

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

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**5.  
ERF 2888,6 STAFFORD STREET, HAWSTON, OVERSTRAND MUNICIPAL AREA:  
PROPOSED CONSENT USE: S GREEFF**

**2888 HHW (2943)**

**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 18 June 2015 from S Greeff on Erf 2888, 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 2888, Hawston applied to operate a house shop from a portion of the dwelling.

Erf 2888 is zoned Residential Zone I and measures approximately 200m<sup>2</sup>. There is an existing dwelling on the property. The owner proposes using a portion of approximately 28m<sup>2</sup> for a house shop. The dwelling measures approximately 81m<sup>2</sup> in extend.

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The applicant motivates that she is unemployed and with the establishment of the house shop she will be creating work for herself and to enable her to make a living.

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 2888, Hawston measures approximately 200m<sup>2</sup> in extend. The dwelling measures approximately 81m<sup>2</sup>.

#### Location and Accessibility

Erf 2888, Hawston is situated in Stafford Street. The erf is easily accessible to surrounding neighbours by vehicle or by foot.

The property only has parking on-site for one vehicle.

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 (1) approximately 120m to the north west in Seueby Street. The other approved house shop is situated approximately 180m north of the site in School 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

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themselves. The guidelines/restrictions should ensure minimal impact on 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 10 to 11 approved house shops (in terms of Town Planning records) in Hawston, clearly shows that the greater community of Hawston supports house shops, and is part of the character of this area.

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

Policy

The application is not fully compliant with the Guidelines for House Shops.

In the application submitted it is proposed that approximately 28m<sup>2</sup> area of the total building size of 81m<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 35%. The applicant will therefore have to amend the proposal and would only be able to utilize 20m<sup>2</sup> for house shop purposes.

**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**

Premises must be in compliance with the National Fire Protection Regulations SANS 10400 T : 2011

**Building Control**

Supported.

**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 objection.

**10. Annexures**

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

**RECOMMENDATION:**

1. that, in terms of Section 2.2 of the Overstrand Municipal Zoning Scheme, the application for a consent use on Erf 2888, 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 and that the submitted site plan be amended to comply with this requirement;
  - (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 Department;
  - (u) that no accumulation of refuse occur on the premises, and
  - (v) that no sleeping be allowed in the house shop/store.
2. that the applicant be notified of its right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

<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 NOVEMBER 2019</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

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**20 October 2019**

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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**

