



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/9822

Our File Reference Number: Erf 12513, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: [Ulrich.Vonmolendorff@stellenbosch.gov.za](mailto:Ulrich.Vonmolendorff@stellenbosch.gov.za)

**PER E-MAIL** [REDACTED]

Sir / Madam

## **APPLICATION FOR A SPECIAL DEVELOPMENT AND A DEPARTURE: ERF 12513, STELLENBOSCH**

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
  - 2.1 That the application in terms of Section 15(2)(g) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a permission in terms of the Zoning Scheme to allow a Special Development in order to utilise a portion of the existing house (converted garage) as a day-care facility on Erf 12513, Stellenbosch, as indicated on Plan No. 2019/14/01, dated May 2019 and drawn by D Lakey draughting services.
  - 2.2 The application in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law, 2015 for a departure to relax the common building line from 1,5m to 0m (adjacent to Erf 12474 & 12514) and to 1m (adjacent to Erf 12510) in order to accommodate the existing additions on Erf 12513, Stellenbosch, as indicated on Plan No. 2019/14/01, dated May 2019 and drawn by D Lakey draughting services.

**BE APPROVED** in terms of Section 60 of the said Bylaw.

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

- 3.1 The approval applies only to the Special Development and Departure in question as indicated on drawing no. 2019/14/01, dated May 2019 and drawn by D Lakey draughting services (See **Annexure C**) and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 3.2 The establishment may not cause public nuisance (traffic & noise) to the adjacent and adjoining property owners and may not interfere with their rights.
- 3.3 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the activity.
- 3.4 The facility be limited to the existing portion of the house ( $\pm 39\text{m}^2$ ) as indicated on the plan attached as **Annexure C**.
- 3.5 The number of children be limited to 15.
- 3.6 Hours of operation be limited to be between 06:30 to 18:00 Mondays to Fridays.
- 3.7 At least one on-site parking bay must be provided for the main dwelling.
- 3.8 Any changes to existing municipal infrastructure due to this application will be for the account of the owner.
- 3.9 No parking/drop and go is allowed in the cul-de-sac.
- 3.10 No doors or window openings on the structures on the zero-building line.
- 3.11 Building plans must be submitted to this Municipality for approval.

4. **Matters to be noted:**

- 4.1 All required certificates and registrations to operate the subject facility, as required by the Cape Winelands Health Section, the Provincial Department of Social Development and any other relevant departments, at all times be obtained and renewed.
- 4.2 The facility be registered with the Department of Social Development and any other applicable authority.

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

- 5.1 The proposed use will not have a detrimental effect on the surrounding properties or the area, but will in fact provide the area with an additional facility that is aimed at providing service to the surrounding Community.
- 5.2 The additions made are in line with the architectural structure of the existing dwelling.
- 5.3 The fact that the daycare facility is to be considered as a special development in terms of the Stellenbosch Municipality Zoning Scheme Regulations on properties zoned for group housing purposes, highlights the intension of the zoning scheme to accommodate such uses after the necessary procedure has been followed.

6. 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. Please note 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.

7. 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:

- (i) 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;

(j) 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 an 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.

8. 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](mailto:landuse.appeals@stellenbosch.gov.za)

9. 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.

10. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

11. 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.
12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
13. 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

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**FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT**

18/7/2022

DATE:

COPIES TO:





**STELLENBOSCH**

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

# ANNEXURE C

**(SPECIAL DEVELOPMENT AND A DEPARTURE ON ERF 12513, STELLENBOSCH)**

**SITE & FLOOR PLAN**

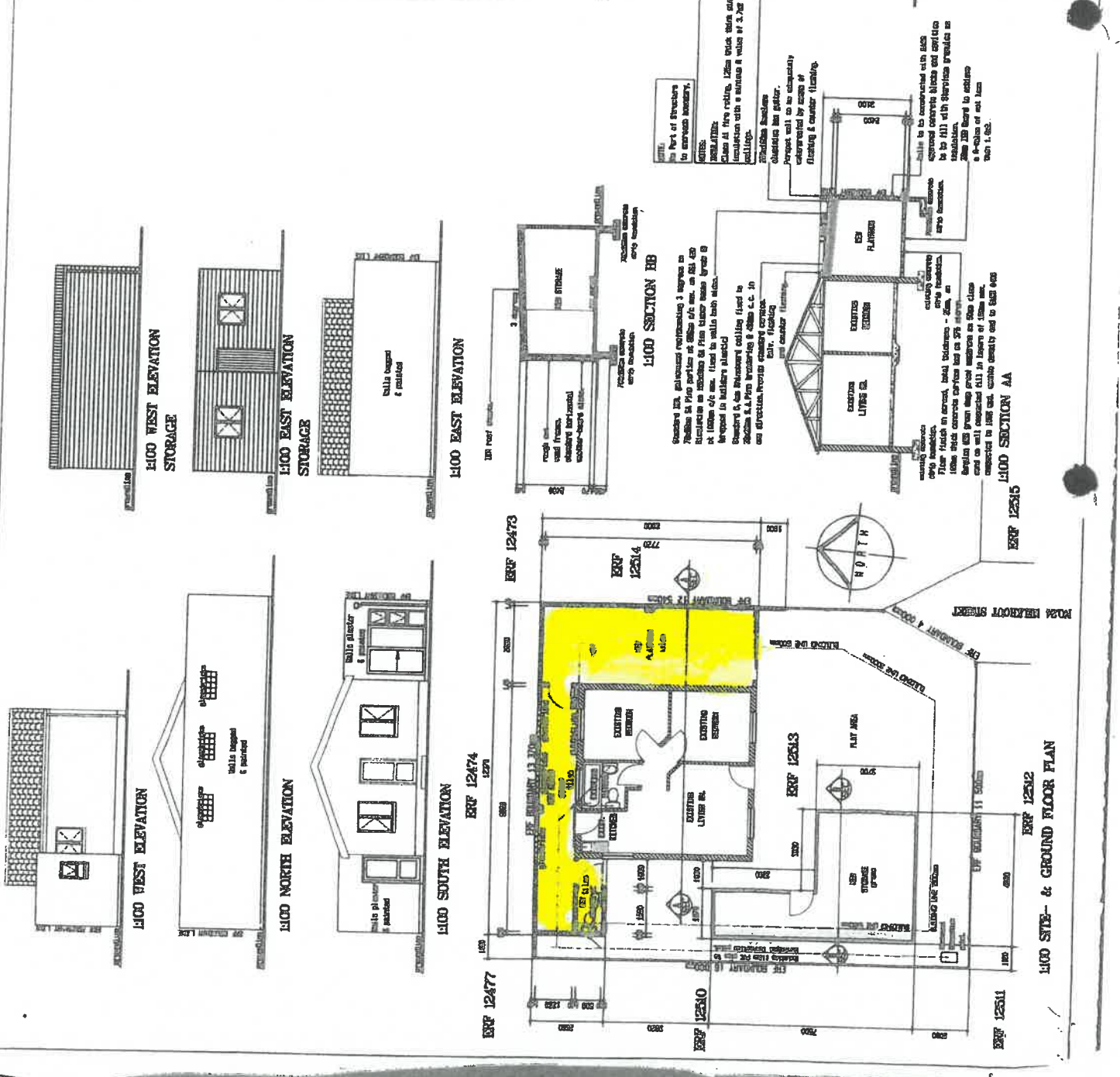
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<p>ALL REQUIREMENTS AND SPECIFICATIONS MUST BE CORRELATED WITH THE LOCAL CODES AND ORDINANCES OF THE CITY OF WASHINGTON, DISTRICT OF COLUMBIA, AND THE FEDERAL GOVERNMENT. THE ARCHITECT ASSUMES NO LIABILITY FOR THE DESIGN OR CONSTRUCTION OF THE PROJECT. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE PLANS.</p>	
DATE	2/10/19
BY	R. Daniels
DATE	2/10/19
BY	

