



STELLENBOSCH

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MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/7947

Our File Reference Number: Erf 692, Kayamandi

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: th [REDACTED]

Sir/Madam

APPLICATION FOR CONSENT USE ON ERF 692, KAYAMANDI

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)(o) of the Stellenbosch Municipality Land Use Planning By-Law, promulgated by notice number 354/2015, dated 20 October 2015 for Consent Use in order to allow a community facility (creche) on Erf 692, Kayamandi.

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

Conditions of Approval:

2.2 The approval applies only to the Consent Use under consideration as indicated on revised Floor Plan (JOBNO.4, Rev1 22/03/2018), drawn by M. Mtati, dated March 2018 (See **Annexure C**), and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.

1.1 The development must be undertaken in accordance with the revised Floor Plan (JOBNO.4, Rev1 22/03/2018), drawn by M. Mtati, dated March 2018, attached as **Annexure C** to this report.

- 1.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the use.
- 1.3 The establishment may not cause public nuisance (traffic & noise) to the adjacent and adjoining property owners and may not interfere with their rights.
- 1.4 The facility be limited to the existing dwelling house ($\pm 43\text{m}^2$), the existing portion of the ground floor of the outbuilding ($\pm 25\text{m}^2$), existing two outside toilets, and two kids play areas ($\pm 43\text{m}^2$ and $\pm 22\text{m}^2$) as indicated on the revised Floor Plan (JOBNO.4, Rev1 22/03/2018), drawn by M. Mtati, dated March 2018, attached as **Annexure C** to this report.
- 1.5 The number of children be limited to 32 in accordance with the Municipal Health Bylaw of the Cape Winelands District Municipality.
- 1.6 Hours of operation be limited to be between 06:00 to 18:00 Mondays to Fridays.
- 1.7 At least one on-site parking bay must be provided for the dwelling unit, and parking bay nr. 2 as indicated on the revised Floor Plan (JOBNO.4, Rev1 22/03/2018), drawn by M. Mtati, dated March 2018, attached as **Annexure C** to this report must be made available as a "drop-and-go" bay during operating hours.
- 1.8 Any changes to existing municipal infrastructure due to this application will be for the account of the owner.
- 1.9 Building plans must be generally in accordance with the revised Floor Plan (JOBNO.4, Rev1 22/03/2018), drawn by M. Mtati, dated March 2018 attached as **Annexure C**.
- 1.10 Building plans must be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 1.11 The conditions imposed by the **Manager: Infrastructure Services (Electrical)** as contained in their circulation form dated 19 February 2019, attached as **Annexure F**, be complied with.
- 1.12 The conditions imposed by the **Manager: Fire Services** as contained in their circulation form dated 16 January 2019, attached as **Annexure G**, be complied with.

(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.

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 (<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>).
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

28/10/2022
DATE:

