

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

Affected person's Name

Affected persons Physical Address

Dear Sir/Madam

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

Application Property Address: c/o Le Roux, Mark and Stiebeul streets, Groendal Franschhoek

Application Property Number: Erf 410 Groendal, Franschhoek

Applicant: Emile van der Merwe Town Planning Consultants

Owner: Kruger Game Investments 1 CC

Application Reference: LU/15382 (TP322/2023)

Application Type: Consent Use

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

- Application in terms of Section 15 (2) (o) of the Stellenbosch Municipality Land Use Planning By-Law promulgated by Notice Number 354/2015 dated 20 October 2015 for a Consent Use to permit the use of a portion ( $\pm 135\text{m}^2$ ) of an existing building as a liquor store on Erf 410, Le Roux.

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-notices/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 in order 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: (Emile van der Merwe Town Planning Consultants: [emilevdm@adept.co.za](mailto:emilevdm@adept.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 from the date of this notice to be received on or before the closing date of 20 June 2023.

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 (0845566461 /021-8865050) during normal office hours.

Yours faithfully

**EMILE VAN DER MERWE**  
**EMILE VAN DER MERWE TOWN PLANNING CONSULTANTS**

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

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

Geagte Meneer/Mevrou

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

Adres van aansoek eiendom: h/v Le Roux, Mark en Stiebeul straat Groendal Franschoek

Aansoek eiendom beskrywing: Erf 410 Groendal Franschoek

Aansoeker: Emile van der Merwe Stadsbeplanningskonsultante

Eienaar: Kruger Game Investments 1 CC

Aansoek Verwysing: LU/15382 (TP322/2023)

Tipe Aansoek: Vergunningsgebruik

**Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:**

- Aansoek in terme van Artikel 15 (2) (o) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning afgekondig by Kennisgewing nommer 354/2015 gedateer 20 Oktober 2015 vir Vergunningsgebruik ten einde 'n gedeelte van die bestaande gebou ( $\pm 135\text{m}^2$ ) op Erf 410 as 'n drankwinkel aan te wend.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses 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 kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
  - Die feite en omstandighede aantoon wat die die kommentaar toelig;
  - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
  - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
  - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: (Emile van der Merwe Stadsbeplanningskonsultante: [emilevdm@adept.co.za](mailto:emilevdm@adept.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 vanaf die datum van hierdie kennisgewing ingedien word en moet ontvang word voor of op die sluitingsdatum van 20 Junie 2023.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde 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 voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (0845566461 / 886 5050) gedurende normale kantoor ure/

Die uwe

**EMILE VAN DER MERWE**  
**EMILE VAN DER MERWE STADSBEPANNINGSKONSULTANTE**

## 1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Erf 410 Le Roux (Groendal/Franschhoek) to prepare and submit the required town planning application to the Stellenbosch Municipality for the following:

- Application for Consent Use in terms Section 15 (2) (o) of the Stellenbosch Land Use Planning By-Law (2015) in order to accommodate a liquor store (Pick & Pay Liquors within a portion ( $\pm 135\text{m}^2$ ) of the existing commercial building located on Erf 410 Groendal.

## 2. LOCATION AND ACCESS – A LOCATION PLAN IS ATTACHED AS APPENDIX 1

The property is situated on the southern periphery of Groendal, approximately 4km to the west of Franschhoek town. A location plan is attached as **Appendix 1**. Erf 410 on neighborhood level is located on the corner of Le Roux, Mark- and Stiebeul streets respectively as shown on the picture below.

### Location: Neighborhood Level



## 3. OWNERSHIP AND SIZE

The property is owned by Kruger Game Investments 1 CC in accordance with the Title Deed No T1160/2009. The property is  $2075\text{m}^2$  in extent.

