:

- The use of land (or a change in use);
- Non-compliance with conditions (of approval) regulating a specific land use, activity or development, e.g., House Shop and
- Development of buildings and land

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### **3. HOW TO REGISTER A COMPLAINT REGARDING A LAND USE CONTRAVENTION**

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You may contact the Land Use Department to determine whether a specific development or construction activity is legal. Illegal development, building works or land use can be reported to the Municipality for formal investigation. Complaints must be lodged in writing and may be sent via ordinary mail, hand delivery or e-mail. Include the following information so that the matter may be properly investigated:

- The name and address of the complainant (NB: Unfortunately, no anonymous complaints are accepted, as complainants must be contactable for evidence).
- The name and address of the alleged offender, including his/ her erf number, if known.
- A detailed description of the alleged contravention or illegal activity, including dates, times, frequency, intensity, extent, etc., as well as the impact that it has on you or the neighbourhood.

A standard land use complaint form must be completed at the Land Use Management Department office or can be downloaded from the Stellenbosch Municipalities website and the completed forms must be submitted to [zoning.violations@ Stellenbosch.gov.za](mailto:zoning.violations@ Stellenbosch.gov.za).

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## 4. HOW LAND USE COMPLAINTS AND CONTRAVENTIONS ARE INVESTIGATED

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When the Municipality receives a complaint regarding such a zoning scheme contravention, it will investigate it and take appropriate action to ensure compliance and rectify the situation. Such action is taken in the interest of the public and forms part of the Stellenbosch Municipalities obligation to ensure a healthy and safe living environment for all and to build strong communities.

Once received by the Stellenbosch Municipality, a land use complaint will be investigated with the aim of stopping any illegal land use. Such an investigation may initially involve the following process steps:

- **Step 1:** *Written complaint logged and recorded by Enforcement Section;*
- **Step 2:** *Written acknowledgement of receipt sent to complainant within 2 days, including name and contact no of investigating official (as well as a reference or tracking/ case number);*
- **Step 3:** *Desktop assessment to establish the lawful use of or development rights on the subject property;*
- **Step 4:** *Where necessary, a site visit is conducted to collect detailed evidence of any possible contravention; and*
- **Step 5:** *If a contravention exists, notice to cease illegal activities or rectify illegal building work is served on the owner/ occupier/ offender and the complainant is kept informed accordingly.*

Following the above notice, the offender may either:

- Comply with the notice and cease the illegal activities or work;
- Choose to submit a rectifying planning or building plan application for the Municipalities consideration to acquire the correct land use or development rights (during which period the relevant activity should remain ceased); or
- Simply choose to ignore the notice.

After a follow-up inspection, the complainant may be advised in writing of cessation of the unauthorised activities if there was compliance with the notice. If an application has been submitted, the complainant is normally entitled to be consulted thereon in due course. However, should the offender ignore the notice and subject to having obtained sufficient evidence, the Municipality may proceed to prosecute the offender by summoning him/her to appear in court.

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## 5. HOW IS A LAND USE CONTRAVENTION PROSECUTED IN COURT

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If an offender does not comply with the Municipality's instructions to stop with the unauthorised activity or development, the Municipality will legally prosecute the offender, either by criminal prosecution or civil litigation. The court process is lengthy, and results are not quickly obtained. In addition, the offender may be called to provide evidence in court in support of the case.

Should the Municipality succeed and the accused be found guilty, the court may impose a fine (which is sometimes suspended for a certain period) or even pass a prison sentence. In some cases, an admission-of-guilt fine may be payable. In civil cases, courts can issue a specific order, such as to refrain from the offensive activity, or rectify or demolish illegal building work.

Once a person is found guilty or an interdict or demolition order is granted, and all affected parties or complainants have been informed of the outcome in writing, the offender will be monitored to ensure that the court's instructions are complied with. If not, the offender can be charged again and the case can go back to court.

