CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500154500

Erf 952, 44 Old Faure, Driftsands, Stellenbosch Road

Development Management

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VALIENTE CONSULTING

EARLY CHILDHOOD DEVELOPMENT (ECD) BUILDING PLAN REGULARISATION PROGRAMME

REGULARISATION OF BOSASA ECD PORTION 4 OF FARM 952, STELLENBOSCH



Compiled for:

City of Cape Town
Community Services & Health Directorate
Planning, Development & PMO Department

Compiled by:

Valiente Consulting
Enquiries: Mrs E Basson

Revised October 2026

ANNEXURES

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SECTION 1 INTRODUCTION

1.1 BACKGROUND

The City of Cape Town's Planning, Development & PMO Department in the Community Services & Health Directorate (CS&H) initiated the Early Childhood Development Centres (ECD) Building Plan Regularisation Programme. The programme is underpinned by the City's Building Plan Regularisation Programme, which aims to achieve legal compliance for all CS&H buildings in terms of the National Building Regulations as well as the City of Cape Town's Municipal Planning By-Law. The aim of the City is for all ECD centres within the municipality to be compliant with the Children's Act, national policy and the City of Cape Town's ECD norms and standards.

ECD centres must be registered and renewed every five (5) years and the registration of ECD centres require approved zoning, building plans, fire plans and occupational certificates among other regulations outlined in the Children's Act of 2005. Unfortunately, many ECD centres lack approved building plans, restricting their ability to register and secure funding. By obtaining these approvals, ECD operators gain access to several opportunities, including registration with the Provincial Government of the Western Cape (PGWC), eligibility for grant funding to support qualified teaching staff, staff training, meals, and operations. More importantly, it ensures compliance with legislative standards, addressing fire risks and health and safety concerns for the City's most vulnerable children.

There are approximately 243 ECD's across the metro, operating on City owned land. Seventeen (17) ECD centres have been identified by Community, Art and Culture Development (CA&CD) that are considered urgent to regularise. This report will focus on the Bosasa ECD in Mfuleni, Cape Town.

1.2 BRIEF & PURPOSE OF THIS REPORT

Valiente Consulting have been appointed by Bigen Africa Services (Pty) Ltd (Bigen) on behalf of the City of Cape Town under 'CONTRACT 266C/2021/22: PROVISION OF PROFESSIONAL CONSULTANT SERVICES FOR CONSTRUCTION AND RELATED PROJECTS FOR COMMUNITY SERVICES AND HEALTH AND OTHER DIRECTORATES WITHIN THE CITY OF CAPE TOWN' to prepare the required land use management application/s for the Bosasa ECD located in Mfuleni.

The Power of Attorney is signed by the City's Mr Alfonso Sauls and is attached as ***Annexure A*** and the title deed is attached as ***Annexure B.***

1.3 PROPERTY DESCRIPTION

SUBJECT PROPERTY	REGISTERED OWNER	TITLE DEED	EXTENT
Portion 4 of Farm 952, Stellenbosch	CITY OF CAPE TOWN		22,0966ha

TABLE 1: PROPERTY DESCRIPTION AND OWNERSHIP

Portion 4 of Farm 952 is shown on the SG diagram below and attached as ***Annexure C***.

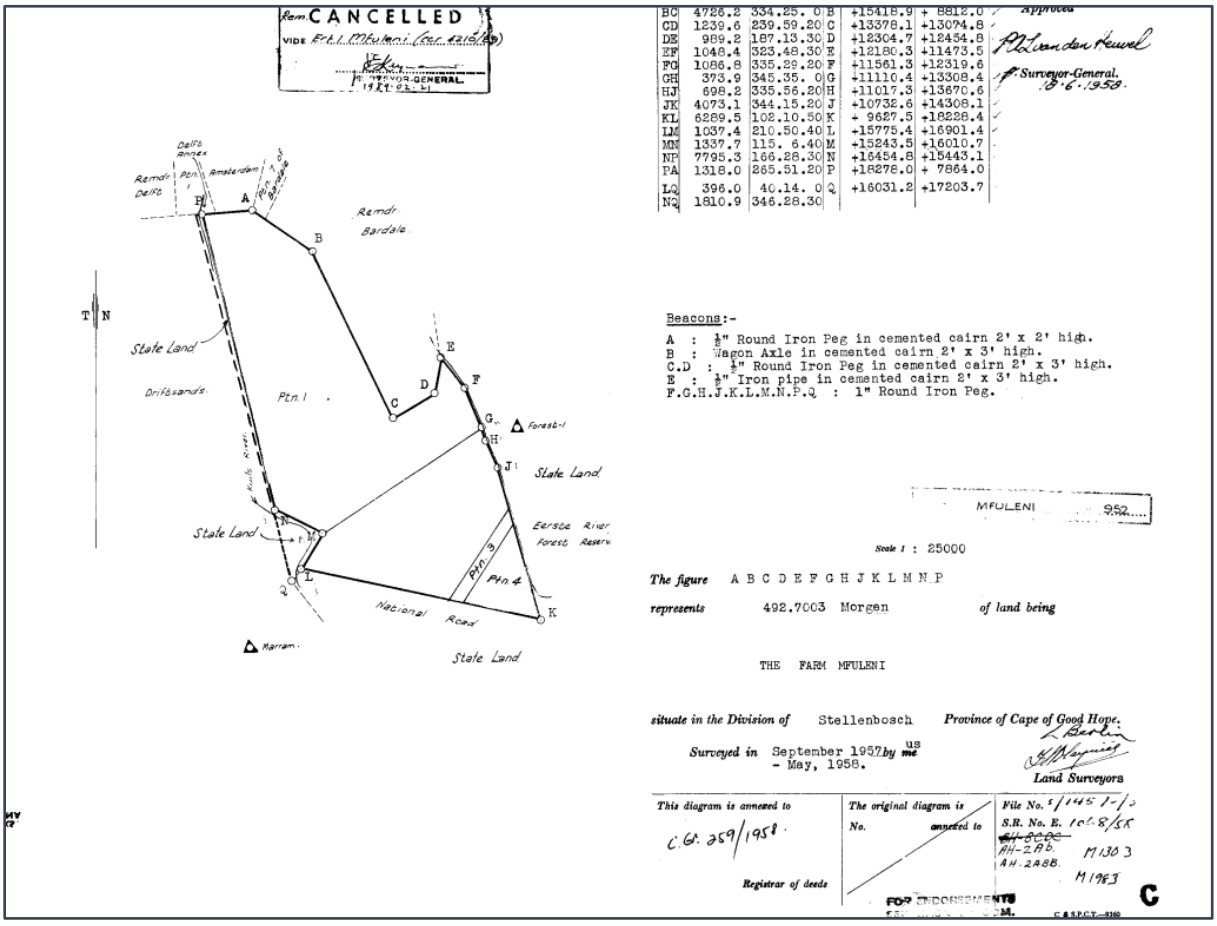


FIGURE 1: SG DIAGRAM

1.4 PROPOSED APPLICATION DETAILS

- Application is made in terms of Section 42(d) of the City of Cape Town Municipal Planning By-law, 2015 (as amended), for the subdivision of Portion 4 of Farm 952, Stellenbosch into Portion 1 (measuring approximately 0.30 ha) and the Remainder (measuring approximately 21.79 ha), together with the registration of a temporary right of way servitude over the Remainder in favour of Portion 1 to provide interim access.

- Application is made in terms of Section 42(a) for the rezoning of Portion 1 from Limited Use Zone (LU) to Community Zone1 (CO1)

- In respect of Portion 1, application is made in terms of Section 42(b) for the permanent departure from the following building lines:
    - Northern boundary (street building line): 1.6 m in lieu of 3 m
    - Eastern boundary (common boundary building line): 1.5 m in lieu of 3 m
    - Southern boundary (common boundary building line): 1.5 m in lieu of 3 m
- Application for the approval of street names and numbering.

SECTION 2 CONTEXTUAL INFORMANTS

2.1 LOCALITY

The Bosasa ECD is located on Portion 4 of Farm 952, Stellenbosch. In the regional context, the Bosasa TRA community area forms part of Mfuleni, situated to the south of Blue Downs and north of Khayelitsha, within the City of Cape Town Metropolitan Municipality. The area is bounded by Spine Raod to the east and Old Faure Raod to the south.

In the local context, the property is situated within the Bosasa Temporary Relocation Area (TRA) in Mfuleni, accessible from Spine Road. The surrounding area comprises predominantly residential and community land uses, including formal housing areas and municipal facilities developed as part of the Bosasa Link housing project. The Bosasa ECD is located centrally within the community.



FIGURE 2: REGIONAL LOCALITY PLAN



FIGURE 3: LOCAL CONTEXT LOCALITY PLAN

2.2 ZONING

Portion 4 of Farm 952, Stellenbosch, is currently zoned Limited Use Zone in terms of the City of Cape Town Development Management Scheme (DMS). A formal zoning extract was obtained from the City of Cape Town confirming this zoning designation, along with guidance on the proposed way forward for a future land use application. A copy of the zoning confirmation is attached as ***Annexure D.***

The surrounding area is predominantly characterised by properties zoned Limited Use Zone, Residential Zone 2 and Transport Zone 2, reflecting a mix of community, residential and transport-related land uses within the broader Mfuleni context.

