

SPAZA SHOPS – POLICY FOR CONSIDERING APPLICATIONS IN THE RESIDENTIAL AREAS OF ASHTON, BONNIEVALE, MCGREGOR, MONTAGU AND ROBERTSON

CONTENTS

1. Introduction
2. Definition of a spaza shop
3. Application Process
4. Evaluation based on merit
5. Health requirements
6. Advertising on the premises
7. Reasons for refusal of an application
8. Withdrawal of approval
9. Monitoring, Compliance and Enforcement

Prepared by: Langeberg Town Planning Department

Date: September 2011 (As amended April 2013) Revised APRIL 2015

Approved by Langeberg Council

Council Resolution: B4324

Revised: A3108

Date: 10 June 2013

APRIL 2015

1. INTRODUCTION:

Spaza Shops are an important component of the informal sector. The informal sector contributes positively to the reduction of unemployment and to the stimulation of the economy. The barriers to entry in this sector are low which makes it a suitable vehicle for previously disadvantaged communities to participate in the economy. Existing or proposed spaza shops which comply with this policy will be fully supported by Council. Such spaza shops will be assisted to ensure compliance with the necessary legislation including planning approval, building plan approval, business licencing and Certificate of Acceptability (health).

2. DEFINITION OF A SPAZA SHOP:

A spaza shop is a small-scale convenience store, which is operated from an authorised structure, by the property owner. Where authorised by the owner, the store may be operated by a family member or legal tenant who resides on the property. The primary purpose of a spaza 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 structure may comprise a portion of the main dwelling house, or an outbuilding approved by Council. Structures must enhance the residential neighbourhood in which they are located. Structures must not detract from the safety, welfare, or aesthetics of the residential neighbourhood in which they are located.

3. APPLICATION PROCESS

Overview: An application to operate a spaza shop must be made in terms of the Langeberg Municipality: Integrated Zoning Scheme By-law, 2018. Applications are assessed in terms of all relevant legislation and policies and, on the basis thereof, Council may decide to approve or refuse an application.

- 3.1. Application forms are available from the Town Planning Department 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.
- 3.2. The owner must submit the application to operate the spaza shop to the Town Planning Department. To enable an application to be processed, the application form must be FULLY completed with all supporting documents, site plan, 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. **NO APPLICATION MAY BE MADE FOR A SPAZA SHOP ON A SITE WHICH IS STILL IN THE OWNERSHIP OF THE MUNICIPALITY OR THE STATE.**
- 3.3. The application must be advertised, and written notices must be sent to surrounding property owners identified by the Town Planning Department, for their comments. Proof of such notification will be recorded by the Town Planning Department. Alternatively, applicants may get the written consent from surrounding property owners, listed as affected properties, themselves. This list and the pro-forma Neighbour's Consent Form shall be provided by the municipality upon request. In addition, a standard notice must be displayed on the premises for the duration of the advertising period. The notice must provide complete information relating to the applicant's proposed spaza shop and must state that any objections may be made to Council within the specified period.
- 3.4. The Town Planning Department 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.

- 3.5. The Health Department, Building Inspectorate, Ward Committee, and SAPS must, in response, send a report to the Town Planning Department regarding the investigation, compliance with the relevant legislation, and their recommendations.
- 3.6. The Town Planning Department must also conduct an on-site inspection and prepare a report and recommendation.
- 3.7. The application must be considered by Council, or its delegated authority, as applicable. Each application must be evaluated on merit, with specific regard to the requirements outlined in Sections 4 and 5 below.
- 3.8. The applicant must be informed of the decision in writing. The approval by Council for a spaza shop will only apply to the property owner, whilst the person who operates the spaza 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 and recorded on file.
- 3.9. A complete record of all applications and decisions regarding spaza shops must be kept by the Town Planning Department.

4. EVALUATION BASED ON MERIT

- 4.1. No approval for a spaza shop will be granted within a house which has a floor area of 25m² or less.
- 4.2. The floor area of the spaza shop may not exceed 25m² or 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 shop must be clearly defined on a site plan prepared by a draughtsman, to show compliance with this requirement.
- 4.3. The dominant use and appearance of the property must remain residential, and any new structure or alteration to the property to accommodate a spaza 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.
- 4.4. The spaza shop must not have a negative impact on the surrounding properties.
- 4.5. The owner of the business must live on the site. This assists with self- regulation in terms of residential amenity of the neighbourhood.
- 4.6. Operating hours must be restricted between 07:00 and 21:00.
- 4.7. The approval of spaza shops does not include any entertainment license ("game shop license")
- 4.8. The location of the site must be desirable e.g. location on main through route / on corner. No approval for a spaza shop will be granted within a 400m walking distance of:
 - business zoned sites within the CBD of a town; and / or
 - a formally zoned business site within a residential area; and /or
 - an existing approved spaza shop;
 unless the site in question is located within a specifically defined "economic zone" in terms of the Zoning Scheme or Spatial Development Framework.
- 4.9. 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 shops due to the greater potential for impact on adjoining neighbours. Spaza shops will not be approved on sites accommodating a row house or block of flats.

