



ERF 1846, 3 SEEMEEU CLOSE, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: JEANÉ DOUGLAS ON BEHALF OF C VELDSMAN

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received for the following:

- ❖ **consent use** in terms of Section 16(2)(o) of the By-Law, to accommodate a scrap yard and recycling on the property; and
- ❖ **determination of an administrative penalty** in terms of section 16(2)(q) of the By-Law.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus and at the Gansbaai Library, Main Road, Gansbaai. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **Thursday, 20 March 2025**, quoting your name, address and contact details, interest in the application and the reasons for comment. Telephonic enquiries can be made to **Senior Town Planner, Mr. SW van der Merwe** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 1846, SEEMEEUSINGEL 3, GANSBAAI, OVERSTRAND MUNISIPALE AREA: AANSOEK OM VERGUNNINGSGEBRUIK EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: JEANÉ DOUGLAS NAMENS C VELDSMAN

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is vir die volgende:

- ❖ **vergunningsgebruik** ingevolge Artikel 16(2)(o) van die Verordening, om 'n skrootwerf en herwinning op die eiendom te akkommodeer; en
- ❖ **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening.

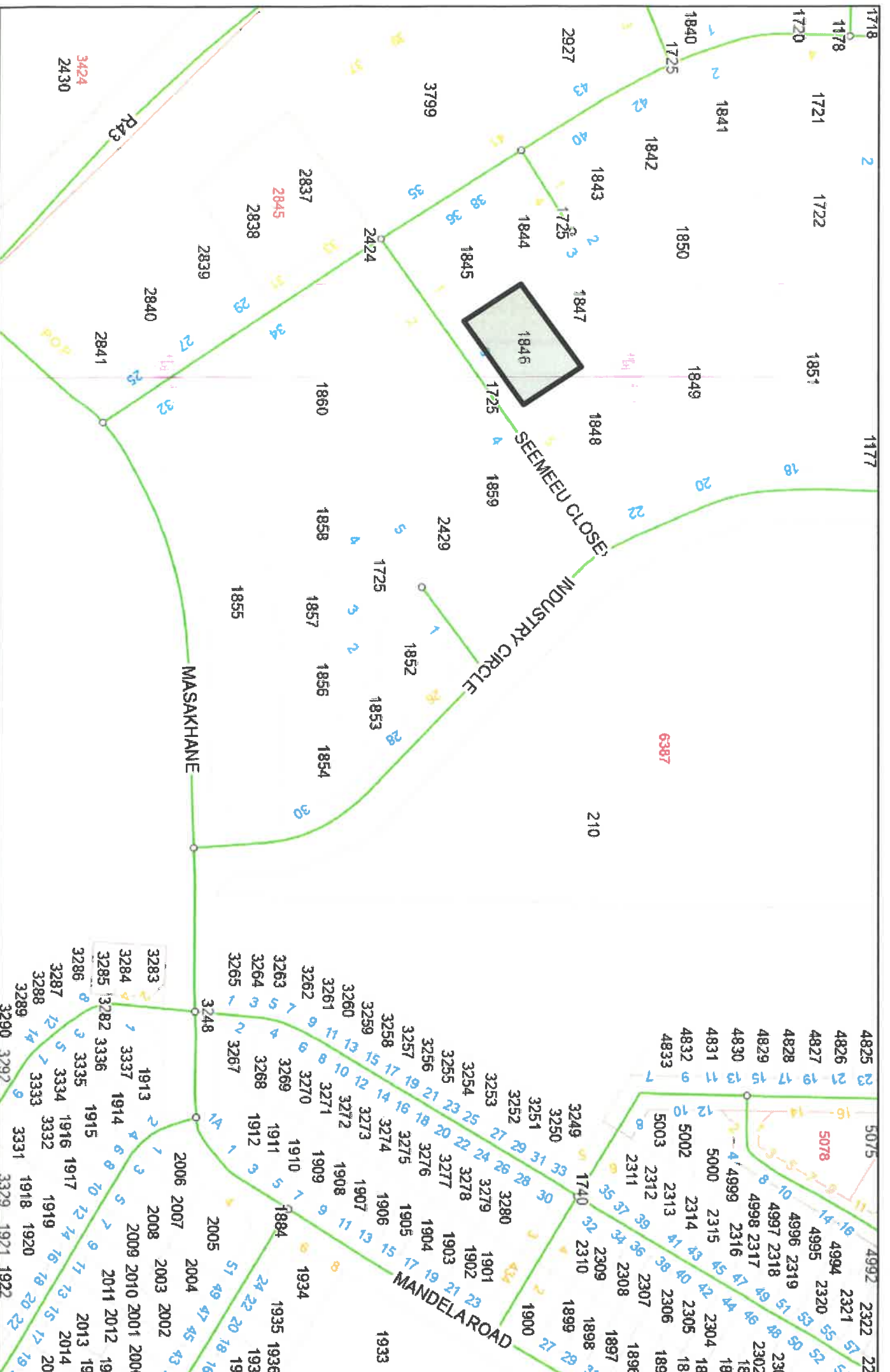
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en by Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar op die voorstel moet skriftelik ingedien word ingevolge die bepalings van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **Donderdag, 20 Maart 2025**, met u naam, adres en kontakbesonderhede, belang in die aansoek sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Senior Stadsbeplanner, Mnr. SW van der Merwe** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

