



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/7353

Our File Reference Number: Erf 91, Kayamandi

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:** [zolekampemnyama@yahoo.com](mailto:zolekampemnyama@yahoo.com)

## APPLICATION FOR TEMPORARY DEPARTURE ON ERF 91, KAYAMANDI

1. The above application refers.

1.1 The duly authorised decision maker has decided on the above application as follows:

2. That the application for temporary departure in terms of Section 15(2) (c) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015 on Erf 91, Kayamandi to allow the use of a portion of the existing dwelling unit for purpose of crèche, **BE APPROVED** in terms of Section 60 of the said Bylaw for the following reasons:

- a. The proposal will not have a negative impact on the surrounding properties as it is in keeping with the character of the area;
- b. No detrimental effect is foreseen on the surrounding natural or built environment;
- c. The proposal will not have any negative impact on the rights currently enjoyed by the owners and surrounding property owners.

2.2 That such approval **BE SUBJECT** to the following conditions in terms of Section 66 of the said Bylaw:

(a) The approval applies only to the temporary departure in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council;

(b) This approval is valid for (5) years from the date of final notification;

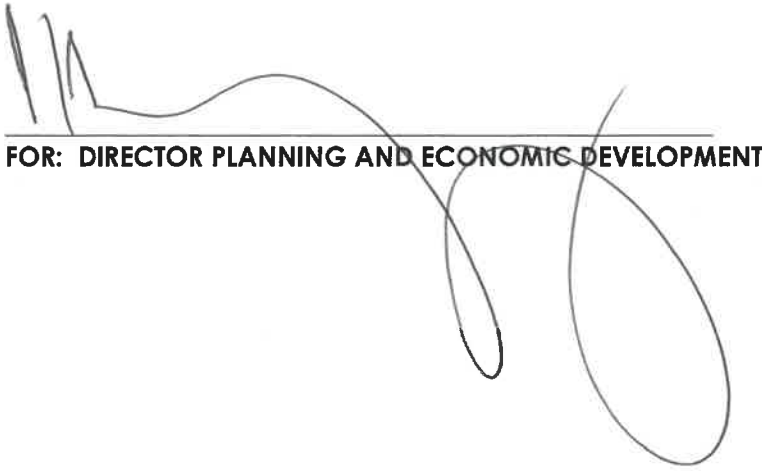
- (c) That the following conditions as set out by the **Directorate: Engineering Services** be adhered to ( see **Annexure E**):
- i. Development charges will not be charged since this application for a temporary departure, which lapses after a maximum of 5 years
  - ii. Should a new application be submitted DC's will be charged as this would constitute a prolonged impact on the bulk services.
- (d) That the following conditions as set out by the **Manager: Building Development Management** be adhered to ( **Annexure F**):
- i. No windows on the boundary within 1.0m.
- (e) That the following condition as set out by the **Manager: Fire Services** be adhered to (**Annexure G**):
- i. No opening on a zero boundary line.
- (f) That the following conditions as set out by **Manager: Electrical Engineering** be adhere to (**Annexure H**):
- i. Appropriate caution should 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.
- (g) That the following conditions set out by the **Manager: Health Department** be adhered to (**Annexure K**):
- i. All sewage/wastewater must be disposed of in such a manner that it does not create a health nuisance. Must be connected to existing municipal system.
  - ii. The applicant should apply for the refuse removal service from Stellenbosch Municipality or alternatively an adequate waste removal service must be used.
  - iii. In the event where food will be prepared or handled and served to the public, the applicant must apply in writing to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of R962 of 23 November 2012 under the National Health Act.
  - iv. In the event of any noise generating activity will be conducted on the premises, the onus lies the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to the local authority (SANS 10103 of 2003)
  - v. An adequate water supply that complies with the national standards of drinking water (SANS 0241:2001) must be provided.
  - vi. This Early Childhood Development Centre must comply with Municipal Health Law of the CWDM: Provincial Gazette Extraordinary no 6696 of 15 February 2010, Chapter 5.
- (h) That the facility may only operate on Mondays to Friday from 07:00am to 17:00pm;
- (i) That building plans must be approved by this municipality, prior to any building work commencing on site;

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. 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.
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:
    - (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: [Lenacia.Kamineth@stellenbosch.gov.za](mailto:Lenacia.Kamineth@stellenbosch.gov.za).
6. An applicant 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

23/6/20.  
DATE

## **ANNEXTURE E**

Comment from the Director: Engineering Services

INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF Erf 91, Kayamandi DATE: 14 March 2018

AANSOEKNOMMER/APPLICATION NUMBER LU/7353

- MEMO AAN/ TO :
- X Director : Traffic Engineer / Engineering Services
  - X Manager : Electrical Department
  - X Manager : Building Development Management
  - X Manager : Fire Services
  - X Manager: Spatial Planning / Heritage / Environment / Signage
  - X Manager: Health Department (Winelands Health)
  - Manager: Community Services: Albert Van Der Merwe
  - Manager: Property Management (P Smit)
  - Chief Financial Officer
  - X Manager: Local Economic Development

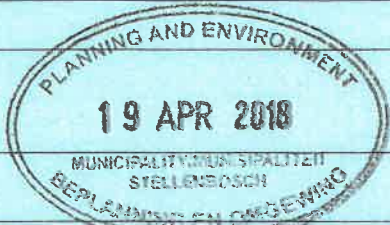
# 1630 Civil  
LU  
Prof 27/3/2018

**Application** Application is made in terms of section 15(2)(c) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 for a temporary departure to operate a crèche for 40 children on Mondays to Fridays from 07:00am to 17:00pm on Erf 91, Kayamandi.