5. HEALTH REQUIREMENTS:

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

6. ADVERTISING ON THE PREMISES:

- 6.1. After approval, an advertising sign may be erected in accordance with Council's Advertising Policy (i.e. Name of Business).
- 6.2. If any other form of advertising is intended, consent must be obtained in terms of the Council's Advertising Policy.

7. REASONS FOR REFUSAL OF AN APPLICATION

- 7.1. Non-compliance with the requirements specified in Sections 4 and 5 above relating to ownership, planning and / or health requirements.
- 7.2. 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.
- 7.3. 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).
- 7.4. The proposed use would have an adverse impact on the preservation of the natural and / or developed environment.
- 7.5. 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 shops in a given area.

8. WITHDRAWAL OF APPROVAL

- 8.1. 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 Town Planning Department and may result in the closure of the spaza shop and the withdrawal of an approval.

9. MONITORING, COMPLIANCE AND ENFORCEMENT

- 9.1. The opening of spaza shops without the required approvals is unacceptable and impacts negatively on the economy. 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 on business zoned sites.
- 9.2. Section 85 of the Langeberg Municipality: Land Use Planning By-law, 2015 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.
- 9.3. **THE OPENING OF ILLEGAL SPAZA SHOPS MUST BE MONITORED AND LEGISLATION MUST BE ENFORCED BY TAKING IMMEDIATE ACTION AGAINST ILLEGAL SPAZA SHOPS**
- 9.4. A person may not be permitted to commence with or continue with an unlawful land use whilst an 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.
-

HUISWINKELS – BELEID VIR DIE OORWEGING VAN AANSOEKE IN DIE WOONGEBIEDE VAN ASHTON, BONNIEVALE, MCGREGOR, MONTAGU EN ROBERTSON

INHOUD

1. Inleiding
2. Definisie van huiswinkel
3. Aansoekproses
4. Meriete-gebaseerde evaluering
5. Gesondheidsvereistes
6. Advertering op die perseel
7. Redes vir die weiering van aansoek
8. Terugtrek van goedkeuring
9. Monitering, nakoming en handhawing

Opgestel deur: Langeberg – Departement Stadsbeplanning

Datum: September 2011 (Soos gewysig April 2013) *Hersien APRIL 2015*

Goedgekeur deur Langeberg Raad

Raadsbesluit: B4324

A 3108

Datum: 10 Junie 2013

APRIL 2015

1. INLEIDING

Huiswinkels is 'n belangrike komponent van die informele sektor. Die informele sektor dra positief by tot die verlaging van werkloosheid en tot die oplewing van die ekonomie. Hindernisse om tot hierdie sektor toe te tree, is minimaal, wat dit 'n geskikte drywer vir voorheen benadeelde gemeenskappe maak om deelname in die ekonomie te verkry. Bestaande of voornemende huiswinkels wat aan hierdie beleid voldoen, sal die Raad se volle steun geniet. Sodanige huiswinkels sal ondersteun word om die nakoming van wetlike vereistes te verseker, insluitende beplanningsgoedkeuring, bouplan-goedkeuring, handelslisensie en geskiktheidsertifikaat (gesondheid).

2. DEFINISIE VAN HUISWINKEL

'n Huiswinkel is 'n kleinskaalse geriefwinkel wat deur die huiseienaar vanuit 'n gemagtigde struktuur bedryf word. Indien deur die huiseienaar gemagtig, mag die winkel deur 'n familie-lid of 'n wettige huurder wat op die eiendom woonagtig is, bedryf word. Die primêre doel van 'n huiswinkel is om van Maandag tot Sondag, tussen 07:00 en 21:00, daaglikse noodsaaklikhede soos brood, melk, vooraf-verpakte voedsel, koeldrank, skyfies, selfoon-benodighede, ens., te voorsien. Sodanige struktuur mag 'n gedeelte van die hoof-woning wees, of 'n buite-gebou deur die Raad goedgekeur. Strukture moet by die woonbuurt waarin dit geleë is, inpas. Strukture mag nie die veiligheid, welstand of estetiese beeld van die woonbuurt waarin dit geleë is, skaad nie.

3. AANSOEKPROSES Nota: "Aansoek" & "Munisipale Prosedures" is saamgevat onder een hofie.

Oorsig: 'n Aansoek om 'n huiswinkel te bedryf, moet ingevolge die Langeberg Munisipaliteit: Geïntegreerde Soneringskema Verordening, 2018 geskied. Aansoeke word op grond van alle toepaslike wetgewing en beleide oorweeg, en op grond daarvan mag die Raad besluit om die aansoek goed te keur, of te weier.