I-ERF 1846, 3SEEMEEU CLOSE GANSBAAI, UMASIPALA WE-OVERSTRAND: ISICELO SOKUSETYENZISWA KWEMVUME KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: JEANE DOUGLAS EGAMENI LIKA C VELDSMAN

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo kaMasipala waseOverstrand ngo. UCwangciso lokuSetyenziswa koMhlaba lukaMasipala, 2020 (uMthetho kaMasipala), ukuba isicelo sifunyenwe soku kulandelayo:

- ❖ Ukusetyenziswa kwemvume ngokweCandelo 16(2)(o) loMthetho kaMasipala, ukulungiselela indawo ye scrap yadi kunye nokurisayikilisha kwi propati.
- ❖ ukumiselwa kwesohlwayo solawulo ngokwemiqathango yecandelo 16(2)(q) loMthetho kaMasipala.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha eveki phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangiso ngeDolophu, 16 Paterson Street, Hermanus nakwiThala leencwadi laseGansbaai, Main Road, Gansbaai. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokungqinelana nezibonelelo zeCandelo lama-51 kunye nelama-52 lalo Mthetho kaMasipala oxeliweyo kwaye zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) kule nombolo okanye ngaphambili ko **20 EyoKwindla 2025**, ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuphawula. Imibuzo ngomnxeba ingenziwa kuMnu. **SW van der Merwe** kule nombolo 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.



ERF 1846, 3 SEEMEEU CLOSE, GANSBAAI

ERF 1846 GANSBAAI

MOTIVATIONAL REPORT: APPLICATION FOR CONSENT USE AND
ADMINISTRATIVE PENALTY FEE



ABSTRACT

Application for consent use in order to accommodate a scrap yard and recycling facility

Application By:
Jeane Douglas

Compiled for: Christo Veldsman

1. Background

The subject property Erf 1846 is situated in the Industrial area of Gansbaai and is located along Seeumeeu Close with an extent of 1028m². According to the zoning map & Overstrand Municipal Land Use Scheme, 2020 the property is zoned as Industrial Zone I: General Industry.

It is the intent of the lessee of the property to legalise the existing use of a scrapyard and recycling facility by erecting a storage unit with an office, ablution facilities and containers. The Overstrand Municipality Land Use Scheme 2020 makes provision for consent use under Industrial Zone 1. The lessee of the property is also the leaser of Erf 1847 Gansbaai which is also being utilized as storage facilities and office space.

Jeane Douglas is hereby duly appointed by the leaser (Chriso Veldsman) to submit a land use planning application for the proposed development.

See Appendix -B for the Power of Attorney & Appendix -C for the Site Development Plan.

2. Application

The following is proposed:

1. Application is hereby submitted in terms Section 16 (2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to make provision for a scrapyard.
2. Application is hereby submitted in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal land Use Planning, 2020 for the use of a scrapyard without approval

3. Locality

The subject property is situated within the Overstrand Municipality, located at 3 Seeumeeu Close, Gansbaai. The location of the property is shown in the figure below.