#### 4. ZONING AND LAND USE

The property in terms of the previous Franschhoek Zoning Scheme was zoned General Business Zone. The property in terms of the newly adopted Stellenbosch Zoning Scheme By-Law (2019) is zoned Mix-Use Zone as determined for in terms of the Chapter 2 of the said By-Law. In terms of Chapter 11 of the afore-mentioned By-Law the following land use rights apply:

##### 105. Land use within this zone

(1) The following land uses are permitted in this zone:

Primary Uses	Additional Uses (technical approval)	Consent Uses (application required)
<ul style="list-style-type: none"> <li>• Commune</li> <li>• Business premises (including shops, markets, restaurants, office)</li> <li>• Clinic</li> <li>• Community residential building</li> <li>• Extramural facility</li> <li>• Flats</li> <li>• Guest house</li> <li>• Hostel</li> <li>• Hotel</li> <li>• Occasional use (one event/year)</li> <li>• Plant nursery</li> <li>• Public institution</li> <li>• Public parking area</li> <li>• Private road</li> <li>• Tourist dwelling unit</li> <li>• Tourist accommodation establishment</li> <li>• Welfare institution</li> </ul>	None	<ul style="list-style-type: none"> <li>• Adult Entertainment</li> <li>• Builders yard</li> <li>• Commercial gymnasium</li> <li>• Conference facility</li> <li>• Day care</li> <li>• Filling station</li> <li>• Freestanding base telecommunication station</li> <li>• Funeral parlour</li> <li>• Gambling place</li> <li>• Helicopter landing pad</li> <li>• Hospital</li> <li>• Indoor sport</li> <li>• Motor vehicle fitment centre</li> <li>• Motor showroom</li> <li>• Occasional use (&gt; one event/year)</li> <li>• Parking garage</li> <li>• Place of assembly</li> <li>• Place of education</li> <li>• Place of entertainment</li> <li>• Renewable energy structure</li> <li>• Rooftop base telecommunication station</li> <li>• Tertiary educational institution</li> <li>• Warehouse</li> </ul>

The property is being utilised in accordance with the zoning of the property and accommodates several business/commercial related land uses. The definition of a business premises is provided below.

**“business premises” (besigheidspersoneel)** means a place from which business is conducted and may consist of a wide range of commercial, professional and/or retail uses such as, but not limited to shops, offices, conference facilities, wellness centres, banks, postal agencies, professional services, liquor stores, conference facilities, beauty salons, restaurants, supermarkets, shopping centres, stand-alone medical consulting rooms, motor showrooms, but excludes any land use which is an additional or consent use in that zone or for which the Municipality’s permission in terms of the Scheme is required in that zone;

#### 5. PROPOSAL

The property forms part of the business/commercial node that is located on the southern periphery of Groendal neighbourhood. Erf 410 accommodates Pick & Pay with a number of

other related business-related uses that are being excised on the abutting properties. These said properties forms the commercial node in Groendal.

The establishment of liquor store however requires the permission of the municipality as provided for in terms of the Land Use Planning By-Law (consent use). A liquor store in terms of the Zoning Scheme By-Law is defined as follows:

**“liquor store” (drankwinkel)** means a shop licensed in terms of the relevant Liquor Act, in which mainly alcoholic beverages are sold to the public for off-site consumption;

As mentioned above the proposed liquor store will be accommodated within a portion ( $\pm 130\text{m}^2$ ) of the existing commercial building that is situated on Erf 410. The site and floor layout plan are attached as **Appendix 6**. An aerial photo with the primary uses and proposed position of the liquor store is provided below

#### Groendal Business/Commercial Node



#### Desirability

The proposed use of a portion of the existing commercial building to accommodate a liquor store from a land use management perspective is considered desirable for the following reasons:

- The principle of establishing a liquor store on a business zoned property is generally accepted being a sound planning principle
- The proposal will not have any impact on the natural and built environment operated from a existing building
- The proposal would be compatible with the existing abutting uses

- The proposal will be confined to a portion of an existing building and will not result in any increase in the floor area of the building
- The proposal will not result in the provision of any additional parking since it is limited to an existing building with no additions required.
- The proposal will have a limited increase in traffic volumes and will not impact negatively on traffic flow given the location and accessibility from the surrounding road network.
- The proposal is consistent with the mix-use planning principle and it is envisaged that the proposed activity will co-exists harmoniously that will benefit the community in general. The liquor shop will be located within the existing business node which can best accommodate such use.
- There are number of similar examples in Stellenbosch and Franschhoek where liquor stores are accommodated within a neighbourhood shopping centre.
- The proposal must adhere to the Stellenbosch Municipal Liquor Trading Hours By-Law

## 6. LEGISLATIVE AND POLICY CONTEXT

### 6.1 Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Western Cape Land Use Management Act (2014)

The legislative framework provides the norms and standards and guiding principles to which development applications must comply and assessed. The application inter-alia is consistent with the following guiding principles.

