

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

Neem asseblief kennis dat hierdie kennisgewing in Afrikaans hieronder volg.

To Whom it may concern

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

Application Property Address: C/o Huguenot & La Rochelle Streets, Franschhoek

Application Property Number: Erf 714, Franschhoek

Applicant: ICatPlan CC (t/a I.C.@Plan), Cornelia van Zyl – 082 978 7151

Owner: Green Willows Properties 302 (Pty) Ltd (c/o Golekane Tselane – 072 076 0241)

Application Reference: LU/14243

Application Type: Consent Use

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

Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality Land Use Planning By-Law (2015), 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 store on Erf 714, Huguenot Street, Franschhoek.

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;

- o Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
- o Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: Cornelia van Zyl, cornelia@icaplan.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 **21 September 2022**.

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 **082 978 7151** during normal office hours. (Monday to Thursday 8:00-17:00 & Friday 8:00-15:00)

Yours faithfully



A.C. van Zyl

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

Wie dit mag aangaan

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

Adres van aansoek eiendom: C/o Huguenot & La Rochelle Strate, Franschhoek

Aansoek eiendom beskrywing: Erf 714, Franschhoek

Aansoeker: ICatPlan BK (t/a I.C.@Plan) - Cornelia van Zyl (0829787151)

Eienaar: Green Willows Properties 302 (Pty) Ltd (c/o Golekane Tselane – 072 076 0241)

Aansoek Verwysing: LU/14243

Tipe Aansoek: Vergunningsgebruik

Besonderhede van die grondgebruiksaansoek, insluitende die doel en uitkoms:

Hiermee word aansoek gedoen in terme van Artikel 15(2)(o) van die Stellenbosch Munisipaliteit se Verordening op Grondgebruikbeplanning (2015), gepromulgeer in terme van kennisgewing nommer 354/2015, gedateer 20 Oktober 2015, vir 'n **Vergunningsgebruik** om 'n gedeelte van die bestaande gebou op Erf 714, Huguenoot Straat, Franschhoek aan te wend vir doeleindes van 'n drankwinkel.

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-notices/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;

- o 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: Cornelia van Zyl – cornelia@icaplan.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 gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **21 September 2022**.

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 **082 978 7151** gedurende normale kantoor ure (Maandag-Donderdag 8:00 – 17:00 & Vrydag 8:00-15:00).

Die uwe



A.C. van Zyl

**ERF 714,
FRANSCHHOEK**



Prepared by I.C.@Plan Town Planners

17 June 2021

(Reference: 01_Motivation Report_20220614)

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1. THE APPLICATION

Application is hereby made for a **Consent Use** in terms of Section 15 (2) (o) of the Stellenbosch Municipality Land Use Planning By-Law for a liquor store.

The application form duly completed and signed is herewith attached for your perusal.

2. BACKGROUND

Erf 714, Franschhoek, (hereafter referred to as 'the property') is situated along the main through route in the CBD of Franschhoek at 23 Huguenot Street. The property is zoned Mixed Use Zone and contains an existing commercial center which hosts Shoprite-Checkers (as the anchor tenant), a pharmacy and a few smaller retail outlets. Access to the property and the existing parking area is gained from La Rochelle Street.



Figure 1: Location

Shoprite-Checkers wishes to open a separate liquor store adjoining the existing Checkers Food store and I.C.@Plan Town Planners were accordingly appointed by the owner of the property to apply for a consent use.

The power of attorney and company resolution is herewith attached herewith.

3. PROPERTY DETAILS

Property Description	Erf 714, Franschoek
Address	23 Huguenot Street
Extent	3015m ²
Title Deed No	19487/2013
Registered Owner	Green Willows Properties 302 (Pty) Ltd
Applicant	I.C.@Plan Town Planners
Zoning	Mixed Use Zone
Proposed Use	Commercial/shopping centre with a liquor store

Table 1: Propert details

4. THE PROPOSAL & MOTIVATION

The application proposes the use of a portion of the existing commercial centre to accommodate a liquor store. Shoprite Checkers has an existing store within the centre and – like many retailers – wishes to open a separate liquor store adjoining to the food store. The area of the liquor store will be ±52.60m² and the stock will be stored within the existing storage area and fridges of the food store. No external additions or alterations to the existing building is proposed and only internal changes will be made when the shopfitting for the liquor store is done.