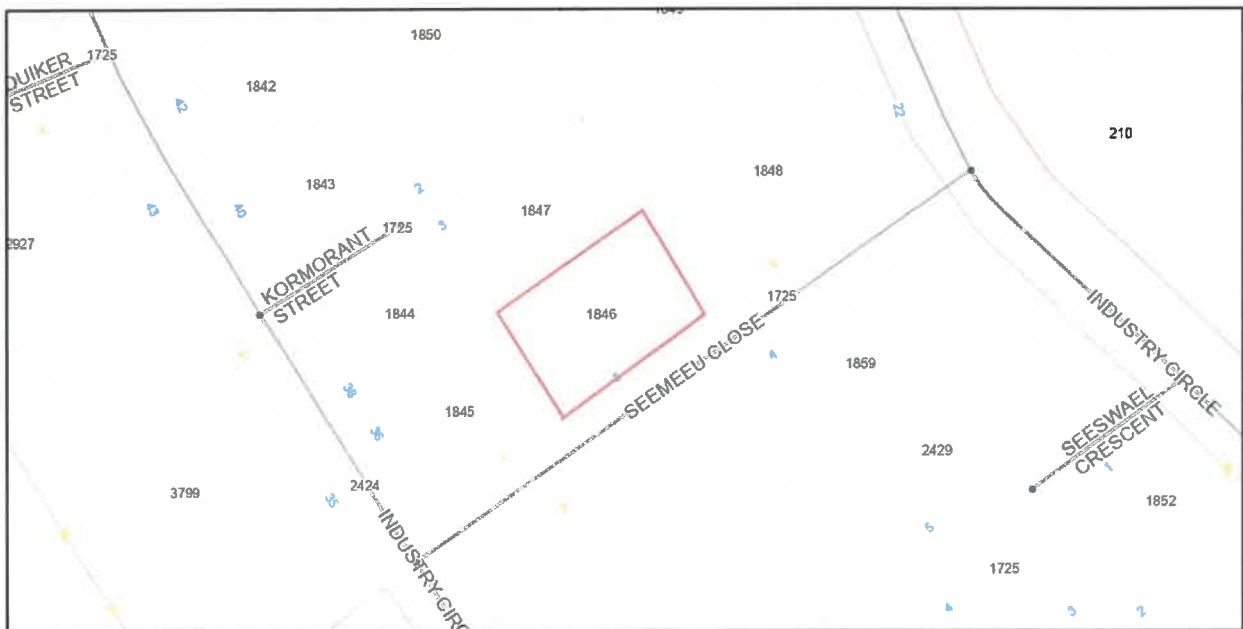


Figure 1: Locality Map

4. Land Use Environment

The property is situated in the industrial area of Gansbaai where the predominant use of the area is for industrial purposes. The zoning of the subject erf and the surrounding properties are zoned Industrial Zone I: General Industry. The zoning in the area is shown below as Figure 2 and Appendix D.

4.1 Parking

According to the Overstrand Land Use Scheme, Section 17 There should be four parking bays per 100m² GLA. The office space has an extent of 9m² which will accommodate 0.36 bays, and the Storage units with an extent of 137.2m² will require 2.744 parking bays which calculates to a total of 3.104 parking bays in total. Therefore, the total number of parking bays for the development is four (4) parking bays which the proposed development provides in addition to a loading zone.

Parking Bays are therefore compliant with the applicable Overstrand Land Use Scheme.



Figure 2: Surrounding Zoning

5. Title Deed

In terms of the Title Deed No T/ 36800/2020, Erf 1846 Gansbaai is registered in the name of Herman Burger with no title deed conditions restricting the proposed development. The Title Deed is attached hereto as Appendix -E.

6. Engineering Services

Electric, Water, Sewage and Solid waste

Bulk services will have to be connected as per the Engineering departments requirements.

7. Policies and Regulations

Overstrand Municipal Spatial Development Framework, 2020 (MSDF)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the MSA, is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable, and habitable regions, cities, towns and residential areas.

The proposed application is located within the urban edge and located in the industrial zone as depicted in the MSDF and the applicable Overstrand Municipality Land Use Scheme. The impact of the proposed use will therefore not detract from the character of the surrounding area since the future planning documents accommodate the type of use to be located within the current area.

Overstrand Municipality Spatial Growth Management Strategy, 2010 (OMSGMS)

The Growth Management Strategy promotes the longer-term sustainability of the municipal area and its sub-regions. The property falls within the planning unit 4, which promotes economic activity as depicted in the OMSGMS.



8. Planning Principles

Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)

Section 7 of the "Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)" list 5 development principles based on which any development application must be evaluated.

The principles referred to are as follows:

1. Spatial Justice

The proposal to accommodate a scrapyards (recycled storage facility) as well as a self-storage facility is located in an area where the use is aligned with the relevant provisions contained in the OM land use scheme and which will not perpetuate spatial imbalances. The principle of Spatial Justice is therefore not applicable to the proposed application.

2. Spatial Sustainability

The proposal is situated within the industrial area of Gansbaai and will therefore not impact negatively on prime or unique agricultural land which it is not located on. The principle of spatial sustainability is therefore not applicable to the subject property and the proposal thereon.

3. Spatial resilience

This proposal is not in conflict with any spatial planning policies or other regulations of the Overstrand Municipality. The type of development (recycling/scrapyard) is not an economic activity that will easily succumb to impact of economic and environmental shocks since this proposed use will for the foreseeable future always be required in order to deal with scrap or recycling material and not be susceptible to environmental stress, crisis, disaster or shock.

4. Efficiency

This proposal intends to maximize the usage of the subject property allowing a scrapyard as a consent use on a storage premises. The proposal will ensure that the land will be better utilised since the land unit can be considered prime industrial grounds for such an activity as well as since industrial grounds are of limited amounts within the Overstrand Municipal Jurisdiction.

