



Col no: 1605445  
Enquiries: J Meyer  
Tel no: 021 807 4836  
Date: 16 April 2021

HK/  
15/4/1 (3231) M

PJ Le Roux  
Town and Regional Planner  
262 Main Road  
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PAARL  
7620

Sir

#### APPLICATION FOR CONSENT USE: 3231 MBEKWENI

I refer to your application ref: V30-73, dated 30 August 2019 and have to inform you that Council's Municipal Tribunal on 30 March 2021, resolved as follows, that:

- “1. *Approval be granted in terms of Section 60(1)(a) of the Drakenstein By-law on Municipal Land Use Planning, 2018, for a Consent Use, in order to utilize portions of the existing dwelling on Erf 3231 Mbekweni as a tavern, including an existing room ( $\pm 12m^2$ ) and a portion ( $\pm 5m^2$ ) of the existing scullery, together with the outside covered stoep area ( $\pm 18.8m^2$ ), as indicated on the Site Plan drawn by P-J Le Roux Town and Regional Planners (Drawing No. 4) dated August 2019 (Annexure F to the departmental report); and*
2. *The approval mentioned in paragraph 1 above be subject to the following conditions laid down in terms of Section 66(1) of the Drakenstein By-law on Municipal Land Use Planning, 2018:*
  - 2.1 *A building plan, indicating the change of use in the relevant portions of the existing dwelling must be submitted to Council for approval;*
  - 2.2 *Approval applies only to the consent use in question, and shall not be construed as authority to depart from any other legal prescriptions or requirements*
  - 2.3 *No more than 20 patrons shall be accommodated within the tavern at any given time;*
  - 2.4 *No loud music shall be played;*

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- 2.5 *Operating hours for the tavern shall be restricted from Monday-Thursday from 10:00-19:00 and Friday-Sunday from 10:00-21:00;*
- 2.6 *The tavern shall solely be operated by a permanent resident of the property, and may not be rented out to an operator that does not permanently reside on the property;*
- 2.7 *No food may be prepared or served in respect of the tavern;*
- 2.8 *The applicant shall become a member of a liquor traders association and abide by the rules and regulations associated with such membership;*
- 2.9 *Adherence to the following conditions laid down by Drakenstein Municipality (Civil Engineering Services Division):*
- 2.9.1 *Streets*
- (a) *Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors.*
- 2.9.2 *Traffic*
- (a) *Any alterations to the existing road network will be the responsibility of the developer which includes design, approval and construction of any additional traffic control and or traffic calming.*
- 2.9.3 *Stormwater*
- (a) *Any new stormwater networks will be the responsibility of the developer, including all internal and bulk connectors;*
- (b) *Pollution control measures to mitigate chemical and solid pollution must be provided at inlet and outlet structures as may be relevant; and*
- (c) *Provision must be made for an effective rainwater harvesting system to be planned and designed for all roof water. The volume of the storage facilities should be based on 0.02m<sup>3</sup>/m<sup>2</sup> roof area.*
- 2.9.4 *Water*
- (a) *The existing water connection must be retained;*
- (b) *All the metered connections must be installed 1m inside the erf boundary of each portion;*
- (c) *Water saving devices shall be installed in toilets, bathrooms and basins; and*
- (d) *Any existing system that is to remain shall be upgraded to minimum municipal standards.*

### 2.9.3 Wastewater Services

- (a) *The existing waste water connection must be retained;*
- (b) *All the connections must be installed 1m inside the erf boundary of each portion; and*
- (c) *Any existing system that is to remain shall be upgraded to minimum municipal standards.*

### 2.9.6 Solid Waste

- (a) *The Municipality undertakes to remove household refuse in accordance with its by-laws and shall make its own arrangements with the occupants of the erf for the removal of such household refuse; and*
- (b) *Municipal refuse trucks will collect the solid waste as a kerbside service on refuse collection days.*

### 2.9.7 Development Charges

- (a) *Based on the information provided in the application, the Development Charge payable by the developer is R29 563.00 (Excl VAT). The levy is valid until 30 June 2020 where after a new calculation be required. The value has been calculated as follows:*
  - (i) *Water = R965.00*
  - (ii) *Sewer = R681.00*
  - (iii) *Roads = R24 351.00*
  - (iv) *Stormwater = R199.00*
  - (v) *Solid Waste = R3 366.00*
- (b) *Note that the Development Charge will only be applicable to the approved SDP provided in the application.*

