



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

PLANNING AND BUILDING DEVELOPMENT
MANAGEMENT

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MEMORANDUM

07/09/2020

Att: Sub-council Manager

Dear Sir/Madam

APPLICATION FOR EXTENSION OF LIQUOR TRADING HOURS

The subject property, namely **Erf 1644, Blue Downs** is zoned for Single Residential Zone 1 purpose. An application to permit the sales of alcoholic beverages from portion of the subject property was **upheld** as per the Planning and General Appeal Committees decision dated 13 March 2016, (see Annexure A), subject to the conditions attached below.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Asavela Gingcana'.

for DIRECTOR: PLANNING & BUILDING DEVELOPMENT MANAGEMENT

ANNEXURE A

PLANAP 13/03/16

TEMPORARY DEPARTURE : ERF 1644, 14 HOLLYWOOD CRESCENT, BLUE DOWNS

Mr G Hanekom of the Planning Department elaborated on the report.

The Chairperson welcomed the appellant, Mr Thomas (Attorney) and his client, Mr Reinard Januarie

Mr Thomas motivated his appeal as set out on pages 890 to 895 of the agenda.

The Chairperson thanked Mr Thomas and his client for their presence, whereupon they were excused.

The inputs and the appeal were duly considered by the members of the Committee.

RESOLVED WITH 6 VOTES IN FAVOUR that:

- a) the appeal submitted by the appellant, Mr Reinard Januarie, **BE UPHELD** for the following reason:
 - The proposed business would not have an adverse impact on the amenity and residential character of the area.
- b) the decision taken by Subcouncil 21 at the meeting held on 26 August 2015 to refuse the application for temporary departure in respect of Erf 1644, Blue Downs, **BE REVOKED**
- c) the application for temporary departure for 5 years in respect of Erf 1644, Blue Downs, **BE APPROVED**, subject to the imposition of the conditions as set out on pages 871 to 872 of the agenda.

ACTION : S MGCINENI, G HANEKOM

ANNEXURE B

ANNEXURE VI: CONDITIONS TO BE IMPOSED (IN THE EVENT THAT PLANNING AND GENERAL APPEALS COMMITTEE UPHOLDS THE APPEAL)**CONDITIONS IMPOSED IN TERMS OF SECTION 42 OF THE LAND USE PLANNING ORDINANCE 15 OF 1985****DEPARTMENT: PLANNING AND BUILDING DEVELOPMENT MANAGEMENT**

1. The proposed activity shall not operate outside the hours of 9:00 to 17:00 Monday to Saturdays. There shall be no trading on public holidays and Sundays.
2. The operator shall permanently reside on the premises.
3. Council may at any stage call for the cessation of the proposed activity, if it is of the opinion that the activity is being conducted in a manner which is or is likely to be detrimental to the surrounding built environment, pose any negative traffic and safety impacts or be a source of nuisance or impact negatively on surrounding neighbours or the general public by serving a notice in writing on the operator calling on him/her to:
 - i) Comply with instructions set out in such notice; or
 - ii) Cease using the premises in question for such activity by a date specified in such notice.
4. The extent of the activity shall be limited to the areas as indicated on Plan No: 1644 dated 13/08/2014. Building plans with a subscript annotation indicating the portion of the proposed outbuilding to be temporarily used for the sale of alcoholic beverages (shebeen) shall be submitted for approval to the Section Head; Building Development Management within one (1) month of this approval.
5. Except with the consent of Council, not more than five (4) staff members (including the operator) shall be on the subject property in connection with the proposed sale of alcoholic beverages, whether or not such persons ordinarily reside on or are employed at such premises.
6. That any vehicles associated with the activity (sale of alcoholic beverages) shall adhere to the requirements, of the National Road Traffic Act, 1996 (Act 93 of 1996).

DEPARTMENT: EMERGENCY SERVICES

7. That the building shall comply with the NBR and By-Law Relating to community Fire Safety, and any other applicable legislation
8. That the appropriate firefighting equipment shall be provided for the occupancy concerned as per NBR.

DEPARTMENT: CITY HEALTH

9. The operator/owner shall comply with the Noise Control Regulations P.N. 627/1998 as promulgated under the Environmental Conservation Act No.73 of

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 E-BLOCK, NTLAZANE ROAD, ILUTHA PARK, KHAYELITHSA PRIVATE BAG X93, BELVILLE, 7535
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1989 by not creating a disturbing noise and/or noise nuisance to surrounding property owners.

10. The operator/owner shall implement an integrated waste management approach based on waste minimisation and should be incorporate reduction, recycling, re-use and disposal where appropriate. Solid waste shall be disposed of at a landfill site, licenced in terms of Section 20 of the Environmental Conservation Act, 1989 (Act No.73 of 1989).

DEPARTMENT: TRANSPORT

11. That the on-site parking shall be provided in accordance with the site plan no: 1644 dated 13/08/2014.

DEPARTMENT: SOLID WASTE MANAGEMENT

12. Council's standard regulations and guidelines pertaining to the removal of solid waste and refuse storage facilities, as set out in the letter of comment from the Director: Solid Waste Management dated 26 March 2015 are applicable.

DEPARTMENT: ENVIRONMENTAL RESOURCE MANAGEMENT

13. Except with the consent of Council, no advertising sign or notice other than a single unilluminated sign or notice not projecting over a street and not exceeding 0,2m², which indicates only the name and profession, art, trade or activity shall be displayed.

DEPARTMENT: ASSET MANAGEMENT AND MAINTENANCE

14. That no additional service connections shall be permitted on the subject property.
15. That no signage shall be placed within the road reserve.