ZONING SCHEME EXTRACT
City of Cape Town Municipal Planning By-Law, 2015

On the date reflected above, Council's records indicated the property listed below to be zoned for the following purposes:

Property description	Portion 4 of Farm 952, Stellenbosch Farms
Physical address	44 Old Faure Road, Driftsands
Base Zoning	Limited Use Zoning
Subzoning	N/A
Overlay zoning (if applicable)	N/A
Primary land uses permitted	See attached extract of the Development Management Scheme, 2015 (as amended 2022). Only lawful primary uses are permitted that existed at the commencement date of the Bylaw, November 2015; hence only uses permitted by the historic LFTEA approval/conditions (see below).
Other previously approved use rights (if any)	**See attached and summary below:** - LFTEA approval (Provincial file ref 3/6/2 (2013/104) – integrated land use and environmental approval to establish a less formal settlement, in accordance with *a Proposed Layout Option 5*, subject to various conditions. **This LFTEA approval cannot lapse; however, correct zonings must still be identified.** - Case 70379861 – temporary departure for sandmining, which approval was only valid for 1 year, **hence lapsed.** - Case 70447648 – subdivision (relating to the above LFTEA approval) and departures to accommodate the community/ECD facility on a separate erf, and departures relating to parking and building lines. The subdivision and building line departures **have lapsed**, but the parking departure **has been acted on and cannot lapse**, as such parking is existing. **Way forward:** - The applicants need to submit an application for subdivision and zoning correction to align with the LFTEA approval. - The applicant should contact PGWC to obtain a copy of the Layout Option 5, as referred to in the LFTEA approval. - Note, the zoning correction application must include all evidence, previous approvals etc.
Road widening / new road schemes (if any)	Subject to confirmation with applicable roads authority.

FIGURE 4: ZONING SCHEME EXTRACT

2.3 EXISTING AND SURROUNDING LAND USES

The Early Childhood Development (ECD) facility comprises several Kwikspace modular container buildings arranged around a central outdoor play area. The play area includes playground equipment and artificial grassed surfaces, providing a safe and engaging environment for children. The facility is enclosed with Clear-Vu fencing, and the premises appear to be well maintained and in good condition.

The surrounding area forms part of the Bosasa community, which is primarily residential in character. The Bosasa Youth Development Centre is situated to the south of Old Faure Road, contributing to the broader social and community infrastructure in the area.

2.4 SPATIAL POLICY CONTEXT

2.4.1 City of Cape Town Integrated Development Plan July 2022 – June 2027 (IDP)

The City of Cape Town's Integrated Development Plan (IDP) for 2022-2027 outlines the City's strategic vision and priorities for sustainable development. It serves as a framework for planning and implementing projects that address economic growth, social inclusion and environmental sustainability.

The IDP outlines a comprehensive strategy to address the diverse needs of its residents through 16 key objectives. These objectives are designed to promote sustainable economic growth, improve social equity, enhance environmental sustainability and ensure effective governance.

The key components of the IDP include:

- Economic Growth: Initiatives to boost local businesses, attract investment and create jobs, focusing on sectors like tourism and technology.
- Social Development: Programs aimed at improving housing, education and health services, with an emphasis on addressing inequalities.
- Environmental Sustainability: Strategies for climate resilience, waste management and conservation of natural resources, promoting a greener urban environment.
- Infrastructure Development: Plans for upgrading transport networks, utilities and public spaces to enhance livability and accessibility.
- Community Engagement: Encouraging citizen participation in decision-making processes to ensure that the needs and voices of diverse communities are considered.

Early Childhood Development (ECD) is recognised as a critical area for fostering social development and supporting children's well-being in the IDP. Key references to ECD centres in the IDP include:

1. Access to Quality Education: The IDP emphasises the importance of providing access to quality early childhood education and care, highlighting initiatives aimed at improving ECD facilities and services.
2. Registration and Compliance: The IDP includes measures to support the registration of ECD centres, ensuring they meet regulatory standards. This promotes quality and accountability in early childhood education.
3. Social Services Integration: The IDP mentions integrating ECD into broader social services, ensuring that families have access to necessary support, including health services and parental guidance.
4. Community Support Programs: The IDP references community-based programs that support ECD, encouraging local organizations and stakeholders to collaborate in creating safe and enriching environments for young children.
5. Investment in Human Capital: Recognising ECD as a foundation for lifelong learning, the IDP highlights the importance of investing in early childhood initiatives to build a skilled future workforce.

These references demonstrate the city's commitment to prioritising early childhood development as a vital component of social equity and long-term community resilience, while also ensuring that ECD centres operate within a regulated framework to maintain quality standards.

2.5.2 City of Cape Town Municipality Spatial Development Framework (MSDF)

The Municipal Spatial Development Framework (MSDF) determines the spatial vision, policy parameters and development priorities for Cape Town. The framework helps to prioritise, coordinate and align investment in public infrastructure, to guide and manage the growth and development of the city’s land over the next 20 years and beyond.

The MSDF forms part of the five-year Integrated Development Plan (IDP), however, it supports a long-term plan beyond the IDP timeline.

The Bosasa ECD is located within an 'Incremental Growth and Consolidation Area', an established urban environment that is not immediately defined by major structuring elements such as development corridors or nodes. In these areas, the City encourages the densification and intensification of existing land uses. There is also a strong emphasis on optimising the design and utilisation of social and community facilities to support sustainable growth and enhance service delivery.

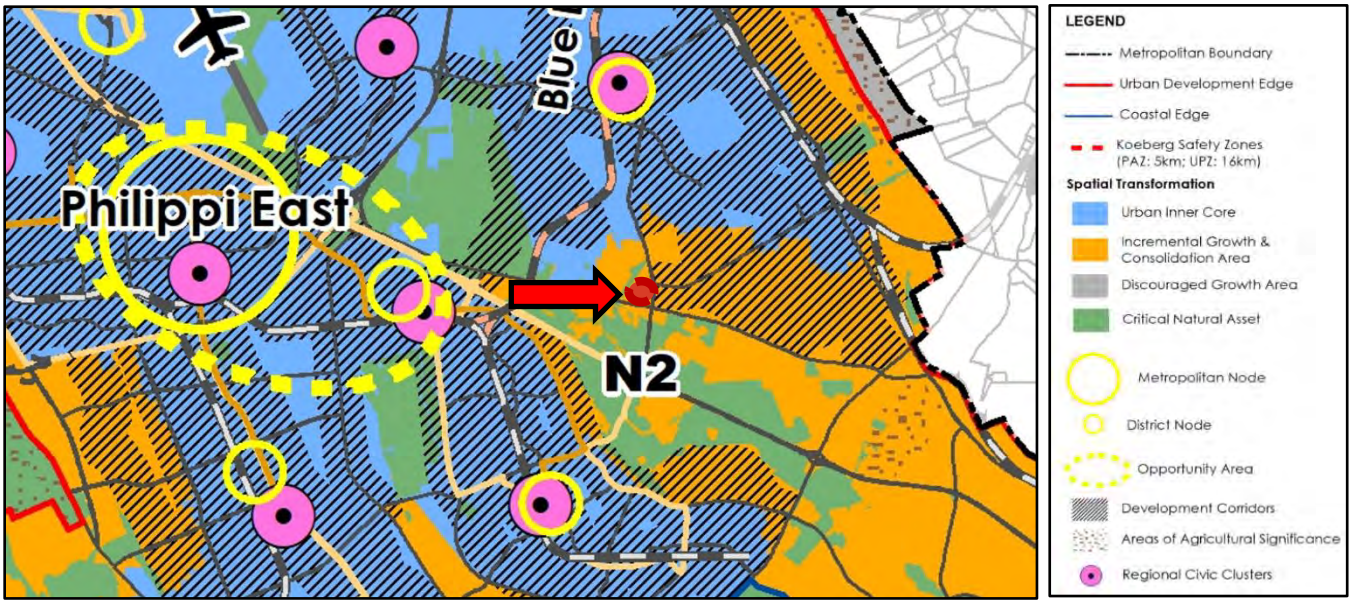


FIGURE 5: CITY OF CAPE TOWN MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

The policy guideline tables in the MSDF provide a guide for consideration of land development assessments of development applications and preparation of sector plans, lower-order spatial plans, detailed policies, guidelines and implementation plans. The policy guidelines are predicated on the development principles in SPLUMA and are intended to provide a consistent framework for land development in spatial planning and land use management systems. This is to ensure inclusive, equitable and efficient spatial planning and land use management systems that achieve the City's desired urban-form-premised inward growth.

Spatial strategy 3 (Sub-strategy 3.1 & 3.2): Policies 23, 24 & 25 are applicable to ECD's and the regularisation programme:

