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Application Number: LU/15726 (TP339/2023)

Our File Reference Number: Farm 1643/2, Paarl Division

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-

Sir / Madam

APPLICATION FOR A CONSENT USE: FARM 1643/2, PAARL 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 for **consent use** in terms of Section 15(2) (o) of the Stellenbosch Municipality Land Use Planning By-law, 2023, to permit a day care centre on Farm 1643/2, Paarl Division:

BE APPROVED in terms of Section 60 of the said Bylaw 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 and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council.
 - 3.2 The development be undertaken in accordance with Site Plan and floor layout plans attached as **Annexure D**.
 - 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 day care centre be limited to 32 children.
 - 3.5 The day care centre be limited to the existing structure measuring 98.2m² with associated outside play areas as indicated on the Site Plan and floor layout plans attached as **Annexure D**.
 - 3.6 The day care centre must not cause public nuisance (traffic and noise) to the adjacent and adjoining farm owners and may not interfere with their rights.

- 3.7 The day care centre must not compromise the environment, agricultural sustainability, and the scenic, heritage and cultural landscape of the farm and surrounding farms.
- 3.8 The day care centre must not adversely affect the agricultural potential of the farm.
- 3.9 That a formal parking bay/drop off embayment be constructed and approved by the Infrastructure Services department as indicated on the memo dated 28 September 2023 before building plan approval.
- 3.10 The hours of operation be limited to be between 08:00 to 16:00 on Mondays to Fridays.
- 3.11 The day care facility may only accommodate children from the immediate surrounding farming community.
- 3.12 Compliance with the conditions contained in memorandum dated 28 September 2023 and attached as **Annexure F** from Infrastructure Services Department (Civil Engineering Services).
- 3.13 Building plans must be submitted and approved by the municipality prior to the commencing of any building works, including the preparation of land, which will only be approved when all relevant (or qualified) conditions of approval have been complied with.

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

- 4.1 The day care centre makes a positive contribution to the surrounding farming community and the greater surrounding area as it provides an essential service to its members.
- 4.2 The day care centre will not have a detrimental impact on the surrounding farm owners and the agricultural potential of the farm and surrounding farms.
- 4.3 Road safety measures to ensure safety of children can be addressed by the construction of a formal access and drop off embayment.

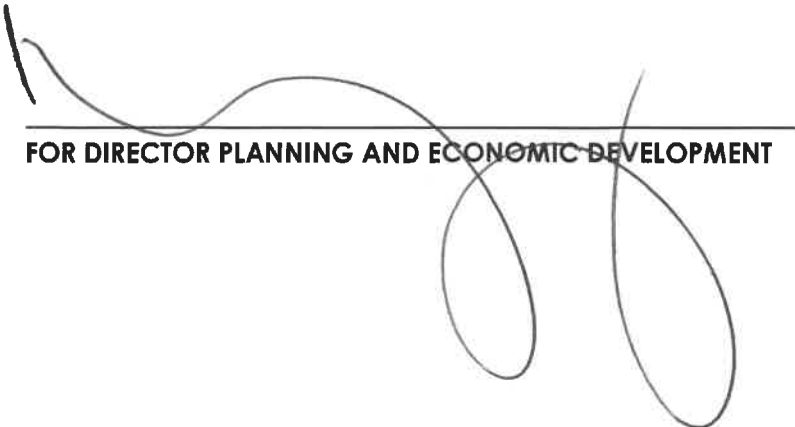
5. **Matters to be noted:**

- 5.1 Compliance with the conditions contained in memorandum dated 14 September 2023 and attached as **Annexure E** from Cape Winelands District Municipality: Health Officer/Inspector.

- 6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw 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 by completing the required form 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.
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 appeal form and 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 or 021 – 808 8684.
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

25/11/2024
DATE

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COPIES TO:





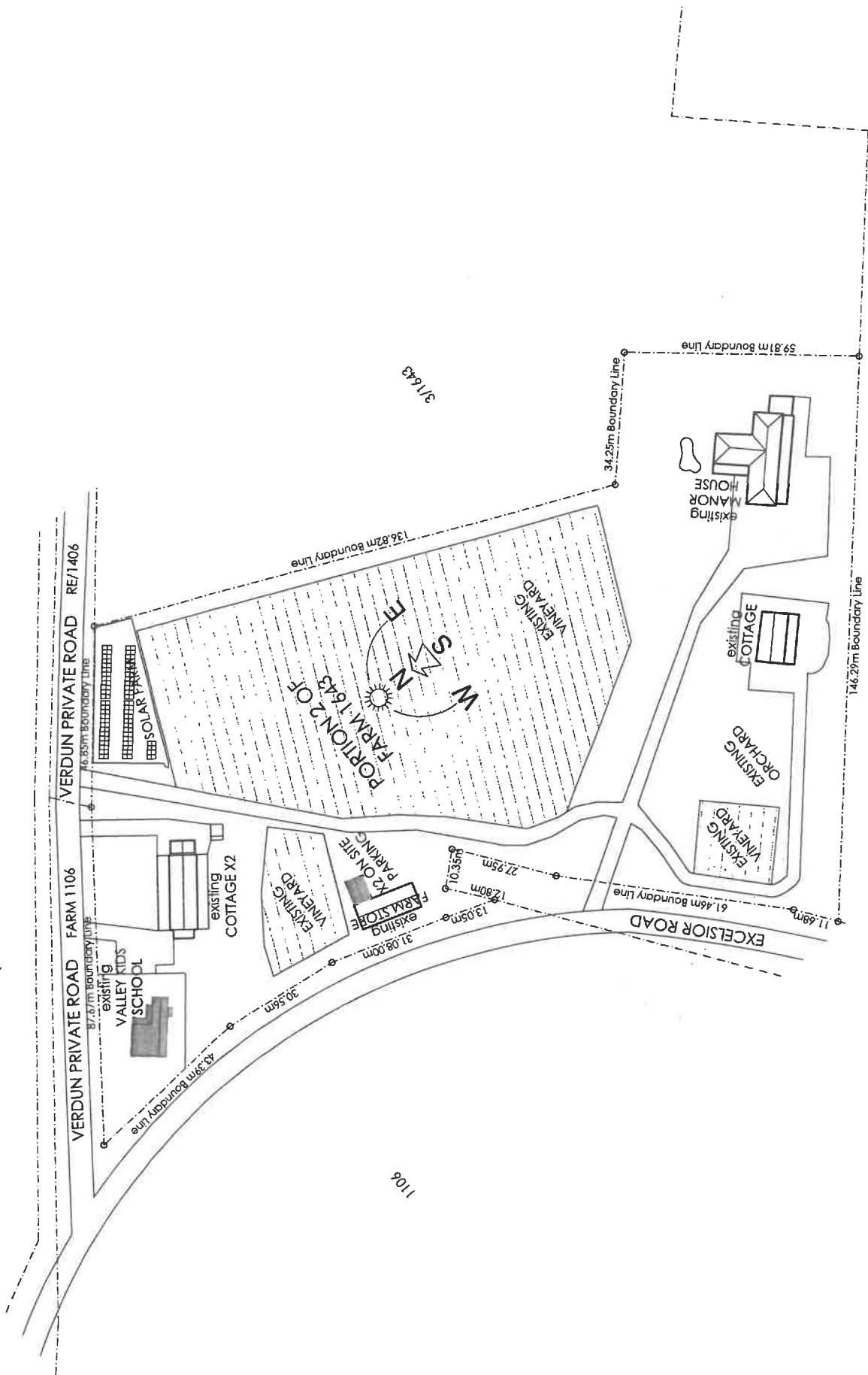
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ANNEXURE D