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## 6. HOUSE SHOPS

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### 6.1 DEFINITION

***"House shop (huiswinkel)"** means the use of a portion of a dwelling house, second dwelling and/or outbuildings as a shop for the sale of everyday convenience products, provided that:*

- i) the scale of any one building so used shall not exceed that of a normal dwelling house which would ordinarily accommodate one family; and*
- ii) the primary use of the land unit shall remain the residence of the proprietor of the establishment and his or her family if applicable, and*
- iii) the proprietor of the establishment shall be the resident during the period when the activity is undertaken, although he/she may be absent for holidays for periods not exceeding 30 consecutive days during which the activity may be conducted by an employee;*

*and **"spaza shop"** has a corresponding meaning.*

## **6.2 STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2023**

The Stellenbosch Zoning Scheme By-Law, 2023, stipulates that consent use applications are made in terms of the Planning By-law. In this regard, house shops are categorized as:

Land use applications:

- Consent uses in the **Conventional Housing Zone**; and
- Primary uses in the **Less Formal Residential Zone** and the **Local Economic Overlay Zone**

### **CONVENTIONAL RESIDENTIAL ZONE**

The purpose of this zone is to make provision for:

- The use of land for the purposes of predominantly single dwelling houses;
- The welfare and safety of the occupants of dwelling houses within a neighbourhood by limiting uses which are likely to give rise to a public nuisance;
- the protection and improvement of the quality and character of residential areas to ensure a safe and pleasant living environment;
- controlled opportunities for home employment and income generation through activities which are compatible with and ancillary to residential uses; and
- Moderate densification through additional dwellings of with a similar built form and character.

| <b>CONVENTIONAL RESIDENTIAL ZONE</b> |                       |                    |
|--------------------------------------|-----------------------|--------------------|
| <b>Primary Use</b>                   | <b>Additional Use</b> | <b>Consent Use</b> |
| Dwelling House                       |                       | <b>House Shop</b>  |

### **LESS FORMAL RESIDENTIAL ZONE**

The purpose of this zone is to make provision for:

- the use of land for informal and/or subsidised housing, as well as group housing where more than one dwelling house may be permitted on the same cadastral land unit;
- settlement of people in an informal manner for emergency purposes;
- incremental upgrading of informal settlements;
- where conditions so dictate, to accommodate persons residing in areas where financial constraints require that less stringent land use management and building development management provisions be applied;

- the stimulation of informal-sector economic activity by making provision for an increased and appropriate mix of land use activities within residential areas;
- the Municipality to take the necessary steps needed to exempt the National Building Regulations from applying in this zone.

| LESS FORMAL RESIDENTIAL ZONE |                |             |
|------------------------------|----------------|-------------|
| Primary Use                  | Additional Use | Consent Use |
| House Shop                   |                |             |

### 6.3 EXAMPLES OF DECISION LETTERS FOR THE APPROVAL OF HOUSE SHOPS

- Old House Shop Approval Example (*Annexure A*)

U Virwe:  
My Virwe: En (8370)

1996-03-11

Mnr  
Linda  
STELLENBOSCH  
7600

**AANSOEK VIR DIE BEDRYF VAN 'N HUISWINKEL OP ERF**

Na aanleiding van u aansoek gedateer 1995-12-27 het die Stadsraad besluit dat goedkeuring ingevolge Artikel 9.4 bis. 2 van die soneringskema-regulasies verleen word vir die bedryf van 'n huiswinkel op E onderworpe aan die volgende voorwaardes:

- die goedkeuring is geldig vir solank dit die Raad behaag;
- indien klagtes teen die bedryf ontvang sou word, sal die aansoek vir heroorweging aan die Raad voorgelê word;
- 'n permanente baksteengebou moet opgerig word. Bouplanne hiervoor moet by die Departement Beplanning en Ontwikkeling ingedien word vir goedkeuring;
- daar mag geen direkte verbinding met enige slaapvertrek of toilet wees nie;
- vloeroppervlakte moet glad afgewerk wees en voorsien word van 'n goedgekeurde vloerbedekking;
- mure en plafonne moet glad afgewerk en geverf word;
- 'n handewasbak met 'n toelopende voorraad warm en koue water moet in die vertrek voorsien word;
- genoegsame rakke, waarop artikels/goedere uitgestal kan word, moet aangebring word;
- slegs voorafverpakte, behoorlik geëtiketteerde voedsel en voedselprodukte mag verkoop word;
- geen paraffien of dergelike gevaarhoudende stowwe mag verkoop word nie;
- geen brood mag op die perseel gesny word nie, slegs voorafverpakte brood mag verkoop word;
- geen elektroniese video-speelmasjiene sal op die perseel toegelaat word nie;
- verkoelingsfasiliteite vir bedorfbare produkte moet voorsien word;
- 'n 'otto'-tipe vullishouer moet op die perseel voorsien word;
- 'n brandblusser moet op die perseel voorsien word;
- die applikant mag nie handeldryf alvorens bostaande vereistes nagekom is nie; en
- daar moet ten minste vir twee voertuie op die perseel voorsiening gemaak word.

