



NDLAMBE MUNICIPALITY

HOUSE SHOP POLICY

OCTOBER 2019

Table of Contents

1. PURPOSE	2
2. BACKGROUND	2
3. DEFINING A HOUSE SHOP	3
4. ASPECTS TO BE ADDRESSED BY POLICY	4
5. OBJECTIVES OF THE HOUSE SHOP POLICY	4
6. SCOPE AND APPLICATION	4
7. LEGISLATIVE FRAMEWORK.....	5
7.1 Spatial Planning and Land Use Management Act 16 of 2013.....	5
7.2 Ndlambe Spatial Planning & Land Use Management Bylaw (2015)	6
7.3 Ndlambe Integrated Land Use Scheme 2019.....	7
7.4 Ndlambe Spatial Development Framework (GSDF)	8
7.5 The Ndlambe Integrated Development Plan (NIDP) (2019/2020).....	8
8. CRITERIA AND CONDITIONS FOR ASSESSMENT OF LAND USE RIGHTS TO OPERATE A HOUSE SHOP	9
8.1 House Shop Extent and Position	9
8.2 Locality	10
8.3 Number of house shops per area	10
8.4 The structure on the property	11
8.5 Operating hours.....	11
8.6 Ablution Facilities.....	11
8.7 Citizenship.....	11
8.8 Other Regulations.....	11
8.9 General conditions of approval	11
9. LAW ENFORCEMENT	12
9.1 Non-compliance with approval conditions	13
9.2 Withdrawal and lapsing of an approval	13
10. THE APPLICATION	13
10.1 Application details to be submitted with the Town Planning department	13
10.2 Advertising and processing of applications	14
10. PROPERTY RATES AND TAXES.....	14
12. DELEGATION	15

1. PURPOSE

To formulate a policy with regard the establishment of house shops on residential properties located within the Ndlambe Municipal Area.

2. BACKGROUND

At present, the Ndlambe Municipality controls the establishment of house shops on an ad-hoc basis in terms of temporary departures from the zoning schemes applicable to the area the house shop is located in, with very few shop owners applying almost 80% of house shops in Ndlambe are operating illegally. There are limited controls in place to identify appropriate sites for these types of micro- business enterprises and the municipality's currently does not have policy guidelines, to address this issue.

The policy under consideration is specifically aimed at achieving sustainable land use control guidelines to allow house shops or similar micro enterprises to operate from residential premises.

The policy must take into consideration existing municipal by-laws and policies, existing Integrated Land Use Scheme (2019), the Spatial Planning and Land Use Management Act, the Planning Municipal Bylaw(2015), the Ndlambe Spatial Development Framework and the Integrated Development Plan for Ndlambe.

Cognizance should be taken in the preparation of the policy of the fact that the framework within which the house shops will be allowed can become a sensitive issue, especially in the poorer communities which these "shops" mostly serve. It is thus essential that a balance is achieved between implementing a framework to control/manage these businesses and the perceived constitutional right of an individual to generate an income from the premises he resides in.

In terms of planning theory and practice the following issues need to be taken into consideration;

- a) The operation of a house shop is a way in which a homeowner with very little capital can enter into business and make a living or get started in the building of a business venture. House shops are therefore beneficial in terms of micro enterprise development and economic development in general.
- b) House shops, because they are embedded in the community, offer a very high degree of convenience to local people who often have limited mobility. Therefore they enhance the quality of life for people who use them.
- c) House shops create social space where neighbours can meet while making purchases, thereby performing a potentially important informal social meeting space.
- d) Shops by their nature are places where people congregate to a greater extent than at ordinary houses and the owner of the property has only a commercial relationship, not, necessarily a personal relationship with the people who go there. They therefore make it easier for outsiders to enter the community and have a legitimate explanation

for being there, whether their real reason is legitimate or not. This reduces security within residential neighbourhoods.

- e) Because they are also spaces where business transactions take place and goods are bought and sold house shops are relatively easy covers for illicit commercial activity such as the sale of liquor and drugs. This can lead to social problems.
- f) In the South Africa context house shops are now 80% of the time in townships owned by foreigner nationals and this can cause tension either because of competition with local business people or because of perceptions of commercial exploitation.