- 3.1. Aansoekvorms is by die Departement: Stadsbeplanning beskikbaar en 'n aansoekfooi, soos gestipuleer in die tariewe-lys, is betaalbaar by indiening van die aansoek. Indien die aansoek geweier word, is die aansoekfooi nie terugbetaalbaar nie.
- 3.2. Die eienaar moet die aansoek om 'n huiswinkel te bedryf, by die Departement: Stadsbeplanning indien. Om prosessering van die aansoek moontlik te maak, moet die aansoekvorm **TEN VOLLE** voltooi wees, met alle stawende dokumente - terreinplan, bewys van eienaarskap/magtiging van die eienaar, afskrifte van ID dokumente en die vereiste aansoekfooi. Onvoltooide aansoeke sal na die aansoeker teruggepos word. **GEEN AANSOEK VIR 'N HUISWINKEL MAG GEDOEN WORD OP 'N PERSEEL WAT STEEDS IN DIE MUNISIPALITEIT OF DIE STAAT SE BESIT IS NIE.**
- 3.3. Die aansoek moet geadverteer word en skriftelike kennisgewings moet na omliggende grondeienaars, deur die Departement: Stadsbeplanning geïdentifiseer, vir hul kommentaar gestuur word. Bewys van sodanige kennisgewings sal deur die Departement: Stadsbeplanning op rekord gehou word. Alternatiewelik, mag aansoekers die skriftelike toestemming van omliggende grondeienaars, as geaffekteerde eiendomme gelys, self bekom. Hierdie lys en die pro-forma Ondersteuningsvorm van Bure, sal op aanvraag deur die Munisipaliteit beskikbaar gestel word. Hierbenewens, moet 'n standaard kennisgewing op die perseel ten toon gestel word vir die duarte van die adverteringstydperk. Die kennisgewing moet volledige inligting aangaande die aansoeker se voornemende huiswinkel voorsien en dit moet meld dat enige besware binne die gespesifiseerde tydperk aan die Raad gerig mag word.
- 3.4. Die Departement: Stadsbeplanning moet inligting oor die aansoek na die Gesondheidsdepartement, die Bou-Inspektoraat, die betrokke Wykskomitee en SAPD verwys, of alternatiewelik, 'n terrein-inspeksie, met sodanige partye teenwoordig, reël.

- 3.5 Die Gesondheidsdepartement, Bou-Inspektoraat, Wykskomitee en SAPD moet in opvolging, 'n verslag oor die ondersoek, die nakoming van verwante wetgewing en hul aanbeveling na die Departement: Stadsbeplanning stuur.
- 3.6 Die Departement: Stadsbeplanning moet ook 'n ter plaatse inspeksie uitvoer, 'n verslag voorberei en 'n aanbeveling maak.
- 3.7 Die aansoek moet deur die Raad, of soos van toepassing, deur sy gedelegeerde gemagtigde oorweeg word. Elke aansoek moet op meriete ge-evalueer word, met spesifieke inagneming van die vereistes, in Artikels 4 en 5 hieronder, uiteengesit.
- 3.8 Die aansoeker moet skriftelik in kennis gestel word van die besluit. Die Raad se goedkeuring vir 'n huiswinkel is slegs op die eienaar van die eiendom van toepassing, terwyl die persoon wat die huiswinkel bedryf, die eienaar self, of 'n familie-lid, of 'n wettige huurder wat op die perseel woon en 'n geldige Suid-Afrikaanse ID dokument besit, mag wees. In die geval waar die grondeienaar en/of werknemers nie Suid-Afrikaanse burgers is nie, moet 'n geldige werkspermit voorgelê en op lêer geplaas word.
- 3.9 'n Volledige rekord van alle aansoeke en besluite oor huiswinkels moet deur die Departement: Stadsbeplanning bygehou word.

4 MERIETE-GEBASEERDE EVALUERING

- 4.1 Geen goedkeuring vir 'n huiswinkel sal verleen word in 'n huis met 'n vloer-area van 25m², of minder nie.
- 4.2 Die handelsbedryf moet kleinskaal wees. Die vloer-area van die huiswinkel mag nie 25m² of 30% van die totale vloer-area van alle goedgekeurde geboue op die eiendom, wat ook al die minste is, oorskry nie. Die grootte en posisie van alle geboue en die huiswinkel moet duidelik op 'n terreinplan, voorberei deur 'n plan-tekenaar, aangedui word, om nakoming van hierdie vereiste aan te dui.
- 4.3 Die hoofgebruik en voorkoms van die eiendom moet steeds residensiële bly, en enige nuwe boustruktuur of verandering aan die eiendom om 'n huiswinkel te akkommodeer, moet by die residensiële karakter van die woonbuurt inpas, veral betreffende die straataansig, en dit moet in staat wees om weer na residensiële-gebruik, soos deur die Soneringskema toegelaat, terug te val.
- 4.4 Die huiswinkel moenie 'n negatiewe impak op die naasliggende eiendomme hê nie.
- 4.5 Die eienaar van die besigheid moet op die perseel woon. Dit dra by tot self-regulering van inwoner-geriewe in die woonbuurt.
- 4.6 Bedryfsure word beperk tot tussen 07:00 en 21:00 daaglik.
- 4.7 Die goedkeuring van huiswinkels sluit nie enige vermaaklikheidslisensie ('game shop license') in nie.
- 4.8 Die ligging van die perseel moet wenslik wees, bv. ligging op 'n hoof deurgang-roete / op 'n hoek. Geen goedkeuring sal verleen word vir 'n huiswinkel binne 400m loopafstand van:
 - Besigheid-gesoneerde persele in die sentrale sake-kern van 'n dorp nie; en/of
 - 'n Formeel-gesoneerde besigheidperseel binne 'n woongebied nie; en/of
 - 'n Bestaande, goedgekeurde huiswinkel nie,tensy die bepaalde perseel, ingevolge die Soneringskema of die Ruimtelike Ontwikkelingsraamwerk, in 'n spesifiek-gedefinieerde 'ekonomiese sone' geleë is.

