

Application Number: LU/12056

Our File Reference Number: Farm 1661, Paarl

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 - 808 8682

Email address: Ulrich. Vonmolendorff@stellenbosch.gov.za

PER E-MAIL:

Sir / Madam

#### APPLICATION FOR CONSENT USE: FARM 1661 PAARL DIVISION

- 1. The above application refers.
- 2. The duly authorised decision maker has decided on the above application as follows:
- 2.1 That the **Permission required in terms of restrictive title deed condition** no:3 on page 6 of Title Deed No T87089/2003, in order to utilize the existing farm store building as a function venue, on Farm 1661/0 Paarl Division,

#### BE GRANTED.

- 2.2 The application made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Farm 1661/0, Paarl Division for the following;
  - a. **Consent Use** in terms of Section 15 (2) (o) of the said By-law, for Tourist Facility to utilize the existing farm store building as a function venue.

**BE APPROVED** in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

### 2.3 Conditions of Approval:

(a) The approval applies only to the application under consideration as indicated on Drawing plans No: 20-23-03, 20-23-02, 20-23-01, drawn by Graham Goosen Architects, dated 15/09/2020 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

- (b) The development shall be implemented substantially in accordance with the Site Development Plan referenced as Drawing plans No: 20-23-03, drawn by Graham Goosen Architects, dated 15/09/2020 and attached as **Annexure C**.
- (c) 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.
- (d) The conditions imposed by the Director: Engineering Services as contained in their memo dated 12 February 2021, attached as **Annexure I**, be complied with.
- (e) The tourist activities should be subservient or related to the dominant agricultural use of the property.
- (f) The proposed function venue shall be limited to 574m<sup>2</sup>.
- (g) No directional signage may be erected without the prior approval of the Provincial Roads Engineer and the Municipality.
- (h) Development contributions are payable in accordance with the prevailing and applicable Council Tariffs at the time of payment prior to the transfer of the first property or submission of any building plans, whichever occurs first, or as may be agreed on in writing with the Director Infrastructure Services.
- (i) The land use shall not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
- (j) Building plans must be generally in accordance with the layout plans as referenced Drawing Plans No: 20-23-03, 20-23-02, 20-23-01, drawn by Graham Goosen Architects, dated 15/09/2020 and attached as Annexure C.
- (k) Building plans must 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.

### 2.4 The reasons for the above decision are as follows:

- (a) The scale and nature of the proposed development will not compromise the existing character of the surrounding landscape;
- (b) The development proposal will have no negative impact on the agricultural potential of the subject land unit as no viable agricultural land will be lost;
- 3. 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. <u>Please note</u> 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.
- 4. 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 of 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:
    - 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;
- (i) 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 and 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.
- 5. 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
- 6. 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.
- 7. The approved tariff structure may be accessed and viewed on the municipal website (<a href="https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs">https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs</a>) and the banking details for the General Account can also be accessed on the municipal website (<a href="https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file">https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file</a>).
- 8. 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.
- 9. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
- 10. 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

23 3 2022

### **ANNEXURE B: TITLE DEED**

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Prepared by me
COVVEYANCER
VAN WYK W J

STREERDE TITEL UNTGEREIK
OF THE FARM IN: 164
RESTANT LOSE 24 17
HEGISTHATEUR/HEGISTHAR

36 A GOV

Ti 87089/2003

### CERTIFICATE OF CONSOLIDATED TITLE

(Issued under the Provisions of Section 40 of the Deads Registries Act, 1937 (No. 47 of 1937)

WHEREAS

ISLANMORE ESTATES (PROPRIÉTARY) LIMITED NO. 1988/004356/07

have applied for the issue to the Company of a Certificate of Consolidated Title under the provisions of Section 49 of the Deeds Registries Act 1937:

### AND WHEREAS the Company is the registered owner of:

- 1. REMAINDER OF FARM NO. 1389 PAARL, IN THE STELLENBOSCH MUNICIPALITY, DIVISION OF PAARL, IN THE WESTERN CAPE PROVINCE;
- 2. REMAINDER OF THE FARM NO 1448, PAARL, IN THE STELLENBOSCH
  MUNICIPALITY, DIVISION OF PAARL, IN THE WESTERN CAPE PROVINCE;

  HELD WHICH properties have been consolidated into the land hereinafter described;

NOW THEREFORE, in persuance of the provisions of the said Act, I, the Registrar of Deeds at Cape Town, do hereby certify that the said:

ISLANMORE ESTATES (PROPRIETARY) LIMITED NO. 1988/004356/07

Or Assigns is the registered owner of:

3 . .