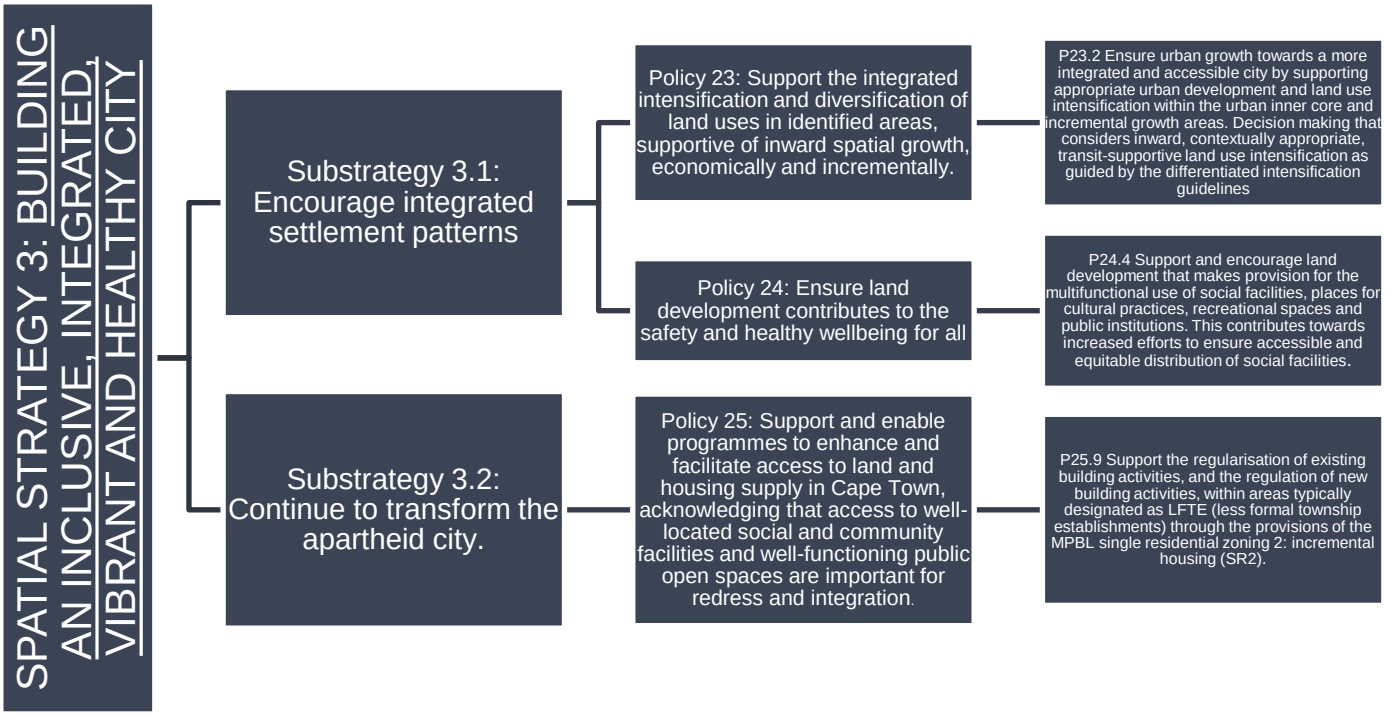


FIGURE 9: APPLICABLE MSDF POLICY GUIDELINES

2.5.3 Khayelitsha, Mitchells Plain & Greater Blue Downs District Plan

The MSDF provides the main spatial direction to the District Spatial Development Frameworks (DSDFs). The DSDFs translate the MSDF vision and policy objectives in detail in the eight spatial districts. The Bosasa ECD is located within the boundary of the Khayelitsha, Mitchells Plain & Greater Blue Downs District Plan.

The ECD is located in "Subdistrict 8: Mfuleni, Fairdale and Fountain Village" in an area designated for Potential High-Density Residential Development, with the existing wetland areas identified as Core Biodiversity Areas of Coincidence. These areas represent locations where critical biodiversity intersects with existing or potential urban development. Their designation highlights the need for careful management to balance ecological protection with development objectives, ensuring that sensitive habitats and ecological corridors are conserved within the broader urban fabric.



FIGURE 6: KHAYELITSHA, MITCHELLS PLAIN & GREATER BLUE DOWNS DISTRICT PLAN (SUBDISTRICT 8)

2.5.4 Community Services & Health Infrastructure Plan (2019 -2034)

The Community Services & Health Infrastructure Plan (CSHIP) is an infrastructure and investment framework aimed at addressing the social service needs of Cape Town's residents in an efficient and sustainable way. The plan guides high-level decision-making, including multi-year budgeting, and aligns with the City's corporate strategies, addressing both short- and long-term priorities. CSHIP, spanning 15 years and reviewed every five years, is informed by the City's legislative context and urban challenges, including significant socio-economic disparities, urbanisation, and health issues. The plan emphasises the importance of improving social infrastructure, facilities, and programs to enhance the quality of life for citizens while supporting Cape Town's global competitiveness.

CSHIP presents a rational planning approach to address historical facility imbalances, rapid urban growth, and facility management challenges. The plan identifies key gaps in service delivery and recommends a Facility Development Framework (FDF) and an Implementation Framework (IF) to prioritize and optimize investments in social infrastructure. Future investments will focus on precinct planning, clustering, and co-locating facilities to maximize the benefits for residents. The plan prioritizes 24 precincts and outlines processes for detailed planning, design, and project execution to ensure efficient resource use and enhance community development.

Community Arts and Culture Development (CA&CD) is responsible for improving the well-being of citizens with a particular emphasis on vulnerable and poverty-stricken groups. It aims to undertake this through the delivery and provision of community-based social and early childhood development services; arts, culture and heritage programs; facilities; and developmental programs.

Community Arts and Culture Development (CA&CD) is responsible for 39 Early Childhood Development Centres, but also aims to provide support and guidance to hundreds of privately owned and managed ECD's which are often unregistered, have insufficient space or facilities to meet registration requirements and practitioners that are not adequately trained to effectively manage the facilities to best address the needs of their vulnerable clients. CA&CD is focused on assisting with the registration of facilities, construction of new ECD's on City-owned land, as well as training and capacity building of ECD practitioners, caregivers, parents and ECD forums. The department supports and facilitates the registration (and compliance with legislative requirements) for better functioning ECD's.

2.5.5 Designing Quality Places: Urban Design Policy (2024)

The Urban Design Policy offers guidance for creating sustainable, vibrant places. It emphasizes the importance of compact, walkable environments as the most sustainable way of living. The policy aims to foster spaces that are functional, attractive, safe, environmentally sustainable, economically prosperous, and socially inclusive. It also prioritizes the development of local identity, a strong sense of place, and cultural responsiveness in urban design.

The policy is guided by overarching design principles that aim to achieve a more resilient and spatially integrated city, that is aligned with the City's strategic objectives and IDP. Emerging from these fundamental principles are the nine policy objectives:

- Objective 1: Ensure legible spatial structure
- Objective 2: Create good quality open space through placemaking.
- Objective 3: Contribute to the creation of healthy and safe communities
- Objective 4: Design streets as positive public space
- Objective 5: Promote intensity, diversity and adaptability of uses
- Objective 6: Ensure positive interfaces onto the public realm
- Objective 7: Provide support to sites of informality
- Objective 8: Value and enhance green open spaces
- Objective 9: Respond to the character and identity of an area

The ECD regularisation program and any proposed improvements or redesigns of ECDs should align with the Urban Design Policy, particularly objectives 1, 3, and 9.

2.5.6 City of Cape Town Densification Policy (2012)

The City of Cape Town's densification policy is a strategic initiative aimed at promoting sustainable urban development by increasing population density within existing urban areas. By focusing on efficient land use and the integration of residential, commercial, and recreational spaces, the policy seeks to mitigate urban sprawl and enhance the livability of neighborhoods. It emphasizes the importance of creating vibrant, mixed-use environments that provide easy access to essential services and amenities, while also addressing housing shortages and fostering social cohesion. Through thoughtful planning and community engagement, the densification policy aims to shape a more resilient and inclusive city for all residents.
The densification policy encourages the development of mixed-use neighborhoods, which can support the establishment of ECD centres within residential areas. This enhances accessibility for families, making it easier for children to attend these facilities. The densification strategy further promotes integrated development, allowing ECD centres to be part of broader community services and amenities. This integration can enhance support for families and children. The ECD Regularistaion Programme is therefore in line with the City's Densification Policy.

SECTION 3 THE PROPOSAL

3.1 PREVIOUS APPROVALS

3.1.1. Environmental Authorisation

Environmental Authorisation (EA) was granted in May 2013 in terms of Chapter 1 of the Less Formal Township Establishment Act (Act 113 of 1991) and Section 24K of the National Environmental Management Act (Act 107 of 1998) for the establishment of a Temporary Relocation Area (TRA) on Portion 4 of Farm 952. A copy of this authorisation is attached as ***Annexure E***. The EA specifically approved Layout Option 5 as the preferred development alternative.

The applicant engaged with the Provincial Government to obtain a copy of Layout Option 5. In response, Mr. Eldon van Boom provided Layout Options 1 to 4, noting that the approved Option 5 could not be located in the departmental records. However, the Environmental Authorisation confirms that Layout Options 4 and 5 share the same development footprint, thereby allowing reliance on the available layout information. This extract from the EA and layout option 4 are shown below.



Layout Option 4:
This alternative introduces a new block in the South West corner below the wetland. The entire site, except for the wetlands and a 20m buffer zone around it, will be developed. This option provides 1115 units.

Even though Option 4 was acceptable in that it makes provision for the maximum amount of housing opportunities on the site. It was however not preferred based on internal layout design issues.

Layout Option 5 (Herewith Authorised)
Different design approaches were considered, taking into account, amongst others, road width variances and different configurations. The same footprint as in option 4 is proposed. However, depending on the final design, the number of units may be less than 1115.

This is the most preferred option, as it takes into account the sensitive biophysical elements on the site, while also allowing an opportunity to implement best planning design practices.

FIGURE 7: LAYOUT OPTION 4 & EXTRACT FROM ENVIRONMENTAL AUTHORISATION

3.1.2. Municipal By-Law Approvals

In addition to the environmental approval, the following Municipal Planning By-Law (MPBL) applications are relevant to the property:

- Case No. 70379861: Temporary departure approval for sand mining, valid for one year only and has since lapsed.
- Case No. 70447648: Approved on 21 October 2019, authorising the subdivision of Portion 4 of Farm 952 as well as permanent parking and building line departures. A copy of this approval is attached as ***Annexure F.*** According to confirmation received from the District Planning Office, the subdivision and building line departures have lapsed. However, the parking departure remains valid, as it has been implemented on site and is therefore considered acted upon.