Controlling the establishment of shops in the existing business and industrial sections of Ndlambe generally does not present a problem for the municipality as formal zoning rights are in place and “new” rights can be accommodated in terms of rezoning and departure/consent applications.

Problems however exist in the “old traditional coloured and black townships” where discriminatory planning principles only made provision for residential uses and no proper planning is in place to allow for business and industrial land uses. These planning principles resulted in the proliferation of illegal business and industrial establishments experienced today.

It is acknowledged that many of these illegal establishments allow members of the community access to basic goods and services without the need to travel far and that it promotes entrepreneurship (allows people to make a living and access work opportunities). The uncontrolled allowance of these activities can however result in some level of abuse - can act as fronts for illegal activities such as selling of drugs and liquor, etc.

3. DEFINING A HOUSE SHOP

According to the Ndlambe Integrated Land Use Scheme Regulations (2019) a House Shop is defined as follows:

“means the use of a portion of dwelling house or outbuildings for the sale of convenience goods to the public in a structure or portion of building on the premises that allow for the serving of goods to customers.”

A house shop shall include, but is not limited to, a convenience retail business that sells groceries and other food stuffs, as well as convenience services such as a hair salon and barber, cell phone / landline airtime sales and service, photocopy and faxing service, tyre sale and repair, shoemaker services, roadside take-away, bakery, second hand clothing shop and pharmacy.

A liquor store (off sales) is not considered a house shop as it has a wider servicing area than the surrounding community.

It must be noted that the above definition includes operation of a retail trade from a dwelling house, second dwelling, outbuilding or any other legal structure as approved by Council, by one or more of the occupants residing permanently on the respective residential property.

4. ASPECTS TO BE ADDRESSED BY POLICY

As a result this policy document will firstly focus on the establishment of a policy to regulate these establishments.

At present the approval of house shops does result in a substantial increase in property rates and taxes. As the turnover of the house shops is relatively small this has the effect that it is virtually impossible to operate the house shop as an economically feasible establishment. These facts are also not known to the owner of the house shop and usually come as a huge surprise to the owner when he receives his rates and taxes account. These increases are a result of the municipality's rates system which adjusts the rates to business should a house shop be approved. This policy should secondly thus provide for a mechanism to address this issue.

This policy must further create a mechanism that will encourage existing illegal operators whose establishments are located in desirable locations, to legalise their activities and to operate within the proposed framework.

The policy will lastly need to address the enforcement of the regulations and the handling of illegal and/or undesirable establishments.

5. OBJECTIVES OF THE HOUSE SHOP POLICY

This house shop policy aims to achieve the following:

- 5.1 To provide a set of criteria that will assist Council in the assessment of all applications for house shops;
- 5.2 Outline the process which should be followed in order to obtain land use rights to operate a house shop;
- 5.3 Specify the criteria against which a house shop application is measured in order for Council to consider and reach a decision with respect to the application;
- 5.4 Provide conditions which should be adhered to once approval is granted for a house shop; and
- 5.5 Provide law enforcement measures which could be taken against the house shop owner should he/she be in contravention of these conditions.

6. SCOPE AND APPLICATION

This policy is applicable to all existing house shops (both approved and unapproved) and new applications for house shops relevant to residential neighbourhoods within the urban areas of Ndlambe Municipality.

7. LEGISLATIVE FRAMEWORK

The recent law reform within the spatial planning and land use management sector, with the national implementation of SPLUMA signals the start of a completely new era in terms of spatial planning and land use management decision-making. Decisions on municipal spatial planning and land use management matters now sit firmly at the municipal sphere.

The Ndlambe Municipality recently (March 2019) adopted a new Integrated Land Use Scheme for the whole municipal jurisdiction including farm areas.

7.1 **Spatial Planning and Land Use Management Act 16 of 2013**

Section 42 (1)(a) of the Spatial Planning and Land Use Management Act (Act 16 of 2013) states that “ in considering and deciding an application, a Municipal Planning Tribunal or authorised official must be guided by the development principles set out in Chapter 2 of the said Act. The development principles in relation to the Act are discussed below.