- 4.9 Die perseel moet geskik wees: toeganklikheid vir aflewering voertuie (wydte van aanliggende straat / geskikte laai/aflaai area), toeganklikheid vir vulliswa, toegang vir klante (nie te steil / aan agterkant van die gebou nie), nie in 'n a cul-de-sac nie. As gevolg van die hoër potensiaal vir impak op aanliggende bure, is persele met skakelhuse nie wenslik vir huiswinkels nie. Huiswinkels op persele met ry-huse of woonstelblokke sal nie goedgekeur word nie.

5 GESONDHEIDSVEREISTES

- 5.1 Die area wat as 'n huiswinkel benut word, mag nie direk in 'n slaapkamer of 'n toilet open nie en geen voorraad wat in die winkel verkoop word, mag in 'n slaapkamer of toilet geberg word nie.
- 5.2 Die huiswinkel moet voldoende ventilasie en beligting hê.
- 5.3 Alvorens 'n aansoek om 'n huiswinkel te bedryf, deur die Raad oorweeg word, moet die aansoek vir voorlopige kommentaar na die Kaap-Wynland Distriksmunisipaliteit: Gesondheid verwys word.
- 5.4 Nadat Langeberg Munisipaliteit goedkeuring vir die grondgebruiksaansoek verleen het, moet 'n aansoek aan die Kaap-Wynland Distriksmunisipaliteit: Gesondheid gerig word vir 'n Geskikheidsertifikaat, uitgereik ingevolge R918/99, onder die Wet op Gesondheid (Wet 63 van 1977).

6 ADVERTERING OP DIE PERSEEL

- 6.1 Na goedkeuring, mag 'n advertensie-bord (bv. Naam van Besigheid), in ooreenstemming met die Raad se Advertensie-Beleid, opgerig word.
- 6.2 Indien enige ander vorm van advertensie beoog word, moet toestemming, ingevolge die Raad se Advertensie-Beleid, verkry word.

7 REDES VIR DIE WEIERING VAN 'N AANSOEK

- 7.1 Nie-nakoming van die vereistes wat met eienaarskap, bepanning en/of gesondheidsvereistes, in Artikels 4 en 5 hierbo gespesifiseer, verband hou.
- 7.2 Gebrek aan wenslikheid van die voorgenome grondgebruik op die bepaalde perseel, bv. perseel is te klein / te steil / ontoeganklik / nie 'n geskikte area vir aflewering / geboue op die perseel is te na aan bure / geldige besware deur die bure ingedien.
- 7.3 Die voorgenome grondgebruik sal 'n negatiewe impak op die veiligheid en welstand van gemeenskapslede hê (veral verkeersimplikasies, verwant aan aflewering voertuie en vullisverwydering voertuie)
- 7.4 Die voorgenome grondgebruik sal 'n negatiewe impak op die bewaring van die natuurlike- en/of die ontwikkelde omgewing hê.
- 7.5 Die voorgenome grondgebruik sal 'n negatiewe impak op bestaande regte hê (bv. bestaande regte van bure op inwoner-geriewe).

LW: In belang van die publiek, moet die Raad ook die kumulatiewe impak wat die aantal goedgekeurde huiswinkels in 'n gegewe area op die publiek mag hê, in ag neem.

8 TERUGTREK VAN GOEDKEURING

- 8.1 Enige oortreding van die bogenoemde vereistes, nie-nakoming van die voorwaardes vir goedkeuring, verkope van verbode goedere, wangebruik van staats-befondsde behuising, of enige skriftelike klagtes deur amptenary van die Raad ontvang, moet aan die Departement: Stadsbeplanning gerapporteer word, en mag tot die sluit van die huiswinkel en die terugtrek van goedkeuring lei.

9 MONITERING, NAKOMING EN HANDAWING

- 9.1 Die oopmaak van huiswinkels, sonder die vereiste goedkeurings, is onaanvaarbaar en het 'n negatiewe impak op die ekonomie. Sulke onwettige grondgebruik-aktiwiteite bedreig inwoners se lewens-kwaliteit, hul belegging in hul wonings, verlaag die veiligheid in woonareas, en ondermyn wetsgehoorsame besighede wat belasting betaal om op besigheid-gesoneerde persele sake te doen.