The proposed operating hours for the liquor store will be in line with the Stellenbosch Municipality's Liquor Trading Hours By-Law and will be as follow:

- Monday – Saturday: 9:00 – 20:00
- Sunday: 9:00 – 16:00

4.1 Locality, Zoning & Character of the Area

The proposed liquor store will be situated within an existing commercial and retail centre on Erf 714 and, since only internal changes are proposed, will not have any impact on the character of the area. It is located in Franschoek's CBD, along Huguenot Street which is identified as a mixed-use intensification street. The location of the liquor store is therefore ideal in terms of the existing surrounding land uses and will be complimentary to the existing uses on the property. The zoning of the property furthermore makes provision for a liquor store as a consent use.

The proposal is therefore a good example of land use intensification within existing urban areas and will make use of existing infrastructure.



Figure 2: Extract from the Zoning Map

4.2 Accessibility, Parking & Engineering Services

The property is situated along Huguenot Street, a section of the main road which runs through Franschhoek. No vehicle access is obtained of Huguenot Street as the main vehicle access to the property and the existing parking area is from La Rochelle Street. There is a wide sidewalk along Huguenot Street which gives easy access to pedestrians with additional public parking provided along the street.

As the application entails the utilization of internal space within the existing building, the proposed liquor store will not increase the floorspace, nor have any impact on the existing GLA. No additional parking is accordingly required. Furthermore, there will not be any increase in the use of services.

From the above it is clear that the proposal will have no impact on external engineering services, and we are accordingly of the opinion that Council should impose additional development charges.



Figure 3: Accesses to the property

5. PLANNING LEGISLATION & POLICIES

5.1 Spatial Planning Land Use Management Act (Act16 of 2013) (SPLUMA) and the Western Cape Land Use Planning Act(Act 3 of 2014) (LUPA)


Section 7 of SPLUMA and Section 59 of LUPA prescribes five development/planning principles that a new development should consider. The proposal adheres to these principles as follow:

- 🌿 **Spatial Justice** focusses on redressing spatial imbalances by improving access to and use of land with particular focus on access to those who were previously excluded.


The proposal does not impede this principle as it does not exclude anyone from equitable access to the resources and opportunities that the area has to offer.

- 🌿 **Spatial Sustainability** refers to the protection of valuable agricultural and environmental sensitive land. Spatial sustainability also refers to the prevention of urban sprawl and the consideration of current and future costs of infrastructure.

The application proposes land use intensification within an existing urban area and the utilization of existing resources and services. It accordingly adheres to the principle of sustainability.

- 
Spatial Efficiency dictate the optimum use of existing resources and infrastructure. It also requires the minimalization of negative impacts in terms of financial, economic and environmental impacts.

The application proposes a use which is compatible with the existing uses on the property and in the area. It is therefore clear that the proposal upholds the principle of spatial efficiency as it reflects the optimum use of land.

- 
Spatial resilience refers to flexibility in spatial plans, land use management and policies to ensure sustainable livelihoods most likely to suffer the impact of environment or economic shocks.

The proposal can be seen as an example of how land is used efficiently to contribute to spatial resilience as it allows a bigger variation of uses in the area which contribute to the local economy.

- 
Good Administration principle focus on an integrated development approach.

The application proposes the integration of an ancillary use within an existing context and accordingly upholds this principle.

5.2 Land Use Planning Act

Section 65 (1) (c) of the Land Use Planning Act states that when the Municipality considers an application, it must have regard for the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses.

The inclusion of a complimenting use within an existing building can be seen as desirable in the context of the existing Franschhoek CBD and the mixed use intensification along which the property is situated.

Section 59 (2) (b) of the Land Use Planning Act states that land use planning should be guided by certain principles of **spatial sustainability**. *"This includes the sustained protection of the environment by having regard to the following:*

- natural habitat, ecological corridors and areas with high biodiversity importance;*
- the provincial heritage and tourism resources;*
- areas unsuitable for development, including flood plains, steep slopes, wetlands and areas with a high water table and landscapes and natural features of cultural significance; and*
- the economic potential of the relevant area or region".*

The proposal is situated with an existing urban area and will accordingly not have any impact with respected to the natural environmental.