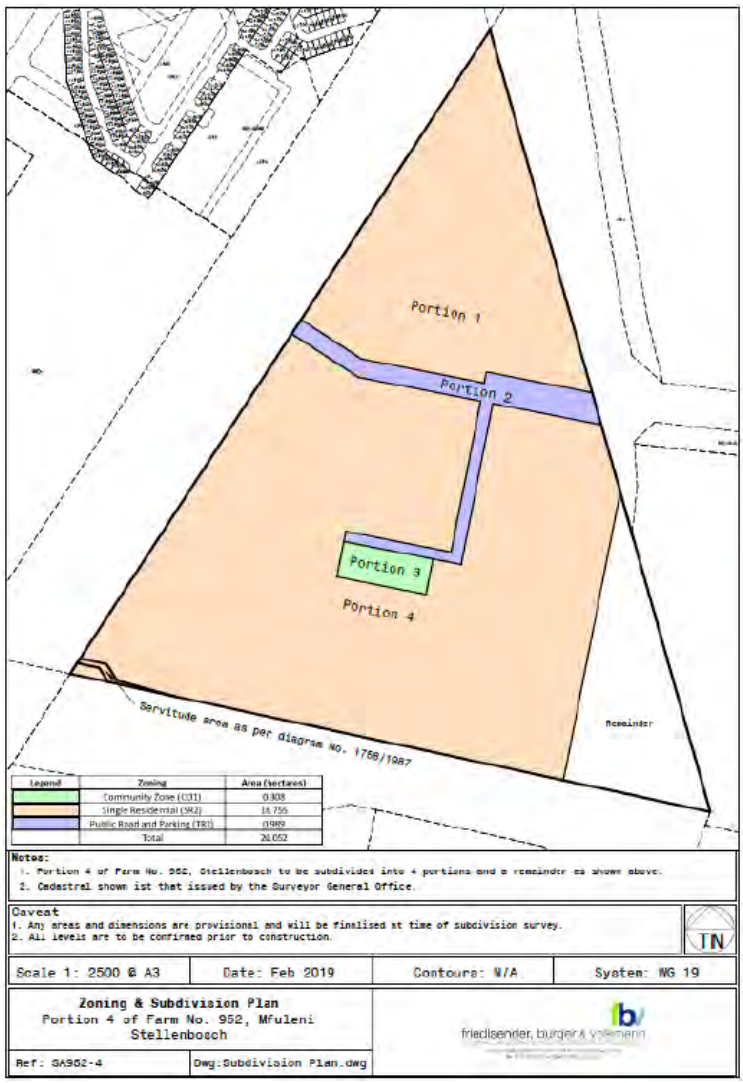


FIGURE 8: PREVIOUSLY APPROVED SUBDIVISION PLAN (THIS APPROVAL HAS LAPSED)

- Case Nr 1500154500 (this application): This application relates to this existing case originally submitted in October 2025, which at the time included the subdivision and zoning correction of the entire property. A refusal letter was subsequently issued in November 2025 relating to compliance with all LFTEA conditions associated with the approval of the broader Bosasa area, which formed part of a housing development at the time.

  Subsequent engagement took place with Development Management, during which the applicant clarified that the purpose of the current application is limited to the regularisation of the existing ECD facility, in accordance with the appointment and instruction from the Community Arts and Culture Development Department (CA&CD), under which ECD facilities vest within the City.

It was further noted that CA&CD cannot reasonably be held responsible for compliance with conditions of approval relating to the broader housing development, as such matters fall within the mandate of the relevant City Housing Department.

Accordingly, the current application is solely focused on the regularisation of the existing ECD facility.

3.2 EXISTING FACILITY OVERVIEW

The facility consist of several Kwikspace modular container buildings (1 x kitchen unit, 2 x ablution units & 8 classrooms) arranged around a central outdoor play area. The play area includes playground equipment and artificial grassed surfaces, providing a safe and engaging environment for children. The facility is enclosed with Clear-Vu fencing, and the premises appear to be well maintained and in good condition.

- **Enrollment:** The maximum capacity of the ECD is 180 children.
- **Accommodation**: No accommodation is provided on-site, as there are no residents living at the facility.
- **Operating Hours:** The ECD facility operates from 06:00 to 18:00.
- **Parking:** According to the DMS, facilities with more than 34 learners in standard areas require an informal on-street stop-and-drop facility.
- **Building Alterations:** No major building alterations are planned for the ECD facility. However, regulatory compliance works may be carried out as part of the facility's regulation process and regular maintenance.

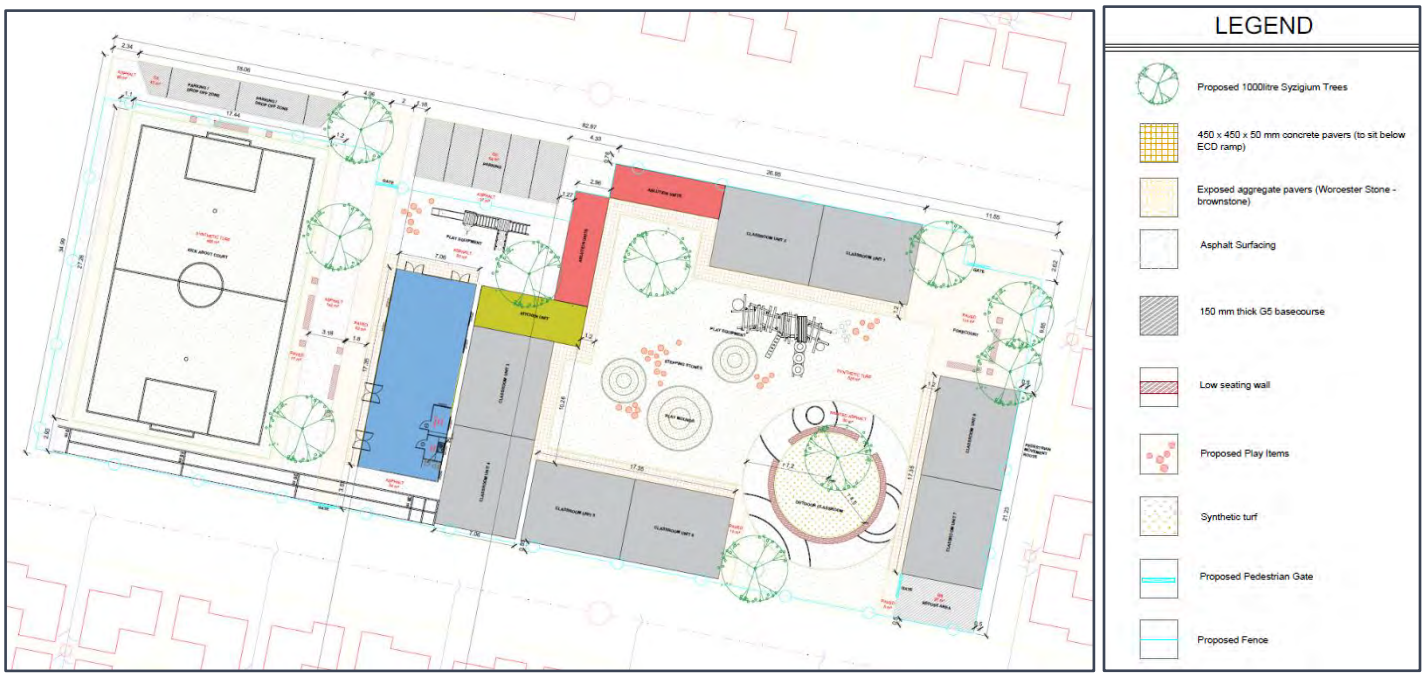


FIGURE 9: BOSASA ECD FACILITY SITE DEVELOPMENT PLAN AND AS-BUILT

3.3 PROPOSED SUBDIVISION

Application is made in terms of Section 42(d) of the City of Cape Town Municipal Planning By-law, 2015 (as amended), for the subdivision of Portion 4 of Farm 952, Stellenbosch into Portion 1 (measuring approximately 0.30 ha) and the Remainder (measuring approximately 21.79 ha), together with the registration of a temporary right of way servitude over the Remainder in favour of Portion 1 to provide interim access.

The proposed subdivision is limited in scope and is solely intended to facilitate the regularisation of the existing ECD facility located on Portion 4 of Farm 952, Stellenbosch, in accordance with the instruction and appointment by the City's PD&PMO

Deaprtment on behalf of the Community Arts and Culture Development Department, under which ECD facilities vest. No additional land use rights are created through this application.

The broader regularisation of the remainder of the Bosasa site, including matters relating to compliance with conditions associated with the historical housing development approvals and LFTEA authorisations, falls outside the scope of this application and is to be addressed at a later stage by the relevant City Housing Department.

The proposal therefore consists of the following:

- Portion 1 measuring approximately 0.30 ha;
- The Remainder measuring approximately 21.79 ha; and
- A temporary right of way servitude over the Remainder in favour of Portion 1 for interim access purposes.

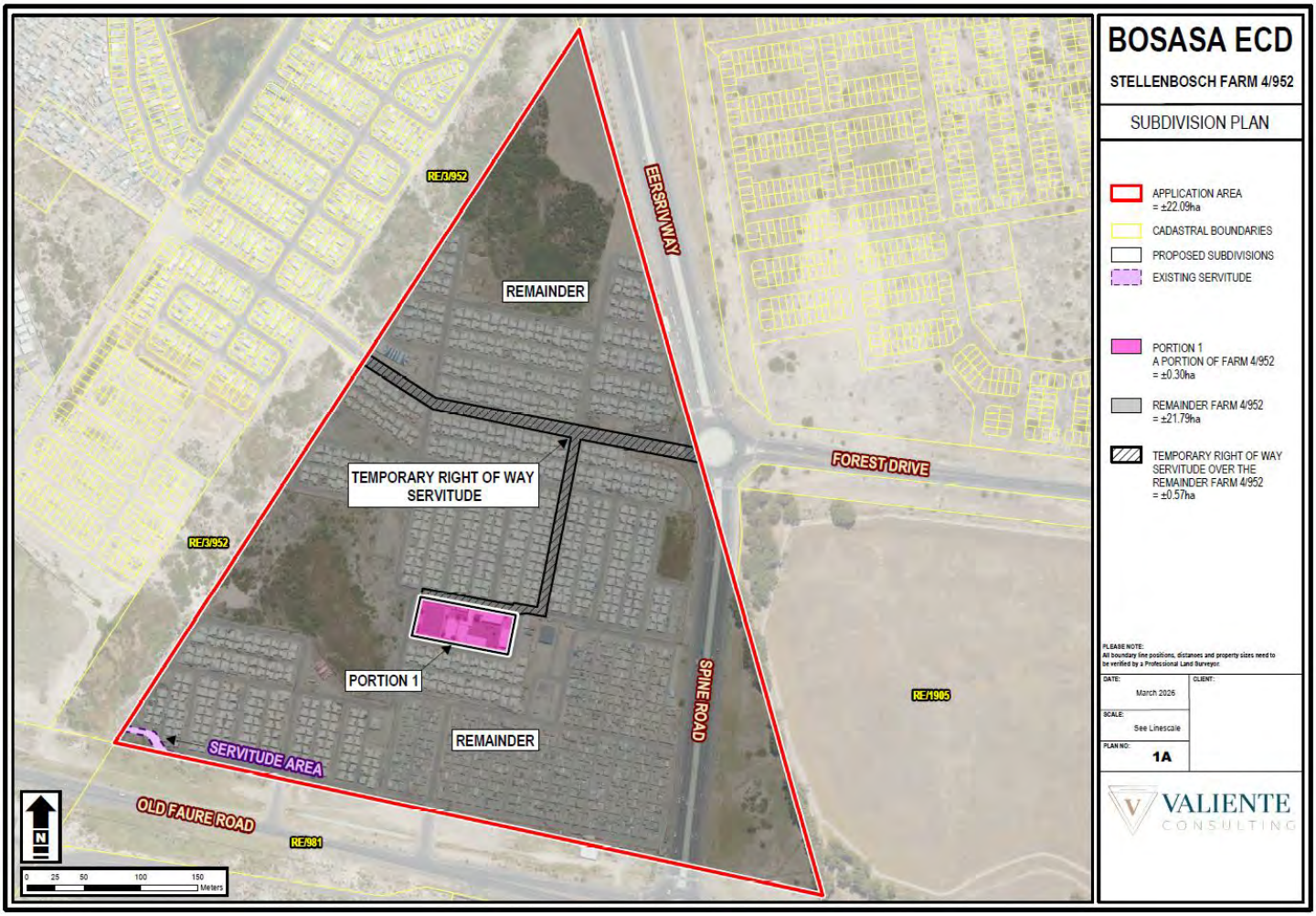


FIGURE 10: PROPOSED SUBDIVISION PLAN (ANNEXURE G)