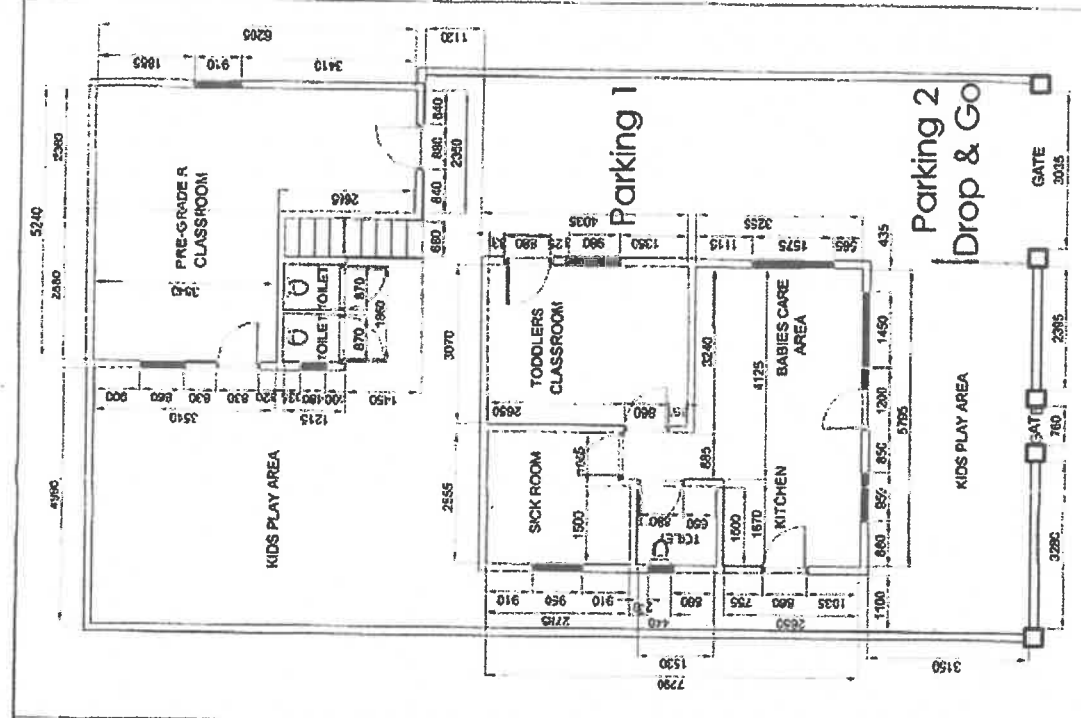


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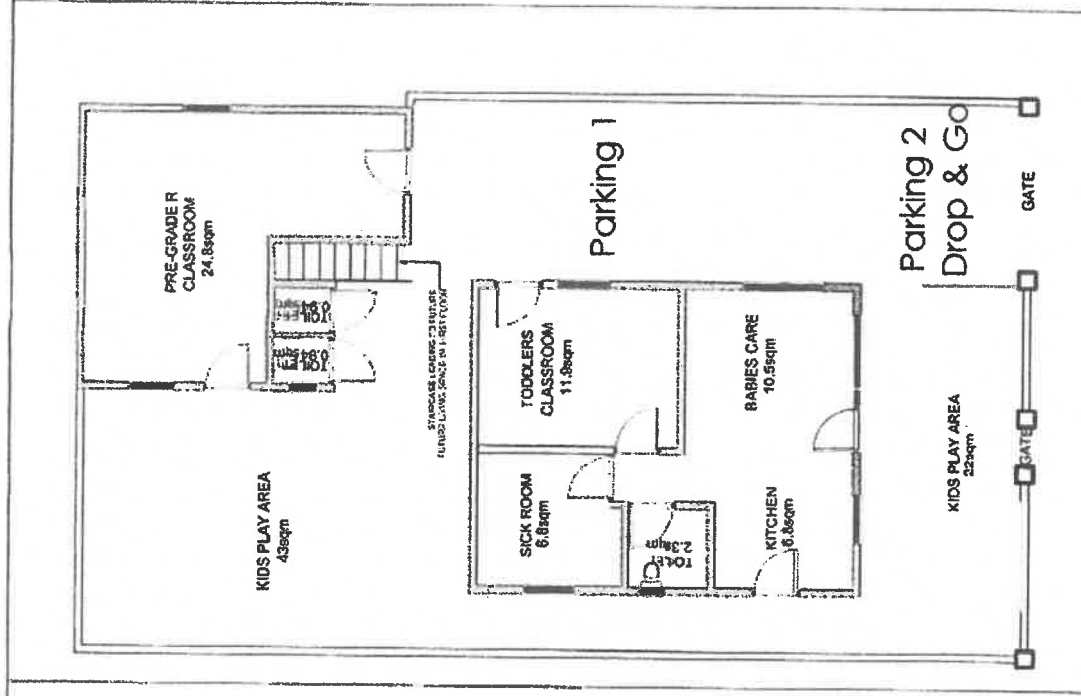
MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE C