Section 59 (3) (a) and (b) of the Land Use Planning Act stipulates that that land use planning should be guided by the following principles of **efficiency**:

- a) *land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities;*
- b) *integrated cities and towns should be developed, whereby—*
 - i. *the social, economic, institutional and physical aspects of land development is integrated;*
 - ii. *land development in rural and urban areas in support of each other is promoted;*
 - iii. *the availability of residential and employment opportunities in close proximity to, or integrated with, each other is promoted.”*

From the above it is clear that the proposal aims at using the existing resources to its optimal. It will have a positive impact in terms of the economy of the area, job creation, etc.

5.3 Stellenbosch Municipality Spatial Development Framework 2019 (SDF):

According to the SDF, the property is situated within an existing node along Huguenot Road, which is identified as a mixed-use intensification route. The SDF accordingly proposes “*new mixed use development as far as possible along Main Road*”.



Figure 4: Extract from the SDF

The proposal is therefore clearly in line with the vision of the SDF in so far as it proposes tourist related activities which is complimentary to the existing agricultural activities on the farm, as well as in the surrounding area. The heritage resources found on the farm are opened up to the general public and community involvement in cultural and tourism activities are accordingly supported.

5.4 Stellenbosch Municipality: Land Use Planning By-Law (SMBL) & Stellenbosch Municipality: Zoning Scheme By-Law (Zoning Scheme)

Section 105. (1) of the Zoning Scheme specifies that a liquor store is a consent use which can be considered on Mixed Use Zone properties.

Section 19 (4) of the SMPB stipulates that a “*consent use ... must not have the effect of preventing the property from being utilised in the future for the primary uses permitted in terms of the zoning of the land*”.

The proposed consent use is seen as an ancillary use the existing retail uses on the property and will not in any way prevent the utilization of the property in terms of its primary rights.

In terms of Map SR05 of the Scenic Road Overlay Zone, Huguenot Road is excluded from the route and this overlay is accordingly not applicable to the property.

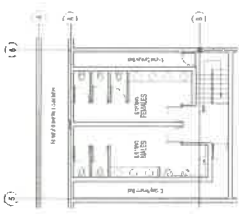
The property does, however, fall within the Urban Conservation Overlay Zone for the Franschoek area. The Zoning Scheme stipulates that the “*purpose of the Urban and Rural Conservation Overlay zone is to control development in order to protect and enhance the character of an area, which has special historical, heritage, cultural, environmental, amenity or architectural value*”. It therefore focuses more on new development and external changes which could have an impact on the heritage, cultural and historical amenity value.

The application proposes only internal changes and will accordingly not change the façade or visual appearance of the existing building. In terms of Section 246. (3) (a) the application is therefore exempted from applying for permission.

6. CONCLUSION

From the above it is clear that the proposed liquor store is in line with national, provincial, district and local policies applicable to the area. It will be an ancillary use to the existing uses on the property and will have no visual impact, impact on the surrounding area, existing services or traffic. With this in mind, it is envisaged that Council favorably consider the application.

Application for a liquor store in Shop 1



SAME AS ABOVE - REPAIR TO NEW DISABLED PARKING BAY

1. The applicant is proposing to repair the existing disabled parking bay located at the rear of the property to meet the requirements of the Americans with Disabilities Act (ADA).

2. The proposed repairs include the installation of a new concrete curb, the installation of a new asphalt surface, and the installation of a new disabled parking symbol.

3. The applicant is proposing to repair the existing disabled parking bay located at the rear of the property to meet the requirements of the Americans with Disabilities Act (ADA).

SAME AS ABOVE - MEZANINE ABOLITIONS FOR ALL VISITORS & STAFF

1. The applicant is proposing to abolish the existing mezzanine level located on the second floor of the building.

2. The proposed abolition of the mezzanine level is necessary to provide a clear and unobstructed path of travel for all visitors and staff.