3.4 PROPOSED REZONING

Application is made in terms of Section 42(a) of the City of Cape Town Municipal Planning By-law, 2015 (as amended), for the rezoning of Portion 1 (a portion of Portion 4 of Farm 952, Stellenbosch) from Limited Use Zone (LU) to Community Zone 1 (CO1).

The proposed rezoning is limited in scope and relates solely to Portion 1, which accommodates the existing Early Childhood Development (ECD) facility. The intention of the application is to regularise the current lawful land use associated with the ECD facility and to ensure that the zoning accurately reflects the existing and authorised use of the property.

The proposed rezoning does not create any additional development rights beyond those required for the continued operation of the ECD facility and is consistent with the approved and existing use on site.

In line with the overall planning approach for the remainder of the property, any future zoning or regularisation of the balance of the site will be addressed separately by the relevant City Housing Department as part of a subsequent process.

The proposed rezoning therefore provides for the following:

- Portion 1 measuring approximately 0.30 ha: from Limited Use Zone (LU) to Community Zone 1 (CO1).

The rezoning is administrative and regularisation in nature and is intended to align the zoning with the existing ECD land use, in accordance with the City of Cape Town Municipal Planning By-Law provisions and the principles of SPLUMA, including certainty in land use management and the formalisation of existing community infrastructure.

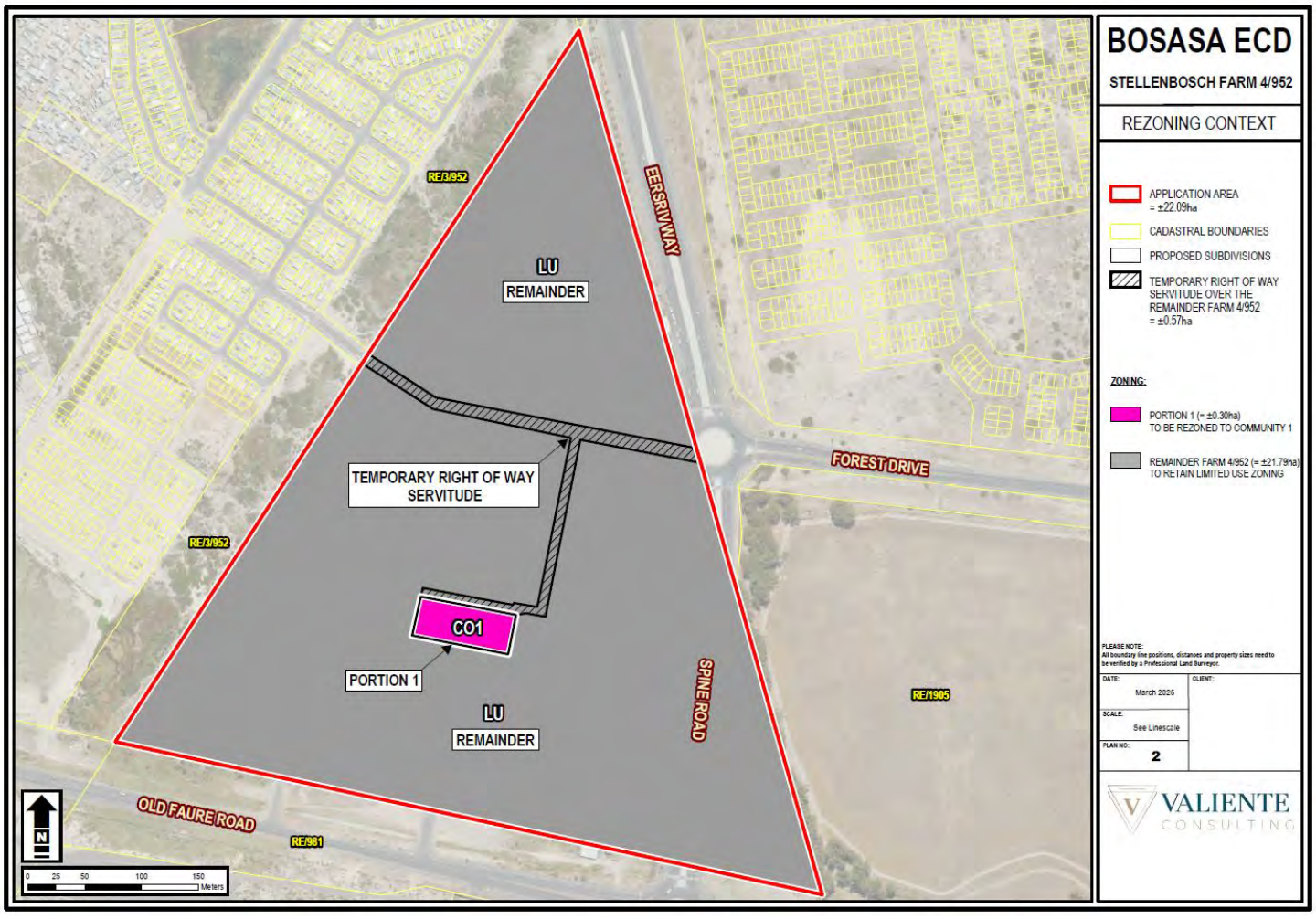


FIGURE 11: PROPOSED REZONING PLAN (ANNEXURE H)

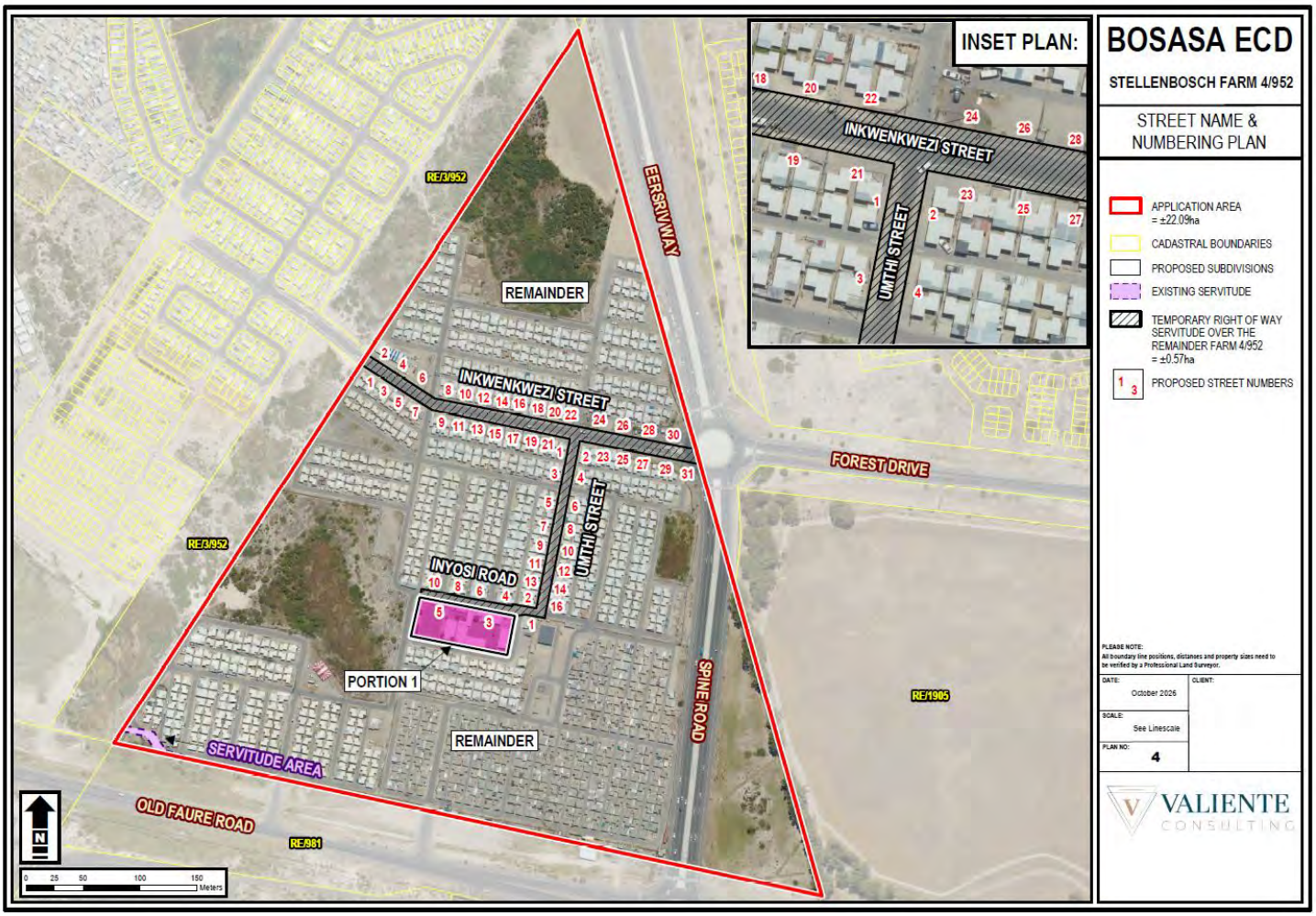


FIGURE 12: PROPOSED STREET NAMES AND NUMBERING (ANNEXURE J)

