

MUNISIPALITEIT KAREEBERG MUNICIPALITY



KAREEBERG LOCAL MUNICIPALITY
FINAL POLICY FOR SPAZA/ TUCK SHOP APPLICATIONS

1. DEFINITION OF A SPAZA/ TUCK SHOP:

A small scale convenience store which is operated from a legal structure by the property owner or a legally authorised family member or legal tenant residing on the property. The primary purpose of the spaza/ tuck shop is to provide daily necessities such as bread, milk, pre-packaged foodstuffs, soft drinks, chips, cell phone supplies etc. from Mondays to Sundays between 07:00 and 21:00. Such legal structure may comprise a portion of the main dwelling house, or an outbuilding, which for the purpose of this policy shall mean: A structure which is legal in terms of the Land Use Planning Ordinance No 15 of 1985 and National Building Regulations and Building Standards Act No 103 of 1977, but does not include a caravan, a container or a Wendy house.

2. APPLICATION

- a. Application to conduct a spaza/ tuck shop must be made in terms of the Land Use Planning Ordinance No 15 of 1985 and associated Zoning Scheme for the town in question. Applications are assessed in terms of the relevant legislation and policies and, on the basis thereof, Council may decide to approve or refuse an application. Approvals granted are only valid for 5 years, where after the applicant may re-apply.
- b. Application forms are available from the Building Control Division and an application fee as stipulated in the tariff list is payable upon submission of the application. The application fee is not re-payable if the application is refused.
- c. A standard notice must be displayed on the premises for 30 days from the date of application. The notice must provide complete information relating to the applicant's proposed spaza/ tuck shop and must state that any objections should be made to Council within 30 days from the erection of the notice. The applicant will only advertise on site and not in the local newspaper.
- d. Written notices will be sent to surrounding property owners identified by the Building Control Division and proof of such notification will be recorded by the Building Control Division.
- e. The approval by Council for a spaza/ tuck shop will only apply to the property owner whilst the person who operates the spaza/ tuck shop should be the owner him/herself or a family member / legal tenant residing on the property in possession of a valid South African I.D. document. In the case where the property owner and / or employees are not South African citizens a valid work permit must be presented.
- f. Each application must be evaluated on merit, particularly taking into account Sections 3 and 5 below.

3. EVALUATION BASED ON MERIT

- a. No approval for a spaza/ tuck shop will be granted within a house which has a floor area of 30m² or less.
- b. The extent of the business use must be small-scale. The floor area of the spaza/ tuck shop may not exceed 30% of the total floor area of all approved buildings on the property, whichever is the lesser. The extent and position of all buildings and the spaza/ tuck shop must be clearly defined on a site plan prepared by a plan drawer, in order to show compliance with this requirement.
- c. The dominant use and appearance of the property must remain residential, and any new structure or alteration to the property to accommodate a spaza/ tuck shop must enhance the residential character of the area, particularly with regard to the streetscape, and must be capable of reverting back to residential use as permitted in the scheme.
- d. The spaza/ tuck shop must not have a negative impact on the surrounding properties.
- e. The owner of the business must live on the site. This assists with self-regulation in terms of residential amenity of the neighbourhood.
- f. Operating hours must be restricted between 07:00 and 21:00.
- g. No entertainment license ("game shop") applies to the approval of spaza/ tuck shops.
- h. The location of the site must be desirable e.g. location on main through route / on corner. No approval for a spaza/ tuck shop within a 200m walking distance of an existing approved spaza/ tuck shop and / or 300m walking distance from a formally zoned business site will be granted, unless located within a specifically defined "economic zone" in terms of the Zoning Scheme or Spatial Development Framework. No approval for a spaza/ tuck shop within 400m walking distance of business zoned sites within the CBD of a town, will be granted.
- i. The site must be suitable: accessibility for delivery vehicles (width of adjoining street / suitable loading/offloading area), accessibility for refuse truck, access for clients (not too steep / not at the rear of a building); not down a cul-de-sac. Sites accommodating semi-detached houses are not desirable for spaza/ tuck shops due to the greater potential for impact on adjoining neighbours. Spaza/ tuck shops will not be approved on sites accommodating a row house or block of flats.

4. ADVERTISING ON THE PREMISES:

- a. After approval, an advertising sign may be erected in accordance with the advertising policy.
- b. If any other form of advertising is intended, consent must be obtained in terms of the Council's advertising policy.

