



Application Number: LU/16237 (TP473/2023)

Our File Reference Number: Farm 90/20, Stellenbosch Division

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

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

PER E-MAIL:

Sir / Madam

APPLICATION FOR REMOVAL/AMENDMENT OF CONDITION: FARM 90/20, STELLENBOSCH

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)(h) of the Stellenbosch Municipal Land Use Planning Bylaw on Farm No. 90/20, Stellenbosch for:
 - 2.1.1 Remove condition 4.8 of the appeal outcome letter dated 25/11/2022 in order not to hire a registered Acoustics Engineer to design and calculate the required noise barriers in order for the venue to reduce its overall noise emissions.
 - 2.1.2 to amend condition 4.9 of the appeal outcome letter dated 25/11/2022 in order to amend the condition of approval to read as follows.

"4.9 The operating hours of the restaurant for the preparation of food and refreshments to be served to seated patrons, will be restricted from **08:30 till 18h00** seven days a week. The operating hours may be extended to 22h00 for two days per month. On these days, the kitchen must be closed by 21h00 and the restaurant must be vacated by all patrons by 22h00.

BE APPROVED in terms of Section 60 of the said Bylaw.

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 removal and amendment of an approval condition under consideration and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws 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 conditions listed from the Cape Winelands District Municipalities Health Section in their memorandum dated 16/11/2023, attached as APPENDIX 1, be adhered to.

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

- 4.1 The approved building will be retained and the none provision of noise barriers, will not alter the aesthetic appearance of the site and surrounding environment and will not have a negative visual impact from the nearby scenic routes or surrounding properties.
- 4.2 The proposed agri-tourism activities are still in line with the municipal vision and objectives as set out in terms of the relevant municipal and provincial policy provisions.
- 4.3 Should any noise nuisances occur at any time, it could still be reported to the competent municipal department dealing with Air Quality & Noise Control for investigation, compliance measurement and implementation for required action against the owner/operator of the restaurant.

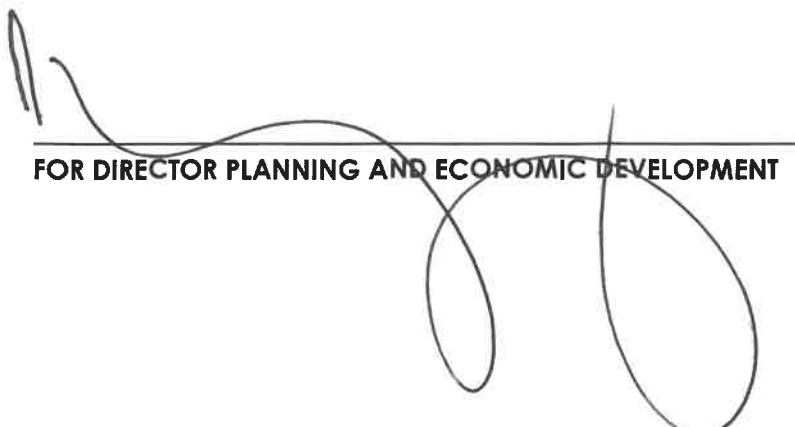
5. **Matters to be noted:**

- 5.1 All previous conditions of approval not removed or amended by this application remains applicable and needs to be complied with.

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



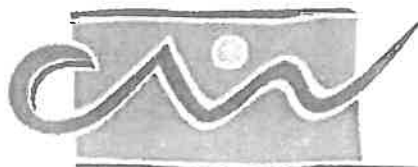
FOR DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

9/9/2024
DATE

OBJECTORS/COMMENTS



APPENDIX 1



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

MEMORANDUM TO/ AAN : N.Katts
(Planning Economic &
Development Services: Stellenbosch Municipality)
Official / Beampte : Ms. N. Ngola
Your ref/ U vrew. : Erf 90/20
Ref No / Verw. No : 15/2/6/1
Date / Datum : 16/11/2023

**APPLICATION FOR CONSENT USE AND DEPARTURE: FARM NR: LU/16237 ERF 90/20, 57
MAIN ROAD, STELLENBOSCH FARM**

There are no objections from an Environmental Health point regarding this application, subject to compliance with the following:

Your letter dated 29 June 2023, in the above regard refers.

From an environmental health perspective this application may be recommended for approval, provided that the following conditions are complied with:

1. Sewerage system from the proposed development must be connected to the Municipal sewerage system according to Stellenbosch Municipality's specifications, conditions, and approval.
2. Sewage disposal on the premises must always take place in a nuisance-free manner and shall be the owner's responsibility.
3. The quality of the potable water on the premises must always comply with the minimum bacteriological and chemical standards for potable water, as determined by SANS code 241.
4. Refuse collection and storage must be done in a way that will not cause a health nuisance.
5. The proposed development must be provided with a refuse area that is large enough to store all the refuse generated on the premises, inaccessible to the public (ie equipped with a lockable door or gate)
6. All areas where food is handled must comply with the minimum requirements for food handling premises as determined in Regulation R638 (General Hygiene Requirements for Food Premises Regulations) in terms of the Foodstuffs, Cosmetics and Disinfectants Act, of 22 June 2018 under the National Health Act.
7. Said food handling areas may in no circumstances be operated without application being made to the Environmental Health Department of the Cape Winelands District Municipality

for a Compliance Certificate. This certificate will only be issued after inspection and if the premises meet the requirements of Regulation R638.

This Department reserves the right to set further requirements during the running of the business.

Please contact me if you have any further questions or comments in this regard.

Yours faithfully



Nplusindiso Nqola
Environmental Health Practitioner
Obo. MUNICIPAL MANAGER