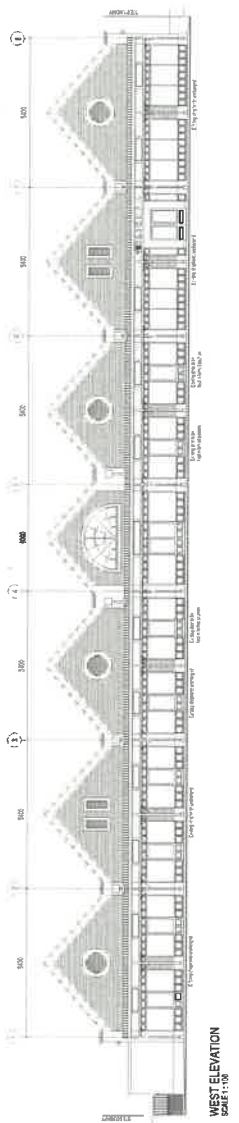
3. The applicant is proposing to abolish the existing mezzanine level located on the second floor of the building.

SAME AS ABOVE - MEZANINE ABOLITIONS FOR DISABLED PERSONS

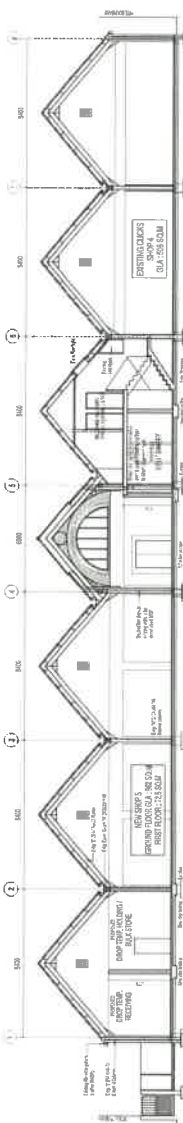
1. The applicant is proposing to abolish the existing mezzanine level located on the second floor of the building.

2. The proposed abolition of the mezzanine level is necessary to provide a clear and unobstructed path of travel for all disabled persons.

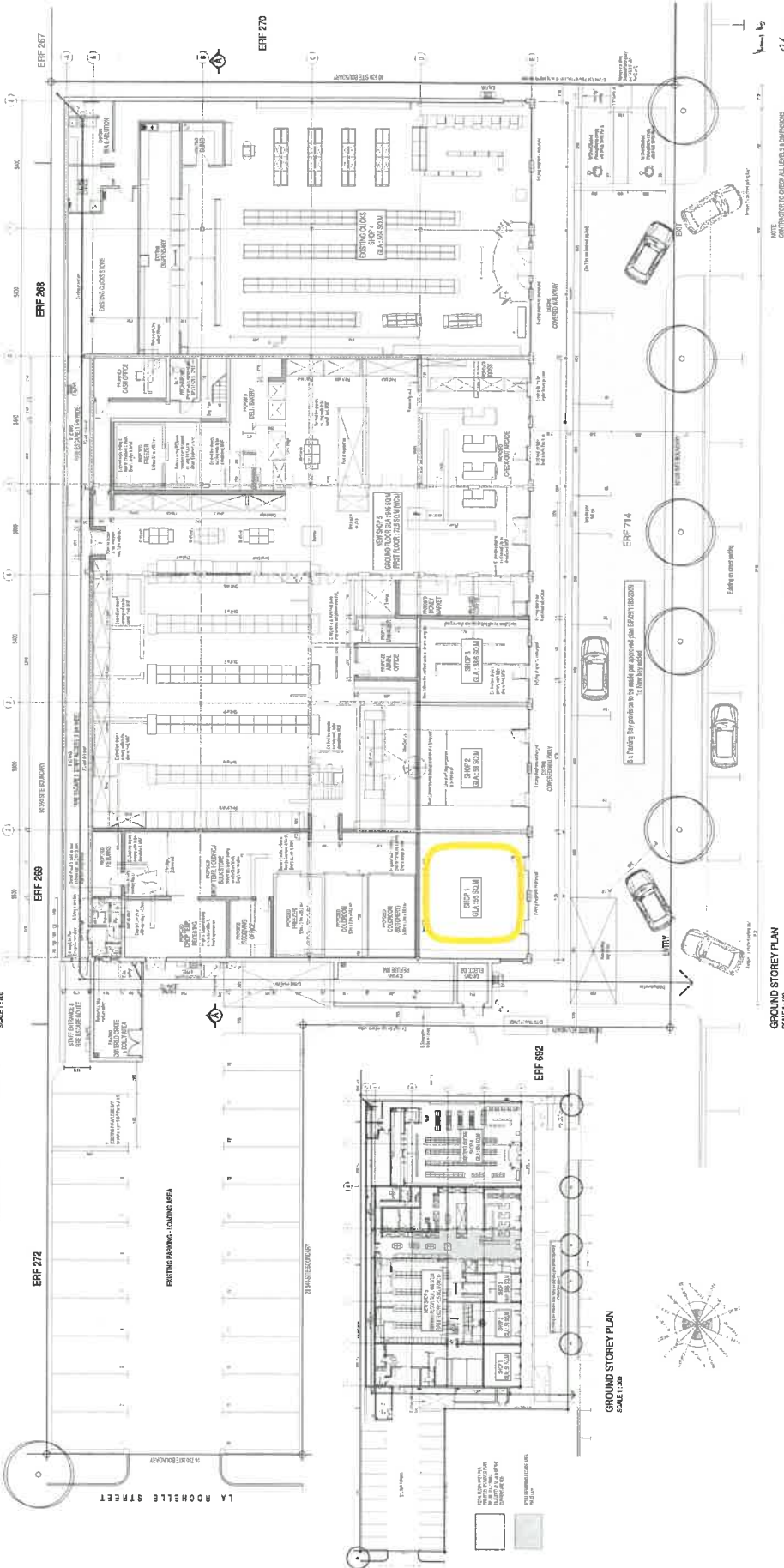
3. The applicant is proposing to abolish the existing mezzanine level located on the second floor of the building.