Die uwe

n HOOF: BEPLANNING EN ONTWIKKELING

PGC/jvr

Hoof: Gesondheidsdienste

- New House Shop Approval Example (*Annexure B*)



Application Number: LU/ [REDACTED]  
 Our File Reference Number: Bf [REDACTED] Stellenbosch  
 Your Reference Number:  
 Enquiries: Ulrich von Mollendorf  
 Contact No: 021 808 8482  
 Email address: Ulrich.VonMollendorf@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir/Madam:

**APPLICATION FOR A CONSENT USE ON ERF [REDACTED] 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)(a) of the Stellenbosch Municipal Land Use Planning By-law, promulgated by notice number 354/2015, dated 30 October 2015 for the following:

2.1.1 **Consent Use** in terms of Section 15(2)(a) of the Land Use Planning By-law to utilise a portion of the existing building (30m<sup>2</sup>) to accommodate a house shop on erf [REDACTED] Stellenbosch.

**BE APPROVED** subject to the following conditions in terms of Section 66 of the said By-law:

2.2 Conditions of approval:

2.2.1 The approval applies only to the application in question as indicated on drawing no. 6782/01 dated 17 February 2017 (See **Annexure C**) and shall not be construed as authority to depart from any other legal prescriptions or requirements;

2.2.2 The hours of operation be limited between 06:00 – 21:00, every day;

2.2.3 The house shop be limited to 30m<sup>2</sup>;

2.2.4 The dominant use of the property shall remain residential;

2.2.5 The residential character façade of the dwelling house shall not be altered;

2.2.6 No vehicles visiting the shop should park in front of the adjoining properties' driveway;

2.2.7 If the absence of dedicated parking does become an inconvenience to the general public, the owner of the property will have to provide a formal parking bay/h to the satisfaction of the Municipality;

2.2.8 House shop only serves customers by means of a serving hatch;

2.2.9 Operator of the shop to reside on the property

2.2.10 No more than 3 persons, including the owner of the dwelling or residing family member, shall be employed in the house shop;

2.2.11 A portable fire extinguisher be provided in the shop at all times;

2.2.12 No flammable materials or liquids (LP Gas) may be stored or sold;

2.2.13 No video games or pinball tables be permitted in the house shop;

2.2.14 The Municipality reserves the right to withdraw the approval for the house shop should the conditions of approval not be complied with or in the event of the business creating a disturbance or nuisance to the adjacent property owners, and in which case the Council shall not be held responsible for any costs incurred by the applicant;

2.2.15 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. Matters to be noted**

3.1 The house shop complies with the requirements of the National Building Regulations and Building Standards Act, Act No 103 of 1977;

3.2 Any person running a house shop shall obtain the relevant business license where required;

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 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 OR be in line with the signage policy of the Municipality.

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

4.1 The proposed application would not negatively affect the aesthetic appearance of the property or surrounding environment and the primary use of the property will still remain residential;

4.2 The house shop will not have a detrimental impact on the area as there will not be any alterations or additions to the existing building;