### 2.9.8 General

- (a) *The developer be responsible for the payment of a Developer's Charge (water, sewer, stormwater, solid waste and roads) which can be discounted against the bulk service cost needed for the development;*
- (b) *All of the works, including but not limited to, roads, stormwater, water, sewers, landscaping, irrigation, etc shall be designed by a suitably registered person (ECSA registration for the civil works and SACLAP registration for the landscaping) and any such works shall be constructed under supervision of such registered person. All such design plans shall be submitted to the Civil Engineering Services Division of Drakenstein Municipality for approval prior to the commencement of construction;*

- (c) *The developer be responsible for the funding of all connections to the bulk services and all internal works;*
- (d) *All works where applicable shall be constructed to at least minimum standards as set out in, Civil Engineering Services Division: Municipal Standards; and*
- (e) *The above conditions are to be complied with in stages:*
  - (i) *Requirements associated with preparation of plans, drawings, permits, agreements and approvals shall be complied with prior to construction;*
  - (ii) *Requirements associated with the completion of construction, development charges, as built drawings, maintenance management plans, agreements, etc. These will be complied with prior to the transfer of any property or occupation of any property/building in the phase; and*
  - (iii) *Proof of compliance for the requirements associated with the long term operations must be available on request.*

**2.10 Adherence to the following conditions laid down by Drakenstein Municipality: Electro-Technical Engineering Division:**

**2.10.1 Only one service cable connection per erf is allowed;**

**2.10.2 No trees or any type of structures may be erected under or near any new or existing electrical infrastructure;**

**2.10.3 The existing building lines to the front of the boundary of Erf 3231 shall not be encroached. A minimum distance of 3m of existing electrical infrastructure shall be kept at all times;**

**2.10.4 All electrical equipment shall comply with Drakenstein Municipality standards and have 24 hour access for maintenance purposes;**

**2.10.5 General**

- (a) *NRS069 Network Recovery Costs will apply and will be calculated according to the following as indicated in the approved tariffs: R9 716.90 per KVA (VAT included). The cost as mentioned above is valid until 30 June 2020 and will escalate thereafter for each upcoming financial year which is between 1 July and 30 June;*
- (b) *The developer will be responsible to carry all cost of the electrical installation;*
- (c) *The network must be upgraded in order to supply the erf of additional power;*
- (d) *All upgrade and service costs must be paid at the Finance Section in cash before any service connection may be rendered;*

- (e) *private installation electrician shall be used to do all installations and alterations according to SANS 10142, Occupational Health and Safety Act (Act 85 of 1993) and Drakenstein municipal by-laws, prior to the development; and*
- (f) *A certificate of compliance and occupational certificate has to be handed over to the Electro-Technical Division (Service Section) on the day the service is rendered or as the case may be.*

2.11 *Should the conditions imposed by this approval not be fulfilled to the satisfaction of Council, then Council reserves the right to impose further conditions in future if deemed necessary.*

3. *The applicant must take note of the following:*

3.1 *The comments submitted by the Cape Winelands Districts Municipality (Health Department) in its letter 17/1/1/4/1/2 dated 06 November 2019 (Annexure J to the departmental report).*

4. *The following be regarded as the reasons for the decisions:*

4.1 *The subject property is located within the Local Economic Development Overlay Zone, which allows for the operation of taverns;*

4.2 *The purpose of the Local Economic Development Overlay Zone is to facilitate home-based businesses in vulnerable communities, which the proposed tavern aligns with;*

4.3 *The proposed tavern is fairly limited in extent, measuring less than 40m<sup>2</sup>;*

4.4 *The tavern will only accommodate a maximum of 20 people at any given time;*

4.5 *Despite being in close proximity to several community-orientated facilities, the proposed tavern is not expected to have a significant impact on the surrounding environment;*

4.6 *The tavern will be operated from an existing building and structure;*

4.7 *Sufficient on-site parking can be provided;*

4.8 *No objections were received during participation process;*

4.9 *The application was supported by relevant internal and external departments;*

4.10 *The application is generally in line with the development principles contained in SPLUMA and LUPA; and*

4.11 *The application is considered to be consistent with the Drakenstein Spatial Development Framework 2020.*"

