

NOTICE OF LAND DEVELOPMENT APPLICATION

APPLICATION TYPE: PROPERTY DESCRIPTION (Erf or Farm number) AND AREA

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

Application Property Address: **Section 7, 11 Main Road, Franschoek**

Application Property Number: **ERF 2893**

Applicant: **Etoile D'Or (Pty) Ltd**

Owner: **Owners Representative: Herman Chris Rhode – 082 933 4593**

Application Reference: **LU/18840 (TP1082/2024)**

Description of land development proposal:

Application is made in terms of Section 15 (2) (o) of the Stellenbosch Municipality Land Use Planning By-Law 2023 for Consent Use to utilise a portion of the existing building for a liquor store for consumption off the premises on ERF 2893, Franschoek.

Notice is hereby given in terms of the provisions 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 must 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. Written comment, which must include the reference to the application, the name, contact details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: **Etoile D'Or (Pty) Ltd - info@liquorlicenceconsultants.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 **25 August 2025**.

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 **0829334593** during normal office hours, **8AM – 5PM**.

Yours faithfully
HERMANUS CHRISTOFFEL RHODE

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

AANSOEKTIPE: EIENDOMSBESKRYWING (Erf of Plaas nommer) EN AREA

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

Adres van aansoek eiendom: **Section 7, 11 Main Road, Franschoek**

Aansoek eiendom beskrywing: **ERF 2893**

Aansoeker: **Etoile D'Or (Pty) Ltd**

Eienaar: **Owners Representative: Herman Chris Rhode – 082 933 4593**

Aansoek Verwysing: LU/TP **LU/18840 (TP1082/2024)**

Besonderhede van die grondgebruiksaansoek:

Application is made in terms of Section 15 (2) (o) of the Stellenbosch Municipality Land Use Planning By-Law 2023 for Consent Use to utilise a portion of the existing building for a liquor store for consumption off the premises on ERF 2893, Franschoek.

Kennis word hiermee gegee in terme van die voorskrifte 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, moet 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. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: **Etoile D'Or (Pty) Ltd - info@liquorlicenceconsultants.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 **25 August 2025**.

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 082933 4593 gedurende normale kantoor ure 8AM – 5PM.).

Die uwe

HERMANUS CHRISTOFFEL RHODE



STELLENBOSCH

STELLENBOSCH • PNIET • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

DIRECTORATE: PLANNING & ECONOMIC DEVELOPMENT

www.stellenbosch.gov.za/planning-portal/

FOR ENQUIRIES CONTACT landuse.enquiries@stellenbosch.gov.za or 021- 808 8606

SUBMIT APPLICATION BY UPLOADING COMPLETED FORM AND RELEVANT INFO TO THE

Town Planning Application Management System (TPAMS)

[AFLA Portal \(stellenbosch.gov.za\) /](http://AFLA Portal (stellenbosch.gov.za) /)

<https://citymaps.stellenbosch.gov.za/aflaportal/home>

NOTE: In terms of section 69 of the Bylaw on Municipal Land Use Planning 2023 the Municipality may categorise applications for consideration by either an authorised employee or the Municipal Planning Tribunal (Categorisation Model for Decision-making July 2023). These land use applications are subject to prescribed administrative and public participation processes and depending on the type of application, *Land Use Application Form A* or *Form B* must be completed. *Land Use Application Form B* can be used if the application ONLY comprises of a permanent departure. If any other type of application is also required, *Land Use Application Form A* must be completed. *Land Use Application Form C* must be used if the application comprises of an application for permission either in terms of the zoning scheme or in terms of a condition of approval or in terms of the title deed.

