



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13536

Our File Reference Number: Farm 510/18, Stellenbosch Division

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION CONSENT USE FOR PURPOSES OF A DAY CARE FACILITY ON: FARM 510/18, STELLENBOSCH DIVISION

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 Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 for a **Consent Use** to utilize the existing dwelling house for purposes of a day care centre on Farm No. 510/18, Stellenbosch Division (Jamestown),

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

3. Conditions of approval:

- 3.1 The approval only applies to the proposed application under consideration, as indicated on the referenced **Drawing 3729-MP-1100 Rev A, dated 17 March 2021, Drawing DD01-GA-00-001 Rev A, dated 10 November 2021 & Parking & Play Area Site Plan**, attached as **ANNEXURE C** 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.

- 3.2 The development must be undertaken generally in accordance with the site plan as referenced **Drawing 3729-MP-1100 Rev A, dated 17 March 2021, Drawing DD01-GA-00-001 Rev A, dated 10 November 2021 & Parking & Play Area Site Plan** and attached as **ANNEXURE C**.
- 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 proposed use.
- 3.4 Building plans must be generally in accordance with the site plan as referenced **Drawing 3729-MP-1100 Rev A, dated 17 March 2021, Drawing DD01-GA-00-001 Rev A, dated 10 November 2021 & Parking & Play Area Site Plan** and attached as **ANNEXURE C**.
- 3.5 The number of children be limited to 30.
- 3.6 The use hereby permitted shall only operate from Monday to Friday, from 07h00 to 18h00.
- 3.7 The conditions imposed by the **Director: Engineering Services** as contained in their memo dated 16 February 2022, attached as **ANNEXURE G**, be complied with.
- 3.8 The conditions imposed by the **Manager: Spatial Planning** as contained in their memo dated 31 March 2021, attached as **ANNEXURE H**, be complied with.
- 3.9 The conditions imposed by **Manager: Community Services** as contained in their memo dated 03 May 2022, attached as **ANNEXURE J**, be complied with.
- 3.10 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).
- 3.11 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.

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

- 4.1 From a town planning point of view the proposal is regarded as sound planning practice to locate community facilities (i.e churches, schools, crèches, clinics, etc) within a residential neighbourhood as these uses is seen to be compatible with one another.

4.2 The proposed facility will not generate high traffic volumes that will have a negative impact on the existing residential character, as the children will only be dropped off and collected at certain time periods during the day.

4.3 The facility represents a use that will result in a diversification and intensification of use within the rural area without impacting on the character of the area.

4.4 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 area.

5. Matters to be noted:

5.1 Building plans be approved by the Municipality prior to any building work commencing.

5.2 A business license be applied for if required.

5.3 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.

5.4 All electrical requirements should be directed to Eskom.

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;

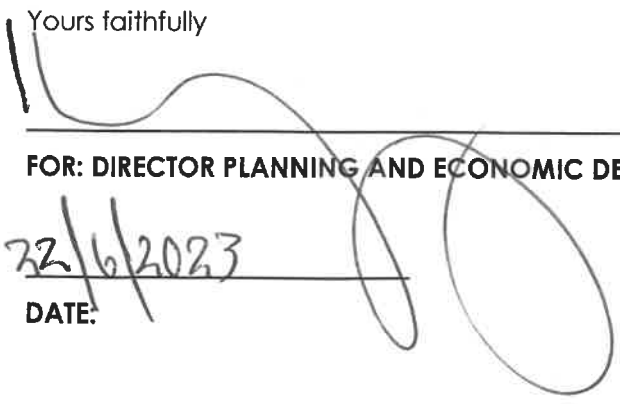
(V) Contact details, including a Cell number and E-Mail address;

- (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
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


FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

DATE: 32/6/2023

ANNEXURE C

**APPLICATION FOR CONSENT USE FOR PURPOSES OF
A DAY CARE FACILITY ON FARM NO. 510/18,
STELLENBOSCH DIVISION (JAMESTOWN).**

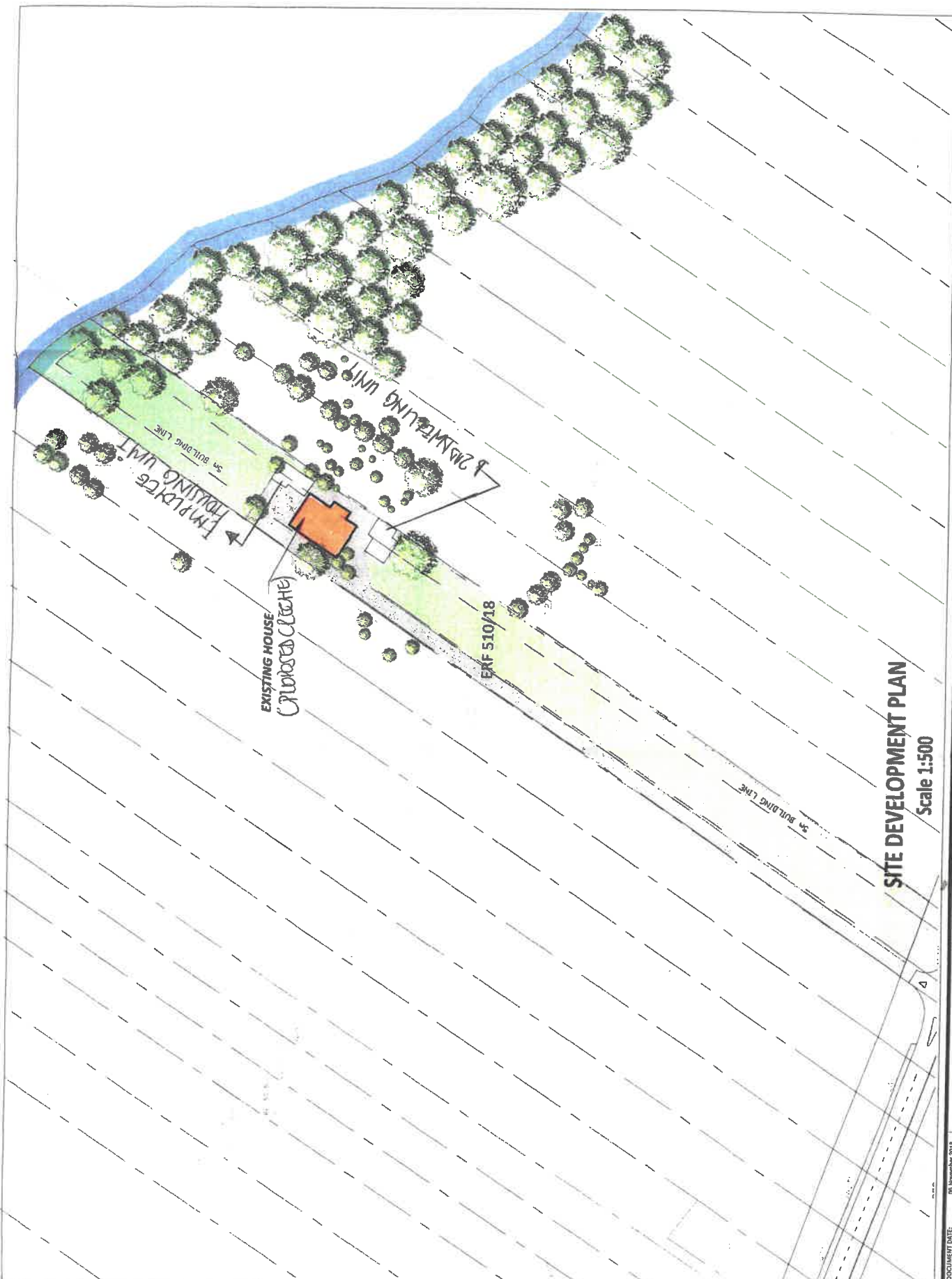
SITE PLAN/SITE DEVELOPMENT PLAN

ERP 51016, JANEKSTOWN, STELLENBOSCH Antidrone and Rural Zoned (AR3)	
Building type	: Quelling noise and improved environmental quality (to airport)
Building lines Street & common boundaries : 5m	
Height (Storeys) : 2 Storeys	
Primary Use	
Maximum coverage threshold : 800m² each	

NOTE :

A home occupation or home day care establishment may only be conducted from the apartment main dwelling floor on the second dwelling on the land unit and the proprietor shall reside on the premises. The use shall be subject to the following same parameters as set out in section 61 shall apply to a home occupation or home day care establishment in this zone. (Stellenbosch Municipality Zoning Scheme 1997-2016)

AREA SUMMARY	
Site	: 8337 m² / 0,68 Ha
Existing Dwelling	: 118 m²



SITE DEVELOPMENT PLAN
Scale 1:500

[illegible]



DIGIT DAY CARE BUILDING: PLAN VIEW

SCALE: 1:100

NOTES:
1. ...
2. ...
3. ...
4. ...
5. ...
15. ...

NAME	DATE	SIGN
DRAWN		
CHECKED		
APPROVED		

REV	DATE	EAC	V.S.	PREP	ISSUE
A	2021.11.10				

THIS DOCUMENT CONTAINS CONFIDENTIAL AND PROPRIETARY INFORMATION THAT MAY NOT BE REPRODUCED OR DIVULGED, IN WHOLE OR IN PART, WITHOUT WRITTEN AUTHORIZATION FROM THE ORIGINATOR.

PROJECT : DIGIT DAY CARE BUILDING

CLIENT : DIGIT (Pty) LTD.

TITLE :
DAY CARE FACILITY
ON ERF 510/18, JAMESTOWN
STELLENBOSCH

DRAWING No.	DD01-GA-00-001	SHEET 1 OF 3	SCALE 1:100 A1	PERSON NO. A
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PARKING
(Stop & Go)

PLAY AREA



PLAY AREA

PARKING & PLAY AREA PLAN

ANNEXURE G

**APPLICATION FOR CONSENT USE FOR PURPOSES OF
A DAY CARE FACILITY ON FARM NO. 510/18,
STELLENBOSCH DIVISION (JAMESTOWN).**

**COMMENT FROM THE DIRECTOR:
ENGINEERING SERVICES**



STELLENBOSCH MUNICIPALITY
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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag	Nicole Katts
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	16 Feb 2022
Our Ref ▫ Ons Verw:	Civil LU 2264
Your Ref:	LU/13536
Re ▫ Insake:	Farm 510/18, Jamestown: Consent Use for purposes of a Day Care Facility

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

1. Civil Engineering Services

- 1.1 Water and sewer servicing for the proposed building must be indicated on the building plans.
- 1.2 The municipality does not have a sewer network in that area. A conservancy tank must be considered. No septic tanks will be allowed.
- 1.3 Sufficient on-site parking must be indicated on the building plans.

2. Electrical Engineering

- 2.1 Refer to **Annexure: Electrical**

Tyrone King Pr Tech Eng
MANAGER: DEVELOPMENT (INFRASTRUCTURE SERVICES)

ANNEXURE H

**APPLICATION FOR CONSENT USE FOR PURPOSES OF
A DAY CARE FACILITY ON FARM NO. 510/18,
STELLENBOSCH DIVISION (JAMESTOWN).**

**COMMENT FROM THE MANAGER:
SPATIAL PLANNING**



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Spatial Planning

To : Manager: Land Use Management
From : Manager: Spatial Planning
Reference : Farm 510/18, Jamestown
LU No : LU/13536
Date : 31 March 2021
Re : Application for consent use for purposed of a day care facility on Farm 510/18, Jamestown

I refer to your request for comment on the above application.

Application is made for the following:

- **Consent Use** for purposes of a Day Care Facility on Farm No. 510/18, Stellenbosch Division.

1) Opinion/reasoning:

The new approved Municipal Spatial Development Framework for the WC024 area was approved by Council in November 2019 and recognises that the spatial decisions and actions of many make what settlements are.

In terms of this approved document, seven principles need to be considered:

1. Maintain and grow the assets of Stellenbosch Municipality's natural environment and farming areas;
2. Respect and grow cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and potentials of existing settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on a few catalytic lead projects.

With the enactment of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), a new planning regime was introduced in South Africa. It replaced disparate apartheid era laws with a coherent legislative system as the foundation for all spatial planning and land use management activities in South Africa. It seeks to promote consistency and uniformity in procedures and decision-making. Other objectives include addressing historical spatial imbalances and the integration of the

principles of sustainable development into land use and planning regulatory tools and legislative instruments.

Chapter 2 of SPLUMA sets out the development principles that must guide the preparation, adoption and implementation of any SDF, policy or by-law concerning spatial planning and the development or use of land. These principles are the following:

- Spatial Justice
- Spatial Efficiency
- Spatial Sustainability
- Spatial Resilience
- Good Administration

The subject property is located in the Jamestown smallholding area and zoned for agricultural purposes. The proposal is to operate the day care facility out of an existing building on the property. There is a need for day care facilities within Jamestown as most of the day care facilities are located in Stellenbosch town. This proposed day care facility will cater for the needs of the community of Jamestown as there are no formal established childcare facilities in the area.

In terms of the approved MSDF the following guidelines are applicable:

- Rural place-bound businesses (including farm stalls and farm shops, restaurants and venue facilities) of appropriate location and scale to complement farming operations, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Rural place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, and not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Support for various forms of leisure and tourism activities across the rural landscape, of appropriate location, scale, and form not to compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape.
- Agricultural industry should be subservient or related to the dominant agricultural use of the property and/ or surrounding farms.
- All place-bound agricultural industry related to the processing of locally sourced (i.e. from own and/or surrounding farms) products, should be located within the farmstead precinct in the agricultural area.
- Activities and uses directly related to the primary agricultural enterprise are permitted, including farm buildings and associated structures (e.g. one homestead, barns, agri-worker housing, etc.), as well as additional dwelling units

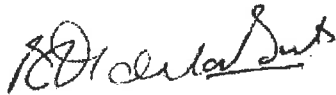
to support rural tourism opportunities and to diversify farm income, comprising 1 additional non-alienable dwelling unit per 10ha, up to a maximum of 5 per farm.

- Ancillary rural activities of appropriate scale that do not detract from farming production, that diversify farm income, and add value to locally produced products (e.g. restaurant and function venue facility, farmstall and farm store, home occupation, local product processing, and rural recreational facilities.

2) Supported / not supported:

This department therefore supports the application subject to the following conditions:

- The dominant agricultural use of the property must still be the primary function of the property.
- The proposed day care facility must be operated from the existing building and no new buildings to be erected.



BJG de la Bat
MANAGER: SPATIAL PLANNING

ANNEXURE J

**APPLICATION FOR CONSENT USE FOR PURPOSES OF
A DAY CARE FACILITY ON FARM NO. 510/18,
STELLENBOSCH DIVISION (JAMESTOWN).**

**COMMENT FROM THE MANAGER:
COMMUNITY SERVICES**

INTEROFFICE MEMORANDUM



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DEPARTMENT: COMMUNITY SERVICES

Stellenbosch Municipality, 123 Merriman Avenue, Stellenbosch, 7599

To:	Administrative Officer: Land Use Management Nicole Katts	From:	Senior Environmental Planner: Schalk van der Merwe
CC:	Manager: Community Services Albert van der Merwe	Date:	3 May 2022
Re:	APPLICATION FOR CONSENT USE: FARM 510/18, JAMESTOWN		

The above application refers. From an environmental planning point of view this department has no objection to the approval of the application on condition that:

1. All the activities on site comply with the Western Cape Noise Control Regulations PN200/2013 and the By-Law on the Prevention of Public Nuisance and the Keeping of Animals.
2. Creche activities be limited to the operating hours of 07:00 – 18:00, Mondays to Fridays.
3. The local authority reserves the right to impose additional noise mitigation conditions should complaints from the general public be received.

S VD MERWE
SENIOR ENVIRONMENTAL PLANNER:
COMMUNITY SERVICES