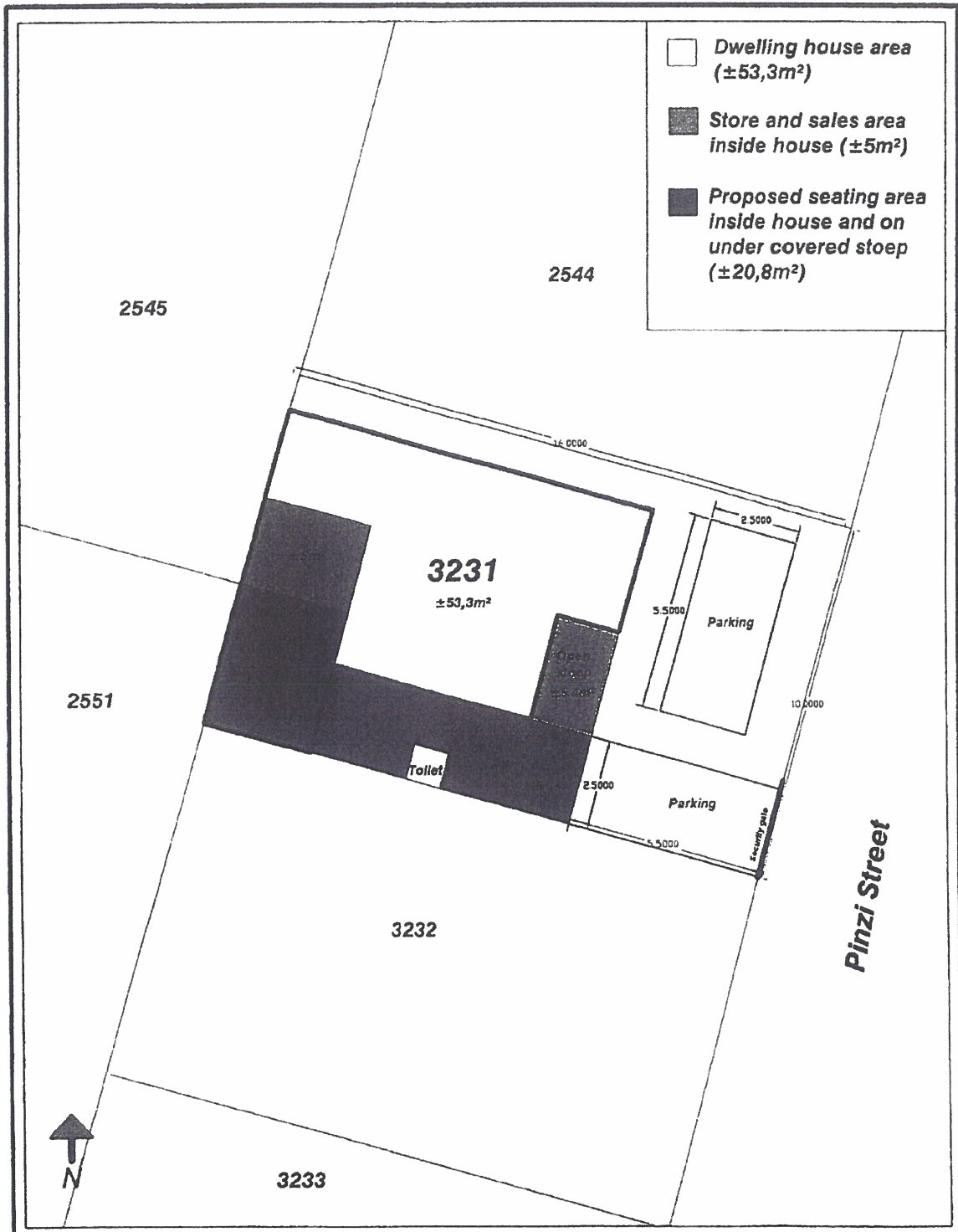
Your attention is drawn to the general right of appeal to the Executive Mayor being the Appeal Authority in terms of Section 79(3) of the Drakenstein Bylaw on Land Use Planning, 2018, by any person whose rights are effected by the decision, within **21 days** from the date of registration of the letter. This approval is therefore suspended until further notice.

Yours faithfully

A handwritten signature in black ink, appearing to read 'H Strijdom', written in a cursive style.

**H STRIJDOM**

**MANAGER: LAND USE PLANNING & SURVEYING**



**P-J Le Roux**  
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**Project:** Application for  
 Consent Use &  
 Departure:  
**Erf 3231**  
**Mbekweni**

**Description:**  
**Site Plan**

<b>JONAS</b>	
Blad NTS	Leur nr. V 30-72
Teken PJLR	Datum AUGUST 2019
Ken PJLR	Tekening nr. 4