**CONSTRUCTION:**  
 1. All construction shall be in accordance with the 2015 International Building Code, as amended, and the District of Columbia Building Code, as amended.  
 2. All construction shall be in accordance with the 2015 International Mechanical Code, as amended, and the District of Columbia Mechanical Code, as amended.  
 3. All construction shall be in accordance with the 2015 International Fire Code, as amended, and the District of Columbia Fire Code, as amended.  
 4. All construction shall be in accordance with the 2015 International Electrical Code, as amended, and the District of Columbia Electrical Code, as amended.  
 5. All construction shall be in accordance with the 2015 International Plumbing Code, as amended, and the District of Columbia Plumbing Code, as amended.  
 6. All construction shall be in accordance with the 2015 International Fuel Gas Code, as amended, and the District of Columbia Fuel Gas Code, as amended.  
 7. All construction shall be in accordance with the 2015 International Energy Conservation Code, as amended, and the District of Columbia Energy Conservation Code, as amended.  
 8. All construction shall be in accordance with the 2015 International Accessibility Standards, as amended, and the District of Columbia Accessibility Standards, as amended.  
 9. All construction shall be in accordance with the 2015 International Sign Code, as amended, and the District of Columbia Sign Code, as amended.  
 10. All construction shall be in accordance with the 2015 International Tree Preservation Code, as amended, and the District of Columbia Tree Preservation Code, as amended.

DEVELOPMENT DATA:	21,260 SQ FT
SITE AREA	
NEW ADDITIONS	39,900 SQ FT
NEW STORAGE	25,800 SQ FT
TOTAL	64,800 SQ FT
EXISTING DWELLING	42,800 SQ FT
OVERALL TOTAL	1,088,000 SQ FT
COVERAGE PER SUB	108,800 SQ FT
EXISTING COVERAGE	20%
NEW COVERAGE	30%
TOTAL COVERAGE	50%

**D. LAKEY**  
 ARCHITECT  
 12 HAINES CLOVE  
 THE RIDGE  
 1045 VALLEY  
 STE. 1000  
 7800  
 SACAP PROJECT  
 1/7/19



L100 SITE- & GROUND FLOOR PLAN



ALLE TEKENINGE EN AFWERKINGE MOET INWESSEN EN VERBODEN WORD VOOR MATERIAAL BEDEL, EN ENDE ENDEKES BEGIN MOET VERSKILLE MET WERK IN WERK TOE AANVAAS VAN AFWERK, BEKONDE WERK, OEFENES WORD VOORREUW OP ALLE TEKENINGE EN AFWERK.

ALL DRAWINGS AND DIMENSIONS MUST BE CORRELATED BEFORE ANY MATERIALS ARE ORDERED OR BUILDING WORK COMMENCED. ANY DIFFERENCES MUST BE BROUGHT UNDER THE ATTENTION OF THE ARCHITECT IMMEDIATELY. CONFIRMITY IS RESERVED ON ALL DRAWINGS AND DIMENSIONS.

REV.	DATE	DESCRIPTION
	21/05/19	R. Daniebo
	21/05/19	

**ROOF CONSTRUCTION:**  
 IRP roof/ceiling at 200mm on 70x200 joists at 1000mm cc. on 40x200 timber beams at 1000mm cc. Timber beams to be anchored to wooden piers by means of galv. iron straps.

**FLOOR CONSTRUCTION:**  
 Floor covering on owner's choice. 20mm screed on 100mm concrete fill. All water to be taken away from foundations. Excavations to be done according to ground conditions. Foundation depth and size to suit ground conditions.

**WALL CONSTRUCTION:**  
 All higher partitioning as per manufacturer's details.

**RAILINGER CODE:**  
 Approved pipe gutters of 125mm Ø with 75mm Ø down pipes. All water to be taken away from foundations.

**NOTES:**  
 Deep-proof coursing to be placed between corner layers to ensure a stronger bond. All joints and dimensions to be checked before any work commences. Preference to be given to written dimensions above coating from plans. All work must comply with National Building Regulations and Local Authorities By-laws. Builder to work according to plan and use full care throughout where necessary. Send all correspondence to the architect. Doors and windows according to manufacturer's details. Electrical wiring of premises must adhere to the Code of Practice SABS 1042. Allow light and power points as direct by owner, including TV and telephone points.

