



Application Number: LU/14227

Our File Reference Number: Farm, 1295/1 Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

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

PER EMAIL: [REDACTED]

APPLICATION FOR CONSENT USE AND PERMISSION IN TERMS OF RESTRICTIVE TITLE DEED CONDITIONS ON FARM 1295/1, STELLENBOSCH

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 conditions clause 2(I)F(2) on page 7 and clause 2(II)C(1)(b) on page 8 of Title Deed No. T32792/2000 in order to permit a day care centre on Farm 1295/1, Stellenbosch Division, **BE GRANTED.**
 - 2.2 That the application in terms of section 15(2)(o) of the Stellenbosch Municipality Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015, for a consent use to utilise existing buildings and surrounding area (total area ±3793m²) as a day care centre on Farm 1295/1, Stellenbosch Division;

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

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

- 2.3 The approval applies only to the application under consideration, as indicated on Site Development Plan with Drawing Number 017-M-.1000, drawn by VDM Architects and dated 2022/05/12, Floor Plans Site Plan Elevations with Drawing Number 017-M-001, drawn by VDM Architects and dated 2022/06/13, and Floor Plans Ground Floor Layout Fire Plan with Drawing Number 017-M-101, drawn by VDM Architects and dated 2022/06/13, attached as **Annexure B** and shall not be construed as authority to depart from any other legal

prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.

- 2.4 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.
- 2.5 The development be undertaken generally in accordance with the Site Development Plan with Drawing Number 017-M-.1000, drawn by VDM Architects and dated 2022/05/12, Floor Plans Site Plan Elevations with Drawing Number 017-M-001, drawn by VDM Architects and dated 2022/06/13, and Floor Plans Ground Floor Layout Fire Plan with Drawing Number 017-M-101, drawn by VDM Architects and dated 2022/06/13, attached as **Annexure B**.
- 2.6 The day care centre be limited to the existing buildings and surrounding area ($\pm 3793\text{m}^2$) as indicated on the Site Development Plan with Drawing Number 017-M-.1000, drawn by VDM Architects and dated 2022/05/12, Floor Plans Site Plan Elevations with Drawing Number 017-M-001, drawn by VDM Architects and dated 2022/06/13, and Floor Plans Ground Floor Layout Fire Plan with Drawing Number 017-M-101, drawn by VDM Architects and dated 2022/06/13, attached as **Annexure B**.
- 2.7 Building plans be generally in accordance with the Site Development Plan with Drawing Number 017-M-.1000, drawn by VDM Architects and dated 2022/05/12, Floor Plans Site Plan Elevations with Drawing Number 017-M-001, drawn by VDM Architects and dated 2022/06/13, and Floor Plans Ground Floor Layout Fire Plan with Drawing Number 017-M-101, drawn by VDM Architects and dated 2022/06/13, attached as **Annexure B**.
- 2.8 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.
- 2.9 The day care centre must not cause public nuisance (traffic & noise) to the adjacent and adjoining farm owners and may not interfere with their rights.
- 2.10 The day care centre must not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape of the farm and surrounding farms.
- 2.11 The day care centre must not adversely affect the agricultural potential of the farm.
- 2.12 The number of children be restricted to the permitted number of children as determined by the Cape Winelands District Municipality Health Bylaw.
- 2.13 Hours of operation be limited to be between 07:00 to 17:30 on Mondays to Fridays.

3. Matters to be noted:

- 3.1 All required certificates and registrations to operate the subject facility, as required by the Cape Winelands District Municipality's Health Department, the Provincial Department of Social Development and any other relevant departments, at all times be obtained and renewed.
- 3.2 The facility be registered with the Department of Social Development and any other applicable authority.
- 3.3 The building/structure must meet the requirements as stipulated in Municipal Health By-Law of the CWDM: Provincial Gazette Extraordinary no 6696 of 15 February 2010, Chapter 5.

3.4 If food will be handled/prepared/stored/served on the premises it must also comply with the requirements of Regulations 5 & 6 of Government Notice no. R 638 of 22 June 2018, Regulations Governing General Hygiene Requirements for Food Premises, the Transport of Food and Related Matters. Regulations promulgated under the Foodstuffs, Cosmetics and Disinfectants Act no 54 of 1972.

3.5 The quality of the water stored and distributed by the owner must comply with SANS241 Drinking Water Quality Standards. Current proof of compliance must be available on request.

3.6 All electrical requirements should be directed to Eskom. All electrical work to comply with SANS142 and Municipal Bylaws.

4. The reasons for the above decision are as follows:

4.1 The day care establishment makes a positive contribution to the surrounding farming community and the greater Stellenbosch Municipal Area as it provides an essential and quality service to the said members.

4.2 The day care centre will not have a detrimental effect on the surrounding farm owners or the agricultural potential of the farm and surrounding farms.

5. 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.

6. 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.

7. 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

8. 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.

9. 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

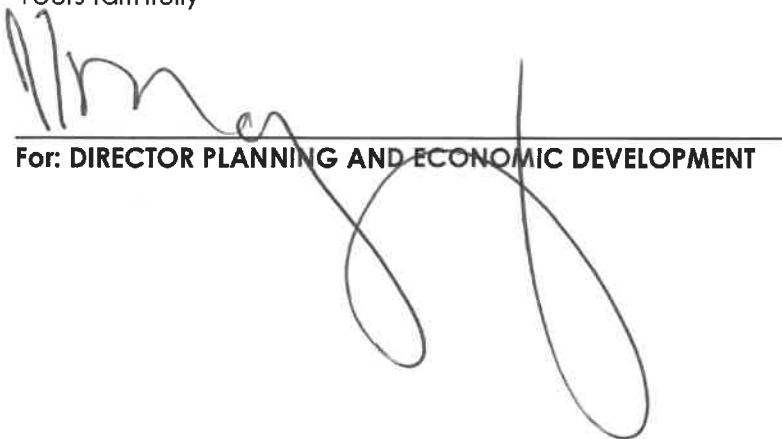
(<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).

10. 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.

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

12. 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**

15/3/2023
DATE



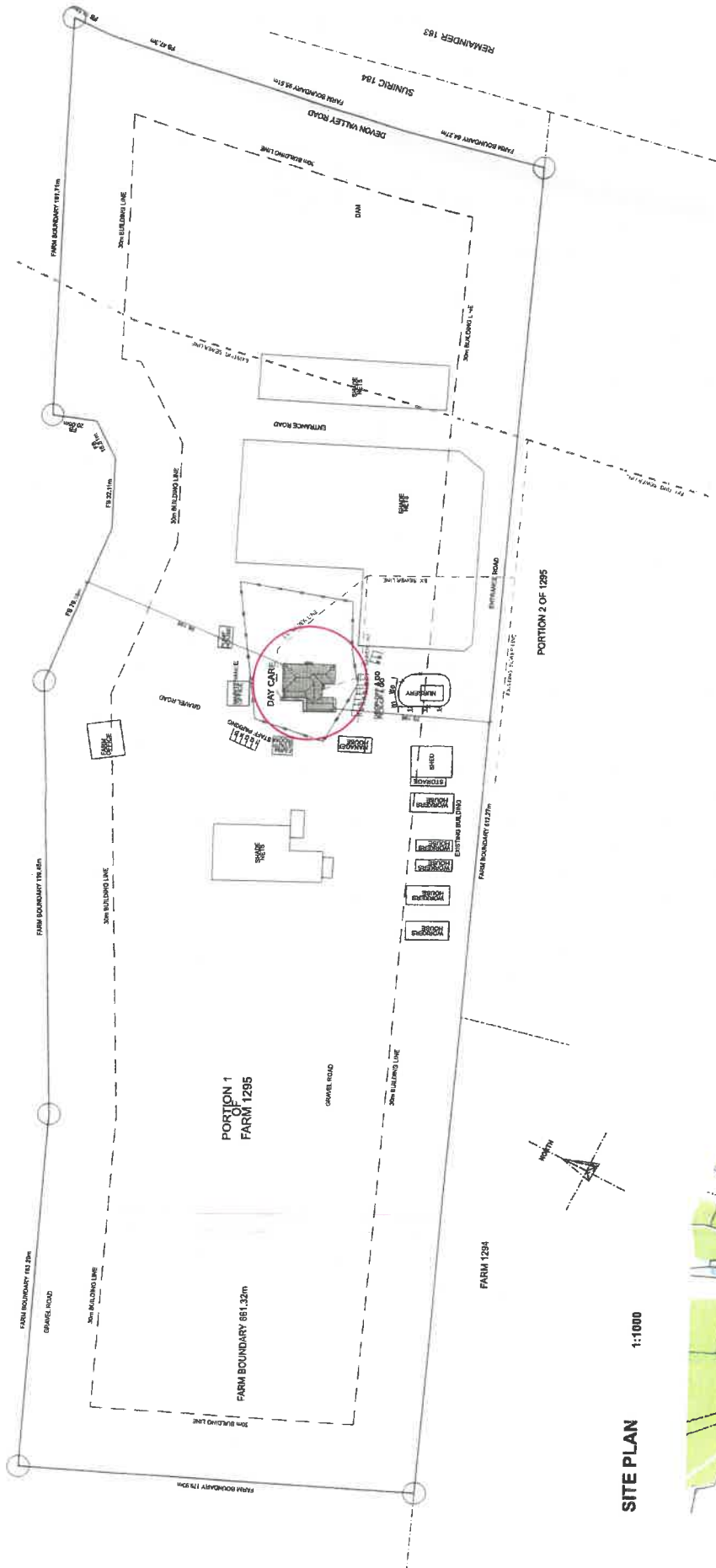
STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

ANNEXURE B

SITE DEVELOPMENT PLAN AND FLOOR PLANS

REMAINDER CHAMPAGNE 1023



SITE PLAN

1:1000

1295/1 = 123377m²

AGRICULTURE

97%

110 500 51 4 2

96 0 2 3 6

0 0 2 4 %

DAY CARE

3%

3 782,98 m²

open = 3368m²

2,7%

covered = 425m²

0,003%

PERCENTAGE USAGE



LOCALITY PLAN

REV	DATE	BY	DESCRIPTION	DATE	PROJECT NAME

SITE DEVELOPMENT PLAN

SDP

SCALE 0:11

PROJECT APPROVAL

PROJECT NAME

PROJECT NUMBER

DRAWING NUMBER



ARGITEKTE | ARCHITECTS
DEVON VALLEY | STALLENBOSCH
071 277 7032
devon@v7march.com

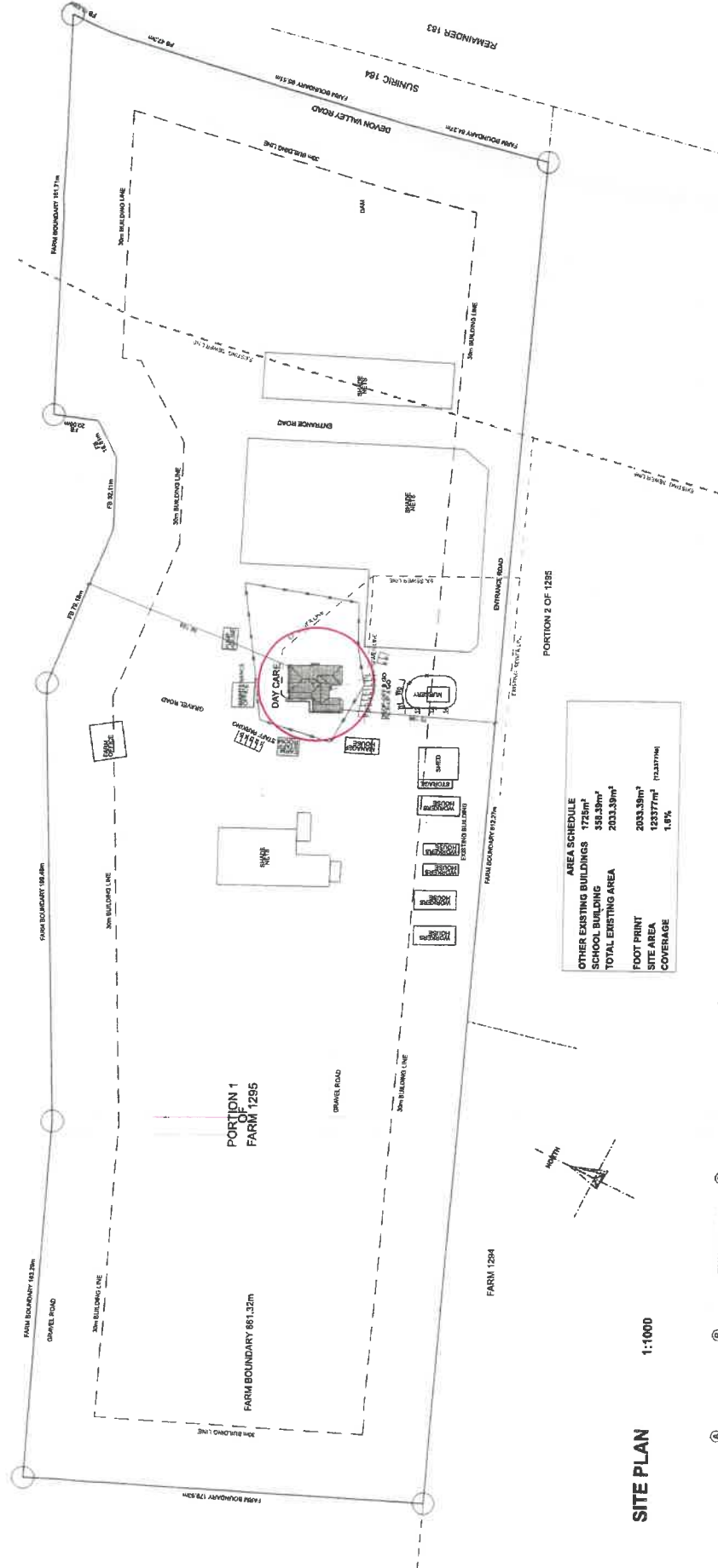
CLIENT
MEY, S. CARINUS
DWARFS-AN-DE-WEG, DEVON VALLEY, STALLENBOSCH

017

017M-1000

ALL ELEMENTS TO BE COVERED ONLINE BEFORE ANY
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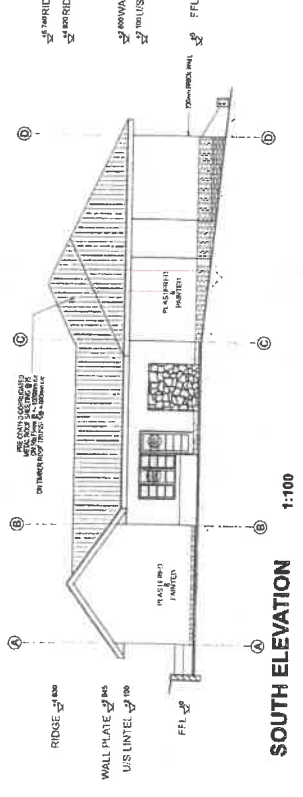
REMAINDER CHAMPAGNE 028



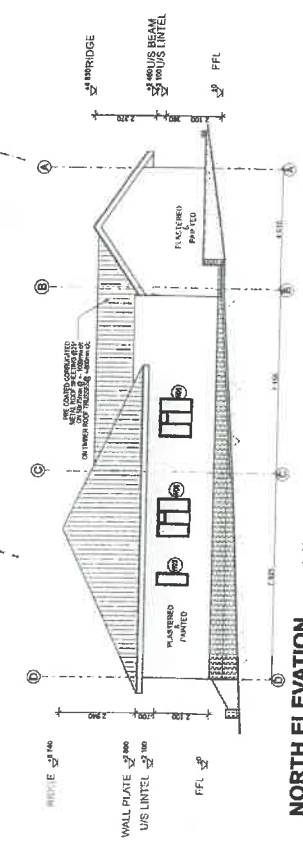
AREA SCHEDULE

OTHER EXISTING BUILDINGS	1725m ²
SCHOOL BUILDING	358.35m ²
TOTAL EXISTING AREA	2083.35m²
FOOT PRINT	2033.35m ²
SITE AREA	123377m ² (123377m ²)
COVERAGE	1.6%

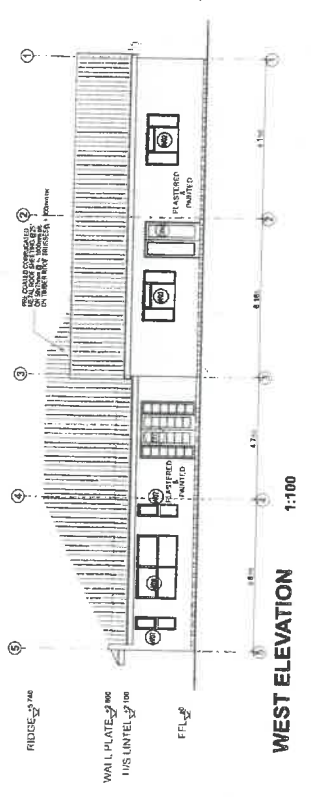
SITE PLAN 1:1000



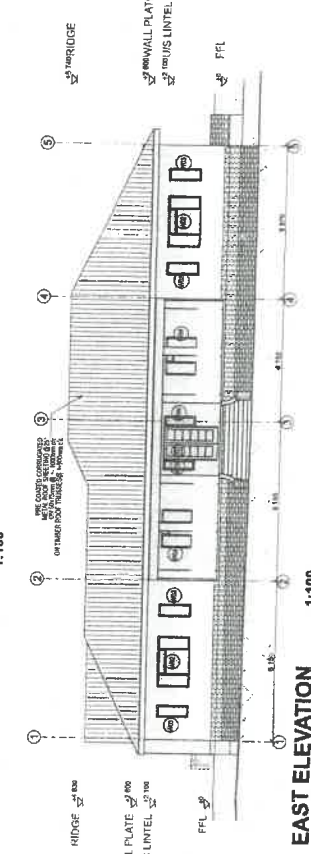
SOUTH ELEVATION 1:100



NORTH ELEVATION 1:100



WEST ELEVATION 1:100



EAST ELEVATION 1:100

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DATE: 10/1/2022

PROFESSIONAL SEAL

PROFESSIONAL CONSULTANT

DATE: 10/1/2022

ARGITEXTE I ARCHITECTS

4 WABERSGANG
BROOK VALLEY
BROOK VALLEY
071-277-8832

general@argitexte.com

STEGGIES

FLOOR PLANS

SITE PLAN

ELEVATIONS

MUNICIPAL APPROVAL

DATE: 2022/06/13

SCALE: 1:1000

PROJECT NUMBER: 017

DATE: 07-14-2001

017

DATE: 07-14-2001