- a) **Spatial Justice**
Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities. In a spatially just settlement, opportunities and access are provided to those whose historical access and opportunities have been impeded by the practice of apartheid spatial planning. Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.
- b) **Spatial Sustainability**
Essentially refers to a sustainable form of development. A part of this means promoting less resource consuming development typologies that promote compaction, pedestrianisation and mixed use urban environments which allow for the development of a functional public transport system and space economy. A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.
- c) **Efficiency**
Refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land. Inherent in this statement is the need to promote densification and urban (as opposed to suburban) development typologies. This also has to do with the manner in which the settlement itself is designed and functions, which should reduce the need to travel long distances to access services, facilities and opportunities. Efficiency also refers to decision making procedures which are designed to minimise negative financial, social, economic or environmental impacts. In addition efficiency refers to the need for development application procedures that are efficient and streamlined.
- d) **Spatial Resilience**

In the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial Resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009).

e) Good Administration

In the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role-players ensure a joint planning approach is pursued. Furthermore, it is critical that decisions made in terms of land use planning seek to minimise the negative financial, social, economic and environmental impacts of a development. Furthermore, 'good administration' in the context of land use planning, refers to a system which is efficient, well run and where the timeframe requirements are adhered to.

7.2 **Ndlambe Spatial Planning & Land Use Management Bylaw (2015)**

Section 53(1) of the Bylaw states that when the Municipal Planning Tribunal or Authorised Official considers an application submitted in terms of this By-law it, he or she must have regard to the following:

- (a) the procedure followed in processing the application;
- (b) the desirability of the proposed utilisation of land and any guidelines issued by the member of the Executive Council regarding proposed land uses;
- (c) the comments in response to the notice of the application and the comments received from organs of state and internal departments;
- (d) the response by the applicant to the comments referred to in paragraph (c);
- (e) investigations carried out in terms of other laws which are relevant to the consideration of the application;
- (f) a written assessment by a professional planner registered in terms of the Planning Profession Act, 2002, in respect of the following applications: (i) a rezoning; (ii) a subdivision of more than 20 cadastral units; (iii) a removal, suspension or amendment of a restrictive condition, if it relates to a change of land use. (iv) an amendment, deletion or introduction of additional conditions in respect of an existing approval, listed in this paragraph; etc
- (g) the integrated development plan and municipal spatial development framework;

- (h) the applicable local spatial development frameworks adopted by the Municipality;
- (i) the applicable structure plans;
- (j) the applicable policies of the Municipality that guide decision-making;
- (k) the provincial spatial development framework;
- (l) where applicable, the regional spatial development framework;
- (m) the policies, principles, planning and development norms and criteria set by national and provincial government;
- (n) the matters referred to in section 42 of the Act;
- (o) the relevant provisions of the land use scheme.

7.3 **Ndlambe Integrated Land Use Scheme 2019**

In terms of the Integrated Land Use Scheme House shops are handled as Home enterprises and Home enterprise is defined as follows in the said Scheme

Home Enterprise means an activity which is carried out in or from a dwelling house on an erf where the dominant use is and remains residential and is subject to the following provisions:

- (a) includes a house shop;
- (b) does not include an industry, restaurant, bottle store, tavern or noxious industry;
- (c) the display of any notice, sign or goods must be to the satisfaction of the Municipality;
- (d) occupies no more than 30% of the floor area of the buildings on the erf;
- (e) does not involve the regular parking or storing on the premises of any vehicle used for the transporting of goods, materials or passengers for hire or reward, other than the vehicle required for the personal use of the resident in connection with the home-enterprise;
- (f) does not create a volume of traffic inconsistent with the level of traffic on the street on which the dwelling unit is located;
- (g) the occupant shall be entitled to be assisted by not more than 4 persons who are not resident on the property; and
- (h) conditions and restrictions as imposed by the Municipality.

Home enterprise is allowed as a consent use application in Agricultural Zone, and in all the four Residential Zones in terms of the Integrated Land Use Scheme(2019)

7.4 **Ndlambe Spatial Development Framework (NSDF)**

The SDF for Ndlambe is intended to function as a strategic, indicative and flexible forward planning tool, to guide decisions on the use of land and land development in the municipality taking into account the rural area.

