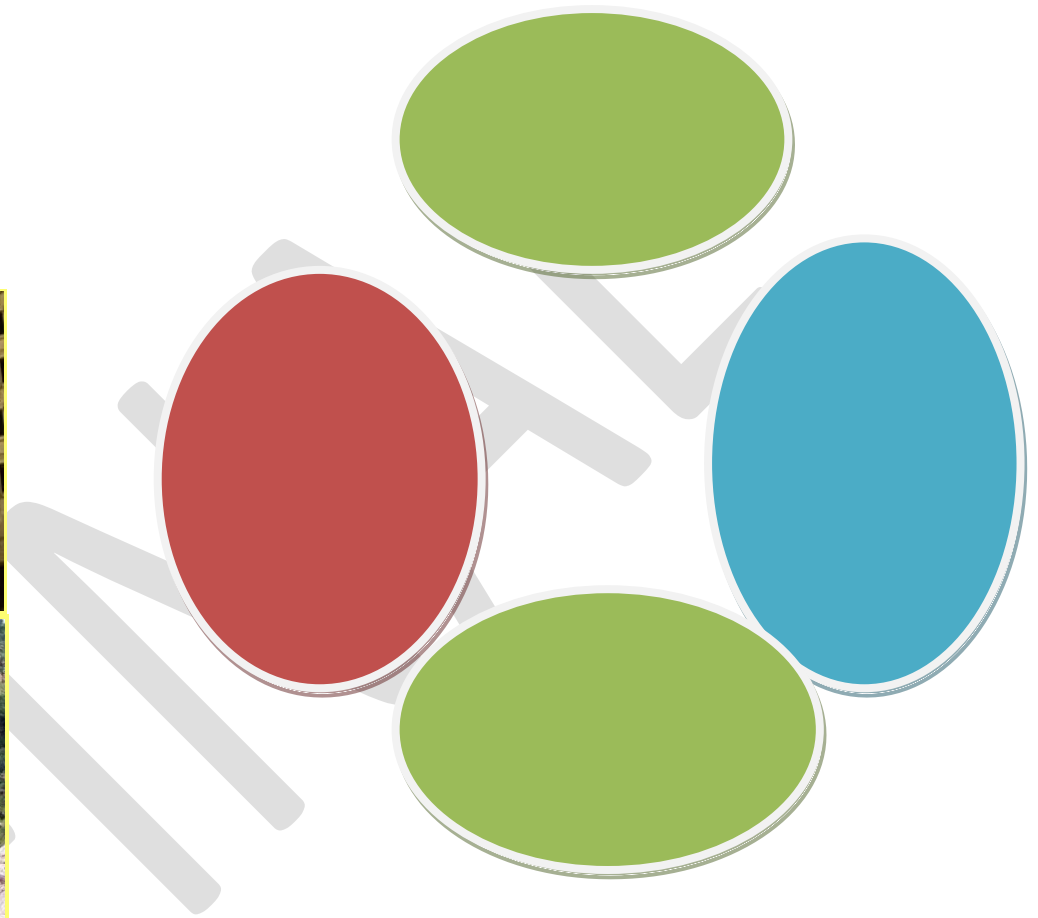
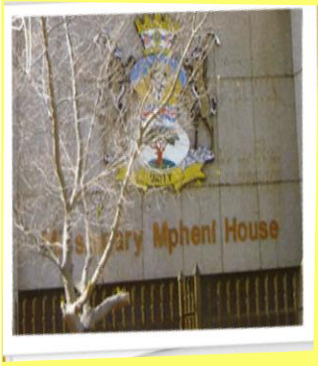




**RUSTENBURG LOCAL MUNICIPALITY  
DIRECTORATE: PLANNING AND HUMAN SETTLEMENT**



**COMPILED BY: UNIT DEVELOPMENT PLANNING**

***APPROVED TARVEN POLICY***

## FINAL GUIDELINES FOR TARVEN POLICY



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## FINAL GUIDELINES FOR TARVEN POLICY

### FINAL GUIDELINES FOR TAVERNS WITHIN THE RUSTENBURG LOCAL MUNICIPALITY AS APPROVED BY COUNCIL ON THE 24<sup>TH</sup> APRIL 2012

#### BACKGROUND:

There are currently unregistered and uncontrolled Taverns which are presently conducted illegally on residential stands within the Rustenburg Local Municipality and there is no proper policy to regulate the operation of the taverns on these residential stands.

In terms of the Rustenburg Land Use Management Scheme, 2005, reference is made to the "Tavern".

*"means a land or building designed for or a portion of a building used for the purpose of selling and serving liquor, other beverages and subservient prepared food / snacks, to be consumed on the premises but excluding a place of amusement, provided that the establishment and operation of a tavern shall be subject to a license in terms of the Liquor Act, 1989 ( Act 27 of 1989 ) as well as a license in terms of the Business Act, 1991 ( Act 71 of 1991 ) in respect of the sale or supply to consumers of any foodstuff in the form of meals for consumption in the property".*

#### TARGET AREA:

Existing records indicate that most established townships lack community facilities such as tuck shops, or taverns; as a result communities convert parts of their properties to cater for the demand. A strategy or a uniform approach should therefore be adopted in order to address this challenge. It must be noted that the Rustenburg Local Municipality has one umbrella Land Use Management Scheme and therefore it is a challenge to evaluate individual townships in isolation depending on the economic dynamics of individual areas. It is therefore imperative to evaluate the applications in terms of merit, need and desirability. The policy is primarily aimed at residential areas where basic household goods can be obtained within a walking distance.