LAND USE PLANNING APPLICATION FORM A

Section 15 of the Municipal Bylaw on Land Use Planning 2023 and other relevant legislation

Complete form using BLOCK letters and ticking the appropriate boxes

PART A: APPLICANT DETAILS

First name(s)	HERMANUS CHRISTOFFEL
Surname	RHODE
Company name (if applicable)	HERMAN RHODE LIQUOR LICENCE CONSULTANTS (PTY) LTD
Postal Address	167 LOOP STREET
Email Address	INFO@LIQUORLICENCECONSULTANTS.CO.ZA
Contact Number(s)	0651050257

PART B: REGISTERED LANDOWNER(S) DETAILS (If different from applicant)

Registered owner(s) Name	ETOILE D OR (PTY) LTD
E-mail Address	Julio Sieni <julio@dkotze.co.za>
Contact Number	0721186694

PART C: PROPERTY DETAILS (in accordance with title deed)

Erf No	2893	Suburb	Franschoek	Town	Franschoek
Farm no	N/A	Farm Portion	N/A	Nearest Town	N/A

Physical or Street Address	Section 7, 11 Main Road. Franschoek		Property / Business / Farm known as	Eaton Place					
Current Zoning	MIXED-USE ZONE								
Additional or Consent Uses	Consent Use for Sale of Alcoholic Beverages for Takeaway & Consent Use for Place of Entertainment								
Current activities	None – awaiting approval for the Municipality in terms of this application.								
Property Size / Extent	44m ² / ha				Are there existing buildings?	X	N		
Title Deed number	T000002141/2020								
Any restrictions in the Conveyance's Certificate?	Y	X	If yes, list condition(s) as per certificate.						
Are the restrictive conditions in favour of a third party?	Y	X	If yes, list the party(ies).						
Is the property owned by Council?	Y	X	If yes, <u>attach a power of attorney</u> signed by the Municipal Manager or delegated authority						
Is the building located within the historical core?	Y	X	Is the building older than 60 years?	Y	X	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999)?	Y	X	If yes, indicate which section are triggered and attach relevant permit.
Any existing unauthorized buildings and/or land use on the subject property(ies)?				X		If yes, is this application to legalise the building / land use??		Y	X
Are there any pending court case(s) / order(s) relating to the subject property(ies)?				X		Are there any land claim(s) registered on the subject property(ies)?			X

PART D: PRE-APPLICATION CONSULTATION AND OR SCRUTINY

Has there been any pre-application consultation?	X	If yes, attach the minutes of the pre-application consultation.
Has the pre-application scrutiny form been submitted?	X	If yes, attach the written feedback received.

The submission of a pre-application scrutiny form to Landuse.Applications@stellenbosch.gov.za is compulsory for the following type of applications* and written feedback must be attached to the land use planning application form: rezoning, subdivision and consolidation of land, removal, suspension or amendment of restrictive title deed conditions, the amendment, deletion, or imposition of conditions of approval and the cancellation of an approved subdivision plan.

* All applications triggered by section 38(1)(a) - (e) in terms of the National Heritage Resources Act 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

* No application may be submitted to legalize unauthorised building work and/or land use on the property if a notice has been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law

PART E: LAND USE PLANNING APPLICATIONS AND PAYMENT OF FEES	
APPLICATIONS IN TERMS OF SECTION 15 OF THE MUNICIPAL BYLAW ON LAND USE PLANNING 2023	
Type of application	Tick
15(2)(a) rezoning of land*	
15(2)(b) a permanent departure from the development parameters of the zoning scheme	
15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land	
15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement*	
15(2)(e) a consolidation of land that is not exempted in terms of section 24*	
15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit*	
15(2)(g) a permission required in terms of the zoning scheme	
15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval*	
15(2)(i) an extension of the validity period of an approval	
15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme	
15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram*	
15(2)(l) a permission required in terms of a condition of approval	
15(2)(m) a determination of a zoning	
15(2)(n) a closure of a public place or part thereof	
15(2)(o) a consent use contemplated in the zoning scheme	X
15(2)(p) to disestablish a homeowners' association	
15(2)(q) to rectify a failure by a homeowners' association to meet its obligations in respect of the control over or maintenance of services	
15(2)(r) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building	
OTHER APPLICATIONS	
Deviation from Council Policies/By-laws	
Consent / Permission required in terms of a title deed (includes where permission is required in terms of the Advertising on Roads and Ribbon Development Act, Act 21 of 1940)	
DETAILS FOR INVOICE	
Name & Surname (party responsible for payment)	HERMANUS CHRISTOFFEL RHODE
Postal Address	167 LOOP STREET
Vat Number (where applicable)	N/A
<p>1. Application fees are per the Council Approved Tariffs. The complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Application fees that are paid to the Municipality are non-refundable as per the Tariff Rules. Once proof of payment is received, the application will be regarded as duly submitted.</p> <p>2. All indigent residents who are registered as such with the Municipality and <u>with proof submitted together with application</u> will be exempted from applicable fees for Permanent Departure applications including but not limited to building lines, coverage, parking. Contact: indigent.office@ Stellenbosch.gov.za or 021 808 8501 or 021 808 8579</p> <p>3. The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable, and the applicant will be informed accordingly.</p>	
BANKING DETAILS	
Account Holder Name:	Stellenbosch Municipality
Bank:	FIRST NATIONAL BANK (FNB)
Branch no.:	210554
Account no.:	62869253684
Payment reference:	LU/_____ and ERF/FARM _____
Please use both the Land Use Application number and the Erf/Farm number indicated on the invoice as a reference when making EFT payment	