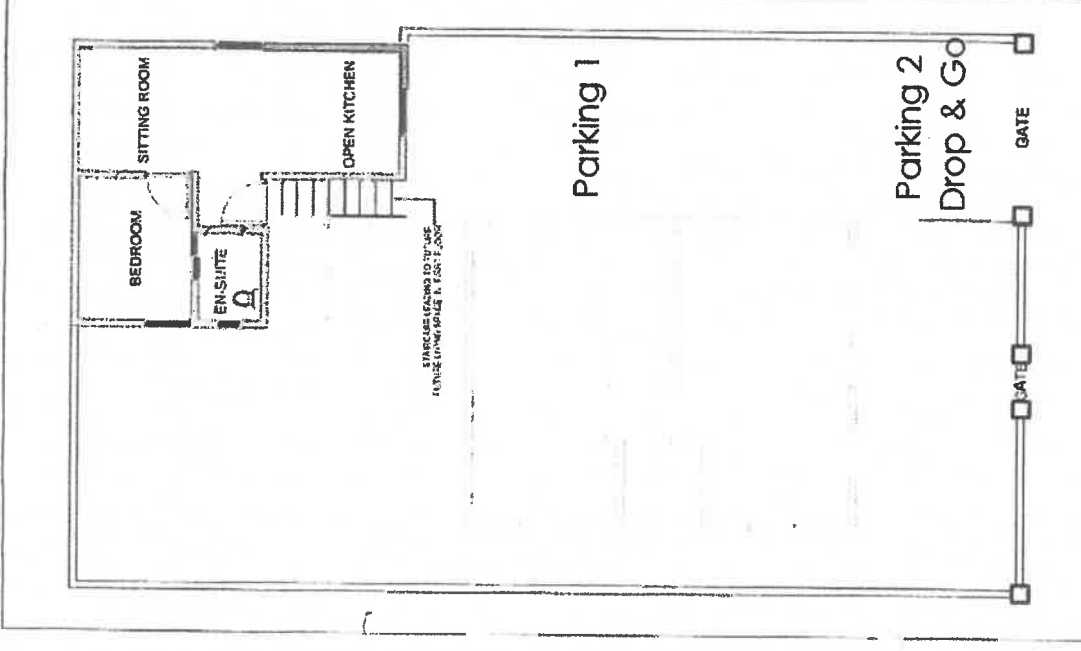
SITE PLAN



DIMENSIONED FLOOR PLAN
SCALE: 1:100



FLOOR PLAN
SCALE: 1:100



1st FLOOR
SCALE: 1:100

Project: **THANDUXOLO EDU- CARE** 419 11th Floor Plan Signatures: **M.Mtati**
 Drawn/checked: **M.Mtati**
 Date: **22/03/2018** FIRST FLOOR FUTURE REVISED
 Date: **02/03/2018** ISSUED FOR APPROVAL
 Owner: **Mrs. Mbaqa**
 7th Avenue
 Stellenbosch
 ERF.692



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ANNEXURE F

COMMENTS FROM THE DIRECTOR:
ENGINEERING SERVICES (ELECTRICAL)

INTERDEPARTMENTAL CIRCULATION FORM

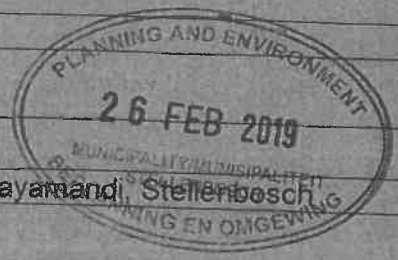
(11)
File

LêER VERW/ FILE REF Erf 692, Kayamandi **DATUM DATE** 2019-01-14

AANSOEKNOEMMER / APPLICATION NUMBER LU/7947

- MEMO AAN/ TO :**
- Manager : Engineering Services
 - > Manager : Electrical Department *Elect 1767*
 - Manager : LED (Widmark Moses)
 - Manager : Fire Services
 - Manager : Chief Financial Officer
 - Manager: Spatial Planning / Heritage / Environment / Signage
 - Manager: Health Department (Winelands Health)
 - Manager: Building Development
 - Manager : Community Services

July 17/01/2019



Application	Consent Use
Adres / Address	Thanduxolo Day Care, No 97 th Avenue, Kayamandi, Stellenbosch
Aansoek Datum / Application Date	13 July 2018
Aansoeker / Applicant	Bulelwa Valencia Mbaqa

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish

1. No Objection

CONDITIONS:

2. If upgrade is needed Bulk Levy Contributions are payable.
3. Installation cost for the new electrical service is the responsibility of the applicant.
4. All electrical wiring for the building on the proposed subdivided portion A should be carried out in accordance with SANS 10142 and Municipal by-laws.
5. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity. Should damage occur, the applicant will be liable for the cost involved repairing damages?
- 6 All new developments and upgrades of supplies to existing projects are subject to **SANS 10400-XA** energy savings and efficiency implementations such as:
 - Solar water Heating or Heat Pumps in Dwellings
 - Energy efficient lighting systems
 - Roof insulation with right R-value calculations
 - In large building developments;
 - Control Air condition equipment tied to alternative efficiency systems
 - Preheat at least 50% of hotwater with alternative energy saving source
 - All hot water pipes to be clad with insulation with R-value of 1
 - Provide a professional engineer's certificate to proof that energy saving measures is not feasible.