3.5 PROPOSED PERMANENT DEPARTURE

In respect of Portion 1, which accommodates the ECD facility, it is proposed to apply for permanent departures from the building line requirements as follows:

- Northern boundary (street building line): 1.6 m in lieu of 3 m
- Eastern boundary (common boundary building line): 1.5 m in lieu of 3 m
- Southern boundary (common boundary building line): 1.5 m in lieu of 3 m

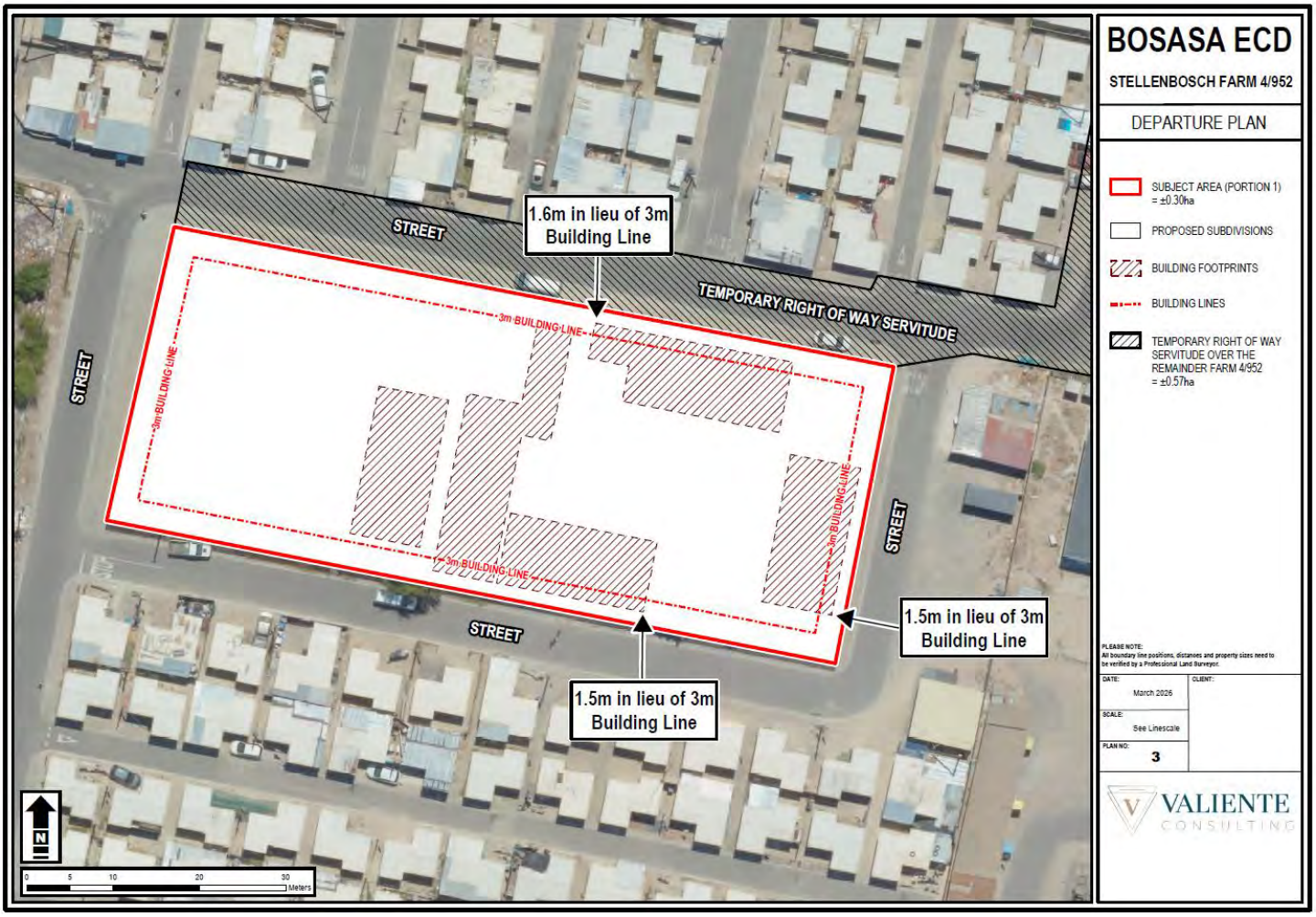


FIGURE 13: PROPOSED DEPARTURE PLAN (ANNEXURE I)

The following is motivation to grant the building line departures:

- Alignment with existing development: The ECD building has already been constructed in accordance with existing approvals at the time of construction. At that time, building line departures were granted, but these approvals have since lapsed. The current application seeks to regularise the building's position and restore the necessary legal rights in line with the previously approved footprint.
- Site and contextual constraints: Portion 1 is relatively small (±0.30 ha), and the dense population within the TRA area necessitates building line departures to optimise the available land while ensuring the ECD facility functions effectively.
- No adverse impact on neighbours or streetscape:
    - The reduced northern boundary line still provides adequate space for access, landscaping and pedestrian movement along the street.
    - The reduced eastern and southern boundaries do not adversely affect adjoining properties, as these areas are primarily open space or internal circulation zones.
    - The departures do not compromise privacy, safety or the amenity of neighbouring properties.
- No increase in density or land use rights: These departures do not create additional land use rights or intensify development on Portion 1. The intention is solely to formalise and legalise the existing built footprint in accordance with approved zoning and land use.

The proposed departures are reasonable, contextually appropriate and necessary to regularise the existing ECD building on Portion 1. They are in line with both the City's planning objectives and broader spatial planning principles, ensuring that the facility can continue to operate lawfully and effectively in a dense TRA area.

3.6 CIVIL & ELECTRICAL ENGINEERING SERVCES

The civil and electrical services for the Bosasa community were designed by Bergstan in 2019 and were approved at the time of construction.

The Proposed Civil Services, Surfacing Layout and Details for the ECD are attached as ***Annexure K***. The Electrical Certificate of Compliance (COC) and Generator Certificate of Compliance (COC) are attached as ***Annexures L and M***, respectively.

3.7 ADMINISTRATIVE PENALTY EXEMPTION

Council approved the exemption to submit an application for an administrative penalty for structures or land uses which contravene the Development Management Scheme (DMS) for certain categories of contraventions. In terms of ECD's the following is exempted:

The land use activities of home child care, informal trading, place of worship and place of instruction, subject thereto that:

a. *the property is located or the land use contravention is within a government subsidised housing development or informal township or within the area of the map attached hereto.*

The Bosasa ECD is located in an exempted area as indicated on the City's zoning map viewer as illustrated below in blue hatching:

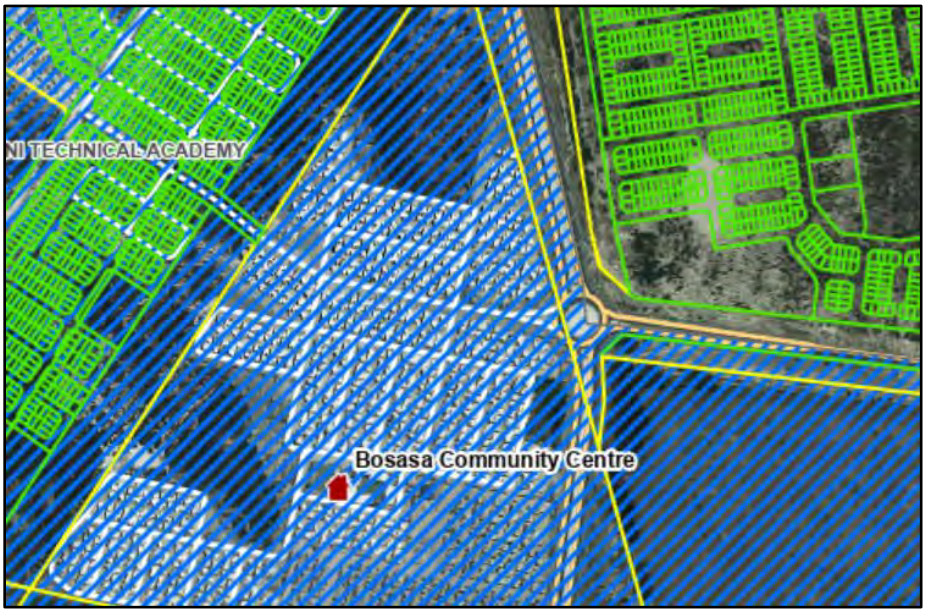


FIGURE 14: BOSASA ECD WITHIN AN ADMINISTRATIVE PENALTY EXEMPTION AREA

SECTION 4 MOTIVATION IN TERMS OF SECTION 99 OF MPBL

Section 99 of the By-Law sets out the criteria for deciding on an application.

4.1 Section 99(1)

The application complies with the minimum threshold requirements set out in Section 99(1), given that the proposal is desirable and consistent with the municipal spatial development framework (MSDF).