The NSDF indicates that mixed use development enables different land uses to be situated in proximity to each other, improve social and functional integration, and to create efficient settlements. Mixed uses are best located along activity corridors and strategic nodes to take advantage of available resources, infrastructure and adjacent threshold population.

The spatial development of most towns in Ndlambe municipality still resembles that of the apartheid era and lacks integration. Low income residential areas are situated on the peripheries of the towns far from economic opportunities and services in the CBD and or are physically separated by distance from each other. Mixed use developments must be promoted in the identified nodes, corridors and gateway precincts. The type of development envisaged in these areas will include a combination of residential, commercial and retail development and in some cases community facilities and social spaces and public squares.

It is important from a socio-economic point of view that small scale business nodes and local economic activities be allowed to occur outside of the existing central business district in support of urban restructuring.

It is noted in the document that the highest levels of poverty are found amongst the black and coloured communities of Ndlambe. These people live in areas which have the highest residential densities and are severely affected by low living standards, high crime rates, drug (including alcohol) abuse, teenage pregnancies, poor health conditions and a high prevalence of HIV/AIDS and TB infections. Large sections of these areas also have limited access to basic services and employment opportunities.

7.5 **The Ndlambe Integrated Development Plan (NIDP) (2019/2020)**

The NIDP's vision is *“strives to be a premier place to work, play, and stay, on the eastern coast of South Africa. It strives to be the destination of choice for people who love natural and cultural heritage, adventure water sports, and laid-back living for families. Our promise is to build a state-of-the-art physical infrastructure which will be laid out aesthetically in our beautiful natural environment. Our prosperous community supports a safe and healthy lifestyle which is supported by affordable natural living and a vibrant tourism and agriculturally-based economy! We promote good governance by providing sustainable, efficient, cost effective, adequate and affordable services to all our citizens.”*

The Municipality has a keen interest in understanding the criminal patterns in the area as it has a direct impact on its responsibility to contribute to a safe environment, as well as supporting local economic growth. Tourism represents a critical pillar in Ndlambe's local economy and this places an additional burden on the Municipality to contribute to the creation of a safe destination for tourists in partnership with the South African Police Service. Attracting new business investments also requires investor's confidence in the crime management capacity of the area. To this end, the municipality together with SAPS have established a Community Safety Forum. At this stage, the municipality and the Department of Safety and Security are in the process of developing a Community Safety Plan. The

above indicates the need for almost all departments within this municipality as well as law enforcement agencies and the general public to participate in the formulation of this policy.

In terms of the NIDP Sustainable Human Settlements refer to: *“well-managed entities in which economic growth and social development are in balance with the carrying capacity of the natural systems on which they depend for their existence and result in sustainable development, wealth creation, poverty alleviation and equity”*.

At the heart of this initiative is the move beyond the provision of basic shelter towards achieving the broader vision of sustainable human settlements and more efficient cities, towns and regions. It is within the following guidelines that the delivery of housing will be approached in Ndlambe:

- The present and future inhabitants of sustainable human settlements located both in urban and rural areas, live in a safe and a secure environment and have adequate access to economic opportunities, a mix of safe and secure housing and tenure types, reliable and affordable basic services, educational, entertainment and cultural activities and health, welfare and police services.
- Land utilization is well planned, managed and monitored to ensure the development of compact, mixed land-use, diverse, life-enhancing environments with maximum possibilities for pedestrian movement, and transit via safe and efficient public transport in cases where motorized means of movement is imperative.
- Specific attention is paid to ensuring that low-income housing is provided in close proximity to areas of opportunity.
- Investment in a house becomes a crucial injection in the second economy, and a desirable asset that grows in value and acts as a generator and holder of wealth.
- Sustainable human settlements are supportive of the communities which reside there, thus contributing towards greater social cohesion, social crime prevention, moral regeneration, support for national heritage, recognition and support of indigenous knowledge systems, and the on-going extension of land rights (Breaking New Ground – DPLG 2006).

The Municipality is committed to the promotion of the concept and greater care will be taken in future with regard to aligning the provision of shelter with the required infrastructure including social, economic and education facilities.