FILE NR:	
SCAN NR:	
COLLABORATOR NR:	
to proof that energy	<i>E 692 Km</i>
saving measures is not feasible.	<i>632856</i>

Bm
.....
HANDTEKENING / SIGNATURE

19/2/2019
.....
DATUM / DATE



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ANNEXURE G

COMMENTS FROM THE MANAGER: FIRE SERVICES

INTERDEPARTMENTAL CIRCULATION FORM

LÊER VERW/ FILE REF	Erf 692, Kayamandi	DATUM DATE	2019-01-14
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AANSOEKNOMMER / APPLICATION NUMBER	LU/7947
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MEMO AAN/ TO :

Manager : Engineering Services	FILE NR: _____ SCAN NR: E 692 km LABORATOR NR: 625027
Manager : Electrical Department	
Manager : LED (Widmark Moses)	
> Manager : Fire Services	
Manager : Chief Financial Officer	
Manager: Spatial Planning / Heritage / Environment / Signage	
Manager: Health Department (Winelands Health)	
Manager: Building Development	
Manager : Community Services	

Application	Consent Use
Adres / Address	Thanduxolo Day Care, No 9 th Avenue, Kayamandi, Stellenbosch
Aansoek Datum / Application Date	13 July 2018
Aansoeker / Applicant	Bulelwa Valencia Mbaqa



Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oorweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

Attached please find the relevant documentation regarding the abovementioned application. Kindly furnish me with your written comment, if any, in order to enable me to submit the application to the decision making authority for consideration. Please differentiate between general comment on the merits of the application and any conditions that your department wishes to impose should the application be approved.

Geliewe die memorandum per hand aan my terug te besorg voor of op: 2019-02-11
 Please hand deliver the memorandum to me on or before : 2019-02-11

S Newman
 For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:
 In order

VOORWAARDES/CONDITIONS :
 To comply with Fire requirements for Cuckoo and obtain a Certificate from Fire Service and Certificate from Social Development and Health Dept.

HANDTEKENING / SIGNATURE	DATUM / DATE
<i>[Signature]</i>	16/01/2019



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ANNEXURE J

COMMENTS FROM THE CAPE WINELANDS DISTRICT
MUNICIPALITY'S HEALTH DEPARTMENT

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF	Erf 692, Kayamandi	DATUM DATE	2019-01-14
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AANSOEKNOMMER / APPLICATION NUMBER	LU/7947
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- MEMO AAN/ TO :**
- Manager : Engineering Services
 - Manager : Electrical Department
 - Manager : LED (Widmark Moses)
 - Manager : Fire Services
 - Manager : Chief Financial Officer
 - Manager : Spatial Planning / Heritage / Environment / Signage
 - > Manager : Health Department (Winelands Health)
 - Manager : Building Development
 - Manager : Community Services

FILE NR:	
SCAN NR:	E 692 km
COLLABORATOR NR:	628112

Application	Consent Use
Adres / Address	Thanduxolo Day Care, No 9 7 th Avenue, Kayamandi, Stellenbosch
Aansoek Datum Application Date	13 July 2018
Aansoeker Applicant	Bulelwa Valencia Mbaqa

Aangeheg vind u tersaaklike dokumentasie in verband met bogenoemde aansoek. Ten einde my in staat te stel om die aansoek aan die besluitnemingsowerheid vir oeweging voor te lê, word u versoek om my skriftelik van u kommentaar, indien enige, te voorsien. Onderskei asseblief tussen algemene kommentaar op die meriete van die aansoek en enige voorwaardes wat u departement wil opleë indien die aansoek goedgekeur word.