- 9.2 Artikel 85 van die Langeberg Munisipaliteit: Verordening op Grondgebruik-Beplanning, 2015 plaas 'n verpligting op die Raad om nakoming van die Soneringskemas te handhaaf en 'n wedersydse verpligting op alle persone om die bepalings van die Soneringskemas na te kom.

9.3 DIE OOPMAAK VAN ONWETTIGE HUISWINKELS MOET GEMONITEER WORD EN WETGEWING MOET GEHANDHAAF WORD MET ONMIDDELLIKE OPTREDE TEEN ONWETTIGE HUISWINKELS.

- 9.4 Geen persoon mag toegelaat word om met 'n onwettige grondgebruik te begin, of om dit voort te sit terwyl 'n aansoek nog geprosesseer of oorweeg word nie. Tensy, of totdat die toepaslike regte verkry is, geld die vereiste om bedrywighede te staak, ongeag of 'n aansoek gemaak is, of nie. Persone wat sonder die vereiste goedkeuring sake bedryf, terwyl 'n aansoek nog afgehandel word, is gevolglik aandadig om aangekla te word. 'n Aansoek sal nie finaal beslis word, terwyl onwettige geboue en/of grondgebruike steeds bestaan/bedryf word nie.
-

IIVENKILE ZESPAZA – UMGAQO-NKQUBO WOKUVAVANYWA KWEZICELO KWIINDAWO ZOKUHLALA ZASE- ASHTON, E-BONNIEVALE, E-MCGREGOR, E- MONTAGU NASEROBERTSON

CONTENTS

1. Intshayelelo
2. Ingcaciso ngevenkile yespaza
3. Inkqubo yokwenza isicelo
4. Ukuhlola okusekelwe kwizibakala ezibambekayo
5. Okudingekayo ngokwezempilo
6. Imifanekiso yentengiso kwisakhiwo
7. Izizathu zokukhatywa kwesicelo
8. Ukurhoxiswa kwemvume
9. Ukubeka esweni, ukuThotyelwa nokuNyanzeliswa koMthetho

Ilungiselelwe li: Sebe lokuCwangciswa kweDolophu laseLangeberg	
Umhla: nguSeptemba 2011 (Njengoko ulungisiwe ngoAprili 2013) &	
Waphunyezwa liBhunga laseLangeberg	
Isindululo seBhunga senombolo: B4324	A 3108
Umhla: 10 Juni 2013	APRIL 2015

APRIL 2015

1. INTSHAYELELO:

Ivenkile zespaza ziyinxenye ebaluleke kwicandelo lamashishini amancinci. Amashishini amancinci anegalelo elihle ekunciphiseni intswela-ngqesho futhi akwavuselela noqoqosho. Imiqobo yokungena kwelicandelo iphantsi ntoleyo eyenza libe yeyona ndlela ifanelekileyo kuluntu ebeluhlekile ngaphambili lokuba luthathe inxaxheba kwezoqoqosho. Ivenkile zespaza ezikhoyo kunye nezicetywayo ziya kuncediswa ukuqinisekisa ukuthotyelwa komthetho oyimfuneko kubandakanya ukuphunyezwa kwesicwangciso, ukuphunyezwa kwesicwangciso sokwakha, ilayisensi yokushishina kunye neSiqinisekiso sokwamkelwa(ngezempilo).

2. INGCACISO NGEVENKILE YESPAZA:

Ivenkile yespaza yivenkile ethengisa izinto ezimbalwa ezidingekayo, neqhutyelwa kwisakhiwo esisemthethweni, ngumnikazi wendlu. Xa igunya linikwe ngumnikazi wendlu, ivenkile inokuqhutywa lilungu losapho okanye ngumnxusi osemthethweni okwahlala kwakulondlu. Eyona njongo iphambili yevenkile yespaza kukubonelela ngezinto eziyimfuneko zamihla-ngemihla ezifana nesonka, ubisi, ukutya okusele kupakishwe, iziselo ezibandayo, iitships, izinto zefowni yeselula njalo-njalo sisethengisa ngeMivulo ukuya ngeeCawe phakathi kwentsimbi ye-07:00 ukuya kweye-21:00. Esi sakhiwo sinokuba yinxalenye yendlu ekuhlalwa kuyo, okanye sibe sisakhiwo esingaphandle nesenziwe ngendlela eyonelisekileyo kwiBhunga. Izakhiwo kufuneka ziphucule indawo yokuhlala ezikuyo. Izakhiwo akufuneki ziphazamisane nokhuseleko, nentlalontle okanye ubuhle bendawo yokuhlala ezikuyo.

3. INKQUBO YOKUFAKA ISICELO Qaphela: "Ukwenza isicelo" & "Neenkqubo zikaMasipala" zidityaniswe phantsi kwesihloko esinye.