- Promote land development that is spatially compact, resource –frugal and within the fiscal, institutional and administrative means of the Stellenbosch Municipality.
- Protection of prime unique and high potential agricultural land
- Uphold consistency of land use measures in accordance with environmental management instruments
- Promote land development in locations that are sustainable and limit urban sprawl
- Protection of high biodiversity areas and heritage and tourism resources
- Optimise the use of resources, infrastructure, agriculture and land
- Integrate social, economic and institutional aspects of land development

The Western Cape Land Use Management Act, 2014 and the Spatial Planning and Land Use Management Act, 2013 serves as platform to guide decision-making in relation to land use and development. In this regard are the following 5 principles applicable



### **Spatial Justice**

The principles of spatial justice do not apply since the property is located within an existing urban area and within the existing business node.

### **Spatial efficiency**

The proposal will make use of resources in a just and efficient manner. It will not impact on the service level capacities of the municipality and it can be accommodated within the existing services network.

### **Spatial resilience**

The proposal is deemed compatible with the surrounding character of the area and is in line with the municipal IDP and spatial development framework.

### **Good Administration**

The proposal conforms to the requirements of the Stellenbosch Planning Zoning Scheme By-Law and Stellenbosch Land Use Planning By-Law.

## **6.2 Stellenbosch Spatial Development Framework**

The Stellenbosch SDF has been approved by Council during November 2019 and is founded on the principles of the Spatial Planning and Land Use Management Act, the Western Cape Land Use Planning Act, the National Development Plan, the National Heritage Resources Act, the Environmental Management Act, as well as the Stellenbosch Municipal Integrated Development Plan.

In terms of this approved document, seven principles are listed. These are:

- Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
- Respect and grow cultural heritage;
- Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
- Clarify and respect the different roles and potentials of existing settlements;
- Clarify and respect the roles and functions of different elements of movement structure;
- Ensure balanced, sustainable communities;

In terms of the approved MSDF for Stellenbosch Municipality, the subject property is located inside the approved urban edge of Franschoek/Groendal. The property forms part of the existing commercial activities to the south of Franschoek. Furthermore, in terms of the

approved MSDF, the mixed-use redevelopment and building within the town centre and surrounding areas needs to be retained and actively supported.

## **8. SERVICES**

The proposal is confined to existing dwelling and the development footprint will not increase as a result of the application. The proposal is confined to a small portion of the existing dwelling with additional GLA, and there will be no additional impact on any municipal services.

## **9. CONCLUSION**

The application complies with all the criteria and development parameters set out in current municipal and provincial policy and frameworks. It is trusted that the Stellenbosch Municipality favourably will consider the application for consent use of Erf 410 Groendal Franschhoek.

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# Erf 410 Groendal: Location Plan