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Geliewe die memorandum per hand aan my terug te besorg voor of op: 2019-02-11
 Please hand deliver the memorandum to me on or before : 2019-02-11

S Newman




For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

ALGEMENE KOMMENTAAR / GENERAL COMMENT:

THIS APPLICATION IS RECOMMENDED FOR APPROVAL

VOORWAARDES/CONDITIONS :

APPLICANT MUST APPLY IN WRITING FOR A CERTIFICATE OF ACCEPTABLE IN TERMS OF R638 OF 22 JUNE 2018 AT THE WINELANDS DISTRICT MUNICIPALITY


 HANDTEKENING / SIGNATURE

28/01/2019
 DATUM / DATE

Charlene Williams

From: Gerrit Goosen
Sent: Thursday, 01 September 2022 13:35
To: Charlene Williams
Subject: FW: Consent Use Application: Erf 692, Kayamandi (Thanduxolo Day Care) - LU/7947

Middag Charlene,

Kan jy hierdie op rekord plaas asb. Dankie.

FILE NR:	
SCAN NR:	E 692 km
COLLABORATOR NR:	734956



Kind regards / Vriendelike groete
Gerrit Goosen (Pr. Pln.)
Town Planner
Planning & Economic Development

T: +27 21 808 8610
3rd Floor, Eikestad Mall, 43 Andringa Street, Stellenbosch, 7600
www.stellenbosch.gov.za



STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICES

01 SEP 2022

RECEIVED

From: Fabian van Wyk <fabian@capewinelandsgov.za>
Sent: Thursday, 01 September 2022 09:20
To: Gerrit Goosen <Gerrit.Goosen@stellenbosch.gov.za>
Cc: Ferencia September <ferencia@capewinelandsgov.za>
Subject: [EX] RE: Consent Use Application: Erf 692, Kayamandi (Thanduxolo Day Care)

Good day Mr Goosen

Apologies for the late reply, I was off sick yesterday.

With reference to your enquiry below just the following points for your information:

The following Bylaw refers;

Municipal Health By-Law of the CWDM: Provincial Gazette Extraordinary no 6696 of 15 February 2010, Chapter 5.

1. The amount of children that an Early Childcare Facility can accommodate is calculated by a ratio of 1,5m² available floor space per toddler (2-7 years) and 2m² per baby (0 – 24 months).
2. This number is then also determined on the amount of toilet facilities and handwash basins available, a ratio of 1:20 must be available.
3. Personnel or care takers must have access to their own facilities.

Above requirements are just some of the aspects an Environmental Health Practitioner takes into consideration when using their discretion to evaluate childcare institutions.

Thank you very much for the opportunity for our offices to connect so that we may achieve uniformity in this regard.

Kind regards

From: Gerrit Goosen <Gerrit.Goosen@ Stellenbosch.gov.za>

Sent: Tuesday, 30 August 2022 12:31

To: Ferencia September <ferencia@capewinelands.gov.za>; Fabian van Wyk <fabian@capewinelands.gov.za>

Subject: Consent Use Application: Erf 692, Kayamandi (Thanduxolo Day Care)

Afternoon Fabian and Ferencia,

I trust you are doing well.

The attached comment by your department dated 28 January 2018 refers.

I am currently assessing an old application for consent use for a day care centre and need your assistance. The applicant informed me that they were restricted to a total number of 32 children by the District Municipality. They initially applied for a total number of 60 children, but I would like to use your department's restriction as a guide in our conditions of approval should the application be recommended for approval.

Do you perhaps know who I can contact regarding this or where I can find proof of such a restriction as mentioned by the applicant?



Kind regards / Vriendelike groete

Gerrit Goosen (Pr. Pln.)

Town Planner

Planning & Economic Development

T: +27 21 808 8610

3rd Floor, Eikestad Mall, 43 Andringa

Street, Stellenbosch, 7600

www.stellenbosch.gov.za



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About Stellenbosch Municipality

Our mission is to deliver cost-effective services that will provide the most enabling environment for civil and corporate citizens.

Our head office is at Town House Complex, Plein Street, Stellenbosch, 7600, South Africa. For more information about Stellenbosch Municipality, please call +2721-808-8111, or visit www.stellenbosch.gov.za

Disclaimer:

The information contained in this communication from gerrit.goosen@ Stellenbosch.gov.za sent at 2022-08-30 12:31:20 is confidential and may be legally privileged. It is intended solely for use by fabian@capewinelands.gov.za and others authorized to receive it. If you are not fabian@capewinelands.gov.za you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful. Powered by IOCO

Fabian van Wyk

Chief Environmental Health

Cape Winelands District Municipality