Isishwankathelo: Ukwenza isicelo sokuqhuba ivenkile yespaza kufuneka senziwe ngokweNkqubo yoCando lwalodolophu ekuthethwa ngayo. Izicelo zivavanywa ngokuphathelene nayo yonke imithetho nemigaqo-nkqubo efanelekileyo ize, ngokusekwele koko, iBhunga lingathatha isigqibo sokuba sisiphumeze okanye sisikhabe isicelo. Izicelo eziphunyeziweyo zinikwa ixesha lokusebenza elingangeminyaka emi-5 kuphela, emva koko umenzi-sicelo kufuneka aphinde afake isicelo kwakhona.

3.1. Ifomu zokufaka isicelo ziyafumaneka kwiSebe loCwangciso lweDolophu kwaye zinomrhumo wokufaka isicelo, njengoko kuchaziwe kuluhlu lwamaxabiso erhafu, uhlawulwa xa kungeniswa isicelo. Umrhumo wokufaka isicelo awubuyiselwa ukuba isicelo saliwe.

3.2. Umnikazi-mzi kufuneka afake isicelo sokuqhuba ivenkile yespaza kwiSebe loCwangciso lweDolophu. Ukuze isicelo sikwazi ukusingathwa, ifomu yesicelo kufuneka igcwaliswe NGOKUGQIBELELEYO ibenawo onke amaxwebhu asixhasayo, isicwangciso sesiza, ubungqina bobunini/ugunyaziso lobunini, iikopi zencwadi yesazisi kunye nentlawulo emiselweyo yesicelo. Izicelo ezingagcwaliswanga ngokupheleleyo ziya kubuyiselwa kumfaki-sicelo ngeposi. AKUKHO KUFAKA KWESICELO ESINOKWENZIWA SEVENKILE YESPAZA EKWISIZA ESISEKAMASIPALA OKANYE SIKARHULUMENTE.

Isicelo siya kupapashwa kwaye izaziso ezibhaliweyo ziya kuthunyelwa kubanini bezindlu ezingqongileyo nabachongwe liSebe loCwangciso lweDolophu, ukuze banike izimvo zabo. Ubungqina beso saziso buya kubhalwa liSebe loCwangciso lweDolophu. Ukongeza, isaziso ngokumiselweyo kufuneka sixhonywe kwizakhiwo kwesosithuba lokupapashwa kwaso. Isaziso kufuneka sinikezele ngeenkukacha ezipheleleyo ngokunxulumene nomfaki-sicelo wevenkile yespaza ecetywayo kananjalo kufuneka sichaze ukuba naziphi na izichaso kufuneka zithunyelwe kwiBhunga kwesosithuba selixesha lichaziweyo.

- 3.3 ISebe loCwangciso lweDolophu kufuneka lithumele iinkcukacha malunga nesicelo kwiSebe lezeMpilo, kuMhloli weZakhiwo, kwiKomiti yeWadi yalondawo nakwaSAPS, okanye okunye okunokwenziwa kukulungiselela utyelelo lokuyokuhlolwa kwesiza naba babajanyekayo babekhona.
- 3.4 Iimpendulo kufuneka zithunyelwe kwiSebe loCwangciso lweDolophu kunye nengxelo malunga nophando, ukuthotyelwa komthetho ofanelekileyo kunye nezindululo zeSebe lezeMpilo, zoMhloli weZakhiwo, zeKomiti yeWadi kunye nezakaSAPS.
- 3.5 ISebe loCwangciso lweDolophu kufuneka nalo lenze uphando lwenzwe ingxelo kunye nezindululo.
- 3.6 Isicelo kufuneka siqwalaselwe liBhunga okanye siqwalaselwe ligosa elinikezwe amagunya oko, ngokufanelekile. Isicelo ngasinye kufuneka sihlolwe ngokwamazibakala ezibambekayo, kunikelwe ingqalelo ngokukodwa iimfuno ezichazwe kwiCandelo lesi-4 kunye nelesi-5 angezantsi.
- 3.7 Umenzi-sicelo kufuneka aziswe ngesigqibo ngembhalelwano. Imvume yeBhunga yevenkile yespaza iyakuba yomnini-ndlu kuphela, ngelixa umntu oqhuba ivenkile yespaza ingabangumnini-ndlu buqu okanye ilungu losapho / umnxusi osemthethweni naye okwahlala kwakulo ndlu ene-I.D esemthethweni yaseMzantsi Afrika. uxwebhu. Kwimeko apho umnini-ndlu kunye/okanye abasebenzi bengengabo abemi boMzantsi Afrika imvume yokusebenza esemthethweni kufuneka ibekhona kwaye ibhalwe kwifayile.
- 3.8 Ingxelo epholeleyo yazo zonke izicelo ezifakiweyo kunye nezigqibo ezimalunga neevenkile zespaza kufuneka zigcinwe liSebe loCwangciso lweDolophu.