4.3 The proposed activity is low key and provides a service to the surrounding community;

4.4 No additional traffic will be generated as most customers will be pedestrians.

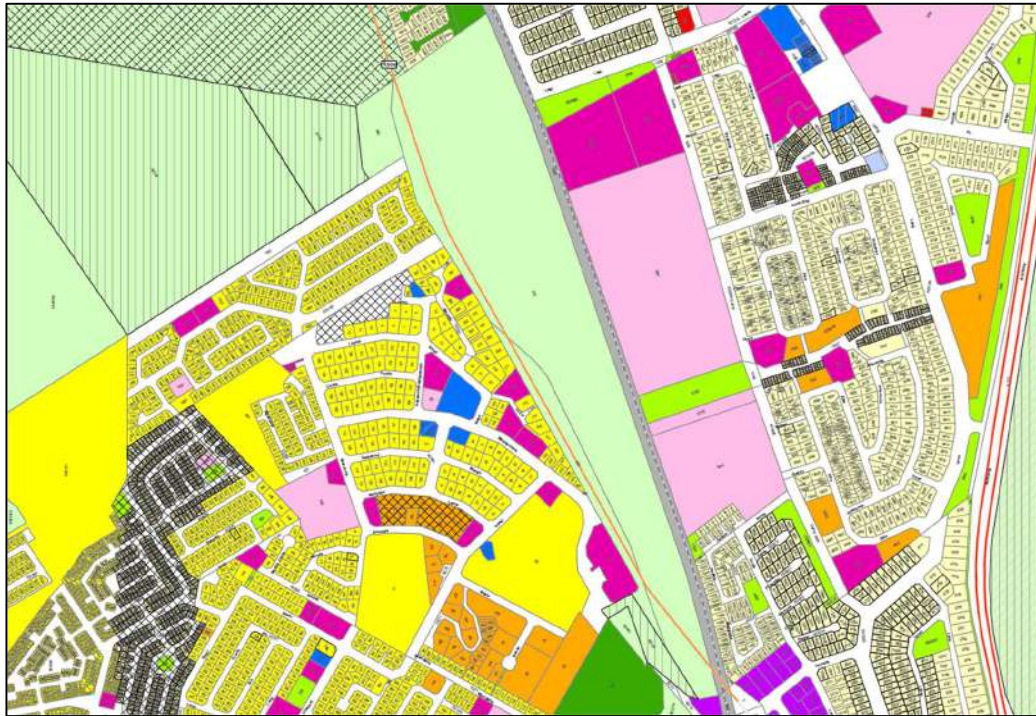
## 6.4 MAPS

Different zones are depicted in different colours.

- Take note of the differentiation of Conventional Residential & Less Formal Residential zones.

| <u>Zoning</u>                                                                                                     |                                                                                                             |                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
|  Conventional Residential Zone |  Industrial Zone         |  Public Roads and Parking Zone |
|  Less Formal Residential Zone  |  Education Zone          |  Public Open Space Zone        |
|  Multi-unit Residential Zone   |  Community Zone          |  Private Open Space Zone       |
|  Local Business Zone           |  Utility Services Zone   |  Agriculture and Rural Zone    |
|  Mixed Use Zone                |  Transport Facility Zone |  Limited Use Zone              |

