

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
19 November 2019  
(Also the agenda for the Mayoral Committee Meeting: 27 November 2019)**

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**4.  
ERF 2774, 70 CAMBRIDGE ROAD, HAWSTON, OVERSTRAND MUNICIPAL AREA:  
PROPOSED CONSENT USE: C & A MENTO**

**2774 HHW (3000)**

**R Kuchar**

**20 October 2019**

**Senior Manager: Town & Spatial Planning**

**(028) 313 8900**

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**1. Executive Summary**

Application has been received on 24 July 2015 from C & A Mento on Erf 2774, Hawston for a consent use in terms of the Overstrand Municipal Zoning Scheme Regulations in order to utilize a portion of the existing dwelling as a house shop.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report in support of the proposal is attached as Annexure C.

**2. Service Delivery and Budget Implementation - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priority**

Provision of Democratic and Accountable Governance.

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

Section 2.2 of the Overstrand Municipal Zoning Scheme

**6. Background/Discussion/Evaluation/Conclusion**

**Background/Discussion**

The owner of Erf 2774, Hawston applied to operate a house shop from a portion of the dwelling.

Erf 2774 is zoned Residential Zone I and measures approximately 225m<sup>2</sup>. There is an existing dwelling on the property. The owner proposes using a portion of approximately 9m<sup>2</sup> for a house shop. The dwelling measures approximately 48m<sup>2</sup> in extend.

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The applicant motivates that she is a housewife and with the establishment of the house shop she will be able to earn an income while taking care of her children.

The application was sent out to surrounding neighbours, and no objections were received.

The application was also circulated to all relevant municipal departments, and no objections were received.

### **Evaluation**

The evaluation will be considered in terms of the criteria to determine desirability in terms of Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

#### Physical Characteristics of the Property

Erf 2774, Hawston measures approximately 225m<sup>2</sup> in extend. The dwelling measures approximately 48m<sup>2</sup>.

#### Location and Accessibility

Erf 2774, Hawston is situated in Cambridge Road. The erf is easily accessible to surrounding neighbours by vehicle or by foot.

There is parking on the property for two vehicles.

House shops are created to deliver a service to immediate surrounding neighbours, therefore most clients visit house shops by foot.

#### Existing Land Uses and Character of the Area

The property is surrounded by residential properties. The closest other legal house shops in the vicinity are one approximately 160m by foot to the south in School Street. The other approved house shop is situated approximately 290m by foot to the south west in Seueby Street.

The new Overstrand Zoning Scheme makes provision for a Home Occupation and even a small day care, etc. as primary rights. This is to empower people to generate income and stimulate the economy.

A house shop is not a primary right, but a consent use, meaning that the Municipality may approve a house shop if it complies with the criteria as stipulated in the Zoning Scheme for house shops. This once again provides opportunity for entrepreneurs and help people to create an income for themselves. The guidelines/restrictions should ensure minimal impact on

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surrounding property owners, but it also ensures that the house shop is run from a facility that complies with Fire Regulations and health requirements. If it is not operated in line with these guidelines, affected people should inform the Municipality, and these approvals can be rescinded.

In some communities house shops do form part of the fabric of residential areas, to provide a service to the community. Considering the fact that there are approximately ten to eleven approved house shops (in terms of Town Planning records) in Hawston and approximately another four to five in process being considered, clearly shows that there is a need in the greater community of Hawston for house shops.

Considering the above, this application is desirable and can be supported.

Policy

In the application submitted it is proposed that approximately 9m<sup>2</sup> area of the total building size of 48m<sup>2</sup> will be utilized as a house shop. The guideline allow for up to 25% to a maximum of 30m<sup>2</sup> of buildings on an erf that can be utilized as house shop. The proposal is for 19%. The application is therefore in line with the Policy.

**Conclusion**

No objections were received against the application.

The relevant municipal departments indicated that they had no objections against the application.

The application was duly considered in terms of the Guidelines for House Shops in terms of the Overstrand Zoning Scheme, and the criteria to determine desirability in terms of Section 36 of the Land Use Planning Ordinance, 1985. The site plan will have to be amended to comply with these guidelines.

This application was considered on its own merits, and is found to be desirable.

**7. Financial Implications**

None

**8. Staff Implications**

None

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**9. Comments from other Departments, Divisions and Administrations**

**Engineering Services**

Attached as Annexure D.

**Fire Department**

No objection.

**Building Control**

No objection.

**District Health**

Owner has to apply for a R962 certificate of acceptability from the Overberg District Municipality. No sleeping allowed in tuck shop/store room.