11 W AC

THE FARM NO. 1861; IN THE STELLENBOSCH MUNICIPALITY, DIVISION OF PLARL, IN THE WESTERN CAPE PROVINCE;

IN EXTENT: 93,4360 (NINETY THREE comma FOUR THREE SIX NIL) hectares

As will appear from Diagram S.G. No. 171/2002 hereto annexed.

- I. IN SO PAR the portion marked A c d e f g h j S T on Diagram No. 171/2002 is concerned.
  - A. SUBJECT to the conditions contained in Deed of Transfer No. T11626/1948;
  - B. SUBJECT to the following endorsement on Deed of Transfers Nos. T341/1982 and T29121/1977, namely:

"Kragtens Notariële Akte Nr. K210/88S gedateer 4 Maan 1988 is die binnegemelde eiendom onderhewig aan 'n ewigdurende water pypleiding ten gunste van die Munisipaliteit van Kaapstad binne . ;

- (1) die Serwituutgebied geletter a b c d e f of Serwituutkaart Nr. 3735/80 ten opsigte van die Pizas Roberts Valley 1155, geleë in die Afdeling Paarl, groot 197,2015 Hektaar, en
- (2) die Serwituutgebied geletter a b op die Serwituutkaart Nr. 2348/80 ten opsigte van Gedeelte 1 (Die Klip Annex) van die plaas 1150 geleë soos bo, groot 4,7293 Hektaar soos meer volledig sal blyk uit die gesegde Notariële Akte met Serwituutkaarte aangeheg

which lines in (1) above are indicated by the fibure c d e f x y and in (2) above by the figure y z on Diagram No. 171/2002."

- II. IN SO FAR the portion marked S j k R on Diagram No 171/2002 is concerned;
  - A. SUBJECT to the conditions contained in Daed of Transfer issued in favour of J.P. Le Roux by virtue of the provisions of Section 14 of 1978 on 16 December 1880 (Paarl Quitrents Book I No. 7), Nos. III. V. and VI of which is indicated in paragraph 1.B. above.
  - B. SUBJECT to the following endorsement on Deeds of Transfor Nos. T341/1982 and T29121/1977, as set out in paragraph I. B. above.
- III. iN SO FAR as the land represented by the figures y<sup>1</sup> 8 C D E F G H J K L M x<sup>1</sup> and b c<sup>1</sup> P a on said Diagram No. S.G. 171/2002 is concerned:
  - A. SUBJECT to the conditions referred to in Deed of Transfer No. T11626/1948;
- IN SO FAR as the land represented by the figure c y<sup>1</sup>x<sup>1</sup>M N P c<sup>1</sup>b a j h g field on said Diagram No. SG. 171/2002 is concerned:
  - A. SUBJECT to the conditions referred to in Deed of Transfer No. T.11626/1948;
  - B. SUBJECT to the following condition contained in Deed of Transfer No. T29121/1977 and No. T341/1982, which endorsement reads:

"Kragtens Notarièle Akte Nr. K210/88 S gedateer 4 Maart 1988 is die binnegemelde eiendom onderhewig aan 'n ewigdurende waterpypleiding ten gunste van die Munisipaliteit van Kaapstad binne:- . \$

die Serwituutgebied geletter a b c d e f of Serwituutkaart Nr. 3735/80 ten opsigte van die Plaas Roberts Valley 1155, geleë in die Afdeling Paarl, groot 197,2015 Hektaar; en soos meer volledig sal blyk uit die gesegde Notariële Akte waarvan 'n afskrif

soos meer volledig sai blyk uit die gesegde Notariële Akte waarvan 'n afskrif hieraan geheg is."

the western boundary of which servitude pipeline is lettered c d e f on Diagram No. SG, 171/2002.