#### 6.4.1 Kayamandi & Cloetesville



#### 6.4.2 Idasvalley



#### 6.4.3 Kylemore



#### 6.4.4 Lamotte



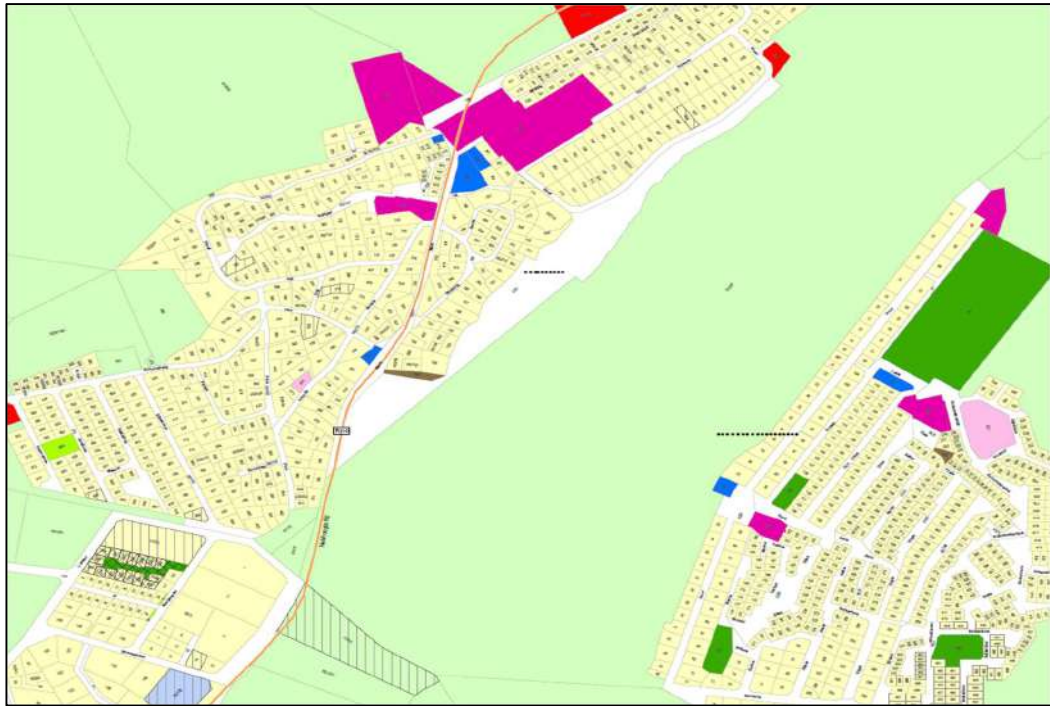
#### 6.4.5 Klapmuts



#### 6.4.6 Jamestown



#### 6.4.7 Pniel, Johannesburg & Langeudoc



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## 7 OTHER TYPICAL COMPLAINTS AND GENERAL LAW ENFORCEMENT

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### **Where can I register other complaints?**

Not all complaints can be resolved by the Land Use Management Department. A number of problems and complaints fall under other Municipal Departments and services which contact details can be found on the municipal website.

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## 8 HOW YOU CAN ASSIST?

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### **How can I as a complainant assist in resolving land use contraventions?**

When lodging a complaint about a land use contravention, it is important that you submit as much detail possible about the alleged offence to give the Municipality the best possible chance of resolving it. Useful details include photographs, a logbook of dates and times of the offending activities, or vehicle registration numbers of cars noticed at the site. Remember, however, this DOES NOT MEAN conducting an independent investigation (including trespassing onto private property). The alleged offender's privacy must be respected at all times.

In addition to the above, you can also assist by giving evidence in court (in case of criminal proceedings) or by giving an affidavit (in case of civil proceedings).

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## 9 CONCLUSION

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### **Where can I get more information?**

Should you have any further enquiries regarding the above or want to find out more, kindly contact the Land Use Management Department.

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## CONTACT DETAILS

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|                                                                                                                                                   |                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Senior Land Use Inspector                                                                                                                         | <a href="mailto:Errol.Williams@Stellenbosch.gov.za">Errol.Williams@Stellenbosch.gov.za</a><br>021 – 808 8688                                                                                                                                                                           |
| Land Use Inspector                                                                                                                                | <a href="mailto:Gregory.deVries@Stellenbosch.gov.za">Gregory.deVries@Stellenbosch.gov.za</a><br>021 – 808 8623                                                                                                                                                                         |
| Land Use Inspector                                                                                                                                | <a href="mailto:Mbalentle.Fikeni@Stellenbosch.gov.za">Mbalentle.Fikeni@Stellenbosch.gov.za</a><br>021 – 808 8667                                                                                                                                                                       |
| Customer Care                                                                                                                                     | 021 – 808 8606                                                                                                                                                                                                                                                                         |
| For <b>any general enquiries</b> relating to land use management or town planning, zoning certificate and the processing / status of applications | <a href="mailto:landuse.enquiries@stellenbosch.gov.za">landuse.enquiries@stellenbosch.gov.za</a><br>021- 808 8606                                                                                                                                                                      |
| For the <b>submission of pre-application scrutiny forms and requests</b> for an exemption certificate                                             | <a href="mailto:landuse.applications@stellenbosch.gov.za">landuse.applications@stellenbosch.gov.za</a><br>021 – 808 8690                                                                                                                                                               |
| For the submission of <b>land use complaints</b> or any related enquiries                                                                         | <a href="mailto:zoning.violations@stellenbosch.gov.za">zoning.violations@stellenbosch.gov.za</a><br>021 – 808 8688                                                                                                                                                                     |
| For the submission of all land use management applications                                                                                        | <a href="https://citymaps.stellenbosch.gov.za/aflaportal/home">https://citymaps.stellenbosch.gov.za/aflaportal/home</a><br><br>For the submission of your first application, you need to Register first. We recommend that the AFLA Portal is used with the Google Chrome web browser. |

## NOTES

[illegible]



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## **ANNEXURE A**

OLD HOUSE SHOP APPROVAL EXAMPLE



AGENDA EN NOTULE VAN 'N BEPLANNING EN INGENIEURSDIENSTEKOMITEE-  
VERGADERING GEHOUD OP 5/3 1996

13

MINUTES OF A MEETING OF THE PLANNING AND ENGINEERING SERVICES  
COMMITTEE HELD ON 199

BEPLANNING EN ONTWIKKELING  
PLANNING AND DEVELOPMENT

GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

D3.4 AANSOEK VIR DIE BEDRYF VAN 'N HUISWINKEL OP ERF [REDACTED] + 14/3/96 (FvW)