SITE PLAN / FLOOR LAYOUT PLANS

1/135



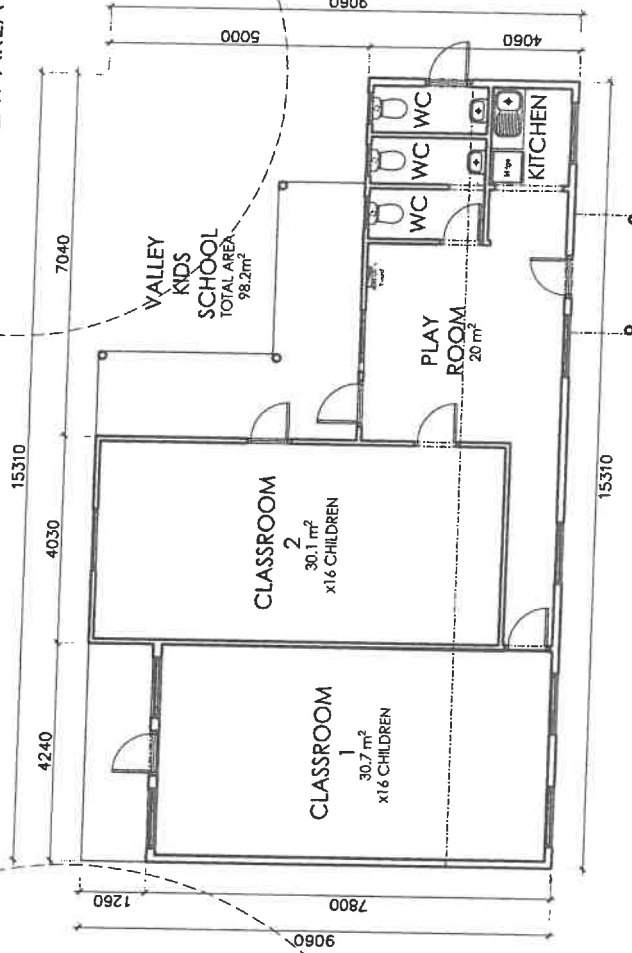
RE 1634

87.67m Boundary Line gate

PORTION 2 OF
FARM 1643



PLAY AREA



PLAY AREA

43.39m Boundary Line

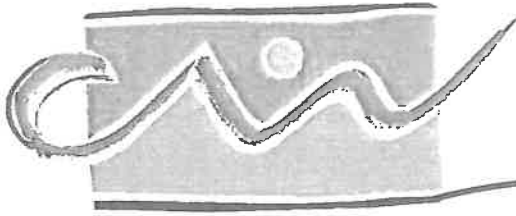


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ANNEXURE E

COMMENT FROM THE HEALTH OFFICER:
CAPE WINELANDS DISTRICT MUNICIPALITY



CAPE WINELANDS DISTRICT

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MEMORANDUM TO/ AAN : Nolusindiso Momoti
(Directorate Planning Economic &
Development: Stellenbosch Municipality)
Official / Beampte : Mr F.C. van Wyk
Your ref/ U vrew. : ERF 1643/2 (LU/15726)
Ref No / Verw. No : 15/2/6/1
Date / Datum : 2023-09-14

APPLICATION FOR CONSENT USE: ERF 1643/2, FRANSCHHOEK

There are no objections from an Environmental Health point of view in terms of 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 and 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. Refuse bins must be strategically placed and accessible to the public.
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 Regulation 638 of 22 June 2018.
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. Childcare institutions must comply with Chapter 5, Section 15 of Provincial Gazette Extraordinary no. 6696 of February 2010.
This Section of the Notice outlines the structural requirements for childcare facilities and institutions.

Yours faithfully

F.C. VAN WYK
for MUNICIPAL MANAGER



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ANNEXURE F

COMMENT FROM THE DIRECTORATE: INFRASTRUCTURE
SERVICES



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MEMORANDUM

DIREKTORAAT: INFRASTRUKTUURDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

CIVIL ENGINEERING SERVICES

To ▫ Aan:	Director: Planning + Economic Development
Att Aandag:	Nicole Katts
From ▫ Van:	Manager: Development (Infrastructure Services)
Author ▫ Skrywer:	Tyrone King
Date ▫ Datum:	28 Sept 2023
Our Ref ▫ Ons Verw:	Civil LU 2548
Town Planning Ref:	LU/15726 – TP339/2023
Re ▫ Insake:	Farm 1643/2 Paarl: Application for Consent Use in terms of section 15(2)(o) of the Stellenbosch Municipality Planning By-Law, 2015 to allow the operation of a day care Centre accommodating 32 children on Farm 1643/2 Paarl Division.

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

1. Civil Engineering services

- 1.1 The school buildings are existing - the existing services are to be utilized.
- 1.2 The potable water must be stored and distributed in such a manner that it complies with the SANS 241 Drinking Water Quality Standards. This will remain the Owners responsibility.
- 1.3 The current drop-off point for children and goods is Verdun Road but there are no formal parking embayments for this purpose. It is recommended that a formal parking / drop off embayment should be constructed along Verdun Road.

Alternatively, a formal driveway and entrance gate should be constructed to allow children and goods to be dropped off inside the premises.

These interventions will be safer for the school children as well as other road users.



Tyrone King Pr Tech Eng
Manager: Development (Infrastructure Services)

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