- V. IN SO FAR as the land represented by the figure | P Q k on said Diagram No. SG. 171/2002 is concerned, :
  - A. SUBJECT to the conditions referred to in the Deed of Grant issued in favour of J.P. ie Roux in terms of the provisions of Section 14 of 1878 dated 16th December, 1880 (Paarl Quitrents Book I No. 7) numbers III,V and Vi of which read as follows:
    - "Ili. That all roads and thoroughfares described in the diagram shall remain free and uninterrupted unless me same be closed or altered by competent authority.
    - V. That the State shall at all times have the right of resuming the whole or a portion of the land hereby granted if required for public purposes on payment to the proprietor of such sum of money in to the proprietor of such sum of money in compensation as may be mutually agreed upon by the parties concerned, or failing such agreement, as may be awarded by appraisers appcinted in manner nuvided in the preceding Condition IV.
    - VI. That the rights of the proprietor shall not extend to any deposits of gold, silver or precious stones which may at any time be, or be discovered, on the land hereby granted."

AND that by virtue of these presents the said ISLANMORE ESTATES (PROPRIETARY) LIMITED, NO. 1988/004358/07 is now and henceforth shall be entitled thereto conformably to local custom, the State however reserving its rights.

in witness whereof, I the said Registrar, have subscribed to these presents and have caused the seal of office to be affixed thereto.

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10 A . THUS DONE and EXECUTED at the office of the Registrar of Deeds at Cape Town, on this 18 day of September in the year Two Thousand and Three (2003).

50 gr + 1

REGISTRAR OF DEEDS

# 6 (CEPTIFICAZ OF CONSOLUTIESTITE 187089 /03.)

### "Remainder

.;

By Certificate of Registered Title No. T \$7089 03. , the land hereby held is subject to the following conditions imposed by the Local Authority in terms of Act 21 of 1940 when approving the subdivision of the land hereby conveyed, which conditions are also applicable to the remainder:

- the property may not be further subdivided without the written approval of the Controlling Authority as defined in Act 21/1940;
- not more than one dwelling house together with such outbuildings
  as are ordinarily required to be used in connection therewith shall
  be erected on the property except with the written approval of the
  Controlling Authority as defined in Act 21/1940;
- no store or place of business whatsoever may be opened or conducted on the property without the written approval of the Controlling Authority as defined in terms of Act 21/1940; and
- 4. no building or structure whatsoever may be erected within a distance of 95 metres from the centerline of Divisional Road 1351 without the written approval of the Controlling Authority as defined in Act 21/1940."

DEFOS OFFICE

CAPE -1000/18/9/2003.

RECISION OF DEEOS

7.

### ENDORSEMENT

g g X

By Deed of Transfer No T 95191 (2-004) the within mentioned property is

SUBJECT to a Servitude Road, 6 metres wide, the eastern boundary whereof is represented by the line LPQ on Diagram SG No. 172/2002 annexed to Certificate of Registered Title No. T 7090/2003 In favour of PORTION 1 OF THE FARM NO. 1661 in the Stellenbosch Municipality, Division of Paarl, in the Western Cape Province.

IN EXTENT: 52,8536 (FIFTY TWO COMMA EIGHT FIVE THREE SIX) HECTARES.

Held by the above Title Deed.

2004 -09- 29

RECUSTRAC OF DEEDS

DEEDS OFFICE

FOR FURTHER ENDORSEMENTS
SEE PAGE......



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Certilied a true copy of the duplicate original filed of record in this Registry, issued to serve in place of the original the:eof under the provisions of Deeds Regulation No. 68