**Waste Management**

No accumulation of refuse be allowed on the premises.

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Site Plan
- Annexure C: Motivation Report
- Annexure D: Services Report
- Annexure E: Comments: Telkom

**RECOMMENDATION:**

1. that, in terms of Section 2.2 of the Overstrand Municipal Zoning Scheme, the application for a consent use on Erf 2774, Hawston in order to utilize a portion of the dwelling as a house shop, **be approved**, subject to the following conditions:
  - (a) that only a portion of the dwelling, not exceeding 25% of all the buildings on the property or 30m<sup>2</sup>, whichever is the greatest, may be utilized as a house shop;
  - (b) that no more than one vehicle, not exceeding 3500kg gross weight, may be utilized to make deliveries at the house shop at any one time;

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- (c) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc. to the satisfaction of the Senior Manager : Town- and Spatial Planning;
- (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (e) that the house shop may not be used for the purposes of noxious trade, risk activity, sale of alcoholic beverages, place of entertainment or gambling purposes;
- (f) that no products, goods or supplies connected to the house shop may be stored on the property outside the building;
- (g) that a single non-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
- (h) that the trading hours of business only be between:  
  
Monday to Friday: 08:00 to 17:00  
Saturday: 08:00 to 13:00, and that should the hours of business be extended in terms of the proposed House Shop Policy, such hours of operation will be applicable.
- (i) that the number of people employed be restricted to three;
- (j) that the owner/manager resides on the premises;
- (k) that a Certificate of Acceptability from the Health Section of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;
- (l) that the approval is not transferable, and the house shop area may not be sublet to any other person by the applicant;
- (m) that the conditions in the Engineering Report be adhered to (Annexure D);
- (n) that the Overstrand Municipality retains the right to enforce any relevant legislation, regulations, law and order regarding these premises, the applicant and the departure in land use;
- (o) that this consent use approval is valid for a maximum period of five years, after which it will expire if application is not made for the extension of the validity period within the five year period;

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- (p) that on-site parking be provided to the satisfaction of the Senior Manager: Town- and Spatial Planning;
  - (q) that Council reserves the right to rescind the approval without payment of compensation, should any justified objection be received to the manner in which the house shop is functioning or should the operation of the house shop be found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (r) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (s) that application is made for a Business Licence at the Overstrand Municipality prior to operation of the house shop;
  - (t) that building plans be submitted showing all building changes and partitioning of the house shop in the dwelling to the satisfaction of the Fire Department and Building Control Department;
  - (u) that no accumulation of refuse occur on the premises;
  - (v) that no sleeping be allowed in the house shop/store; and
  - (w) that the conditions of Telkom (attached as Annexure E) be complied with.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government: Municipal Systems Act No. 32 of 2000 with regard to the above decision.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H OLIVIER</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>11 DECEMBER 2019</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>11 DECEMBER 2019</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

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**R Kuchar**

**20 October 2019**

**Senior Manager: Town & Spatial Planning**

**(028) 313 8900**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
19 NOVEMBER 2019, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :**