## Legend

Erf



Map Center: Lon: 19°6'42.5"E  
Lat: 33°53'58.7"S

Scale: 1:27 828

Date created: March 13, 2023



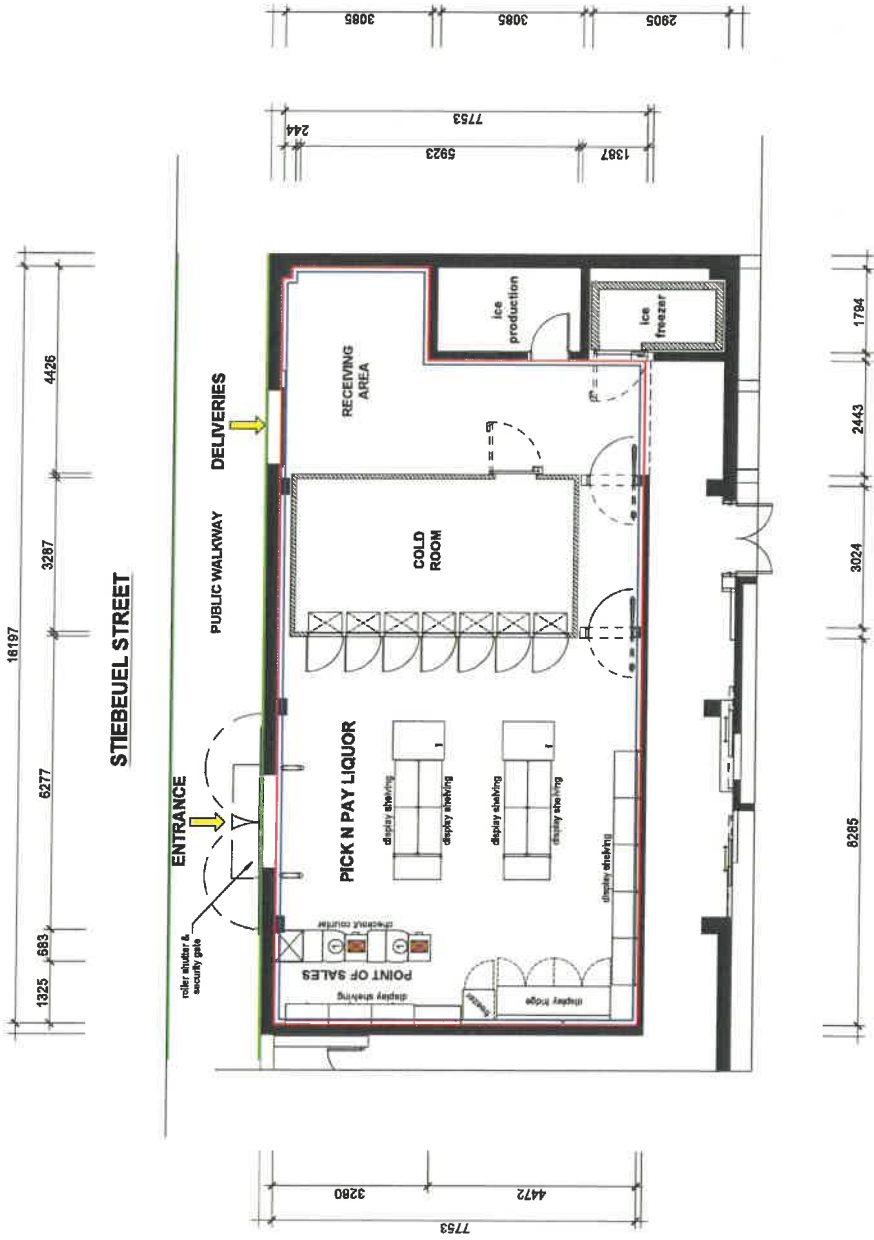
Western Cape  
Government

FOR YOU

Agriculture

**NOTES**

This drawing is for Liquor license application. It is, consequently not to be used for submission to municipality as a working drawing or to be used for construction purposes.



KEY	
LICENSED AREA	red
LIQUOR STORAGE	blue
ENTRANCE/DELIVERIES	yellow
PUBLIC SPACE	green
PAYPOINTS	orange

- KEY**
1. Paypoint

**PICK N PAY LIQUORS**  
**(GROENDAL FRANSCHHOEK)**  
 ERF 410  
 C/O LE ROUX & MARKS STREET  
 GROENDAL  
 FRANSCHHOEK  
 7690

Date: 26 September 2022  
 Scale: 1:100 @ A3  
 Drawn: D. van Driel  
 Cell: 0724818745  
 15 Smeilville on Burgundy, 2 Amber Rd.  
 Burgundy Estate  
 dr.vandriel@gmail.com

**DWG. NO. PLG01-1/3**

**FLOOR PLAN**

**NOTES**

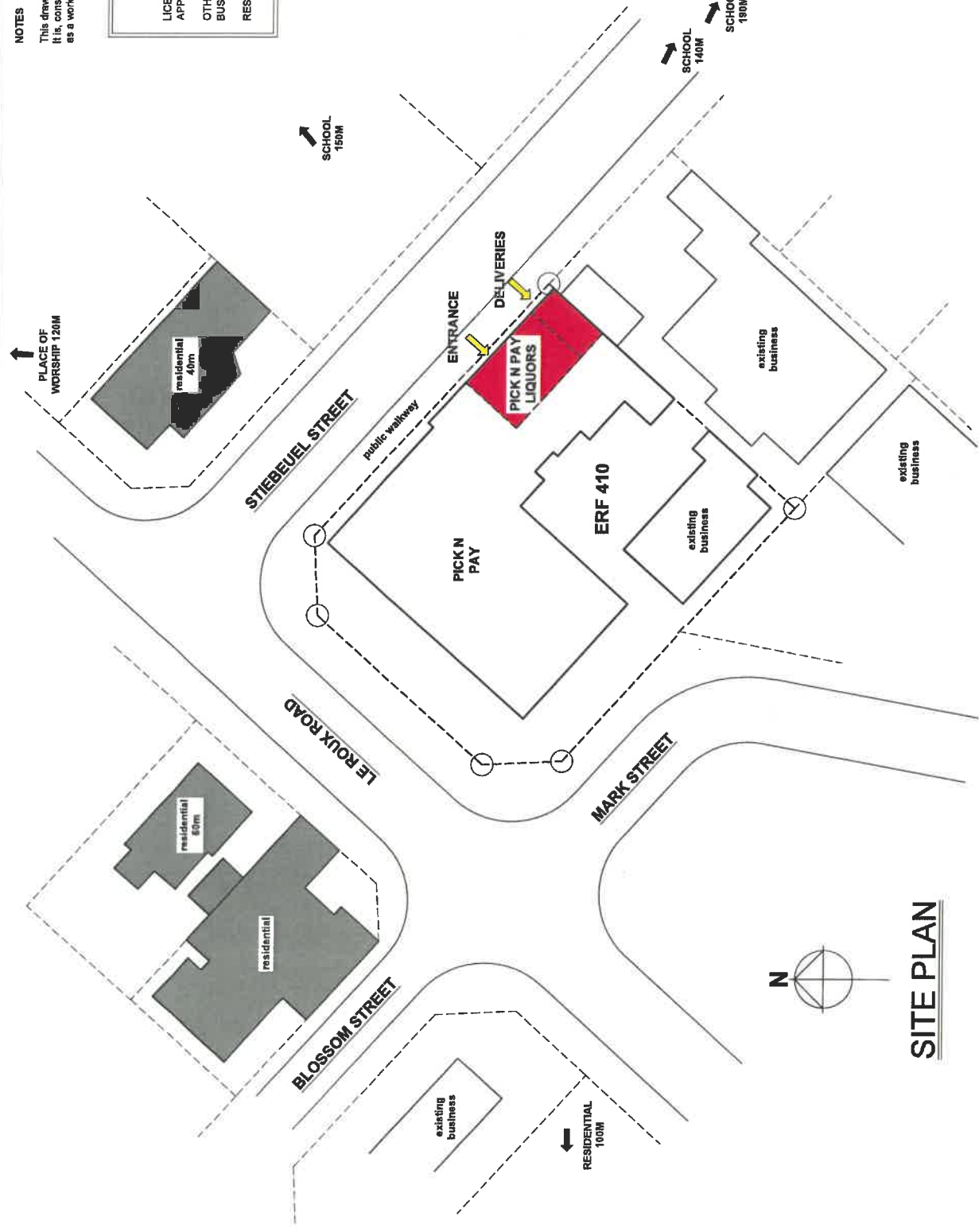
This drawing is for Liquor license application. It is, consequently not to be used for submission to municipality as a working drawing or to be used for construction purposes.

KEY	
LICENSED AREA APPLICANT	red
OTHER LICENSED BUSINESSES	purple
RESIDENTIAL	grey

**PICK N PAY LIQUORS  
(GROENDAL FRANSCHHOEK)**  
 ERF 410  
 C/O LE ROUX & MARKS STREET  
 GROENDAL  
 FRANSCHHOEK  
 7690

Date: 29 September 2022  
 Drawn: D. van Driel  
 Cell: 0724819745  
 15 Smallville on Burgundy, 2 Amber Rd.  
 Burgundy Estate  
 dr.vandriel@gmail.com

**DWG. NO. PLG01-2/3**



**SITE PLAN**