8. CRITERIA AND CONDITIONS FOR ASSESSMENT OF LAND USE RIGHTS TO OPERATE A HOUSE SHOP

8.1 House Shop Extent and Position

The extent and position of the house shop should be clearly indicated on a plan and shall not exceed 25m², (excluding any ablution facilities); and

The trading area of the house shop shall be restricted to within the boundaries of the property.

8.2 Locality

House shops should ideally be located along existing and proposed activity spines and activity nodes as indicated in the draft Ndlambe Spatial Development Framework as well as on land already designated for business purposes. These areas are usually highly accessible to the general public and are areas where business facilities should be established.

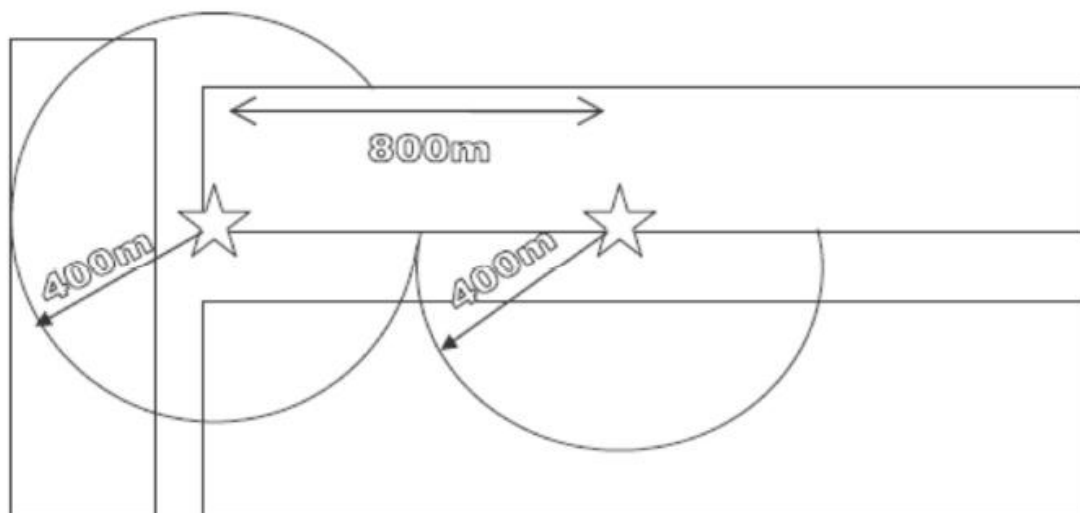
If a house shop is to be located within a residential area it should preferably be restricted to corner stands where it might eventually develop into the traditional corner shop. The locality of the corner site must further be of such a nature that it serves a fairly wide surrounding area and the shop has a reasonable chance of developing into a feasible corner shop.

No house shop located midblock within a residential area should be allowed. This type of locality does only serve a very small portion of the population and has no potential to grow into a feasible business. A house shop located mid-block will only be considered if it is more than 800m from any street intersection. (see figure 1 for explanation)

8.3 Number of house shops per area

The number of house shops within a predominantly residential area should be restricted in order to protect and enhance the character of the residential environment, protect the residents' rights and amenity to a quality human friendly living environment, to protect the vulnerable members of the community and to ensure that any adverse social impacts and unlawful activities can be controlled. Only house shops that are located in positions which can grow into fully fledged corner shops should be allowed. The number of shops will thus depend on the number of localities available where the house shop can grow into fully fledged corner shops. These shops should however not be closer than 400 meters from each other as determined in terms of the radius of area it serves. (see figure 1 for explanation)

Figure 1: Permitted Position of House Shops



8.4 The structure on the property

- The property shall have a main residential dwelling unit on it;
- The dominant use of the property shall remain residential;
- Any new or additional structures (built or temporary) erected with the purpose of accommodating the operation of a house shop shall be done with due cognizance of the residential character of the area; and
- All additional (built) structures, including renovations to build structures with the intention of accommodating the house shop, shall be subject to building plan approval of Council;

8.5 Operating hours

House shops should have limited operating times so as to respect the residential character of the area it is located. Trading hours in the residential areas should thus be restricted to protect residents' rights. It is recommended that trading hours be limited to: 06h00 to 22h00 in the residential areas and 06h00 to 23h00 for properties located in recognised business areas, and on activity nodes and activity spines. Trading times may be further restricted depending on comments received from the public.