**H OLIVIER**

**TARGET DATE FOR IMPLEMENTATION :**

**11 DECEMBER 2019**

**TARGET DATE TO INFORM APPLICANT :**

**11 DECEMBER 2019**

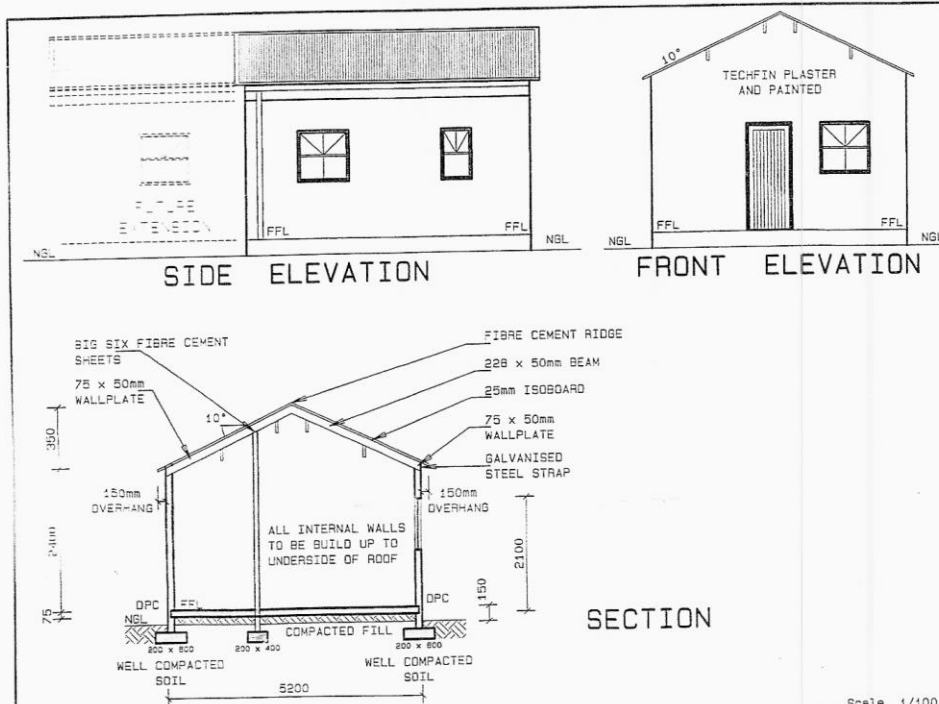
**TARGET DATE TO INFORM OBJECTOR :**

**N/A**



LOCALITY PLAN - NOT TO SCALE





**SPECIFICATIONS**

Scale 1/100

<p>*THE DESIGN SHOWN ON THIS DRAWING IS THE COPYRIGHT OF THE ARCHITECT.</p> <p>*THE CONTRACTOR MUST CHECK ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY WORK.</p> <p>*SUB-CONTRACTORS MUST VERIFY ALL DIMENSIONS ON THE JOB AND SUBMIT SHOP DRAWINGS TO THE ARCHITECT BEFORE COMMENCING ANY WORK.</p> <p>*FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS.</p> <p>*ALL work to be carried out in accordance with local authority regulations and by-laws.</p> <p>*ALL new building work to be of an acceptable standard.</p> <p>*ALL openings to have pre-stressed concrete lintels over with a minimum of 2 course blockwork over.</p> <p>*ALL glazing in excess of 1200 or less than 300mm above finished floor level to be safely glazed in accordance with NBR, SABS 0400.</p> <p>*No part of building to project beyond the line of boundary.</p> <p><b>ALL LIGHT AND VENTILATION AREAS TO COMPLY WITH NATIONAL BUILDING REGULATIONS SABS 0400</b></p> <p><b>CONSTRUCTION NOTES:</b></p> <p><b>FOUNDATIONS:</b></p> <ol style="list-style-type: none"> <li>800x800mm (150PA/150mm) STRIPFOOTINGS</li> <li>ON COMPACTED INSITU SOIL.</li> </ol> <p><b>FLOORS:</b></p> <ol style="list-style-type: none"> <li>75mm CONCRETE SLAB (150PA/150mm) WITH HARDENER ADDED ON TOP, FROGGELED ON 250 WIDEN DPC.</li> <li>ON COMPACTED INSITU SOIL.</li> </ol> <p><b>EXTERNAL WALLS:</b></p> <p>1: 600 x 200mm CEMENT BLOCKS AND BRICKWORK EVERY 3RD COURSES TURNED AND LAGGED AT CORNER.</p>	<p><b>INTERNAL WALLS :</b></p> <p>80mm 3 STRIPS CEMENT BLOCKS</p> <p><b>ROOF:</b></p> <p>SIX SIX FIBRE CEMENT SHEETS ON 228 x 50mm SAP PURLINS AT MAX. 1100mm O/C AND 75 x 50mm WALL PLATE INTO TOP OF WALLS WITH 30 x 1.5mm GALVANISED STEEL STRAP</p> <p><b>WINDOWS :</b></p> <p>100 PRE GALVANISED STEEL FRAME WITH 3mm GLASS</p> <p><b>DOORS :</b></p> <p><b>INTERNAL :</b></p> <p>100 UNPAINTED PRE GALVANISED STEEL FRAME WITH POLYURETHANE CORE WOODEN DOOR</p> <p><b>EXTERNAL :</b></p> <p>100 UNPAINTED PRE GALVANISED STEEL FRAME WITH 80 PINE DOOR</p> <p><b>FINISHES :</b></p> <p><b>EXTERNAL WALLS :</b></p> <p>ONE LAYER 150mm FRATLPER PLASTER AND 2 COATS OF WATERPROOF PVA PAINT</p> <p><b>INTERNAL WALLS :</b> BRASS</p> <p><b>EXTERNAL DOOR AND WINDOWS FRAMES :</b> GALVANISED</p> <p><b>EXTERNAL DOORS :</b> VARNISHED</p> <p><b>CEILING/INSULATION :</b></p> <p>25mm ISOBOARD</p> <p><b>WATER SUPPLY:</b></p> <p>1: COLD WATER ONLY.</p> <p><b>PLUMBING:</b></p> <ol style="list-style-type: none"> <li>GASIN WITH BRACKETS (1, ON LOAD)</li> <li>LOW LEVEL CISTERN SET</li> <li>INTERNAL TAP TO BE BRASS</li> <li>PLUMBING TO BE INCLUDE ALL PIPEWORK TO THE WATERMETER</li> </ol>
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MUNICIPALITEIT 20365