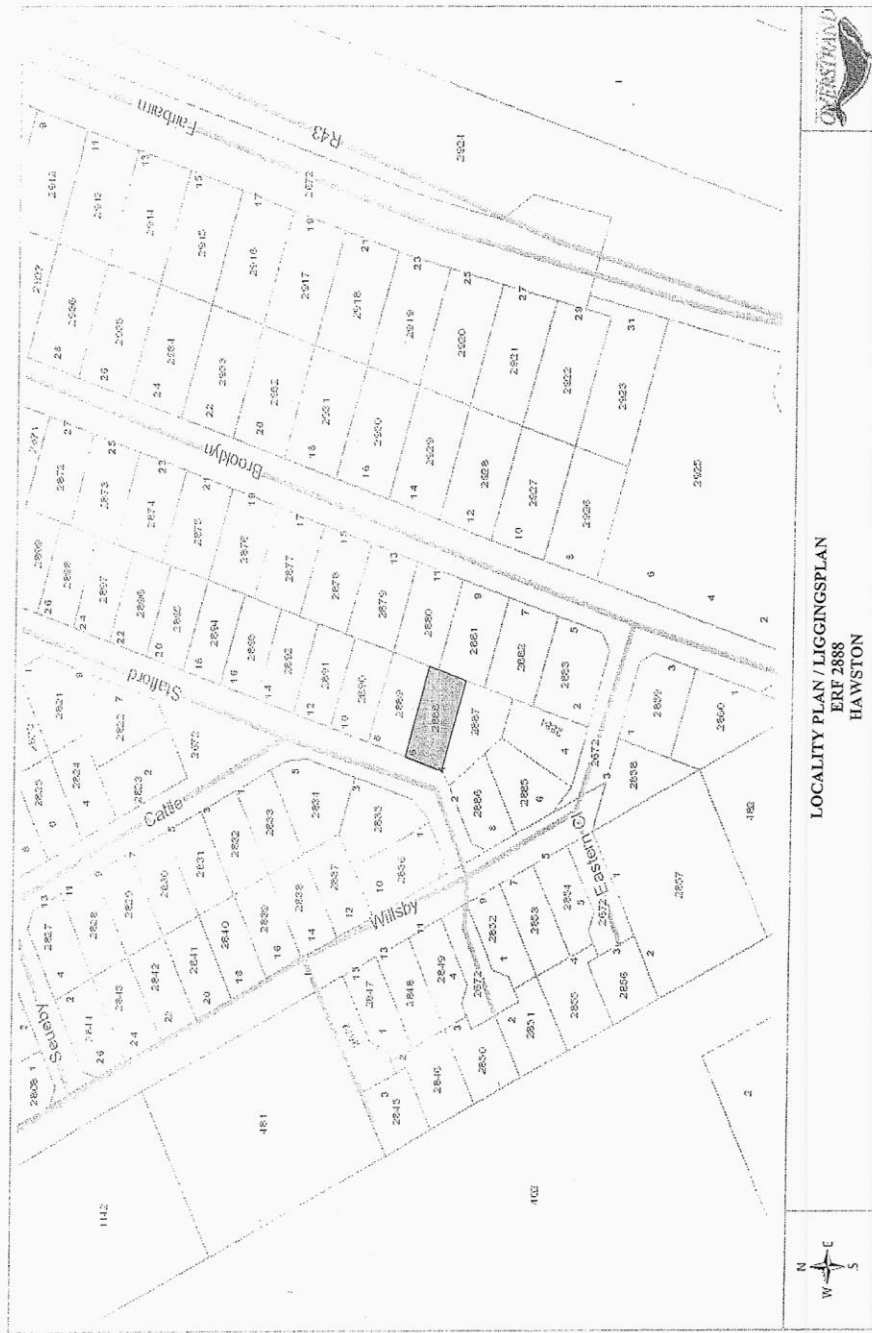
**TARGET DATE TO INFORM APPLICANT :**

**11 NOVEMBER 2019**

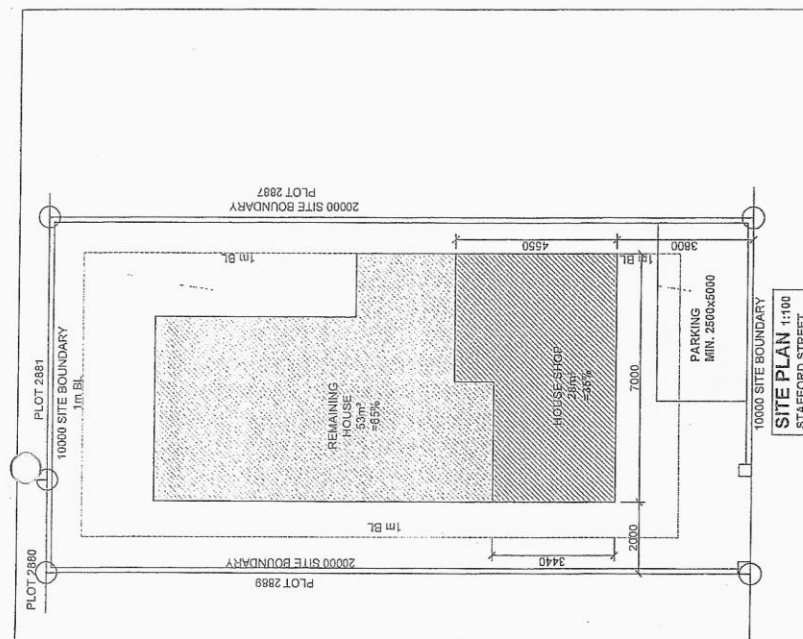
**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

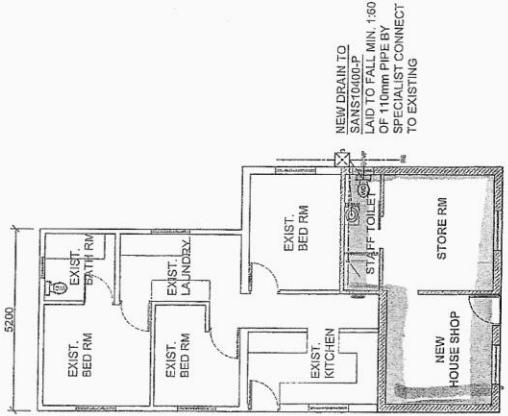
ANNEXURE A



ANNEXURE B



SITE PLAN 1:100  
STAFFORD STREET



GROUND PLAN 1:100

HOUSE GREEFF  
PLOT 2888  
STAFFORD STREET

2015-07-01

<p>PROJECT: NEW ALTERATIONS FOR OWNER <b>HOUSE GREEFF</b> PLOT 2888 STAFFORD STREET HAWSTON.</p>	<p><b>CHF DESIGNS &amp; DRAFTS CC</b> No 2010002725/23 PJ ARCH DRAUGHT SACAP REG. No D2524 CEL No 0748970297 A11 ALBION CRES HAWSTON</p> <p>DRAWN: C. FORD</p>	<p>GENERAL ALL REQUIREMENTS OF NAT. AND LOCAL AUTHORITIES MUST BE ADHERED TO BUILDER MUST CHECK ALL DIMENSIONS AND LEVELS BEFORE WORK IS STARTED THE DESIGN ON THIS DRAWING IS THE PROPERTY OF CHF DESIGNS AND DRAFTS CC AND HAS THE COPYRIGHT.</p> <p>FIGURED DIMENSIONS MUST BE TAKEN IN PREFERENCE OF SCALED DIMENSIONS.</p> <p>SCALE: AS SHOWN</p>	<p>SIGNED: DATE _____</p> <p>OWNER _____</p> <p>DRAFTERMAN _____</p>
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TP-A Theart  
(Hollivier)

Motivering:



geagte Meneer

Ek rig die versoek net om te sê dat ek die eienaar van die woning op 2888 Stafford Street, 2888 in Tuusshoop wil open by my woning omdat ek geretireerd gaan word by my werk dan gaan ek werkloos wees vir 'n tydperk totdat ek weer 'n werk gaan kry, dus hoekom ek in Tuusshoop wil open vir 'n inkomste, om my drie kinders te voorsien, van hul skoolse behoeftes en om my huis in staat te kan hou

Hoop u verstaan rede

Die uwe  
Mej. S. Grubb  
Tel: 0113236153

Grubb

FILE NO:	EL 2888 - Haw
SCAN NO:	01
COLLABORATOR NO:	816001

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 2888, HAWSTON (2943)**

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 2888, Hawston, unobstructed.

  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

14/9/2015  
DATE