8.6 Ablution Facilities

The House shop operator shall have access to ablution and hand-washing facilities.

8.7 Citizenship

All applicants must submit a certified copy of South African ID and in the case of foreign nationals, legal documents for residing in South Africa i.e. work permit etc. and proof of residence must be submitted.

8.8 Other Regulations

House shops operated from Council owned land should have a lease agreement in place;

The house shop must comply with the following health regulations if food is to be sold or prepared in the house shop's premises, namely:

- (a) that the owner obtains a business license for the preparation of meals as required in terms of the Business Act, 1991 (Act 71 of 1991);
- (b) that the premises comply with the general hygiene requirements for food premises and the transport of food Regulation 918 of 1999 as promulgated under the Health Act, 1977, (Act 63 of 1977);
- (c) that a Certificate of Acceptability be obtained as required by the Health Act, 1977 (Act 63 of 1977);
- (d) that the premises comply with government notice R975 of 2000 relating to the smoking of tobacco products in public places as promulgated in terms of Section 2 of the Tobacco Products Control Act, 1999 (Act 12 of 1999) as amended.

8.9 General conditions of approval

The following general conditions shall apply to all house shops:

- The rights to operate a house shop are NOT TRANSFERRABLE;
- No person(s) may sleep/overnight within the shop if it is located in other structure on the erf;
- A house shop is restricted to the selling of daily household goods and services;
- The sale of liquor or alcoholic beverages, storage or sale of gas and gas containers, paraffin and other hazardous substances as well as the operation of vending machines, video games, gambling machines or pool tables is prohibited;
- The extent and position of the retail component shall be clearly defined on a plan, and shall not exceed 25m². In cases of outbuildings or containers; an additional area of 15m² can be applied for in order to accommodate any water closet, change room, and/or storeroom;
- Any new structure, or alteration to the existing dwelling unit or outbuilding, must conform to the residential sense of place of the area concerned;
- Trading must be restricted to the property and the dwelling unit and not take place on the sidewalks;
- If stock is to be delivered the deliveries must be restricted to normal business hours which is 8:00 to 17:00;
- Jukeboxes will not be allowed within a house shop. Should music be played in a house shop, it must be limited to listening music set at a low volume and speakers may not be placed outside the house shop;
- The owner of the shop must reside in the dwelling unit and must also be the owner of the dwelling unit.
- No more than 3 (three) persons, including the occupant of the dwelling unit, are permitted to be engaged in retail activities on the property.
- Only one non-illuminated sign shall be permitted and shall not exceed 5000cm² in area. Such sign shall indicate only the name of the owner, the name of the business and the nature of the retail trade.
- Disposal of refuse must be addressed to the satisfaction of Ndlambe Municipality.
- All owners of unauthorized house shops must be informed to apply to legalize their house shops within 30 days after receiving written notice.
- The applications will not be advertised in newspapers, but only written notices be served on the surrounding property owners, Ward Councillor, Ward Committee and applicable government departments and any registered commenting bodies.
- The display of certificates obtained from Municipality in respect of health regulations and in respect of the business licenses, where food is to be sold or prepared;
- The erf will be limited to one electrical service connection which may not be split into two electrical supplies and will be metered by only one meter (shared supply). The erf is also limited to its existing electrical supply.

9. LAW ENFORCEMENT

It is imperative that all applications for house shops are sent to the Community and Protection Directorate (Law Enforcement, Traffic, Health) of the Ndlambe Municipality and SAPS for their comments so as to ascertain whether:

- any criminal activities such as illegal gambling, sale or distribution of narcotics, etc. have occurred or alleged to have occurred on the property;

- incidents such as murders, stabbings, fights, etc. have been reported in the immediate vicinity of the property;
- vehicle and/or pedestrian accidents occurred in the vicinity of the property; and
- any illegal sale of liquor have been reported.

The house shop should be refused if any of the abovementioned poses a problem.