#### FUNCTIONS

A Site Development plan and building plans, drawn to scale shall be submitted to the Municipality. No building shall be erected on the property before such plans have been approved, and the whole development of the property shall be in accordance with the approved plans. The Site Development shall follow the following:

- The sitting, height, coverage and where applicable, the floor area ratio of all buildings and structures.
- Vehicle entrances and exits to and from the property to any existing or proposed public street, which shall be sited, constructed and maintained, to the satisfaction of the Rustenburg Municipality.
- Entrances to buildings and parking areas.
- Building restriction areas ( if any )
- Parking, on and off loading facilities ( on and off loading to be provided )

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- The elevation treatment of all buildings and structures.

### PRINCIPLES:

- Neighborhoods are allowed an opportunity to determine, within specific guidelines, their need / acceptance for Taverns (Community participation at a neighborhood level).
- The needs of communities are placed before “planning control”.

### RELATED LEGISLATION:

The proposed guidelines are to be incorporated into the Rustenburg Land Use Management Scheme, 2005 as reviewed, in order to address the needs of the communities.

### TOWN PLANNING CRITERIA FOR EVALUATION /ASSESSMENT:

The following procedures should be followed by the applicant when submitting an application for a Tavern:

- i. A Tavern will not be permitted by the Rustenburg Local Municipality’s jurisdiction in close proximity (500meters) to a place of public worship or a place of instruction (e.g. school, crèches etc).
- ii. The establishment shall be permitted 500meters (radius) away from each other and any public worship or a place of instruction (e.g. school, crèches, a clinic etc),
- iii. Where the applicant wishes to change the land use in terms of development outside the zoning, then an application in terms of Section 56 of the Town Planning and Townships Ordinance (Ordinance 15 of 1986).
- iv. All conditions as stipulated by other Directorates shall be complied with.
- v. The applicant shall obtain written comments from the surrounding neighbors. Where the municipality will determine the affected neighbors.
- vi. A detailed Site Development Plan and a motivating memorandum stipulating the intentions of the applicant together with a locality plan shall form part of the application.
- vii. Proof of ownership in a form of either a Title Deed, deed of grant and stand card of the property must form part of the application.
- viii. If the applicant is not the owner of the property, a Power of Attorney must be submitted as part of the application.

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- ix. All objections lodged or representations submitted shall be dealt with at the Development Tribunal forum, and all members representatives attending the hearing shall be informed of the outcome in writing.
- x. Advertisement of the intentions of the applicant must be placed on site according to the procedure as outlined for submission of a rezoning application.

### STANDARD CONDITIONS OF APPROVAL:

- i. The size of a Tavern shall be determined as per the submitted Site Development Plan within the submitted application.
  - ii. The activity shall not be noxious or hazardous to the health and safety of the surrounding property owners,
  - iii. Parking shall be provided on site in terms of the current Land Use Management Scheme prevailing and/or to the satisfaction of the Local Authority.
  - iv. No street parking or parking on the pavement shall be allowed.
  - v. The activity shall not interfere with or negatively influence the amenities of the surrounding area.
  - vi. All vehicular and pedestrian access shall be to the satisfaction of the Municipality.
  - vii. A tavern shall include ancillary uses such as a restaurant, pub, shebeen excluding land uses outlined for a "Place of Amusement"  
  
The business operation hours for taverns shall be as per Liquor Board regulations stipulations.
  - viii. The Municipality may impose any other condition/s that it deems necessary to protect the amenities of the area or neighborhood.
  - ix. A notice or sign displayed on the property to indicate and advertise the business being conducted from the dwelling shall be to the satisfaction of the municipality in terms of size, position and design
- i. A trading license and/or liquor license shall be obtained from the relevant department
  - ii. Consumption of alcohol shall be on site and alcohol served shall be for the patrons of the liquor establishment/outlet

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- iii. Necessary measures should be taken to prevent activities conducted on the premises which affect neighboring properties negatively.
- iv. All Health by-laws shall be adhered to and complied with.
- v. Sufficient ablution facilities shall be provided on site.
- vi. Only on acquisition of approval shall an applicant obtain authorization to trade from the Liquor Board.
- vii. A tavern shall be considered/approved in terms of the submitted Site Development Plan.
- viii. Have tolerable/acceptable noise levels in respect of the surrounding neighbours.
- ix. Time for closure should be monitored. Strict operation hours to be adhered to
- x. Sufficient ablution facilities to be provided to customers, for when intoxicated there is a tendency of relieving themselves on other people's properties.
- xi. People are to consume alcohol on the designated properties only and not to leave with their stock, bottles, in order to avoid littering.
- xii. Litter accumulated by the tavern shall be handled in such manner that is not detrimental to the neighboring properties
- xiii. Liquor shall not to be sold to under-age persons, and punitive measures to be imposed to the owner. ( No under 18`s )
- xiv. That a license be revoked with regards to non-compliance of either the policies or the guidelines
- xv. That the property be surrounded by a built wall in terms of the National Building Regulations for security purposes and a an abatement measure for noise.

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