Ernommer : [REDACTED]  
Grootte : 291 m<sup>2</sup>  
Ligging : [REDACTED]  
Sonering : Groepbehuising  
Eienaar : Mnr [REDACTED]

EXECUTIVE SUMMARY

*The owner applies for approval to conduct a house shop on the erf. The adjacent property owners were informed in writing of the application, but no objections were received. The application is recommended for approval.*

Die eienaar doen aansoek vir goedkeuring om 'n huiswinkel op die erf te bedryf. Die eienaars van die omliggende eiendomme is skriftelik van die aansoek in kennis gestel, maar geen beswaar is ontvang nie.

Die Departemente lewer as volg kommentaar:

Hoof: Verkeersdienste

Uit 'n verkeersoogpunt word geen probleme voorsien nie.

Indien onaanvaarbare verkeerstoestand sou ontstaan, sal die aansoek heroorweeg moet word.

Hoof: Gesondheidsdienste

Geen beswaar teen die aansoek nie. Die volgende gesondheidsvereistes moet nagekom word:

- (a) 'n permanente baksteengebou moet opgerig word. Bouplanne hiervoor moet by die Departement Beplanning en Ontwikkeling ingedien word vir goedkeuring;
- (b) daar mag geen direkte verbinding met enige slaapvertrek of toilet wees nie;
- (c) vloeroppervlakte moet glad afgewerk wees en voorsien word van 'n goedgekeurde vloerbedekking;

GOEDGEKEUR DEUR RAAD  
APPROVED BY COUNCIL  
RAAD-IN-KOMITEE  
IN COMMITTEE

OP/ON

ITEM

AGENDA EN NOTULE VAN 'N BEPLANNING EN INGENIEURSDIENSTEKOMITEE-  
VERGADERING GEHOU OP

5/3 1996

MINUTES OF A MEETING OF THE PLANNING AND ENGINEERING SERVICES  
COMMITTEE HELD ON

199

BEPLANNING EN ONTWIKKELING  
PLANNING AND DEVELOPMENT

GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

- (d) mure en plafonne moet glad afgewerk en geverf word;
- (e) 'n handewasbak met 'n toelopende voorraad warm en koue water moet in die vertrek voorsien word;
- (f) genoegsame rakke, waarop artikels/goedere uitgestal kan word, moet aangebring word;
- (g) slegs voorafverpakte, behoorlik geëtiketteerde voedsel en voedselprodukte mag verkoop word;
- (h) geen paraffien of dergelike gevaarhoudende stowwe mag verkoop word nie;
- (i) geen brood mag op die perseel gesny word nie, slegs voorafverpakte brood mag verkoop word;
- (j) geen elektroniese video-speelmasjiene sal op die perseel toegelaat word nie;
- (k) verkoelingsfasiliteite vir bederfbare produkte moet voorsien word;
- (l) 'n "otto"-tipe vullishouer moet op die perseel voorsien word;
- (m) 'n brandblusser moet op die perseel voorsien word; en
- (n) die applikant mag nie handeldryf alvorens bostaande vereistes nagekom is nie.  
Departement Beplanning en Ontwikkeling

Uit 'n beplanningsoogpunt is daar nie beswaar teen die aansoek nie. Daar moet steeds parkeerplek vir ten minste een voertuig op die perseel wees.

AANBEVEEL

dat goedkeuring ingevolge Artikel 9.4 bis. 2 van die soneringskema regulasies verleen word vir die bedryf van 'n huiswinkel op Erf 11046, onderworpe aan die volgende voorwaardes:

- (a) die goedkeuring is geldig vir solank dit die Raad behaag;
- (b) indien klagtes teen die bedryf ontvang sou word, sal die aansoek vir herooring aan die Raad voorgelê word;