4 UKUHLOLWA OKUSEKELWE KWIZIBAKALO EZIBAMBEKAYO

- 4.1 Akukho mvume yevenkile yespaza iya kunikwa kwindlu ebukhulu bungangama-25m² okanye ngaphantsi.
- 4.2 Ubungakanani bokuqhutywa kweshishini kufuneka bube buncinci. Ubungakanani bomgangatho wendawo yevenkile yespaza awunakodlula ngaphaya kwe-25m² okanye i-30% yobukhulu bomgangatho wazo zonke izakhiwo zidibene eziphunyeziweyo zakule ndlu, nayiphi na encinci kuzo. Ubungakanani kunye nendawo ezikuzo zonke izakhiwo kunye nevenkile yespaza kufuneka zibonakaliswe ngokucacileyo kwiplanini yesiza ezotywe ngumzobi weplanini, ukuze abonise ukuthotyelwa koko kuyimfuneko.
- 4.3 Ukusetyenziswa ngokumandla kunye nenkangeleko yesakhiwo kufuneka ihlale ibukeka njendawo yokuhlala, kwaye nasiphi na isakhiwo esitsha okanye utshintsho kulendlu kuba kulungiselelwa ivenkile yespaza kufuneka kuphucule ubuhle basekuhlaleni balo ndawo, ingakumbi ngokumalunga nokubukeka kwesitrato, kwaye kufuneka ibenakho ukubuyela kwinto ibiyiyo ngaphambili yokusetyenziswa njengendawo yokuhlala njengoko kunjalo kwinkqubo yocando.
- 4.4 Ivenkile yespaza akufunekanga ibenempebelelo embi kwizindlu eziyijikelezileyo.
- 4.5 Umnini weshishini kufuneka ahlale kwesosiza. Oku kunceda ukuba abenakho ukulawula ngokuphathelele nezinto zasekuhlaleni eziluncedo ebumelwaneni.
- 4.6 Iiyure zokusebenza mazibekelwe imiqathango ephakathi ko-07:00 kunye no-21:00.
- 4.7 Akukho layisensi yezinto zokonwabisa ("ivenkile yemidlalo") ehamba nokuphunyezwa kwesicelo seevenkile zespaza.

4.8 Indawo esimekuyo esosiza kufuneka ibe yindawo ebukekayo umzekelo: ibeyindawo yesitalato esikhulu ekudlulwa kuyo/ sibe sekoneni. Akukho sicelo sevenkile yespaza siyakuphunyezwa kumgama wokuhamba ngeenyawo ongama-400m we:

- weendawo ezimisilwe amashishini ngaphakathi kumbindi wedolophu; kunye / okanye
 - wendawo yoshishino esesikweni ephakathi kwindawo yokuhlala; kunye/okanye
 - wevenkile yespaza esele ikhona;
- ngaphandle kokuba isiza ekuthethwa ngaso sikwindawo echazwe ngokukodwa "njengendawo yoqoqosho" ngokweNkqubo yezoCando okanye iSikhokelo soPhuhliso loMhlaba.

4.9 Indawo leyo kufuneka ifaneleke: ifikeleleke kwezithuthi ezizokothula imithwalo (ububanzi besitalato esingenelayo/ ibeyindawo efanelekele ukulayishwa/nokothula), ifikeleleke kwilori yenkunkuma, ifikeleleke kubathengi (inganyusi iqhina kakhulu/ingabikho ngasemva kwesakhiwo); ingabi sekupheleni kwendlela. Iziza ezinezindlu ezizakhiwo ezimbini ezidibeneyo azizilungelanga iivenkile zespaza ngenxa yokuba singanakho ukuba neempembelelo kubamelwane abadibane nabo. Iivenkile zespaza aziyi kuvunyelwa kwiindawo ezikhiwe izindlu zadweliswa okanye kwibhloko yeeflethi.

5 OKUDINGEKAYO NGOKWEZEMPILO

- 5.1 Indawo esetyenziselwa iivenkile yespaza akufuneki ivuleke ngokujongene ngqo negumbi lokulala okanye lendlu yangasese, kwaye akukho zinto zithengiswa kwivenkile yesipaza ekufuneka zigcinwe kwigumbi lokulala okanye kwindlu yangasese.
- 5.2 Ivenkile yespaza kufuneka ingene umoya ngokwaneleyo kwaye ikhanye.
- 5.3 Phambi kokuba isicelo sokuqhuba iivenkile yespaza siqwalaselwe liBhunga, isicelo eso kufuneka sithunyelwe kuMasipala weSithili saseCape Winelands: kwezeMpilo ukufumana izimvo zokuqala.
- 5.4 Emva kokuphunyezwa kwesicelo sokusetyenziswa komhlaba nguMasipala waseLangeberg, isicelo kufuneka senziwe kuMasipala weSithili saseCape Winelands: kwezeMpilo ukwenzela iSatifikethi/iSiqinisekiso soKwamkeleka ngokuvisisana nemigaqo ye-R918/99 phantsi koMthetho wezeMpilo (uMthetho wama-63 ka-1977).