DEVELOPMENT DATA:	
SITE AREA	2128sqm
NEW ADDITIONS	388sqm
NEW STORAGE	258sqm
TOTAL	646sqm
EXISTING DWELLING	428sqm
OVERALL TOTAL	1088sqm
COVERAGE PER SQM	20%
EXISTING COVERAGE	20%
NEW COVERAGE	30%
TOTAL COVERAGE	50%

**1:100 WEST ELEVATION STORAGE**

**1:100 EAST ELEVATION STORAGE**

**1:100 NORTH ELEVATION**

**1:100 SOUTH ELEVATION**

**1:100 WEST ELEVATION STORAGE**

**1:100 EAST ELEVATION STORAGE**

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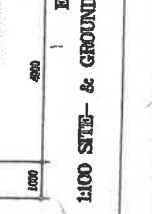
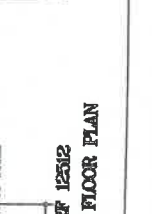
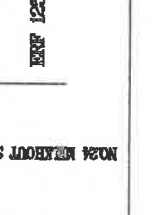
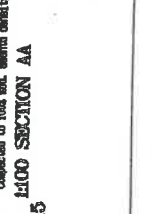
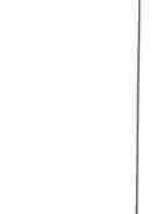
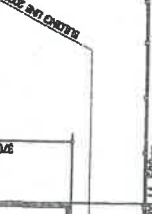
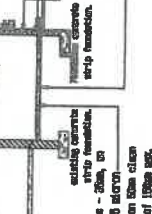
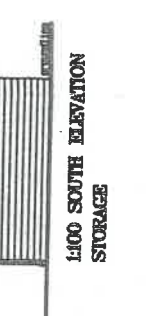
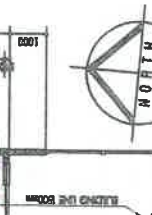
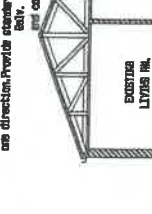
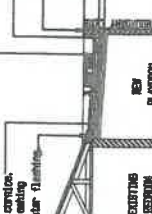
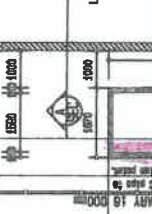
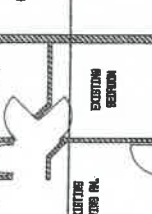
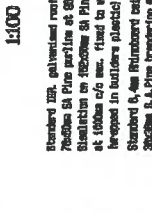
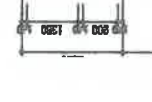
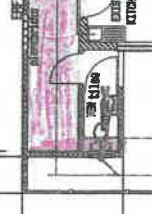
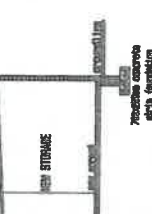
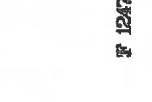
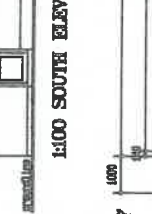
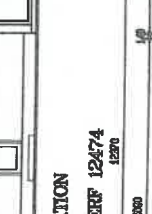
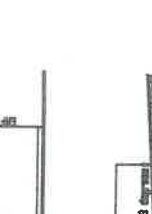
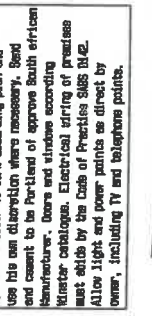
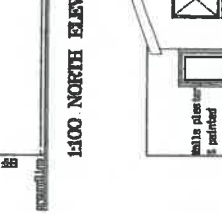
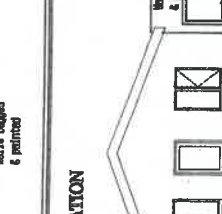
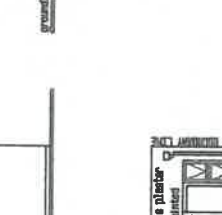
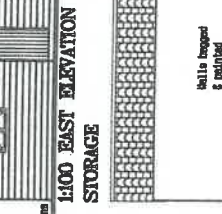
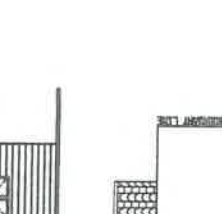
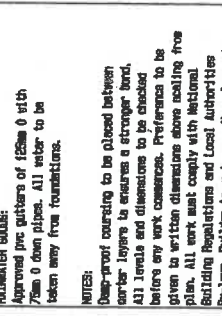
**1:100 EAST ELEVATION STORAGE**