GOEDGEKEUR DEUR RAAD  
APPROVED BY COUNCIL  
RAAD-IN-KOMITEE  
IN COMMITTEE

OP/ON

ITEM

AGENDA EN NOTULE VAN 'N BEPLANNING EN INGENIEURSDIENSTEKOMITEE-  
VERGADERING GEHOUD OP 5/3 1996

MINUTES OF A MEETING OF THE PLANNING AND ENGINEERING SERVICES  
COMMITTEE HELD ON 199

BEPLANNING EN ONTWIKKELING  
PLANNING AND DEVELOPMENT

GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

- (c) 'n permanente baksteengebou moet opgerig word. Bouplanne hiervoor moet by die Departement Beplanning en Ontwikkeling ingedien word vir goedkeuring;
- (d) daar mag geen direkte verbinding met enige slaapvertrek of toilet wees nie;
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- (h) genoegsame rakke, waarop artikels/goedere uitgestal kan word, moet aangebring word;
- (i) slegs voorafverpakte, behoorlik geëtiketteerde voedsel en voedselprodukte mag verkoop word;
- (j) geen paraffien of dergelike gevaarhoudende stowwe mag verkoop word nie;
- (k) geen brood mag op die perseel gesny word nie, slegs voorafverpakte brood mag verkoop word;
- (l) geen elektroniese video-speelmasjiene sal op die perseel toegelaat word nie;
- (m) verkoelingsfasiliteite vir bedersbare produkte moet voorsien word;
- (n) 'n "oto"-tipe vullishouer moet op die perseel voorsien word;
- (o) 'n brandblusser moet op die perseel voorsien word;
- (p) die applikant mag nie handeldryf alvorens bostaande vereistes nagekom is nie; en
- (q) daar moet ten minste vir twee voertuie op die perseel voorsiening gemaak word.

D3.4

KOMITEEBESLUIT (nem con)

dat die aanbevelings goedgekeur word.

(SAB)

GOEDGEKEUR DEUR RAAD  
APPROVED BY COUNCIL  
RAAD-IN-KOMITEE  
IN COMMITTEE

OP/ON \_\_\_\_\_

ITEM \_\_\_\_\_

U Verw:  
My Verw:

Er (8370)

1996-03-11

Mnr  
Lindida  
STELLENBOSCH  
7600

neer

**AANSOEK VIR DIE BEDRYF VAN 'N HUISWINKEL OP ERF**  
**LINDIDA**

Na aanleiding van u aansoek gedateer 1995-12-27 het die Stadsraad besluit dat goedkeuring ingevolge Artikel 9.4 bis. 2 van die soneringskema regulasies verleen word vir die bedryf van 'n huiswinkel op E onderworpe aan die volgende voorwaardes:

- (a) die goedkeuring is geldig vir solank dit die Raad behaag;
- (b) indien klagtes teen die bedryf ontvang sou word, sal die aansoek vir heroorweging aan die Raad voorgelê word;
- (c) 'n permanente baksteengebou moet opgerig word. Bouplanne hiervoor moet by die Departement Beplanning en Ontwikkeling ingedien word vir goedkeuring;
- (d) daar mag geen direkte verbinding met enige slaapvertrek of toilet wees nie;
- (e) vloeroppervlakte moet glad afgewerk wees en voorsien word van 'n goedgekeurde vloerbedekking;
- (f) mure en plafonne moet glad afgewerk en geverf word;
- (g) 'n handewasbak met 'n toelopende voorraad warm en koue water moet in die vertrek voorsien word;
- (h) genoegsame rakke, waarop artikels/goedere uitgestal kan word, moet aangebring word;
- (i) slegs voorafverpakte, behoorlik geëtiketteerde voedsel en voedselprodukte mag verkoop word;

Ben.  
ON  
bh

- (j) geen paraffien of dergelike gevaarhoudende stowwe mag verkoop word nie;
- (k) geen brood mag op die perseel gesny word nie, slegs voorafverpakte brood mag verkoop word;
- (l) geen elektroniese video-speelmasjiene sal op die perseel toegelaat word nie;
- (m) verkoelingsfasiliteite vir bederfbare produkte moet voorsien word;
- (n) 'n "otto"-tipe vullishouer moet op die perseel voorsien word;
- (o) 'n brandblusser moet op die perseel voorsien word;
- (p) die applikant mag nie handeldryf alvorens bostaande vereistes nagekom is nie; en
- (q) daar moet ten minste vir twee voertuie op die perseel voorsiening gemaak word.