PART F: DETAILS OF PROPOSAL (Brief description of intent of development)

Application is made in terms of Section 15 (2) (O) of the Stellenbosch Municipality Land-Use Planning By-Law 2015 for a consent use in order to utilize a portion of the existing ERF for the sale of liquor for consumption off the premises.

Name and Date of design guidelines (if applicable)						
		Adjoining erf number				
Building line encroachment	Street		From	m	To	m
	Street		From	m	To	m
	Side		From	m	To	m
	Side		From	m	To	m
	Aggregate side		From	m	To	m
	Rear		From	m	To	m
Exceeding permissible site coverage / footprint		From	%	To	%	
Exceeding maximum permitted bulk / floor factor / habitable rooms		From		To		
Exceeding height restriction		From	m	To	m	
Exceeding maximum storey height		From	m	To	m	

PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.

Information and documentation required

X	N	Power of attorney / Owner's consent if applicant is not owner	Y	X	Proof of any other relevant right held in the land concerned
Y	N	Resolution or other proof that applicant is authorised to act on behalf of a juristic person	Y	N	S.G. diagram / General plan extract (A4 or A3 only)
X	N	Written motivation pertaining to the need and desirability of the proposal	X	N	Site development plan or conceptual layout plan (A4 or A3 only) to scale
X	N	Locality plan (A4 or A3 only) to scale	Y	N	Proof of agreement or permission for required servitude
Y	N	Proposed subdivision plan (A4 or A3 only) to scale	X	N	Proof of registered ownership (Full copy of the title deed)
Y	X	Conveyancer's certificate	Y	N	Written feedback of pre-application scrutiny and Minutes of pre-application consultation meeting (if applicable)
Y	N	X Consolidation plan (A4 or A3 only) to scale	Y	N	X Land use plan / Zoning plan (A4 or A3 only) to scale

Y	N	X	Street name and numbering plan (A4 or A3 only) to scale				
Y	N	X	Landscaping / Tree plan (A4 or A3 only) to scale	Y	N	X	1: 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
Y	N	X	Abutting owner's consent	Y	N	X	Owners' Association consent
Y	N	X	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)	Y	N	X	Services Report or indication of all municipal services / registered servitudes
Y	N	X	Copy of original approval and conditions of approval	Y	N	X	Proof of failure of owner's association
Y	N	X	Proof of lawful use right	Y	N	X	Any additional documents or information required as listed in the pre-application consultation form / minutes
Y	N	X	Required number of documentation copies	Y	N	X	Other (specify):

PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION

Y	X	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g., Environmental Conservation Act, 1989 (Act 73 of 1989):	Y	X	National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	X	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)		Y	X	National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
Y	X	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)		Y	X	National Water Act, 1998 (Act 36 of 1998)
Y	X	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations		Y	X	Other (specify)
Y	X	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)				
Y	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, attach motivation.				

SECTION I: DECLARATION

I hereby wish to confirm the following:

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) of said bylaw to supply particulars, information or answers knowing the particulars, information, or answers to be false, incorrect, or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true, and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false, or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false, or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or declarations made as to his or her qualification as a Competent person and/or registration as a professional.
12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
13. A person who supplies particulars, information, or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false, or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered if it has reason to believe that information submitted, or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.
15. I am aware that by lodging an application, the information in the application and obtained during the process may be made available to the public.