5. HEALTH REQUIREMENTS:

- a. The area used for a spaza/ tuck/ tuck/ tuck shop may not open directly onto a bedroom or toilet, and no goods which will be sold from the spaza/ tuck shop may be stored in a bedroom or toilet.
- b. The spaza/ tuck/ tuck/ tuck shop must be adequately ventilated and illuminated.
- c. Before the application to operate a spaza/ tuck shop is considered by Council, the application must be referred to the Pixley ka Seme District Municipality: Health for preliminary comments.
- d. After approval of the land use application by Kareeberg Municipality, application must be made to the Pixley ka Seme District Municipality: Health for a Certificate of Acceptability in terms of R918/99 under the Health Act (Act 63 of 1977).

6. MUNICIPAL PROCEDURES:

- a. The owner must submit the application to operate the spaza/ tuck shop to the Building Control Division. To enable an application to be processed, the application form must be FULLY completed with all supporting documents, site plan, and proof of ownership / authorisation by owner, copies of ID documents and the prescribed application fee. Incomplete applications will be returned to the applicant by post.
- b. No application may be made for a spaza/ tuck shop on a site which is still in the ownership of the municipality or the state.
- c. The Building Control Division must send the application to the neighbours for any comments. The applicant must display a notice on the property.
- d. The Building Control Division must send information regarding the application to the Health Department, the Building Inspectorate, the applicable Ward Committee and SAPS, or alternatively arrange a site inspection with such parties present.
- e. Responses should be sent to the Building Control Division with a report regarding the investigation, compliance with the relevant legislation and the recommendation of the Health Department, the Building Inspectorate, the Ward Committee and the SAPS.
- f. The Building Control Division must also conduct an investigation and prepare a report and recommendation.
- g. The application must be considered by Council or via delegated authority, as applicable, and the applicant must be informed of the decision in writing.

- h. A complete record of all applications and decisions regarding spaza/ tuck shops must be kept by the Building Control Division in this regard.
- i. Kareeberg Municipality will issue a Tuckshop license certificate upon approval of the whole application process. The license fee must be paid and is valid for 12 months only. License fees must be renewed annually. See tariff listing

7. REASONS FOR REFUSAL OF AN APPLICATION

- a. Non-compliance with the above requirements relating to ownership, planning and / or health requirements.
- b. Lack of desirability of the proposed use on the particular site e.g. site too small / too steep / not accessible / not suitable offloading area / buildings on site too close to neighbours / valid objections lodged by neighbours etc.
- c. The proposed use would have an adverse impact on the safety and welfare of members of the community (particularly traffic implications relating to delivery vehicles and refuse vehicles).
- d. The proposed use would have an adverse impact on the preservation of the natural and / or developed environment.
- e. The proposed use would have an adverse impact on existing rights (e.g. existing residential amenity rights of neighbours).

NB: In the public interest, Council must also assess the cumulative impact on the public of approving a number of spaza/ tuck shops in a given area.

8. WITHDRAWAL OF APPROVAL

Any violation of the above requirements, non-compliance with conditions of approval, sale of illegal goods, abuse of state-funded housing, or any written complaints received by officials of Council should be reported to the Building Control Division and may result in the closure of the spaza/ tuck shop and the withdrawal of an approval.

8. MONITORING, COMPLIANCE AND ENFORCEMENT

The opening of spaza/ tuck shops without the required land use approval is unacceptable. Such unlawful land use activities threaten residents' quality of life, and their investment in their homes, and reduce the safety of residential areas, as well as undermining law-abiding, rates- and tax-paying businesses. Section 39, as read with section 46 of the Land Use Planning Ordinance No 15 of 1985 places an obligation on Council to enforce compliance with the Zoning Schemes and a reciprocal obligation on all people to comply with the provisions of the Zoning Schemes. The opening of illegal spaza/ tuck shops must be monitored and legislation must be enforced by taking action against illegal spaza/ tuck shops in terms of an adopted **Land Use Enforcement Policy**.

People may not be permitted to commence with or continue with an unlawful land use whilst such application is being processed and decided upon. The requirement to cease operating unless and until the appropriate rights are in place applies whether an application has been made or not. Consequently, people operating without the necessary approval remain liable to be prosecuted while any application is being

processed. A final decision on an application will not be made whilst illegal buildings and / or land uses remain in existence / operation.

This policy will be effective form 01 July 2024.