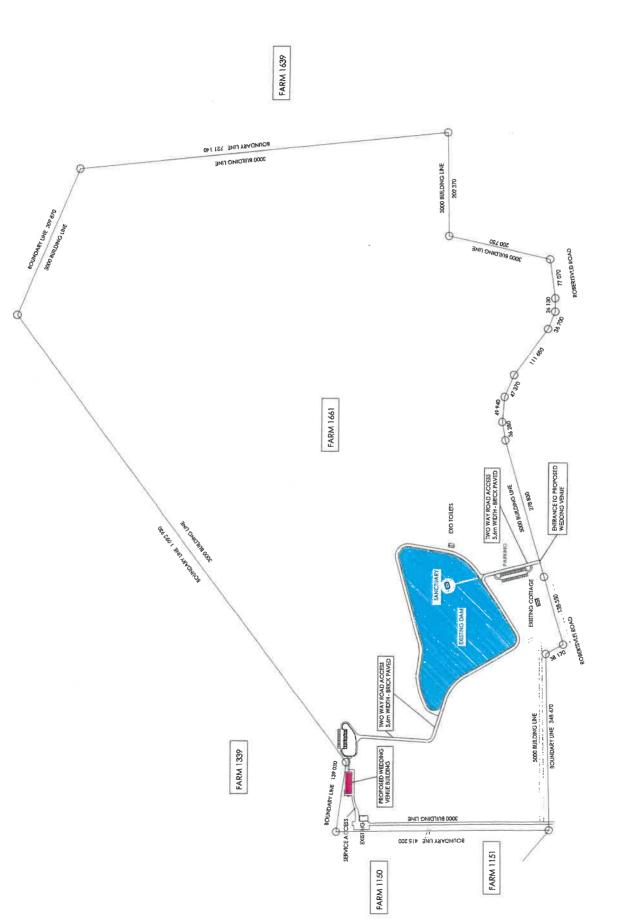
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1 8 JON 2010 Asst. Registrar of Deeus

### ANNEXURE C: SITE DEVELOPMENT PLAN

1:2500 SEPTEMBER 2020 DWG NO. REV Farm 1661 La Roche FRANSCHHOEK Prpsd Wedding Venue OOSEN. ST. D. VAC. DRAWING TITLE SDP SITE PLAN DWG ND. 20-23-03