**Adres / Address** D 145 Monde Crescent, Kayamandi

**Aansoek Datum / Application Date** 16 January 2018

**Aansoeker / Applicant** Zoleka Mpemnyama



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 oplê 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 13 April 2018  
Please hand deliver the memorandum to me on or before : 13 April 2018

A Hardouin  
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

FILE NR: KM 91  
SCAN NR: 585673  
COLLABORATOR NR: Approval 2018/04/10

ALGEMENE KOMMENTAAR / GENERAL COMMENT:  
Traffic Engineering: Re commend for approval

VOORWAARDES/CONDITIONS:  
Development Charges will not be charged as this application is for temporary departure which lapses after a maximum of 5 years should a new application be submitted. DC's will be charged as this would constitute a prolonged impact on the bulk services.



HANDTEKENING / SIGNATURE *[Signature]* DATUM / DATE 10/4/2018

**ANNEXURE F:**

Comment from the Manager: Building Development Management



INTERDEPARTMENTAL CIRCULATION FORM

LêER VERW/ FILE REF		Erf 91, Kayamandi	DATE: 14 March 2018
AANSOEKNOMMER/APPLICATION NUMBER		LU/7353	
MEMO AAN/ TO :			
X	Director	: Traffic Engineer / Engineering Services	
X	Manager	: Electrical Department	
X	Manager	: Building Development Management	
X	Manager	: Fire Services	
X	Manager	: Spatial Planning / Heritage / Environment / Signage	
X	Manager	: Health Department (Winelands Health)	
	Manager	: Community Services: <b>Albert Van Der Merwe</b>	
	Manager	: Property Management ( <b>P Smit</b> )	
	Chief Financial Officer		
X	Manager	: Local Economic Development	
Application		Application is made in terms of section 15(2)(c) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 for a temporary departure to operate a crèche for 40 children on Mondays to Fridays from 07:00am to 17:00pm on Erf 91, Kayamandi.	
Adres / Address		D 145 Monde Crescent, Kayamandi	
Aansoek Datum / Application Date		16 January 2018	
Aansoeker / Applicant		Zoleka Mpemnyama	
<p>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.</p> <p>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.</p> <p>Geliewe die memorandum <u>per hand</u> aan my terug te besorg voor of op: <b>13 April 2018</b> Please <u>hand deliver</u> the memorandum to me on or before : <b>13 April 2018</b></p>			
A Hardouin			
For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT			
ALGEMENE KOMMENTAAR / GENERAL COMMENT:		E 91 km	
		580346	
		<i>No objection</i>	
VOORWAARDES/CONDITIONS:			
<i>* No windows on boundary within 1,0m.</i>			
HANDTEKENING / SIGNATURE			
		23/3/2018	
		DATUM / DATE	

## **ANNEXURE G**

Comment from the Manager: Fire Services

INTERDEPARTMENTAL CIRCULATION FORM

File 7

LêER VERW/ FILE REF		Erf 91, Kayamandi	DATE: 14 March 2018
AANSOEKNOMMER/APPLICATION NUMBER		LU/7353	
MEMO AAN/ TO :			
X	Director	: Traffic Engineer / Engineering Services	
X	Manager	: Electrical Department	
X	Manager	: Building Development Management	
X	Manager	: Fire Services	
X	Manager	: Spatial Planning / Heritage / Environment / Signage	
X	Manager	: Health Department (Winelands Health)	
	Manager	: Community Services: <b>Albert Van Der Merwe</b>	
	Manager	: Property Management ( <b>P Smit</b> )	
	Chief Financial Officer		
X	Manager	: Local Economic Development	
<b>Application</b>	Application is made in terms of section 15(2)(c) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 for a temporary departure to operate a crèche for 40 children on Mondays to Fridays from 07:00am to 17:00pm on Erf 91, Kayamandi.		
<b>Adres / Address</b>	D 145 Monde Crescent, Kayamandi		
<b>Aansoek Datum / Application Date</b>	16 January 2018		
<b>Aansoeker / Applicant</b>	Zoleka Mpemnyama		
<p>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 oplê indien die aansoek goedgekeur word.</p> <p>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.</p> <p>Geliewe die memorandum <u>per hand</u> aan my terug te besorg voor of op: <b>13 April 2018</b> Please <u>hand deliver</u> the memorandum to me on or before : <b>13 April 2018</b></p>			
<p>A Hardouin For <b>DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT</b></p>			
<b>ALGEMENE KOMMENTAAR / GENERAL COMMENT:</b>			
<i>In Order</i>			
<b>VOORWAARDES/CONDITIONS:</b>			
<i>no opening on a 2000 Bannay line</i>			
<b>HANDTEKENING / SIGNATURE</b>		<b>DATUM / DATE</b>	
<i>[Signature]</i>		<i>28/03/2018</i>	

SCAN NR:  
E 91 KM  
583095

## **ANNEXURE H**

Comment from the Manager: Electrical Engineering

**INTERDEPARTMENTAL CIRCULATION FORM**

File

<b>LêER VERW/ FILE REF</b>	Erf 91, Kayamandi	<b>DATE:</b> 14 March 2018
<b>AANSOEKNUMMER/APPLICATION NUMBER</b>	LU/7353	
<b>MEMO AAN/ TO :</b>		
<input checked="" type="checkbox"/>	Director : Traffic Engineer / Engineering Services	
<input checked="" type="checkbox"/>	Manager : Electrical Department	
<input checked="" type="checkbox"/>	Manager : Building Development Management	
<input checked="" type="checkbox"/>	Manager : Fire Services	
<input checked="" type="checkbox"/>	Manager: Spatial Planning / Heritage / Environment / Signage	
<input checked="" type="checkbox"/>	Manager: Health Department (Winelands Health)	
	Manager: Community Services: <b>Albert Van Der Merwe</b>	
	Manager: Property Management ( <b>P Smit</b> )	
	Chief Financial Officer	
<input checked="" type="checkbox"/>	Manager: Local Economic Development	
<b>Application</b>	Application is made in terms of section 15(2)(c) of the Stellenbosch Municipality Land Use Planning By-law, promulgated by notice number 354/2015, dated 20 October 2015 for a temporary departure to operate a crèche for 40 children on Mondays to Fridays from 07:00am to 17:00pm on Erf 91, Kayamandi.	
<b>Adres / Address</b>	D 145 Monde Crescent, Kayamandi	
<b>Aansoek Datum / Application Date</b>	16 January 2018	
<b>Aansoeker / Applicant</b>	Zoleka Mpemnyama	
<p>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.</p> <p>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.</p> <p>Geliewe die memorandum <u>per hand</u> aan my terug te besorg voor of op: <del>13 April 2018</del>                  Please <u>hand deliver</u> the memorandum to me on or before : 13 April 2018</p>		
<b>A Hardouin</b>		<b>E 91 Km</b>
<b>For DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT</b>		
<b>ALGEMENE KOMMENTAAR / GENERAL COMMENT:</b>		<b>COLL/BC SATOP REF:</b>
1. No Objection		<b>583098</b>
<b>CONDITIONS:</b>		
2. 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.		
<b>HANDTEKENING / SIGNATURE</b>	<b>DATUM / DATE</b>	
	10/04/2018	

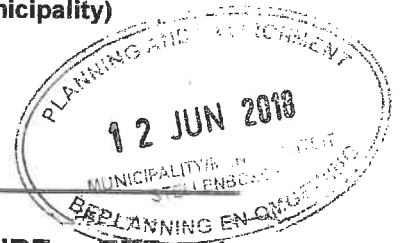
## **ANNEXURE K**

Comment from the Manager: Healthy Department (Winelands Health)



**CAPE WINELANDS DISTRICT**  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN : A. Hardouin  
(Directorate Planning Economic & Development Services: Stellenbosch Municipality)  
Official / Beampte : Ms. N. Nqola  
Your ref/ U vrew. : Erf 91  
Ref No / Verw. No : 15/2/6/1  
Date / Datum : 31/05/2018



**APPLICATION FOR A CONSENT USE AND DEPARTURE: ERF 91, KAYAMNANDI, STELLENBOSCH**

**There are no objections from an Environmental Health point regarding this application, subject to compliance with the following:**

1. All sewage / wastewater must be disposed of in such a manner that it does not create a health nuisance. Must be connected to the existing municipal system.
2. The applicant should apply for the Refuse Removal Service from Stellenbosch Municipality or alternately an adequate waste removal service must be used.
3. In the event where food will be prepared or handled and or served to the public, the applicant **must apply in writing** to the Municipal Health Services Department of the Cape Winelands District Municipality for a Certificate of Acceptability in terms of R962 of 23 November 2012 under the National Health Act.
4. In the event where any noise generating activity will be conducted on the premises, the onus lies on the owner to ensure that the necessary noise evaluation is carried out and that the results are submitted to local authority (SANS 10103 of 2003)
5. An adequate water supply that complies with the national standards for drinking water (SANS 0241:2001) must be provided.
6. This Early Childhood Development centre must comply with Municipal Health By-Law of the CWDM: Provincial Gazette Extraordinary no 6696 of 15 February 2010, Chapter 5.



FILE NR:	E 91 km.
SCAN NR:	
COLLABORATOR NR:	595698

Yours faithfully

A handwritten signature in black ink, appearing to be 'N. Nqola', written in a cursive style.

**N. NQOLA**  
for MUNICIPAL MANAGER