Die uwe

F/N

n HOOF: BEPLANNING EN ONTWIKKELING

PGC/jvr

End:

Hoof: Gesondheidsdienste ✓



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

## **ANNEXURE B**

NEW HOUSE SHOP APPROVAL EXAMPLE





# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMABIPALA • MUNICIPALITY

Application Number: LU/ [REDACTED]

Our File Reference Number: Erf [REDACTED] Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

PER E-MAIL: [REDACTED]

Sir/Madam;

## APPLICATION FOR A CONSENT USE ON ER [REDACTED] 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)(a) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for the following:

2.1.1 **Consent Use** in terms of Section 15(2)(a) of the Land Use Planning By-law to utilize a portion of the existing dwelling (30m<sup>2</sup>) to accommodate a house shop on Erf [REDACTED] Stellenbosch.

**BE APPROVED** subject to the following conditions in terms of Section 66 of the said Bylaw:

### 2.2 Conditions of approval:

- 2.2.1 The approval applies only to the application in question as indicated on drawing no. 6782/101 dated 17 February 2017 (See **Annexure C**) and shall not be construed as authority to depart from any other legal prescriptions or requirements;
- 2.2.2 The hours of operation be limited between 06:00 – 21:00, everyday;
- 2.2.3 The house shop be limited to 30m<sup>2</sup>;

- 2.2.4 The dominant use of the property shall remain residential;
- 2.2.5 The residential character façade of the dwelling house shall not be altered;
- 2.2.6 No vehicles visiting the shop should park in front of the adjoining properties' driveway;
- 2.2.7 If the absence of dedicated parking does become an inconvenience to the general public, the owner of the property will have to provide a formal parking bay/s to the satisfaction of the Municipality;
- 2.2.8 House shop only serves customers by means of a serving hatch;
- 2.2.9 Operator of the shop to reside on the property
- 2.2.10 No more than 3 persons, including the owner of the dwelling or residing family member, shall be employed in the house shop;
- 2.2.11 A portable fire extinguisher be provided in the shop at all times;
- 2.2.12 No flammable materials or liquids (LP Gas) may be stored or sold;
- 2.2.13 No video games or pinball tables be permitted in the house shop;
- 2.2.14 The Municipality reserves the right to withdraw the approval for the house shop should the conditions of approval not be complied with or in the event of the business creating a disturbance or nuisance to the adjacent property owners, and in which case the Council shall not be held responsible for any costs incurred by the applicant;
- 2.2.15 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. Matters to be noted**

- 3.1 The house shop complies with the requirements of the National Building Regulations and Building Standards Act, Act No 103 of 1977.
- 3.2 Any person running a house shop shall obtain the relevant business license where required.
- 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 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 OR be in line with the signage policy of the Municipality.

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

- 4.1 The proposed application would not negatively affect the aesthetic appearance of the property or surrounding environment and the primary use of the property will still remain residential.
- 4.2 The house shop will not have a detrimental impact on the area as there will not be any alterations or additions to the existing building;
- 4.3 The proposed activity is low key and provides a service to the surrounding community.
- 4.4 No additional traffic will be generated as most customers will be pedestrians.

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 or 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](mailto: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>).

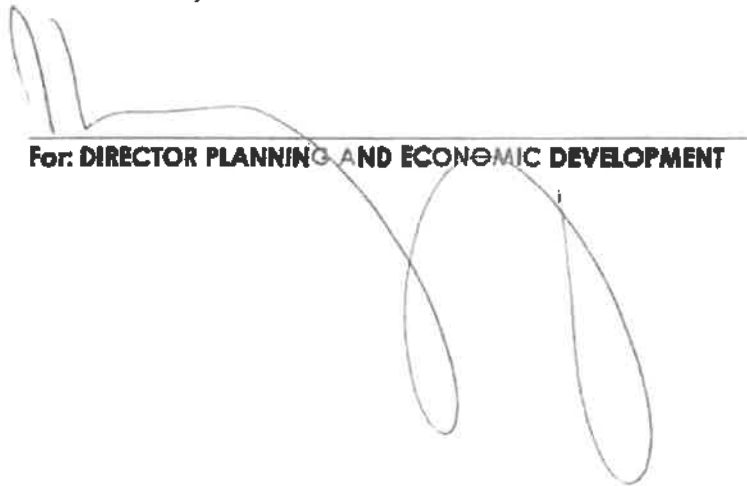
10. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:

- (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**

9/5/2022  
DATE: