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Application Number: TP1811/2026 (LU/18327)
Our File Reference Number: Erf 12839, Stellenbosch
Your Reference Number:
Enquiries: Ulrich von Molendorff
Contact No: 021 – 808 8682
Email ad[redacted]

PER E[redacted]

Sir / Ma[redacted]

APPLICATION FOR A PERMANENT DEPARTURE AND CONSENT USE ON ERF 12839, STELLENBOSCH

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

3. The applications in terms of Section 15(2) (b) & (o) of the Stellenbosch Municipal Land Use Planning Bylaw,2023 to permit the proposed storeroom & carport on Erf 12839 Stellenbosch:

   3.1. A **permanent departure** in terms of Section 15(2)(b) of the abovementioned bylaw to relax following:

      3.1.1. The street building line from **2m to 1m** (Newman Street) for the existing storeroom.
      3.1.2. The common building line from **1m to 0m** (adjoining Erf 12838 Stellenbosch) for the existing storeroom
      3.1.3. To increase the coverage from **70% to 82%**
      3.1.4. To relax the parking requirements from **2 bays to 1 bay.**

   3.2. A **consent use** in terms of Section 15(2)(o) of the said bylaw to permit a house shop in the existing storeroom.

   BE APPROVED in terms of Section 60 of the said By-law and subject to conditions of approval.

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

   2.1 The approval only applies to the applications under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from the Municipality or other legislation or By-laws or Regulations that may be applicable.

   2.2 The development be generally in accordance with the site plan and floor plans as referenced in Drawing No. 2024/58/01 drawn by D Lakey dated December 2024, attached as **Annexure A**.

   2.3 The conditions imposed by Directorate: Infrastructure services dated 05/05/2025 attached as **Annexure B** be adhered to:

2.4 The conditions imposed by the Cape Winelands Municipality: Health Services dated 25/03/2025, attached as **Annexure C** be adhered to, to the satisfaction of the said department.

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

2.6 The operation of the house shop is subject to the provisions and requirements of the Spaza Shop Bylaw, 2026.

2.7 The house shop be limited to the storeroom (±36m²) as indicated on the site plan/ floor plan with reference No. 2024/58/01 dated December 2024, as attached as **Annexure A**.

2.8 The residential character of the façade of the dwelling house shall be retained to the satisfaction of the Municipality.

2.9 Any new structure or alteration to the property be compatible with the residential character of the area, particularly about the streetscape, and be capable of reverting to be used as part of the dwelling house.

2.10 The following is not permitted in a house shop: the sale of fireworks; sale or storage of gas or flammable fuel or gas/fuel containers, gambling, vending machines, game machines, video games, pool tables or the sale of alcoholic beverages.

2.11 Building plans for all new structures and for all changes of use in the existing buildings be submitted and approved by the Municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with

2.12 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.

2.13 A contravention penalty in accordance with the prevailing and applicable Council Tariffs in respect of the unlawful utilisation of land is payable within 30 days from the date of final notification of decision coming into operation and prior to the approval of any building plans correspondence

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

5.1. The proposed house shop will not undermine or be detrimental to the character of the surrounding residential area due to the scale and nature of the activity.

5.2. House shops are compatible with residential areas as they offer convenience to the local community within walking distances.

5.3. The proposed parking relaxation is considered to have minimal impact, as the property continues to provide one parking bay, which adequately accommodates the current parking requirements of the property owner.

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5.4. A site inspection was conducted on the property, during which it was noted that the storeroom has already been constructed. Accordingly, a contravention penalty shall apply in respect of the unauthorised construction.

6. Matters to be noted

6.1. Any person running a house shop obtains the relevant business license where required.

6.2. In the absence of a Municipal policy or by-law on outdoor advertising and signage, no advertising sign may be displayed other than a single un-illuminated sign or notice not projecting over a public street and not exceeding 1m² in area.

6.3. The land use to not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken to avoid environmental noise pollution in terms of the Western Cape Noise Control Regulations, 2013, PN. 200/2013 made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).

6.4. Should the premises be used for a category of business which is required to be licensed in terms of the Business Act, No 71 of 1991 i.e. sale and supply of meals, health and entertainment, etc, then application be made for the relevant business license. Should food be prepared or handled, then application also be made in writing to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability (COA) for food premises in terms Regulation 638 of 22 June 2018 promulgated under the Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972.

6.5. Should after the following due process-

6.5.1. The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and /or
6.5.2. The operational use of the house shop be in breach of any of the conditions of approval or becomes a nuisance to any neighbouring property, and/ or
6.5.3. The parking is not restricted to the property and is a nuisance or safety hazard, and/ or
6.5.4. The house shop be used for any unauthorised uses not permitted in terms of this approval,

The authorised official of the Municipality will, after following due process exercise his/her discretion in terms of Section 90(c) of the Stellenbosch Municipal By-law on Land Use Planning to withdraw the subject consent approval granted and revert the use of the property to its original use as a storeroom.

7. You are hereby informed of your **right to appeal Section 15(2)(a) to (f), (h) to (k), (n), (o) or (r) application decisions in terms of Section 79(2)** of the Stellenbosch Municipal Land Use Planning By-law. The appeal must be submitted by completing the required form 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. Appeals must be addressed to the Municipal Manager and submitted to the following email address: landuse.appeals@stellenbosch.gov.za.

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www.stellenbosch.gov.za

8. Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted on the manner prescribed, as only the above decision can be appealed at this stage.

9. Any party (applicant or other) who lodges a Section 79(2) 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 approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. The LU and/or TP Reference number on this correspondence must be used as the reference for the payment of the appeal fee.

10. An applicant who lodges a Section 79(2) 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. All appeals must be submitted to the authorised Appeal Authority **within 21 days** from the date of notification of the above decision. Note that no late appeals or an extension of time for the submission of appeals is permitted.

12. The appeal form can be accessed on the municipal website. For any enquiries relating to appeals, the Land Use Management office can be contacted at 021 – 808 8684 or landuse.appeals@stellenbosch.gov.za.

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

DATE: 16/11/2026

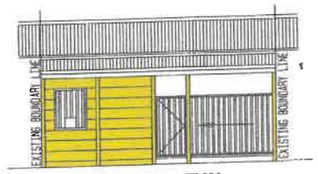
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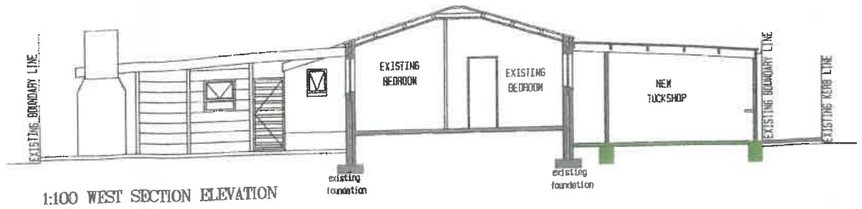
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ANNEXURE A

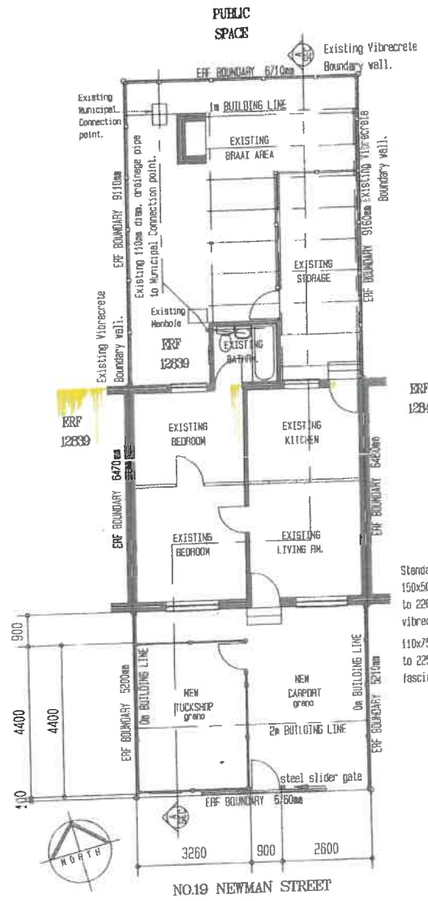
SITE PLAN



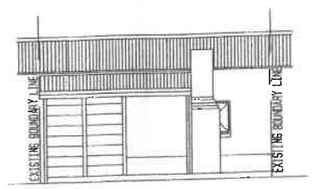
1:100 SOUTH ELEVATION



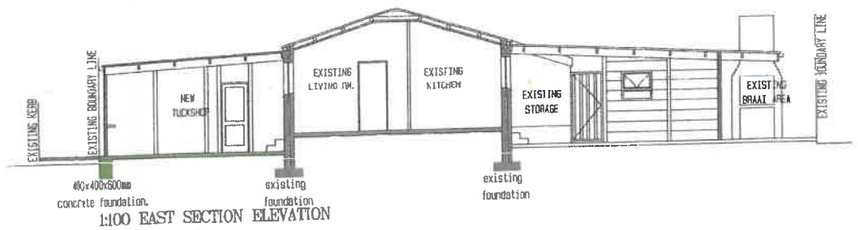
1:100 WEST SECTION ELEVATION



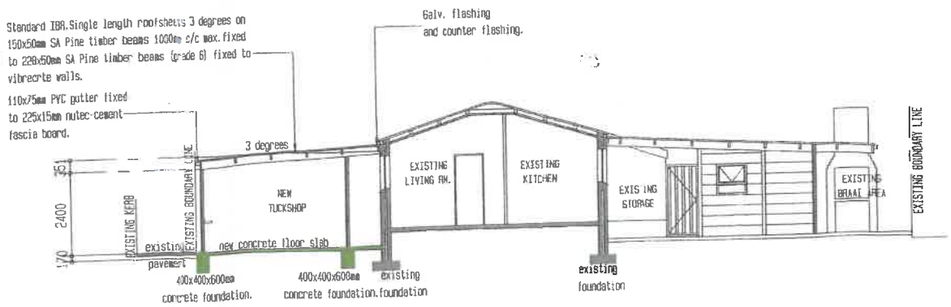
1:100 SITE- & GROUND FLOOR PLAN



1:100 NORTH ELEVATION



1:100 EAST SECTION ELEVATION



1:100 SECTION AA

ALLE TEKENINGE EN AFMETINGS MOET NAGESIEN EN VERGELYK WORD VOOR MATERIAAL BESTEL EN ENIGE BOUWERK BEGIN WORD. VERSKILLE MOET DADELIK ONDER DIE AANDAG VAN ARGITEK GEBRING WORD. KOPIEREG WORD VOORBEHOU OP ALLE TEKENINGE EN ONTWERP

ALL DRAWINGS AND DIMENSIONS MUST BE CORRELATED BEFORE ANY MATERIALS ARE ORDERED OR BUILDING WORK COMMENCES. ANY DIFFERENCES MUST BE BROUGHT UNDER THE ATTENTION OF THE ARCHITECT IMMEDIATELY. COPY-RIGHT IS RESERVED ON ALL DRAWINGS ANDDESIGNS

REVISIONS:

REV	DATE	DESCRIPTION

DEVELOPMENT DATA:

SITE AREA	140sqm
EXISTING DWELLING	79sqm
NEW ADDITIONS	36sqm
OVERALL TOTAL	115sqm
COVERAGE SQM	115sqm

[redacted]

SACAP NO.D2280

SKEMA / PROJECT

NEW ADDITIONS FOR
MR NICOLAAS BOOYSEN
NO.19 NEWMAN STREET
ERF 12839,IDAS VALLEY
STELLENBOSCH

TEKENING / DRAWING

MUNICIPAL DRAWINGS
PLANS,SECTION
& ELEVATIONS

DESIGNED	REV.	TEKENING Nr. DRAWING No.
DRAWN D.LAKEY		2024/58/01
SCALE AS SHOWN	DATE DEC. 2024	CHECKED / ISSUED

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ANNEXURE B

COMMENTS FROM DIRECTORATE:

INFRASTRUCTURE SERVICES

STELLENBOSCH MUNICIPALITY

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MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	**Director: Planning + Economic Development**
Att Aandag:	**Bulelwa Mdoda**
From ▫ Van:	**Principal Technician: Development (Infrastructure Services)**
Author ▫ Skrywer:	**Ilze Fillies**
Date ▫ Datum:	**05 May 2025**
Our Ref ▫ Ons Verw:	**Civil LU 2861**
Town Planning Ref:	**LU/18327**
Re ▫ Insake:	**Erf 12839, Stellenbosch: An application is made in terms of Section 15 of the Stellenbosch Land Use Planning Bylaw, 2023, to permit the following on Erf 12839 Stellenbosch: a) A departure in terms of Section 15(2)(b) of the said bylaw, for the relaxation of the street building line from 2m to 0m (Newman Street) and the common building line from 1m to 0m (adjoining Erf 12838 Stellenbosch); and to increase the coverage from 70% to 82% for the purpose of a storeroom & Carport b) A consent use application in terms of Section 15(2)(o) of the said bylaw, to permit a house shop in the proposed 36sqm storeroom.**

C 12839 S

The application is recommended for approval, subject to the following conditions:

1. Delivery vehicles

1.1 Care must be taken that delivery vehicles do not obstruct traffic and pedestrian flows in the road. Should this become a problem, this approval may be revoked and the Owner will be required to provide parking space on his erf for delivery vehicles before continuing operations.

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
04 JUN 2025
RECEIVED

2. Parking for customers

2.1 This approval is based on the reasoning that customers will mostly walk to the shop, as it provides a service to the surrounding community. Care must be taken that customers do not park in the road and obstruct traffic flows. Should this become a problem, this approval may be revoked and the Owner will be required to provide sufficient parking on his erf before continuing operations.

IFILLIES

Ilze Fillies
Principal Technician: Development (Infrastructure Services)
N:\2.0 DEVELOPMENT\01 Land Use applications\2861 (IF) Erf 12839 Stellenbosch (LU-18327)\2861 () Erf 12839 Stellenbosch (LU-18327).doc

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ANNEXURE C

COMMENTS FROM CAPE WINELANDS
DISTRICT MUNICIPALITY

CAPE WINELANDS DISTRICT
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NAVRAE/ENQUIRIES/IMIBUZO: Xoliswa Ranelo
TELEFOON/TELEPHONE/UMNXEBA: 021- 888 5814
FAKS/FAX/IFEKSI: n/a
E-POS/E-MAIL/iE-MAIL: xranelo@capewinelands.gov.za
U VERW/YOUR REF/iREF YAKHO: LU 12839
ONS VERW/OUR REF/iREF YETHU: **15/2/6/1**

Alexanderstraat 46 Alexander Street
✉ 100
STELLENBOSCH
7599

Date: 25 March 2025

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELPOMENT SERVICES
26 MAR 2025
RECEIVED
FILE NR: E 12839 S
SCAN NR:
COLLABORATOR NR:

The Municipal Manager
Stellenbosch Municipality
PO Box 17
Stellenbosch
7599

ATTENTION: Ms Bulelwa Mdoda

APPLICATION FOR CONSENT USE AND DEPARTURE: ERF (~~LU~~ 12839), 19 NEWMAN STREET, IDAS VALLEY, STELLENBOSCH.

Your letter dated **23 December 2024**, in the above regard refers.

From an environmental health perspective this application may be recommended for approval, provided that the following conditions are complied with:

1. The food handling areas may in no circumstances be operated without application being made to the Environmental Health Department of the Cape Winelands District Municipality for a Compliance Certificate. This certificate will only be issued after inspection and if the premises meet the requirements of Regulation R638.

2. All areas where food is handled must comply with the minimum requirements for food handling premises as determined in Regulation R638 (General Hygiene Requirements for Food Premises Regulations) in terms of the Foodstuffs, Cosmetics and Disinfectants Act, Act 54 of 1972.

3. Each area of a food premises must be ventilated effectively by means of,

   (a) natural ventilation through openings or openable sections which are directly connected to; or
   (b) artificial ventilation that complies with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), whichever of the two methods will facilitate the addition of adequate fresh air to, and the effective removal of polluted or stale air from, the food premises to the extent that air contaminants that could

contaminate food, and that gas, vapors, steam and warm air that may arise during the handling of food are effectively removed, and that the emergence of any unhygienic or unhealthy condition on the food premises is prevented.

4. The quality of the potable water on the premises must always comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.

5. Refuse collection and storage must be done in a way that will not cause a health nuisance.

6. Sewerage disposal on the premises must always take place in a nuisance-free manner and shall be the owner's responsibility.

7. 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,

Xoliswa Ranelo
Environmental Health Practitioner
Obo. MUNICIPAL MANAGER