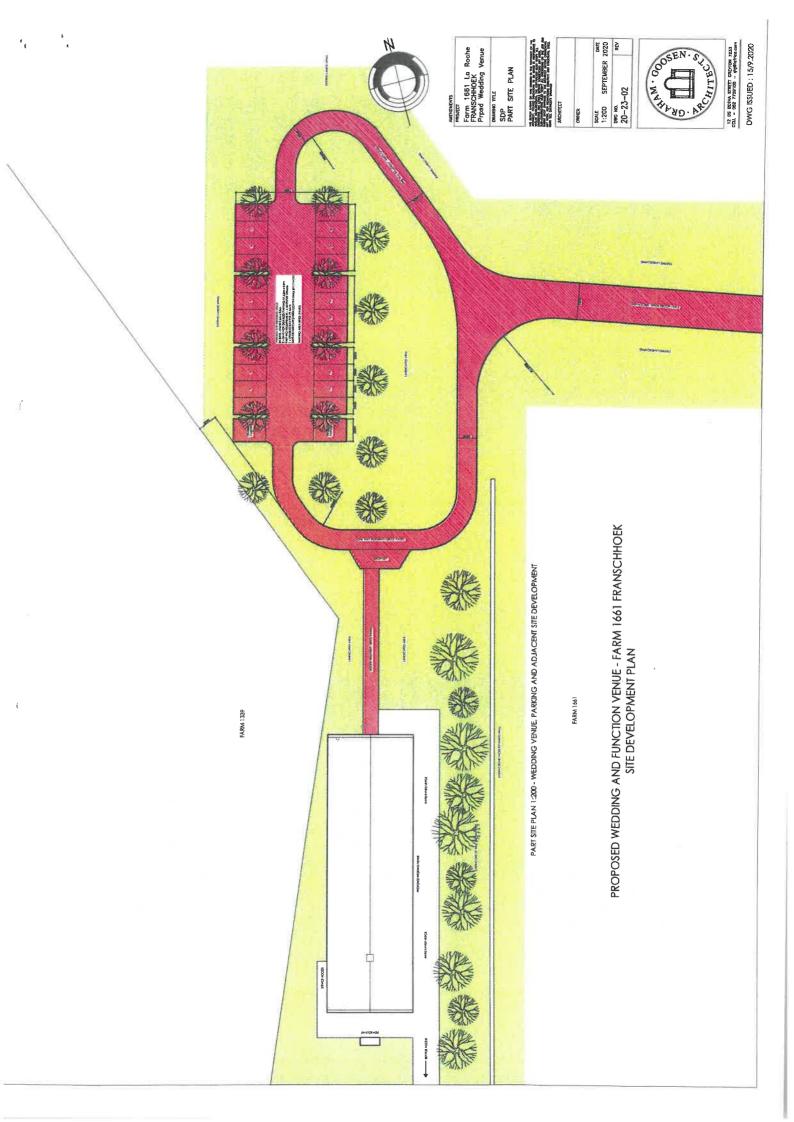


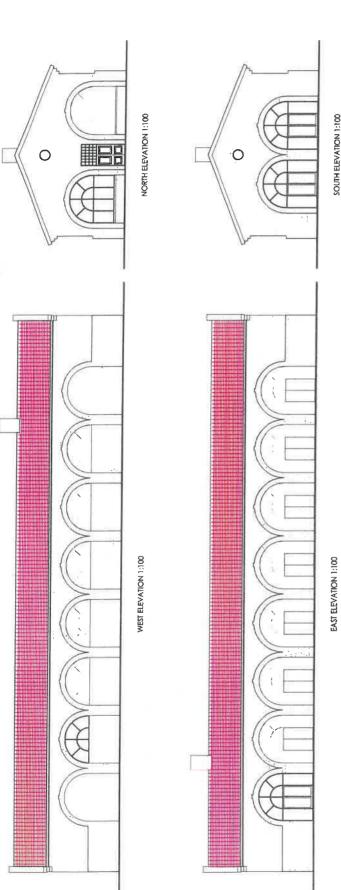
SIDE DEVELOPMENT PLAN - OVERALL SITE - 1:2500

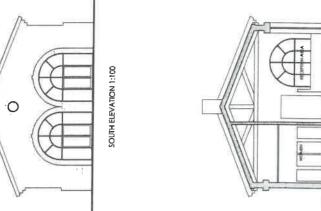
PROPOSED WEDDING AND FUNCTION VENUE - FARM 1661 FRANSCHHOEK SITE DEVELOPMENT PLAN

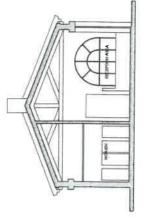
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Form 1661 La Roche FRANSCHHOEK Prpsd Wedding Venue

SDP PLEVATIONS SECTION

SECTION CC 1:100

SCALE DATE
1:100 SEPTEMBER 2020
DWG HO. REV

20-23-01

PROPOSED WEDDING AND FUNCTION VENUE - FARM 1661 FRANSCHHOEK SITE DEVELOPMENT PLAN

GROUND FLOOR PLAN 1:100 GROSS AREA 577sqm



DWG ISSUED: 15/9.2020 12 DS BOTHAL STREET GREATON 7233 CEUL - 062 7729100 - glyblothica.cam

# **ANNEXURE I:** COMMENT FROM THE DIRECTOR: ENGINEERING SERVICES



MEMORANDUM
DIREKTEUR: INFRASTRUKTUURDIENSTE

**DIRECTORATE: INFRASTRUCTURE SERVICES** 

To . Aan:

**Director: Planning + Economic Development** 

Att Aandag

**Nolusindiso Momoti** 

From - Van:

Manager: Development (Infrastructure Services)

Author • Skrywer:

**Tyrone King** 

Date - Datum:

12 February 2021

Our Ref o Ons Verw:

Civil LU 2115

Your Ref:

LU/12056

Re - Insake:

Farm 1661, Paarl: Consent Use for Tourist Facility to utilise the

existing festival Hall (574m2) as a function venue.

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

This recommendation for approval is based on the following parameters:

Total GLA:

574 m<sup>2</sup> (Function venue)

Any development beyond these parameters would require a further approval from this Directorate.

<u>Background</u>: According to the information in the application, this building plans have been previously approved for a 574m<sup>2</sup> farm store. This building already exists and application is to use the existing building as a function venue.

### 1. Water

- 1.1 There is no municipal water network in the area and the Developer / Owner will be responsible for potable water supply.
- 1.2 The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards.

### 2. Waste Water and Sewage

- 2.1 Sewer treatment and disposal is proposed to be via a package plant system. The following conditions apply:
  - 2.1.1 Provide proof of approval from the Department of Water and Sanitation for the proposed plant.
  - 2.1.2 The design and construction supervision of the facility must be undertaken by a suitably qualified professional (i.e. ECSA registered professional engineer), who at the completion of the work, certifies that the installation is complete and to the required standard in all respects.
  - 2.1.3 An operation and maintenance manual must be supplied with the installed plant.
  - 2.1.4 A maintenance agreement must be entered into between the owner and the waste water treatment system service provider and proof thereof be furnished to the Municipality's Water Services Department.
- 2.2 Alternatively a conservancy tank may also be considered.

