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Application Number: LU/14425

Our File Reference Number: Erf 235, Jamestown

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 DEPARTURE AND CONSENT USE: ERF 235, JAMESTOWN

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 That the following applications in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning By-law on Erf 235, Jamestown for:
 - 2.1.1 Application in terms of Section 15(2)(o) of the said By-law for consent use (additional use exceeding the parameters) to permit a day care centre;
 - 2.1.2 Application in terms of Section 15(2)(b) of the said By-law for permanent departure for the under-provision of on-site parking to permit 0 parking bays in lieu of the 3 parking bays required for the day care centre;
3. **The approval is subject to the following conditions imposed in terms of Section 66 of the said Bylaw:**
 - 3.1 The approval only applies to the proposed application under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or By-laws or Regulations that may be applicable.
 - 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 be limited to a maximum of 3 classrooms as indicated on Site, Floor and Elevations Plan, with Sheet No. HT/23/08/077 A1, drawn by RCAD Services and dated Aug 2023, and attached as **Annexure A**.
- 3.4 The number of children be limited to 38 or as determined by the Cape Winelands District Municipality in accordance with the District Municipality's Health By-law.
- 3.5 The day care centre is only permitted to operate between 07:00am to 18:00pm on Mondays to Fridays.
- 3.6 The proprietor of the day care centre must reside on the subject property and the primary use of the said property must remain residential.
- 3.7 That all vehicles related to the residential use of the property must be accommodated on-site and that no day care centre employee parking is permitted in the road reserve.
- 3.8 The establishment must not cause public nuisance (including traffic and noise) to the surrounding property owners and may not interfere with their rights.
- 3.9 Building plans be submitted for all changes of use in the existing buildings and which building plan(s) be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
- 3.10 Building plans be generally in accordance with the Site, Floor and Elevations Plan, with Sheet No. HT/23/08/077 A1, drawn by RCAD Services and dated Aug 2023, and attached as **Annexure A**.
- 3.11 Conditions imposed by the Infrastructure Services Department as contained in the memorandum dated 16/10/2024, and attached as **Annexure B**, be complied with.

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

- 4.1 The day care centre makes a positive contribution to the community as it provides an essential service to community members.
- 4.2 The day care centre is compatible with the residential character of the area and will not be detrimental to the surrounding property owners.
- 4.3 The aesthetic appearance of the existing dwelling house, the property and surrounding environment is not altered, and the primary use of the property will remain residential.

5. **Matters to be noted:**

5.1 All required certificates and registrations to operate the subject day care centre, 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, where applicable.

5.2 The minimum norms and standards of the Children's Act, Act 38 of 2005 and the requirements of Chapter 5: Child Care Facilities and Institutions of Cape Winelands District Municipality's Health By-law be adhered to, where applicable.

5.3 The day care centre be registered with the Department of Social Development and any other applicable authority, where applicable.

5.4 An application for the erection of any signs be submitted for approval to the Municipality and that all signage on the property be erected to the satisfaction of the Municipality or be in line with the relevant signage policy of the Municipality.

5.5 No directional signage be erected without the prior approval of the Municipality or relevant Authority.

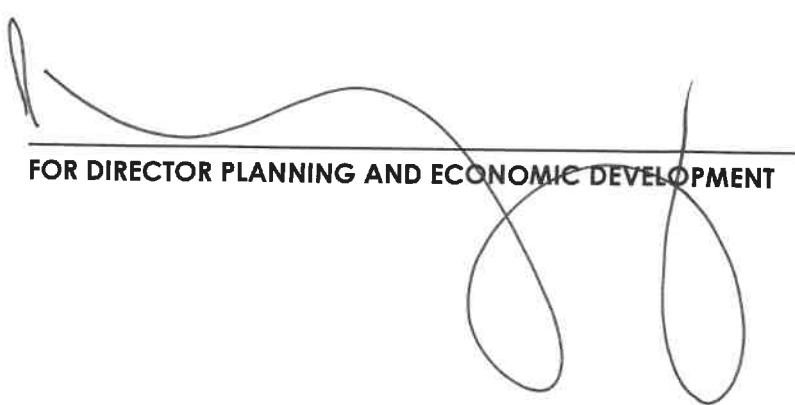
5.6 Should, after following due process -

- a) The subject approved land use remains in breach of complying with any of the conditions of approval required for the vesting of the subject approval, and/ or
- b) The operational use of the day care centre be in breach of any of the conditions of approval, inclusive of persistent complaints of undue noise levels or negative traffic impacts, and/ or
- c) The property be used for any unauthorised uses not permitted in terms of this approval, the authorised official of the Municipality will exercise its discretion in terms of Section 90(c) of the Municipal Land Use Planning By-law to withdraw the subject approval granted and the building structures to be reverted to uses in line with the Conventional Residential Zone primary use of the property.

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

28/3/2025
DATE:



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ANNEXURE A

SITE PLAN



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ANNEXURE B

COMMENT FORM 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:	16 October 2024
Our Ref - Ons Verw:	Civil LU 2801
Town Planning Ref:	LU/14425
Re - Insake:	Erf 235, Jamestown: 1. Application is made in terms of Section 15(2)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 for consent use (additional use exceeding the parameters) to permit a home day care center with 25 children on Erf 235, Jamestown. 2. Application is made in terms of Section 15(2)(b) of the Stellenbosch Municipality By-law on Municipal Land Use Planning 2023 for permanent departure to permit the under-provision of onsite parking required for the home day care center on Erf 235, Jamestown.

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

1. Parking

- 1.1 Currently no formal parking is provided on the erf for any of the ECD staff. Should the ECD staff require parking for their vehicles in future, then formal parking spaces must be provided on the erf. No parking will be allowed in the road reserve (sidewalk).

A site inspection on 16 October 2024 indicated that there is sufficient space in front of the house to provide such parking, should it be required in future.



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

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