**1:100 NORTH ELEVATION**

**1:100 SOUTH ELEVATION**

**1:100 WEST ELEVATION STORAGE**

**1:100 EAST ELEVATION STORAGE**



**D LAKHY**  
 DRAWING SERVICES  
 12 TAILORS CLOSE  
 THE RIDGE  
 FOUR VALLEY  
 STELLENBOSCH  
 7800  
 TEL: 072908334  
 17/05/2019

**SACAP NO.12240**  
 SEEN / PROJECT  
 MUNICIPAL DRAWINGS  
 PLANS/ELEVATIONS  
 SECTIONS

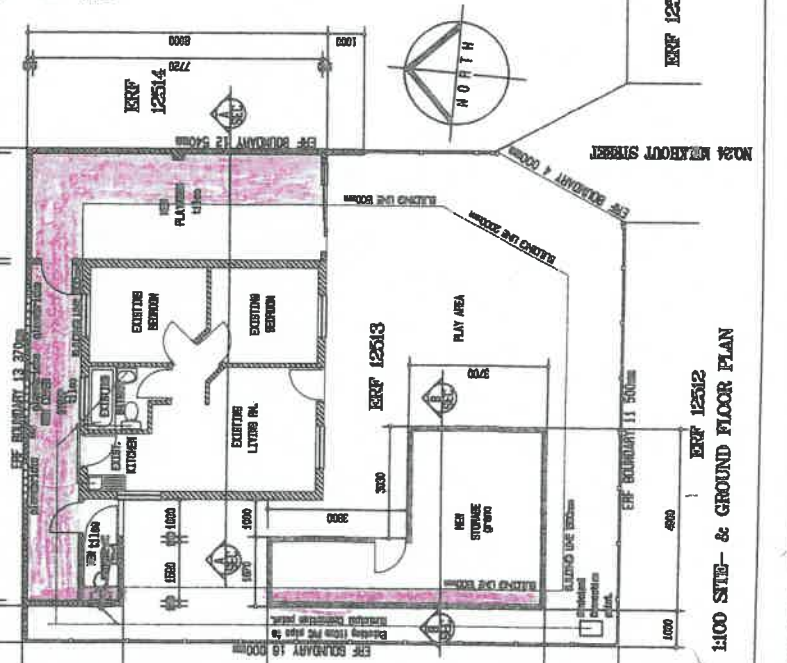
TEKENING N<sup>o</sup>.  
 DRAWING NO.  
 2019/14/01

SCALE  
 AS SHOWN

DATE  
 MAY 2019

CHECKED  
 [Signature]

DRAWN  
 [Signature]



**1:100 SITE & GROUND FLOOR PLAN**

School Gate ①

School door ⑦

School gate

Sandpit

Sandpit

Jungle Gym

Inside Play Area ⑧

Classroom Area ⑩

Sleeping Area ⑪

Toilets and nappy changing Area ⑫

Jungle Gym ⑭

Sandpit ②

Sandpit ③

⑤ Outside Play Area

270 Bleedte ⑥

Outside Play Area

There's no parking inside School's property

⑤ Outside Play Area

⑥ 270 Bleedte

⑦ School door

⑧ 5m + 282.5 lengt

⑨ inside Play area

⑩ Classroom Area

⑪ Sleeping Area

⑫ Toilets & nappy changing area