WEST ELEVATION
SCALE 1:100



SECTION A-A
SCALE 1:100



GROUND STOREY PLAN
SCALE 1:100

- PROPOSED SPECIFICATIONS**
1. All work shall be in accordance with the current edition of the National Building Code of Canada (NBCC).
 2. All materials shall be of the highest quality and shall be approved by the Building Department.
 3. All work shall be completed within the specified time frame.
 4. All work shall be completed in accordance with the specifications set out in this document.
 5. All work shall be completed in accordance with the specifications set out in this document.
 6. All work shall be completed in accordance with the specifications set out in this document.
 7. All work shall be completed in accordance with the specifications set out in this document.
 8. All work shall be completed in accordance with the specifications set out in this document.
 9. All work shall be completed in accordance with the specifications set out in this document.
 10. All work shall be completed in accordance with the specifications set out in this document.

- MECHANICAL ABOLITIONS FOR ALL VISITORS & STAFF**
1. The applicant is proposing to abolish the existing mechanical systems located on the second floor of the building.
 2. The proposed abolition of the mechanical systems is necessary to provide a clear and unobstructed path of travel for all visitors and staff.
 3. The applicant is proposing to abolish the existing mechanical systems located on the second floor of the building.

- MECHANICAL ABOLITIONS FOR DISABLED PERSONS**
1. The applicant is proposing to abolish the existing mechanical systems located on the second floor of the building.
 2. The proposed abolition of the mechanical systems is necessary to provide a clear and unobstructed path of travel for all disabled persons.
 3. The applicant is proposing to abolish the existing mechanical systems located on the second floor of the building.

MEASUREMENTS

NO.	DESCRIPTION	UNIT	QUANTITY
1	CONCRETE CURB	M	100
2	ASPHALT SURFACE	M ²	100
3	DISABLED PARKING SYMBOL	NO.	1

MEASUREMENTS

NO.	DESCRIPTION	UNIT	QUANTITY
1	CONCRETE CURB	M	100
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3	DISABLED PARKING SYMBOL	NO.	1

MEASUREMENTS

NO.	DESCRIPTION	UNIT	QUANTITY
1	CONCRETE CURB	M	100
2	ASPHALT SURFACE	M ²	100
3	DISABLED PARKING SYMBOL	NO.	1

revisions

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2024-01-15
2	REVISIONS	2024-01-20

PROPOSED INTERNAL ALTERATIONS TO EXISTING BUILDING
GREEN MEZANINE ABOLITIONS FOR ALL VISITORS & STAFF
ON ERF 714 (ROCHELLE STREET)

PMAC
Professional Mechanical Association of Canada
1000 St. Lawrence Street West
Toronto, Ontario M5S 1A4
Tel: (416) 593-8822