#### 3. Solid Waste

3.1 Solid waste must be removed from the site to a legal solid waste disposal site in accordance with the requirements of section 20 of the Environmental Conservation Act 1989 (Act 73 of 1989).

### 4. Roads

- 4.1 The application has to be referred to the District Roads Engineer for comments and conditions.
- 4.2 All the conditions set by the District Roads Engineer will be applicable.

- 5. Development Charges (DCs)
- 5.1 The following DC's are payable: See **Development Charge Calculation** attached.
- 5.2 The DC's were calculated by using the 2020/2021 tariff structure. If DC's are paid after 30 June 2021 it will have to be recalculated by using the tariff structure applicable at date of payment.
- 5.3 The DC's are payable before building plan approval.
- 5.4 If building plans are not applicable then the DC's are payable before the building is put to its intended use.
- 6. Electrical Engineering: Comments and Conditions from Mr Martin Slabber (Supt Dwarsrivier Elect)

6.1 Comments: Outside electrical network area – Eskom

**TYRONE KING Pr Tech Eng** 

MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

W:\2.0 DEVELOPMENT\00 Developments\2115 (TK) Farm 1661 Paarl (LU-12056)\2115 (TK) Farm 1661 Paarl (LU-12056).doc

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	<u>Stel</u>	llenbosch M	unicipality - D	evelopme	ent Charge Ca	alculation				
4										
			APPLICATIO	N INFORMATION						
Application Number	CIVII LU 2155 (LU/12056)									
Date	Monday, 23/Nov/2020									
Financial Year	2020/21									
Erf Location	Property and			The Waster			WEST HOUSE			
Erf No	Farm 1661									
Erf Size (m²)										
5uburb										
Applicant										
Approved Building Plan No.	Consent Use Plan File No P198	0/85 (3) dated October 2020 F	DH&A							
represent Dunning Fact No.	CONSCIR OSC FIRM FINE NO PASSI	of on to) nates orthograph Takes I	,							
				DC CALCULATIO						
		Water		torm-water	Solid-Waste	Roads	Community Facilities	Tota		
Unit(s) Total Increased Services Usage		kl/day 2.296	kl/day 2,009	ha*C 0.046	1/week 0.230	trips/day 51.66	person 51.7			
Total Development Charges bet		2.230	2,000	0.040	R 12 835,55	R 373 361.53	R 8 315.78	D 204 F40 F		
	Deadellons					7,575,501.55	1/ 0 315/10	R 394 512.8		
Total Deductions					D 40 005 55	7.000.000.00				
Total Payable (excluding VAT)					R 12 835.55	R 373 361.53	R 8 315.78	R 394 512.8		
VAT					R 1 925.33	R 56 004.23	R 1 247.37	R 59 176,9		
Total Payable (including VAT)					R 14 760.88	R 429 365,77	R 9 563,14	R 453 689.7		
			APPLICANT	INFORMATION						
Application Processed by:		Tys	Tyrone Klog							
Signature										
Date			As	As above						
Amount Paid:										
Date Payment Received										

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### **Tyrone King**

From:

Martin Slabber

Sent:

Tuesday, 24 November 2020 08:35

To:

Joy Julius

**Subject:** 

RE: Farm 1661 Paarl (LU-12056) Application for a Consent Use: Comment

**GENERAL:** None

**COMMENTS:** Outside electrical network area - Eskom.

TX

Groete:

Martin Slabber

**Supt. Dwarsrivier Elect.** Engineering Services



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From: Joy Julius

Sent: Friday, 20 November 2020 15:05

To: Martin Slabber < Martin.Slabber@stellenbosch.gov.za>

Subject: Farm 1661 Paarl (LU-12056) Application for a Consent Use: Comment

Good day,

Attached please find the application regarding the above mentioned Farm. Kindly furnish your comment by email, if any, in order to enable to submit the application to the decision making authority for consideration.

ERF / FARM NUMBER & APPLICATION NUMBER: Farm 1661 Paarl: LU/12056

### **DESCRIPTION OF THE PROPOSAL**

Application is made in terms of Section 15 (2)(o) for a Consent Use on Farm 1661, Paarl Division for Tourist Facility to utilise the existing festival Hall (574m²) as a function venue.

### APPLICANT: