



STELLENBOSCH

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Application Number: LU/15366 (TP271/2023)

Our File Reference Number: Erf 1619, Kayamandi

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURES: ERF 1619, KAYAMANDI

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-Law, 2023 on Erf 1619, Kayamandi:
 - 2.1.1 **Consent Use** in terms of Section 15(2)(o) of the said By-Law, to utilise a portion of the property for the purpose of a day care centre.
 - 2.1.2 **Permanent Departure** in terms of section 15(2)(b) of the said By-Law, to relax the eastern common building line from 1m to 0m.
 - 2.1.3 **Permanent Departure** in terms of section 15(2)(b) of the said By-Law, for the under provision of parking to permit 0 on-site parking bays in lieu of 3 on-site parking bays.

BE APPROVED in terms of Section 60 of the said By-Law and subject to conditions of approval.

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 application under consideration as indicated on plan no: 1910/02A, dated November 2021, drawn by S. Nikelo attached as **Annexure D** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 3.2 The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
- 3.3 The Day Care Centre shall be limited to 49.12m² in extent and a total of 42 children.
- 3.4 The primary use of the property must remain residential.
- 3.5 The conditions imposed by the Health Officer/Inspector (Cape Winelands District Municipality) contained in memo dated 20 June 2023, attached as **Annexure E**, be complied with.
4. The reasons for the above decision are as follows:
- 4.1 The scale and nature of the proposed use will not compromise the existing character of the surrounding area.
- 4.2 The proposal will have no negative impact on the residential character of the subject property as the primary use of the property will remain residential.
5. Matters to be noted:
- 5.1 Comments from Infrastructure Services Department as contained in the memorandum dated 23 May 2023 and attached as **Annexure F**.
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:
- 7.1 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

7.2 Reference to this correspondence and the relevant property details on which the appeal is submitted.

7.3 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.

7.4 Whether the appeal is lodged against the whole decision or a part of the decision.

7.5 If the appeal is lodged against a part of the decision, a description of the part.

7.6 If the appeal is lodged against a condition of approval, a description of the condition.

7.7 The factual or legal findings that the appellant relies on.

7.8 The relief sought by the appellant.

7.9 Any issue that the appellant wishes the Appeal Authority to consider in making its decision.

7.10 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 and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@ Stellenbosch.gov.za
11. An applicant who lodges 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 in the case of any approval, is suspended, and 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

19/10/2023
DATE



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ANNEXURE D

SITE PLAN / FLOOR LAYOUT PLANS

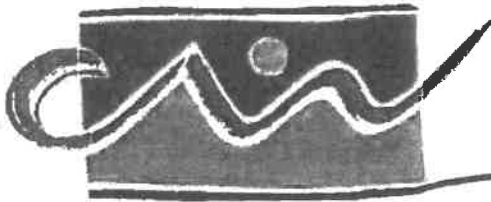


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ANNEXURE E

COMMENT FROM HEALTH OFFICER/INSPECTOR:
CAPE WINELANDS DISTRICT MUNICIPALITY



CAPE WINELANDS DISTRICT
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MEMORANDUM TO/ AAN : B. Mdoda
(Directorate Planning Economic &
Development Services: Stellenbosch Municipality)
Official / Beampste : Ms. N. Ngola
Your ref/ U vrew. : Erf 91
Ref No / Verw. No : 15/2/6/1
Date / Datum : 20/06/2023

**APPLICATION FOR A CONSENT USE AND DEPARTURE: ERF 1619,
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 638 of 22 June 2018 under the Foodstuffs 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.

Kindly note that this Department do have the authority to set additional requirements during the operation of business to ensure that the facility always complies with the Municipal health services legislation.

Yours faithfully

A handwritten signature in black ink, appearing to be 'N. Nqola', enclosed within a circular scribble.

N. NQOLA
for **MUNICIPAL MANAGER**



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ANNEXURE F

COMMENT FROM THE DIRECTORATE: INFRASTRUCTURE
SERVICES



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MEMORANDUM

DIREKTEUR: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag: Bulelwa Mdoda
From ▫ Van: Manager: Development (Infrastructure Services)
Author ▫ Skrywer: Tyrone King
Date ▫ Datum: 23 May 2023
Our Ref ▫ Ons Verw: Civil LU 2504
Your Ref: LU/15366-TP 271/2023
Re ▫ Insake: Erf 1619, Kayamandi: • Application for Consent Use in terms of
Section 15(2)(o) of the Stellenbosch Municipality Planning By-
Law, 2019 for a Day Care Centre which accommodates 42
children. Application for permanent departure in terms of
Section 15(2)(b) of the Stellenbosch Municipality Planning By-
Law, 2019 for the under provision of parking to permit zero (0)
on-site parking bays in lieu of 3 on-site parking bays.
Application for permanent departure in terms of Section 15(2)(b)
of the Stellenbosch Municipality Planning By-Law, 2019 to
permit the relaxation of the eastern common boundary building
line (adjoining Erf 1618) from 1m to 0m.

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

1. Civil Engineering Services
 - 1.1 No objection, no municipal services are affected.
 - 1.2 Wrt parking provision, the motivation states that parents usually walk to drop off their kids, and that no additional traffic will be generated by the school. Provision is also made for a drop and go. Approval is given subject that no parking will be allowed in

the road reserve. Should the actual situation differ from the motivation and it is evident that parking provision must be made, or if any complaints are received related to parking, then this approval will be re-evaluated.



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

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