4.2 Section 99(2)

In terms of this subsection, the application must be approved for the following reasons:

(a) The proposal aligns with the relevant spatial development framework and district plan, as detailed in section 2.4 of this report.
(b) The application is for the regularistaion of the ECD in order to comply with relevant criteria contemplated in the DMS.
(c) The proposal complies with relevant approved City policies. It also supports the Economic Growth Strategy (EGS) by actively contributing to job creation. Additionally, the regularisation of an ECD Centre aligns with the City of Cape Town's Social Development Strategy (SDS) by enhancing access to quality education, particularly for vulnerable children from disadvantaged backgrounds. It supports the SDS's goals of improving safety, health, and well-being by ensuring the ECD facility meets all safety, health, and regulatory standards. Additionally, it fosters community empowerment by providing job opportunities and access to funding for staff development. The regularisation process strengthens the early childhood education sector, ensuring sustainability and better service delivery, which is key to improving the overall quality of life and promoting social inclusion within the community.
(d) The proposal is desirable as contemplated in subsection (3) of Section 99 (refer Section 4.3 of this report).
(e) The granting of this application will not impact negatively on the existing rights of the public or the surrounding property owners.
(f) The application does not include a consolidation.
(g) The application is consistent with the development principles as contained in section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act no. 16 of 2013).

4.3 Section 99(3)

4.3.1 Socio-Economic Impact

The regularisation of the Early Childhood Development (ECD) Centre will create positive socio-economic impacts for the surrounding community. This project addresses the increasing demand for registered, licensed and quality educational services for young children. By regularising the ECD, the City of Cape Town will provide a well-structured and compliant facility that ensures children in the community have access to essential early education services, which are vital for their development and future success.

The proposed regularisation will enable the ECD facility to meet all legal and regulatory standards, opening up access to provincial government registration and funding opportunities. This will support qualified staff, training programs and the provision of essential services such as meals, improving the quality of education provided to young children. Additionally, it will allow the ECD to enhance its safety standards, addressing fire risks, health concerns and other safety measures critical for young children’s wellbeing. This development aligns with the City’s broader educational and social inclusion goals, ensuring that vulnerable children in the community have a safe and supportive environment for early learning.

4.3.2 Compatibility with Surrounding Uses

The proposed subdivision, rezoning and permanent building line departures in order to regularise the ECD Centre is well-suited to the surrounding land uses in terms of its scale and its role as a place for early childhood development within the community. The facility integrates harmoniously with its surroundings, positively contributing to local infrastructure while meeting the needs of both children and their families, thereby promoting a sense of community continuity and purpose.

4.3.3 Impact on External Engineering Services

The regularisation of the ECD Centre will not have any negative impact on the external engineering services. All essential services, including water, electricity and sewage are already available on the site.

4.3.4 Impact on Safety, Health, and Wellbeing of the Surrounding Community

The regularisation of the ECD Centre will positively impact the safety, health, and wellbeing of the surrounding community. Ensuring that the ECD meets all legislative requirements for licensing and health standards addresses key concerns related to child safety and wellbeing. This facility will provide a safe environment for children to learn and grow, reducing potential risks and improving access to quality early childhood education.

The regularisation process will also address environmental and safety concerns by ensuring that the ECD meets fire, health, and safety regulations designed to protect vulnerable children. Additionally, the formalisation of the facility will reduce the risk of unregulated operations in the area, contributing to the overall order and safety of the neighbourhood.

4.3.5 Impact on the Biophysical Environment

There is no anticipated negative impact on the environment as a result of the proposed regularisation of the ECD.

4.3.6 Impact on Heritage

The proposed regularisation will have no impact on heritage, as there are no heritage resources or features affected by this development.

4.3.7 Impact on Traffic

There is no negative impact on transport or parking. The facility benefits from a very large parking area and has easily accessible access for staff, parents, and visitors, ensuring traffic flow is not adversely affected.

4.3.8 Whether the Imposition of Conditions Can Mitigate an Adverse Impact of the Proposed Use or Development of Land

As there is no negative impact on neighbours, heritage, or traffic, the imposition of conditions is not necessary. The proposed development can proceed without mitigation measures.

SECTION 5 CONCLUSION

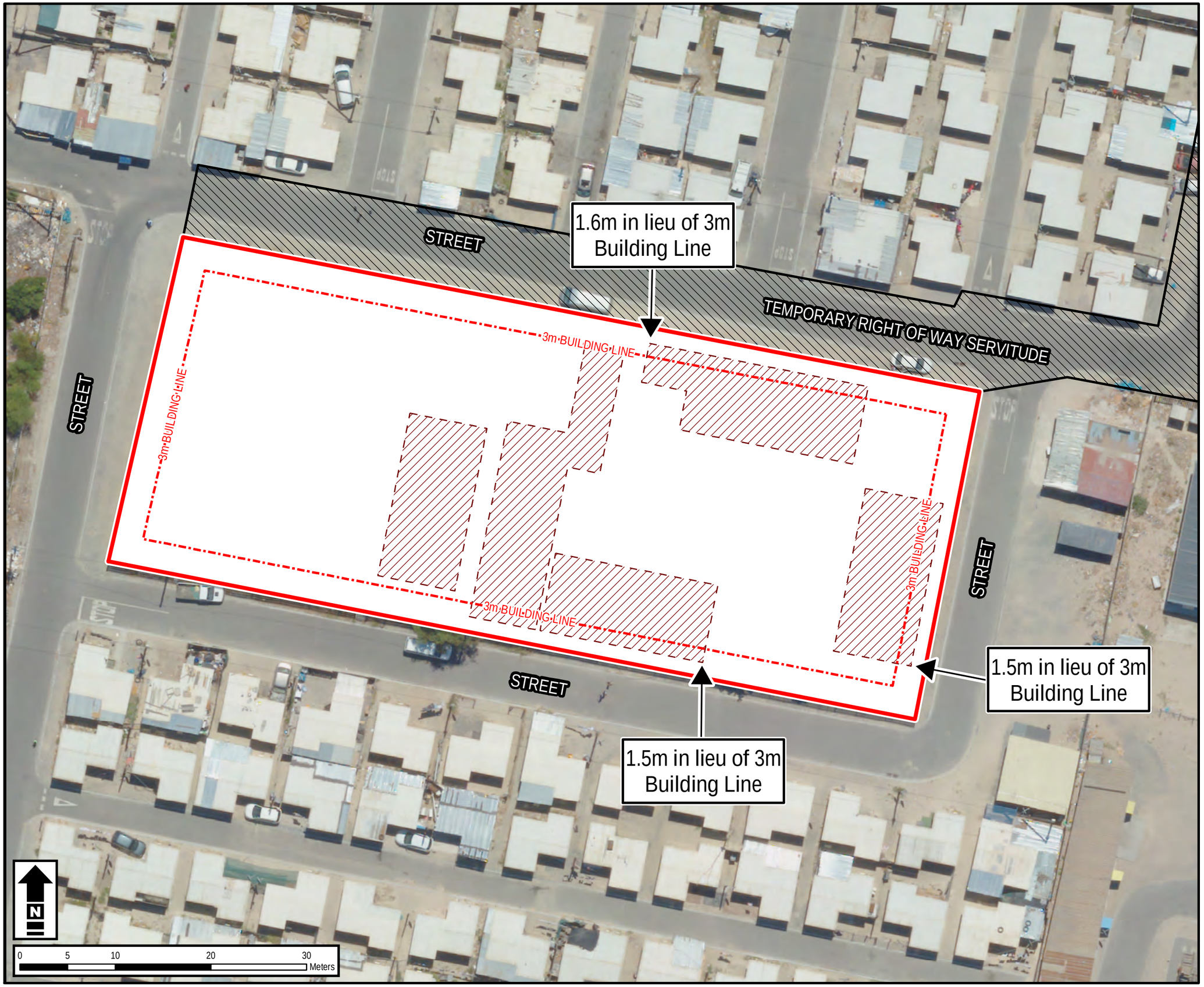
In conclusion, the proposed application for subdivision, rezoning and permanent building line departures for the regularisation of the ECD is both desirable and necessary to ensure compliance with ECD policies. This regularisation will enable ECD operators to complete the required registration, addressing the significant challenge that many ECD centres face due to the lack of compliance with the Municipal Planning By-Law and approved building plans. By obtaining these approvals, ECD operators will gain access to vital opportunities, including registration with the Provincial Government of the Western Cape (PGWC), eligibility for grant funding and compliance with legislative standards that address fire risks and health and safety concerns for vulnerable children.

The proposal meets all adjudication criteria outlined in Section 99 of the By-Law and, therefore, should be **approved.**