MUNICIPALITY OVERSTRAND MUNISIPALITEIT

BRANDWEER / BRANDWEER APPROVED / GOEDGEKEUR

26-10-2010

OVERBERG DISTRIKSMUNISIPALITEIT

OMGEWINGSGESONDHEID / ENVIRONMENTAL HEALTH GOEDGEKEUR / APPROVED

DATUM / DATE: 25/10/2010

OVERBERG DISTRICT MUNICIPALITY

**KV3**

K.V. EZZ V3 ENGINEERS

P.O. BOX 255

1815/1118 7508

TEL: 021 812-1000

FAX: 021 812-1000

E-MAIL: kv3@kv3.co.za

LOW COSTING HOUSE - ERF No. 2774

15006KS0/  
ERF 2774

22 July 2015

**Town Planner**  
Overstrand Municipality  
Hermanus  
7200

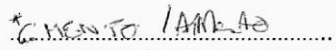
**Re: Erf 2774, Cambridge Street, Hawston**

We, Mr. C. Mento & Mrs. A. M. Mento would like to apply for a waiver on the above property.

We herewith apply for consent to manage a Spaza shop from our home. We would like to convert one of our recently built bedrooms, which is 8.21m<sup>2</sup> internally into a Spaza shop. As a housewife and mother, I would like to earn while taking care of my children at home.

We request that you consider the application in our best interest.

Yours truly

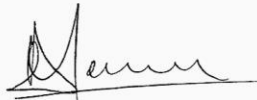
  
.....  
Mr. C. Mento & Mrs. A. M. Mento

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: ERF 2774, HAWSTON (3000)**

Electricity : In order  
Water : In order  
Sewer : In order  
Stormwater : In order  
Roads and traffic : In order

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that should additional services be required the owner will be responsible for the payment of bulk services levies;
4. that stormwater be allowed to discharge through Erf 2774, Hawston, unobstructed.



**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

15 October 2015

**DATE**

# Telkom

Network Engineering and Build

Telkom SA SOC Limited

10 Jan Smuts Drive  
Pinelands  
7404



TP A Theart  
(H Olivier)

Tel : 021 414 5613  
Fax : 088 021 414 5613  
Email : Mikhail.Fredericks@corline.co.za

Enquiries : Mikhail Fredericks  
Our Ref. : WWIP\_WHWS3282\_15  
Your Ref.: erf 2774

26 October 2015

Attention : Loretta

Overstrand Municipality  
Hermanus

Dear Sir/Madam

**Application for wayleave: Proposed consent – ERF 2774, Cambridge Road – Hawston.**

With reference to your letter dated 20/08/15.

I hereby inform you that Telkom approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per the drawing supplied, Telkom SA LTD infrastructure will not be affected. However, care should still be taken should it be evident that there is in fact Telkom network present on the actual sites.

FILE NO:	EL 2774 Haw
SCAN NO:	52
COLLABORATOR NO:	851705

Telkom SA SOC Limited: Reg no 1991/005476/30  
Directors: JA Mabuza (Chairman), SN Maseko (Group Chief Executive Officer), DJ Fredericks (Chief Financial Officer), S Botha, Dr. CA Fynn, N Kapila\*,  
I Kgaboesele, K Kweyama, K Mzondeki, F Petersen, LL Von Zeuner.  
Company Secretary: X Mpongohe Makasi

\*India

TP 28 OCT 2015

28 OCT 2015

# Telkom

Please notify this office immediately if you locate any Telkom plant that was not indicated.

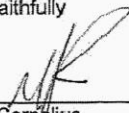
Please contact our representative **Frederik Swart** at telephone number **028 514-1199 / 081 363 7815** at least **48 hours** prior of commencement on construction work.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Telkom SA infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Telkom SA LTD rights remain reserved.

Yours faithfully



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Daniel Cornelius  
Operations Manager  
Wayleave Management: Western Region

