

BELA BELA LOCAL MUNICIPALITY



DRAFT POLICY IN RESPECT TO SPAZA/TUCK-SHOPS BY-LAW

2014/15 FINANCIAL YEAR

1. PROBLEM STATEMENT

There are currently unregistered and uncontrolled Spaza Shops within the Bela Bela Local Municipality. The existence of these Spaza Shops indicate an existing demand for such a service within residential areas, especially where communities are less mobile and existing business nodes are out of reach.

Whilst the entrepreneurship of foreign investors in the township economy should be welcomed, the terms on which spaza shops operate needs to be formalised. All spaza shops should require a trading licence, requiring adherence to the laws of residence, employment, taxation and municipal regulations. Regulation should be made simple, based on recognition of the economic position of spaza shops within the township economy and their role in providing access to basic necessities for local consumers.

2. POLICY DEFINITION

Bela Bela Land Use Management Scheme, 2008 defines Spaza Shop as:

“SPAZA” – Means a building designed for or a portion of a residential unit used for the purposes of selling and providing basic groceries (daily convenience goods) and fresh produce, excluding alcoholic refreshments, where the residential use of the property remains the main use of the property. The area used for a spaza shall not exceed a total floor area of 30m², and is further subject to the policy of the local municipality as amended from time to time.

The policy defines Spaza as an area of a dwelling unit and or associated immovable outbuilding not more than 30m² in extent, used by the occupant of such a dwelling unit for the purposes of selling basic household goods.

3. PURPOSE

The policy is aimed at the following:

- Setting guidelines to evaluate applications for Spaza Shops.
- Integrating various policies and procedures operative within Bela Bela Municipality without taking away any existing rights.
- Promoting harmonious development and protecting the residential character of the surrounding areas.
- Promoting small businesses and boosting the economic status of the Municipality.

4. MAIN CONSIDERATIONS AND PRINCIPLES

4.1. TARGET AREA

The policy is primarily aimed at residential areas where basic household goods can be obtained within a walking distance.

4.2. FUNCTIONS

The primary function of a Spaza Shop is to provide the occupant of a residential unit with an opportunity to use his/ her property for a small- scale economic activity and thus generate income without negatively impacting on adjoining properties. Another function is to provide a range of household goods to the surrounding community, within walking distance.

Given the functions above, it is clear that a spaza shop must not be confused with retail /business facilities on stands located along activity streets or nodes and serving a wider community at a larger scale. In addition, an erf on which a spaza shop is operated should retain its primary use as residential.

4.3. PRINCIPLES

- Neighbourhoods are allowed an opportunity to determine, within specific guidelines, their need acceptance for spaza shops.
- The needs of communities are placed before “planning control”.
- Public participation at a neighbourhood level.

5. LEGISLATION FRAMEWORKS

The development of this policy is guided by the following legislative and policy prescripts:

- The Constitution of South Africa (Act No.108 of 1996)
- Spatial Planning and Land Use Management Act (SPLUMA)
- National Spatial Development Perspective (NSDP)
- Business Act of 1991
- Limpopo Economic Growth Development Path (LEGDP)
- Municipal Spatial Development Framework
- Municipal Land Use Management Scheme, 2008
- Municipal LED Strategy

6. TOWN PLANNING CRITERIA

6.1. PROCEDURE

The following procedure should be followed when submitting an application for a Spaza Shop:-

- A Spaza Shop must be operated from a building or associated immovable structure approved in terms of the National Building Regulations Act.
- The applicant shall obtain written comments from the surrounding neighbours. The municipality will determine the affected neighbours.
- A small scale site plan (A4 or any acceptable size) shall be submitted with the application.
- A motivating memorandum stipulating the intentions of the applicant together with a locality plan shall form part of the application.

- The applicant must present written comments of the Ward Councillor.
- The Title Deed of the property must form part of the application.
- If the applicant is not the owner of the property, a Power of Attorney must be submitted.
- All objections lodged or representations made shall be dealt with at the Development Tribunal.
- Advertisement of the intentions of the applicant must be placed on site for 14 days.

6.2. *CONDITIONS OF APPROVAL*

- The main use of the property shall remain residential and the occupant shall reside in the dwelling unit.
- The size of a Spaza Shop shall not exceed 30m² in extent.
- The activity shall not be noxious.
- The activity shall not interfere with or negatively influence the amenities of the surrounding area.
- All vehicular and pedestrian access shall be to the satisfaction of the Municipality.
- No food shall be prepared and sold on the erf unless such is approved by the Health Services Department.
- The Municipality may impose any other condition/s that it deems necessary to protect the amenities of the area or neighbourhood.
- No alcoholic drinks/ beverages shall be sold from Spaza Shops.
- 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.
- A trading license be obtained from the relevant department.
- No tobacco products shall be sold to persons under the age of 18.
- Trading hours shall be limited to 06h00 to 20h00, unless otherwise approved. The municipality may restrict trading hours further depending on the comments and objections received on the application.
- Stock deliveries must be restricted to normal business hours (08h00 to 17h00 weekdays only)
- Spazas that exceed the above stipulated square meters will be subjected to full rezoning and full paying of business rates and most importantly is that it loses its Indigent status from the Municipality.

BELA BELA LOCAL MUNICIPALITY
APPLICATION FORM: SPAZA SHOPS

Name/Company : _____

Postal Address : _____

Postal Code: _____

Identity Number of Applicant : _____

Contact Person : _____

Tel. Numbers : (H) _____ **(W)** _____

(C) _____ **(Fax)** _____

E-mail Address : _____

Date : _____

Sir/Madam,

ERF/HOLDING/PORTION NO. : _____

TOWNSHIP/AGRICULTURAL HOLDINGS/FARM PORTION : _____

As registered owner/authorised agent of the above-mentioned property, I hereby formally apply to the Bela Bela Local Municipality to operate a Spaza Shop, in terms of the provisions of the relevant town-planning scheme/applicable legislation (insert relevant town-planning scheme/applicable legislation)_____

I am aware that the subject property is currently zoned _____

I desire that a Spaza Shop be operated from a portion of the subject property and the aforesaid be used for no other purposes, whatsoever, except the main use of the property which shall remain residential.

I undertake that, in the event of the Bela Bela Local Municipality approving my application, the above-mentioned business/activity/building will be operated/constructed in such a manner, so as to cause as little nuisance as possible to the surrounding residents.

I understand that, in the event of the premises being used for any other purposes than the above-mentioned or other than provided for in the zoning, as stipulated in the relevant town-planning scheme/applicable legislation, the Bela Bela Local Municipality will be entitled to take immediate action, in order to interdict the carrying on of such illegal business/activity/building and to close it down or to carry out any other proceedings, the aforesaid may deem advisable, without any compensation being payable by the Bela Bela Local Municipality.

In order to ensure that the above provisions will be carried out, I agree that the Bela Bela Local Municipality, shall have the right at all reasonable times, to enter upon the aforesaid property and/or any buildings or structures erected thereon, for the purpose of inspecting the aforesaid property, buildings and structures and the nature of the business and/or other activity therein.

Yours faithfully

APPLICANT

OWNER