BOSASA ECD

STELLENBOSCH FARM 4/952

DEPARTURE PLAN

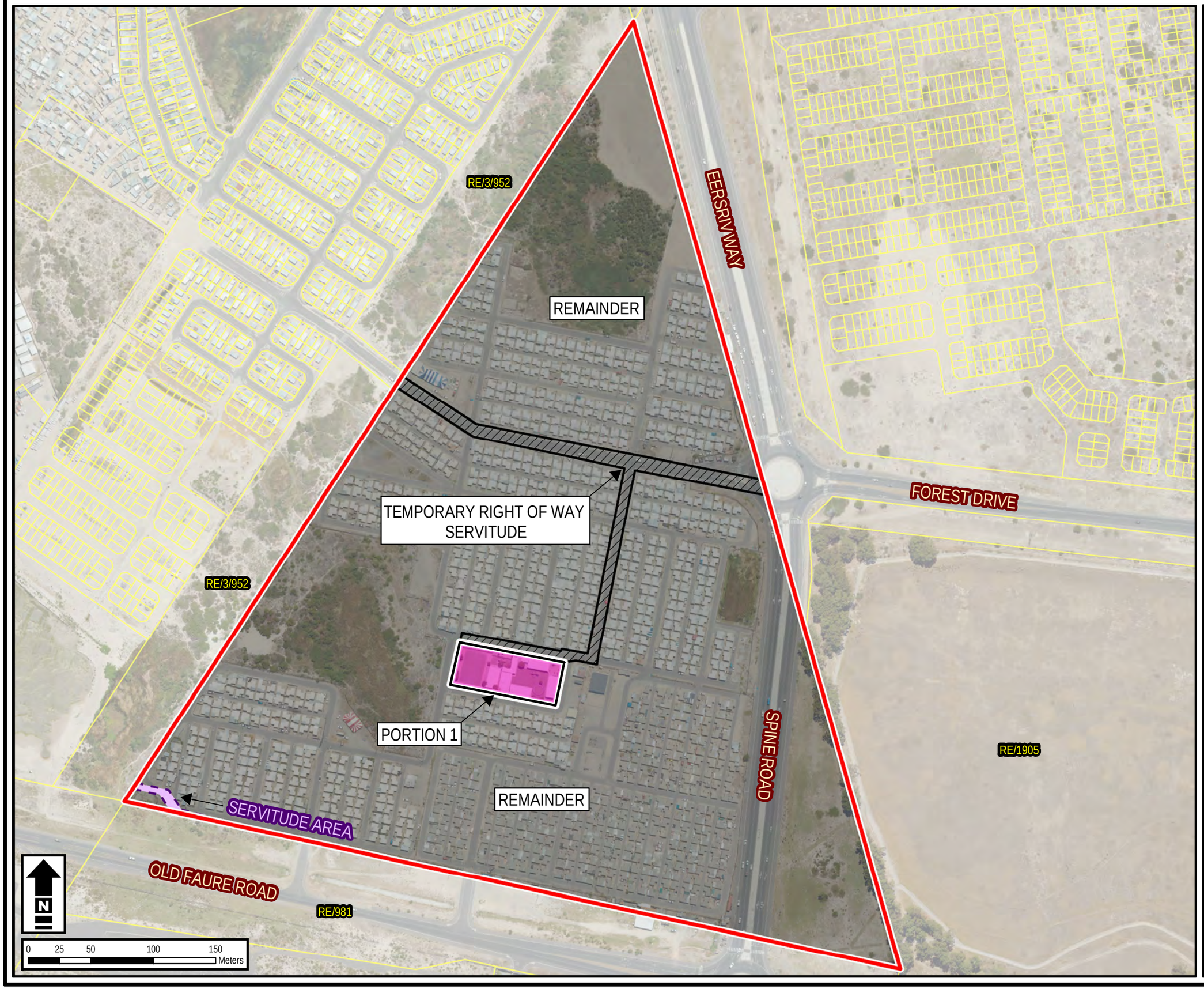


- SUBJECT AREA (PORTION 1) = ±0.30ha
- PROPOSED SUBDIVISIONS
- BUILDING FOOTPRINTS
- BUILDING LINES
- TEMPORARY RIGHT OF WAY SERVITUDE OVER THE REMAINDER FARM 4/952 = ±0.57ha

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

DATE:	CLIENT:
March 2026	
SCALE: See Linescale	
PLAN NO: 3	

VALIENTE CONSULTING



BOSASA ECD

STELLENBOSCH FARM 4/952

SUBDIVISION PLAN

- APPLICATION AREA = ±22.09ha
- CADASTRAL BOUNDARIES
- PROPOSED SUBDIVISIONS
- EXISTING SERVITUDE

- PORTION 1 A PORTION OF FARM 4/952 = ±0.30ha
- REMAINDER FARM 4/952 = ±21.79ha
- TEMPORARY RIGHT OF WAY SERVITUDE OVER THE REMAINDER FARM 4/952 = ±0.57ha

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

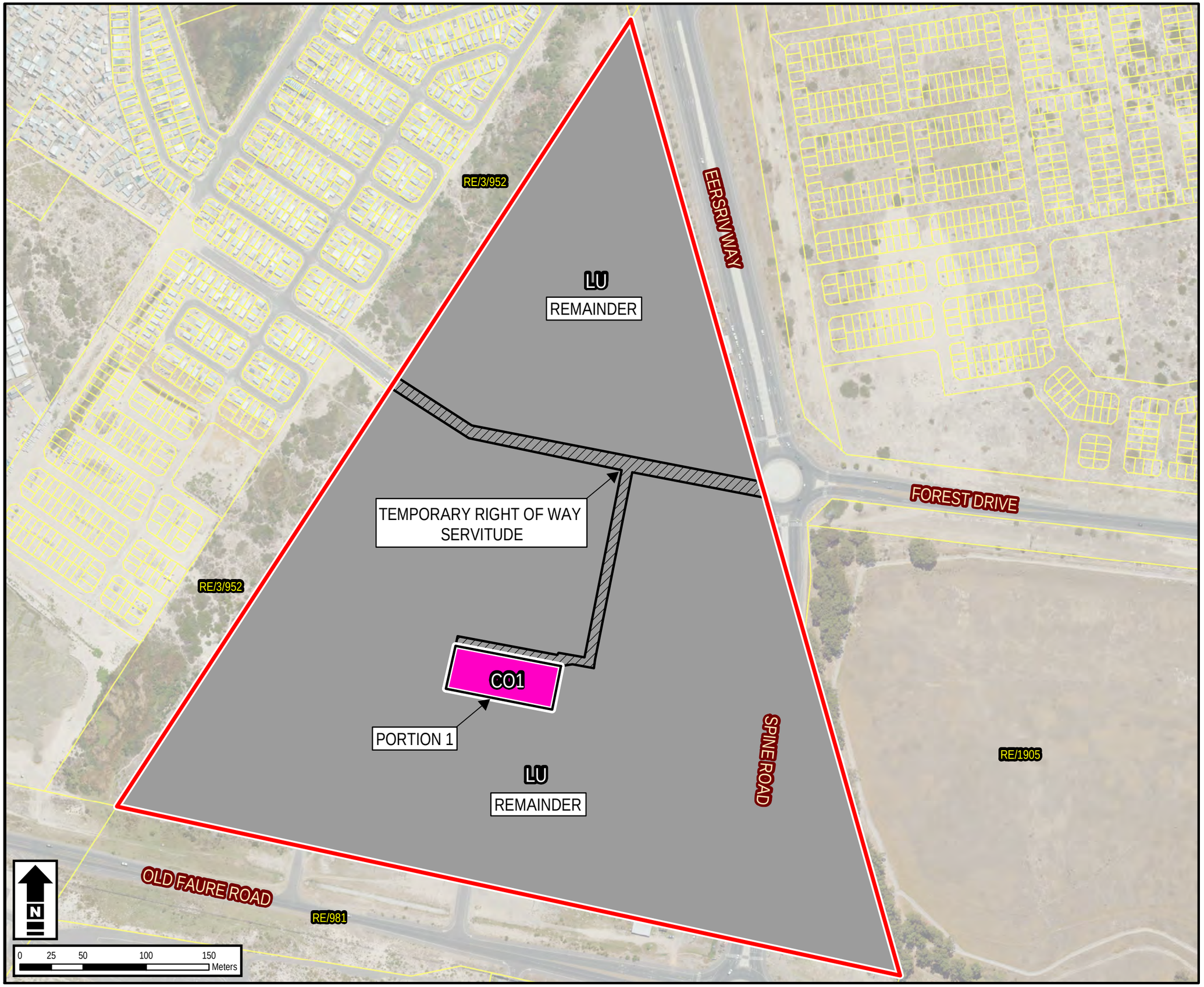
DATE:	CLIENT:
March 2026	
SCALE: See Linescale	
PLAN NO: 1A	

VALIENTE CONSULTING

BOSASA ECD

STELLENBOSCH FARM 4/952

REZONING CONTEXT



APPLICATION AREA
= ±22.09ha

CADASTRAL BOUNDARIES

PROPOSED SUBDIVISIONS

TEMPORARY RIGHT OF WAY SERVITUDE OVER THE REMAINDER FARM 4/952
= ±0.57ha

ZONING:

PORTION 1 (= ±0.30ha)
TO BE REZONED TO COMMUNITY 1

REMAINDER FARM 4/952 (= ±21.79ha)
TO RETAIN LIMITED USE ZONING

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

DATE:	CLIENT:
March 2026	
SCALE: See Linescale	
PLAN NO: 2	

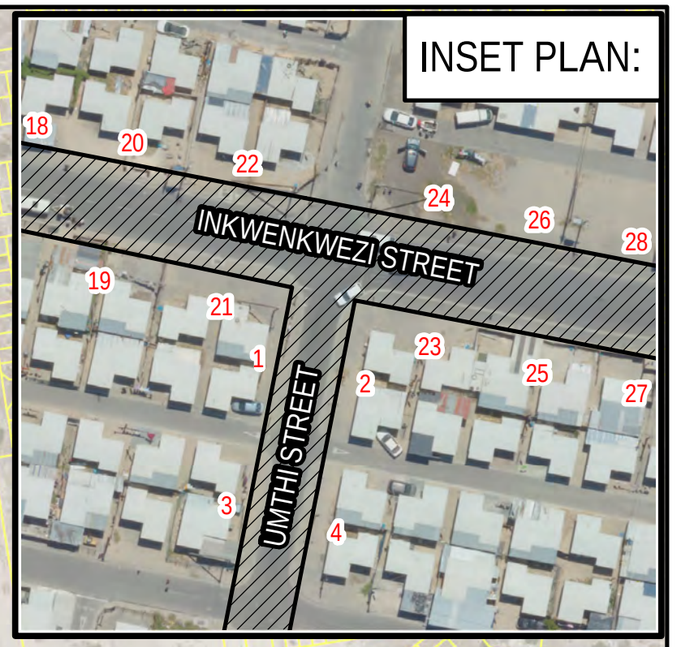
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BOSASA ECD

STELLENBOSCH FARM 4/952

STREET NAME & NUMBERING PLAN

INSET PLAN:



RE/3/952

REMAINDER

EERSRIVWAY

INKWENKWEZI STREET

UMTHI STREET

INYOSI ROAD

PORTION 1

REMAINDER

SERVITUDE AREA

SPINE ROAD

FOREST DRIVE

OLD FAURE ROAD

RE/981

RE/1905

N

0 25 50 100 150 Meters

- APPLICATION AREA = ±22.09ha
- CADASTRAL BOUNDARIES
- PROPOSED SUBDIVISIONS
- EXISTING SERVITUDE
- TEMPORARY RIGHT OF WAY SERVITUDE OVER THE REMAINDER FARM 4/952 = ±0.57ha
- 1 3 PROPOSED STREET NUMBERS

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

DATE:	CLIENT:
October 2026	
SCALE: See Linescale	
PLAN NO: 4	

VALIENTE CONSULTING