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Reference: 15/4/1 (288) M  
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Coll no: 1813311

EC/HK

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## APPLICATION FOR CONSENT USE AND PERMANENT DEPARTURE: ERF 288 MBEKWENI

1. **Approval is hereby granted** in terms of Section 60(1)(a) of the Drakenstein Bylaw, on Municipal Land Use Planning, 2018, for the following:
  - 1.1 In order to operate a tavern measuring  $\pm 91\text{m}^2$  in extent from a portion of the proposed dwelling structure on Erf 288 Mbekweni, as indicated on the Site Development Plan drawn by K Mbemba Design Studios, Drawing No. Rev 02, dated 23 November 2021, **(See Annexure B)**
  - 1.2 For Erf 288 Mbekweni in order to depart from the permissible development parameters for properties located in Conventional Housing Zones, as indicated on the Site Development Plan drawn by K Mbemba Design Studios, Drawing No. Rev 02, dated 23 November 2021, **(See Annexure B)**; as follows:
    - 1.2.1 For a departure in order to exceed the permissible coverage from 60% to 64%; and
    - 1.2.2 For a departure in order to encroach the 2,00m southern and eastern street building lines from to 1,00m and 1,18m respectively, and encroach the 1.50m northern and western common building line to 1,00m collectively.
2. The approvals mentioned in Paragraphs 1.1 and 1.2 above, is subject to the following conditions, laid down in terms of Section 66 of the Drakenstein Bylaw on Municipal Land Use Planning, 2018:
  - 2.1 Adherence to the conditions laid down by the Drakenstein Municipality: Civil Engineering Services, in its memorandum dated 11 January 2023 (reference 15/4/1/ (288) M (1642)), **(See Annexure C)**;

2./...

3. Adherence to the following conditions from a town planning point of view:
  - 3.1 The approval applies only to the consent use and departures in question and shall not be construed as authority to depart from any other legal prescriptions or requirements;
  - 3.2 No new buildings are to be erected or existing buildings be converted without the prior approval of building plans by Council;
  - 3.3 The applicant obtains the necessary liquor license from the respective licensing authority;
  - 3.4 Any amendments to the application are subject to the relevant approval;
  - 3.5 The proposed on-consumption liquor outlet will be operated from Mondays to Saturdays between 11:00 am to 24:00 pm only. No activities may take place on Sundays;
  - 3.6 That delivery vehicles, used for the delivery of alcoholic beverage supplies to the property, do not exceed a maximum of 3 500kg Tarre individually, and may only occur during the work week during normal office hours;
  - 3.7 That the proposal complies with all respective health requirements;
  - 3.8 Should the applicant fail to comply with any of the above conditions, Council reserves the right to impose further conditions in future if deemed necessary;
4. The following be regarded as the reasons for the decision:
  - 4.1 The proposal is not expected to be out of scale, nor character within the surrounding built environment, due to the utilization of existing infrastructure;
  - 4.2 Business uses play a pivotal role to the economy within the Drakenstein area, and should therefore be supported as far as possible;
  - 4.3 The application is not expected to negatively impact on the health, safety and wellbeing of the surrounding built environment;
  - 4.4 All respective departments support the proposal; and
  - 4.5 The proposal is considered to be consistent with the Drakenstein Spatial Development Framework, as well as the Drakenstein Zoning Scheme Bylaw, as it is located within a Local Economic Development overlay zone.

Your attention is drawn to the general right of appeal to the Executive Mayor being the Appeal Authority in terms of Section 79(3) of the Drakenstein Bylaw on Municipal Land Use Planning, 2018, by any person whose rights are affected by the decision, within **21 days** of notification of decision.

This approval is therefore suspended until further notice. Please also notify (**email or per hand**) the **surrounding property owners** who were notified of the application during the initial public participation process and **the objectors** (if any), of their right of appeal – proof of notification **must** be provided. Should there be any appeals against the decision, the application title (heading) must be used as reference. The appeal procedures are set out in Section 80 of the above-mentioned bylaw (attached).

Your attention is drawn to the fact that all correspondence must be directed to the City Manager and also sent via our official email address.

Yours faithfully



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**H. G. STRIJDOM (PR. PLN A/1058/1998)**  
**MANAGER: LAND DEVELOPMENT MANAGEMENT**