GNP 01

WD 001

Scale 1:100

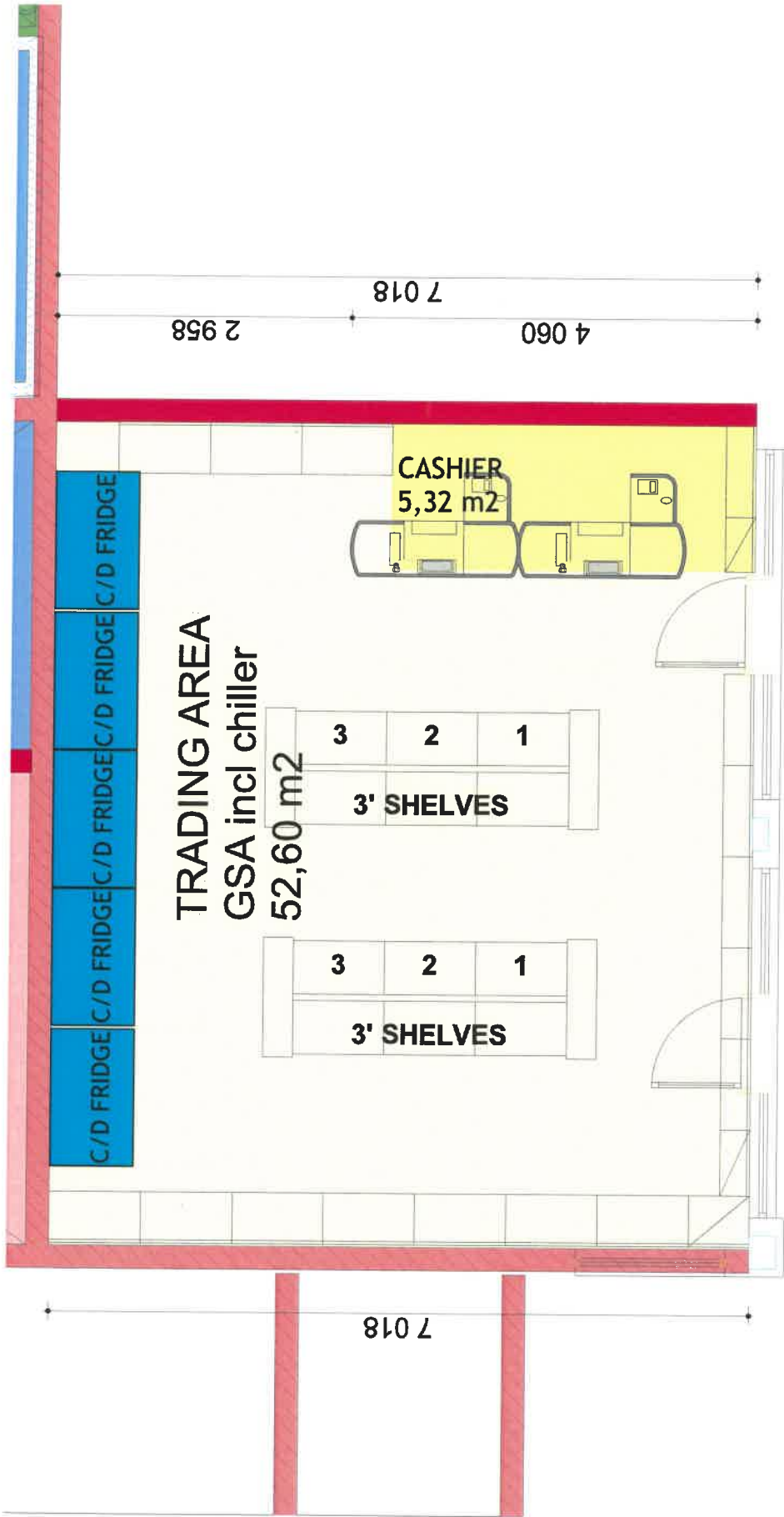
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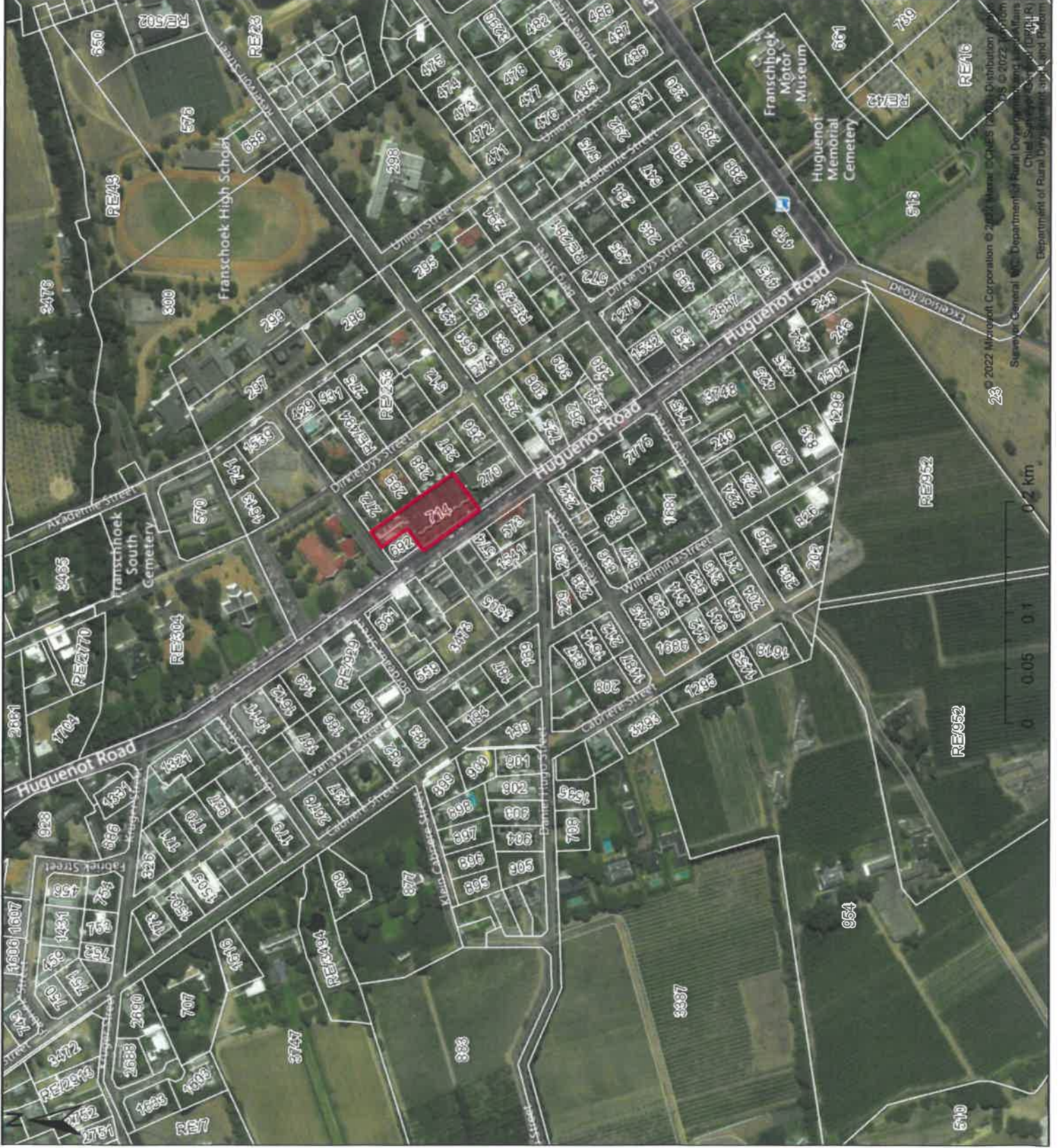


 	PROPERTY DIVISION REG. NO. 1929/001817/07 (PTY) LTD	HEAD OFFICE CNR WILLIAM DABS & OLD PAARL ROADS, BRACKENFELL, 7560 P O BOX 1160, BRACKENFELL, 7561 SOUTH AFRICA TEL: 27 (0) 21 980 4400 FAX: 27 (0) 21 980 4450	DRAWING INFO PATH Z:\WESTERN CAPE\103_CHECKERS FOODS\FRANSCHOEK FOODS (70382)\FRANSCHOEK	FRANSCHOEK CHECKERS FOODS LIQUOR SHOP
	HEINRICH DESIGNED DATE GLA	22 04 2022 58 m2		

Locality: Erf 714, Franshhoek

Legend

Erf



Map Center: Lon: 19°7'10.6"E
Lat: 33°54'42.2"S

Scale: 1:5 651

Date created: May 31, 2022



Western Cape
Government
FOR YOU

Agriculture

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