6 IMIFANEKISO YENTENGISO KWIZAKHIWO

- 6.1. Emva kokuphunyezwa kwesicelo, uphawu lwesazisi lunokumiselwa ngokuhambisana noMgaqo-nkqubo weNtengiso weBhunga (umzekelo: iGama leShishini).
- 6.2. Ukuba naluphi na olunye uhlobo lwesazisi lucetyiwe, imvume kufuneka ifunyanwe ngokuvisisana noMgaqo-nkqubo weNtengiso weBhunga.

7 IZIZATHU ZOKUKHATYWA KWESICELO

- 7.1 Ukungathotyelwa kweemfuneko ezichazwe kwiCandelo lesi-4 nelesi-5 ngasentla ngokunxulumene nobunini, isicwangciso kunye/okanye iimfuno ngokwezempilo.
- 7.2 Ukusilela ekutsaleni umdla kosetyenziso olucetywayo lwalendawo umz. indawo encinci kakhulu / iliqhina elinyukayo/ ukungafikeleleki / ayifanelekanga njengendawo yokothula/izakhiwo kwisiza zikufutshane kakhulu nabamelwane / izichaso ezibambekayo ezifakwe ngabamelwane njalo-njalo.
- 7.3 Usetyenziso olucetywayo lunokuba nefuthe elibi kukhuseleko kunye nentlalo-ntle yamalungu oluntu (ingakumbi iimpembelelo yezithuthi ezinxulumene nezizokothula izinto kunye nezithuthi zenkunkuma).

7.4 Usetyenziso olucetywayo lunokuba nempembelelo embi ekugcinweni kwendalo kunye/okanye uphuhliso.

7.5 Usetyenziso olucetywayo lunokuba nefuthe elibi kumalungelo akhoyo (umzekelo, amalungelo akhoyo eendawo zasekuhlaleni zabamelwane).

QAPHELA: Ngomdla woluntu, iBhunga kufuneka kwakhona livavanye ifuthe elinokongezeleka kuluntu ngokuphumeza iqela leevenkile zespaza kwindawo ezithile.

8 UKURHOXISWA KWEMVUME

8.1 Nakuphi na ukwaphulwa kwezi mfuno zingasentla, ukungathotyelwa kwemiqathango yokuphunyezwa, ukuthengiswa kwezinto ezingekho mthethweni, ukusetyenziswa kakubi kwezindlu ezixhaswa ngemali ngurhulumente, okanye naziphi na izikhalazo ezibhaliweyo ezifunyenwe ngamagosa eBhunga kufuneka zixelwe kwiSebe loCwangciso lweDolophu kwaye oko kunokukhokelela ekubeni ivalwe ivenkile yespaza kanajalo kurhoxiswe nemvume.

9 UKUBEKA ESWENI, UKUTHOTYELWA NOKUNYANZELISWA KOMTHETHO

9.1 Ukuvulwa kweevenkile zespaza ngaphandle kwemvume efunekayo akwamkelekanga kwaye kunefuthe elibi kuqoqosho. Izenzo ezinjalo zokusetyenziswa komhlaba ngokungekho mthethweni kubeka emngciphekweni umgangatho wobomi babahlali, notyalo-mali lwabo kumakhaya abo, kwaye inciphisa ukhuseleko lweendawo zokuhlala, kananjalo nokujongela phantsi uthotyelo lomthetho, lweerhafu kunye nalo mashishini akulo ndawo ahlawula iirhafu.

9.2 ICandelo lama-39, njengoko lifundwa kunye necandelo lama-46 loMmiselo woCwangciso lokuSetyenziswa koMhlaba elingunombolo-15 ka-1985 libeka uxanduva kwiBhunga ukuba linyanzelise ukuthotyelwa kweNkqubo yezoCando imbuyekezo yoko ibesibophelelo kubo bonke abantu ukuba bathobele izibonelelo zeNkqubo yezoCando.

9.3 UKUVULWA KWEEVENKILE ZE-SPAZA EZINGEKHO-SEMTHEHWENI KUFUNeka KUBEKELWE ILISO KWAYE UMTHETHO KUFUNeka UNYANZELISWE NGOKUTHATHA AMANYATHELO KWANGOKO NGAKWIIIVENKILE ZESPAZA EZINGEKHO-SEMTHEHWENI NGOKUVISISANA NOMGAQO-NKQUBO WOKUSETYENZISWA KOMHLABA OWAMKELWEYO.

9.4 Umntu akanakuvunyelwa ukuba aqalise okanye aqhubeke nokusebenzisa umhlaba ngokungekho mthethweni ngexa isicelo siqwalaselwa kananjalo kugqitywa ngaso. Imfuneko yokuyeka ukuwusebenzisa ngaphandle kokuba kwaye de kube kukho amalungelo afanelekileyo nokuba isicelo senziwe okanye asenziwanga. Ngenxa yoko, abantu abawusebenzisa umhlaba ngaphandle kwemvume efunekayo banakho ukuba bangatshutshiswa ngelixa nasiphi na isicelo siqwalaselwa. Isigqibo malunga nesicelo asiyi kwenziwa ngelixa izakhiwo ezingekho mthethweni kunye / okanye ukusetyenziswa komhlaba kusenzeka/kuqhuba.