9.1 Non-compliance with approval conditions

- If approval conditions are not complied with the Town Planning Section will issue a written notice to the owner to rectify any irregularities within 14 (fourteen) days.
- If objections are received with regard to the legally approved house shop the Town Planning Section will evaluate the legality of the objections and if necessary inform the owner about these objections and will request the owner to comply with the approval conditions.
- If there is failure to comply with the general conditions of approval further legal action will be taken by Council. If necessary a court interdict will be obtained against the owner of the property forcing him to suspend trade from the property.
- In the case of a criminal offence, the matter is to be referred to the state prosecutor's office for further legal recourse.

9.2 Withdrawal and lapsing of an approval

Approval is granted to the owner of the property to run a house shop from his dwelling unit and will be withdrawn under the following circumstances:

- When the property is alienated.
- In the event of the death of the owner.
- Valid objections have been received and the owner has not responded to the objections and adequately addressed the problems.
- If the owner of the property is convicted of a crime involving drug abuse, selling of drugs, the illegal sale of liquor, operating a shebeen or tavern from the house shop, crimes involving weapons or fire arms or assaults.
- Where the owners ends the approved activity.

10. THE APPLICATION

10.1 Application details to be submitted with the Town Planning department

The following documents and information must be submitted before an application to rectify an unregulated house shop / a new house shop can be considered:

- Completed application forms;
- Proof of payment;
- Power of attorney or Owner's consent (if owner is not the applicant);
- Certified copy of ID and in the case of a foreign national legal documents for residing in South Africa, business permit and proof of place of residence must be submitted;
- Locality plan;
- Site development plan;

- Surrounding land use plan;
- Copy of title deed;
- Internal photos of the existing house shop clearly showing each room used by the shop, furnishings, fittings, floor coverings, ablution facilities, internal storage areas, etc. (if applicable);
- External photos clearly indicating the external finishes of the structure which is used, its relationship to the existing dwelling unit on the erf, external storage areas, parking areas, treatment of erf boundaries, garbage disposal area, signage. (if applicable);
- The owner of the existing or proposed house shop must provide a full motivation stating the type of house shop being applied for and as to why it should be approved.

10.2 Advertising and processing of applications

All applications for unregulated or new house shops shall be advertised as follows:

- Consent forms with the application shall first be physically served by the applicant to the surrounding owners, if not obtained Registered Notices shall be served on surrounding property owners affording those 30 days to comment. The affected neighbours shall be identified by Manager Town Planning or the Assistant Town Planner;
- Notices shall be served on surrounding organizations such as community, welfare, educational and religious organizations as well as other commenting government departments affording them 30 days to comment;
- Notices shall be served on the Ward Committee of the area as well as the Ward Councillor affording them 30 days to comment;
- The applicant shall be granted a maximum of 30 days to respond on the objections / comments received;
- A report on the application shall be compiled and will be sent to the authorised official or the Municipal Planning Tribunal, as the case may be, for a decision / final recommendation;
- The decision / final recommendation will then be communicated to the applicant and any objector by registered post or email; and
- The applicant or objector, as the case may be, shall be afforded a right of appeal in terms of the provisions of the section 136 of the Spatial Planning & Land Use Management Bylaw (2015) which right must be exercised within 21 days of registration of the decision notice.

10. PROPERTY RATES AND TAXES

At present the approval of house shops does result in a substantial increase in property rates. As the turnover of the house shops is relatively small this has the effect that it is virtually impossible to operate the house shop as an economically feasible establishment. These facts are also not known to the owner of the house shop and usually come as a huge surprise to the owner when he receives his rates and taxes account. These increases are a result of the municipality's rates system which adjusts the rates to business should a house shop be approved.

The property owner will be exempted from paying business rates and taxes based on the following:

- (a) the extent of the house shop in relation to the existing dwelling does not exceed the restrictions in the policy; and/or
- (b) on condition that the owner meets the requirements as outlined in the indigent policy of the Ndlambe Municipality.

12. DELEGATION

Approval of applications for house shops shall be delegated to the Authorised Official on condition that no objections have been received, that it complies with this policy and that the applicant is not an employee of the Municipality, otherwise other applications shall serve before the Ndlambe Municipal Planning Tribunal.

DRAFT