



Application Number: LU/14287

Our File Reference Number: Farm 78/14, Stellenbosch

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: FARM 78/14 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 made in terms of Stellenbosch Municipal Land Use Planning By-Law, promulgated by notice number 354/2015, dated October 2015, on Farm 78/14 Stellenbosch Division for the following;
 - 2.1.1 **Consent Use** in terms of Section 15 (2) (o) of the said by-law to utilise existing building as Day Care centre;

BE APPROVED in terms of Section 60 of the by law and subject to the following conditions in terms of Section 66 of the said Bylaw:

3. Conditions of approval

- 3.1 The approval applies only to the application under consideration as indicated on Drawing plans referenced as Project no: J046. Drawing no: LA_001, 101, Rev no: A, drawn by EvdM (VDM architects), dated 07/04/22 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
- 3.2 The development shall be implemented substantially in accordance with the Drawing plans referenced as Project no: J046. Drawing no: LA_001,101, Rev no: A, drawn by EvdM (VDM architects), dated 07/04/22 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 The conditions imposed by the **Western Cape Government: Transport and Public Works** as contained in their letter dated 09 February 2023, attached as **Annexure I**, be complied with.

3.5 The proposal shall not compromise the environment, agricultural sustainability and the scenic, heritage and cultural landscape of the farm and surrounding farms.

3.6 The day care centre should not adversely affect the agricultural potential of the property.

3.7 The proposed Day Care Centre shall be limited to **800 m²**.

3.8 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).

3.9 Building plans must be generally in accordance with the layout plans as Drawing plans referenced as Project no: J046. Drawing no: LA_001, 101, Rev no: A, drawn by EvdM (VDM architects), dated 07/04/22 and attached as Annexure C.

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

4.1 The application would not negatively affect aesthetic appearance of the property or surrounding environment and the primary use of the property will still remain agriculture.

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**

28/6/2023
DATE:

ANNEXURE C: SITE DEVELOPMENT PLAN



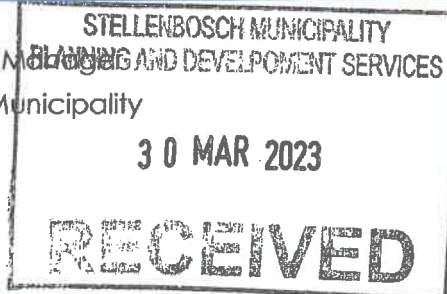
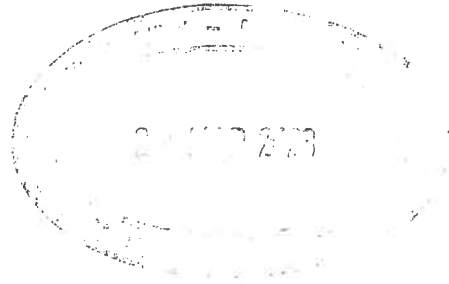
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**ANNEXURE I: COMMENT FROM THE WESTERN CAPE GOVERNMENT:
TRANSPORT AND PUBLIC WORKS**



Ref: TPW/CFS/RP/LUD/REZ/SUB-25/ (Job 30146)

The Municipal Manager
Stellenbosch Municipality
PO Box 17
STELLENBOSCH
7599



Attention: Mr Ulrich von Molendorff

Dear Sir

**PORTION 14 OF FARM 78, STELLENBOSCH: DIVISIONAL ROAD 1069 (DEVONVALLEY ROAD):
APPLICATION FOR CONSENT USE**

1. The application as received via email from Mrs Elske van der Merwe, VDM Architects dated 27 January 2023.
2. This application entails for the following:
 - 2.1. To use an existing building on Portion 14 of Farm 78, Stellenbosch, as a Day Care Centre. Graceland Day Care Centre is an educational project that serves children of farm workers of the Devon Valley community of Stellenbosch. The Day Care started operating in 1997 and has been operating since.
3. Department of Health has approved a maximum of 35 children and currently there are 31 children aged 3-5years enrolled, with a staff component of 6 full-time staff members. The Day Care operates Monday to Friday from 07:30 – 15:30.
4. Access to the Day Care is provided by an internal gravel road that connects to DR01069. The application states that sufficient parking and an effective pick-up and drop-off area being present on the property. The entire day care area has been provided with a surrounding fence with entrance gate.
5. Agriculture is still the predominant activity on Portion 14 of Farm 38, with the Day Care Centre preoccupying 1.43% of the total area of the farm.
6. The Site Development Plan Drawing Number LA 001, Project Number J046, dated 7 April 2022 by VDM Architects reflecting the following:
 - 6.1. Parking bays for nine vehicles on the property and
 - 6.2. Pick-up and drop-off area on the property.

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COLLABORATOR NR:	747335

7. A site visit on 31 January 2023 confirmed the following:
 - 7.1. The main access to the farm is at $\pm$ km5.56 onto Divisional Road 1069.
 - 7.2. The access does not adhere to the minimum geometric, surfacing and grade requirements of this Branch. The present steep grade of the access road towards the facility is also a concern and could result in parents rather using the road reserve for drop-off and pick-up of the children.
 - 7.3. It is difficult to determine the parking bays and pick-up drop-off areas on the property and needs to be clearly marked as reflected on the SDP.
 - 7.4. The posted speed limit is 60kmh requiring minimum shoulder sight lines at the access of 120m. The shoulder sight distance towards Stellenbosch is acceptable and towards JC le Roux Road entrance on the limit ($\pm$ 120m).
8. This Branch offers no objection to this Consent Use application for Portion 14 of Farm 78, Stellenbosch, as a Day Care Centre as reflected on the Site Development Plan Drawing Number LA 001, Project Number J046, dated 7 April 2022 by VDM Architects, subject to the following conditions:
 - 8.1. The current access at $\pm$ km5.56 remains the only access to the farm and Day Care Centre;
 - 8.2. The current access needs to be provided with a permanent surface (paving or premix seal) up to the gate width with a minimum 12m radius;
 - 8.3. Parking for the Day Care Centre must be clearly marked on the property as reflected on the SDP and must adhere to the minimum parking requirements of Stellenbosch Municipality, and
 - 8.4. No parking or pick-up or drop-off activities shall be allowed in the road reserve of Divisional Road 1069.

Yours Sincerely



SW CARSTENS

For DEPUTY DIRECTOR-GENERAL: ROADS

DATE: 9 FEBRUARY 2023