Applicant's signature:



Date:

17/02/2025

Full name:

Hermanus Christoffel Rhode

Professional capacity:

Consultant

Etoile D'Or

Prepared by Herman Rhode

10th January 2024

Left: Satellite image showing location of licensed premises and surrounding businesses. Note – Ample Parking

Stellenbosch Municipality Zoning Showing ERF as Zoned for *Business*. Therefore the applicant is eligible to have the aforementioned liquor license on the premises.

Enr. 2003, Fromecheck, Province of the Western Cape

1. ZONING SCHEME PROVISIONS APPLICABLE TO THE SUBJECT PROPERTY

In accordance with the Stellenbosch Zoning Scheme, Bylaw 2019, the base zone allocated to the above property, is:

MIXED USE ZONE

In terms of the provisions of the said Bylaw, this base zone now provides for the following Primary, Additional and Consent long uses:

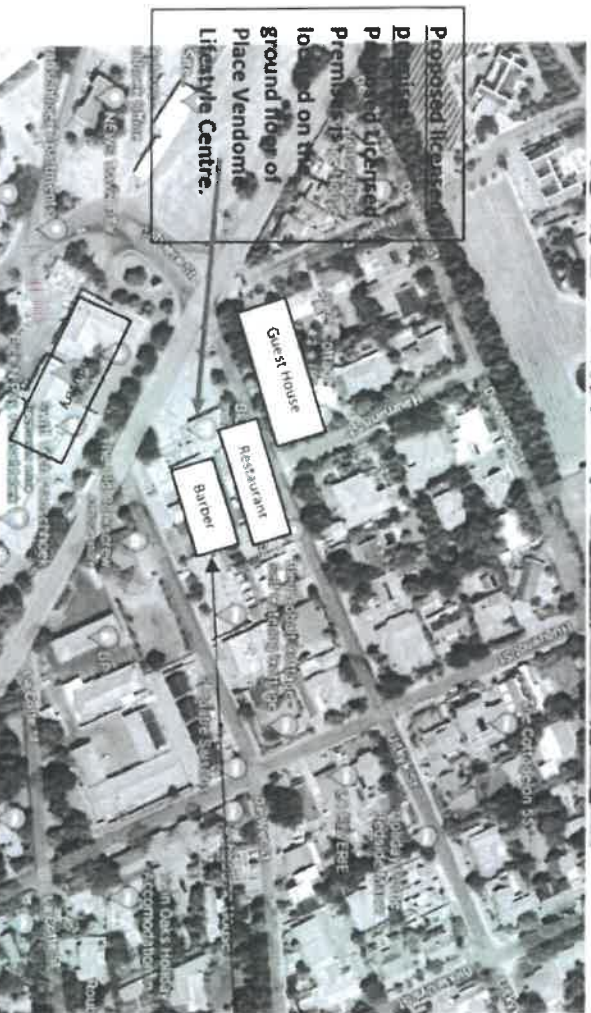
PRIMARY USES PERMITTED	ADDITIONAL USES	CONSENT USES
Business premises (including shops, markets, restaurants, offices) Cafe Community welfare building Entertainment facility Farms Guest house Hotel Hotel Occasional use (one event/year) Public nursery Public parking area Private road Tourist dwelling unit Tourist accommodation Welfare institution	Any development requiring technical approval in terms of Section 15 of the Stellenbosch Land Use Planning Bylaw, 2015	Adult entertainment Builder's yard Commercial gymnasium Conference facility Day care Fishing station Friedlaarling base Telecommunication station Furnishing parour Golfing place Helicopter landing pad Hospital Labour report Motor vehicle (tourist centre) Motor showroom Occasional use (> one event/year) Parking garage Place of assembly Place of education Place of entertainment Renewable energy structure Rooftop based telecommunication

Left: Site plan showing:

- where the premises is situated
- the outline every building within the vicinity of the proposed licensed premises on the ERF to which the application relates
- the uses of all the buildings within the vicinity of the proposed licensed premises on the ERF

There are **no educational institutions** within the immediate vicinity of the proposed licensed premises with learners under the age of 18 years.

There are also **no institutions for drug or alcohol related dependencies or institutions for the aged or frail** within the immediate vicinity of the proposed licensed premises.



Preparation by Herman Rhode
25th July 2024
167 Loop Street

Rum and Cigar Lounge Floor Plan