5. Good administration

The Overstrand Municipality has a credible track record of good administration regarding the method of public participation which invites and accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.

8. Administrative Penalty

In terms of Section 90 of the Overstrand Municipality Amendment By-Law on Municipal land Use Planning 2020 the following is applicable: "A person who is in contravention of this By-Law, and submits an application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof concerned."

The administrative penalty applicable to the property is evaluated in terms of section 90 (3) (a-e), as follows:

(a) the nature, duration, gravity, and extent of the contravention.

Unauthorized land use started operating in 2023. The lessee was aware that they needed permission from the municipality to use the property as a scrapyard.

(b) the conduct of the person (allegedly) involved in the contravention.

The municipality suspected that unauthorized activities were conducted on the subject property. After an investigation took place, it was confirmed that the subject property was being utilized for scrapyard purposes. The lessee was served a notice of no compliance which triggered an application for consent use as well as a determination of an administration Penalty. Please see attached notice that was served as Appendix G.

(c) a report by a quantity surveyor in matters of unauthorised building/construction.

The property being utilized as a scrapyard is vacant property with no structures or buildings situated on it. Due to the type of activity (scrapyard) it is difficult to quantify the area utilized for the development.

(d) whether the unlawful conduct was stopped;

As soon as they contacted the town planner of the area to confirm which route

they should take, they decided to appoint a town planner, hence the reason for this application.

(e) whether the person allegedly involved in the contravention has previously contravened this By- Law or a previous planning law.

After consultations with the lessee and town planner of the Gansbaai area the lessee has previously contravened this By-Law or any other By-Law.

9. Needs and Desirability

The proposal is to accommodate a scrapyard on the subject property, which is categorised as a consent use right in terms of the applicable zoning.

The proposed scrap yard will entail the following: the scrap metal can be dropped off at the storage facility where it will be stored for a short period of time. Once the metal has been gathered SA Metal Scrap Dealers comes around every second months to take away recycled material. The storage of the metal will not cause any noise pollution or any health hazards as it is only being stored at the facility for a short period of time.

The Overstrand Municipal Land Use Planning Scheme, 2020 makes provision for a scrapyard as a consent use in terms of the applicable zoning. The proposed consent use of the property will optimize the utilization of the subject property in terms of the permitted land use rights.

The property that is used as a scrapyard is mostly being used for recycled metal. This will not have a detrimental effect on the surrounding and effected properties. This will also not have a negative effect on the area as the surrounding properties are all zoned for industrial use and have different uses as primary rights. This will also have no effect on residential areas as there is a buffer between the industrial area and the residential area in Gansbaai.

This proposal is in harmony with all relevant planning principles and forward planning documents and is therefore considered desirable from a town planning point of view.

In addition to the proposal, we hereby request that the administrative penalty be reduced since swift action was taken in order to resolve and legalize the matter. If the penalty should be imposed, it is hereby requested that a minimum penalty be imposed due to the swift action taken after the notice of non-compliance was served.

10. Recommendations

Based on the abovementioned motivation, it is recommended that the following be approved:

Application for the following is proposed:

1. Application is hereby submitted in terms Section 16 (2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to make provision for a scrapyard.
2. Application is hereby submitted in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal land Use Planning, 2020 for the use of a scrapyard without approval



OVERSTRAND

Locality Map



MUNICIPALITY ERF 1846, 3 SEEMEEU STREET, GANSBAAI INDUSTRY PARK

Date: 2024/05/24

NOTE:
GENERAL:
 1. ALL DIMENSIONS AND HEIGHTS TO BE CHECKED ON SITE BEFORE WORK MAY START OR MATERIAL BE ORDERED.
 2. DIMENSIONS SHOWN TAKE PREFERENCE OVER SCALED DIMENSIONS.
 3. ALL WORK ACCORDING TO S.A.N.S AND MUNICIPAL BUILDING REGULATIONS.
 4. DIMENSIONS SHOWN ON THIS DRAWING IS COPYRIGHT, AND MAY NOT BE USED, COPIED OR REPRODUCED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

SUB-STRUCTURE:
 1. 15mpa CONCRETE STRIP FOUND., DIMENSIONS AS SHOWN.
 2. FOUNDATIONS NOT LESS THAN 100mm CLEARANCE FROM FLOOR FINISH ON 25mm SCALED ON 100mm CONCRETE SLAB ON S.A.N.S. APPR. D.P.M. ON 30mm SAND ON WELL COMPACTED HARD CORE.
 4. S.A.N.S. APPROVED D.P.C. UNDER ALL WALLS.

MAIN STRUCTURE:
 1. 180 BLOCKS ACCORDING TO OWNERS CHOICE.
 2. WALLS BAGGED AND PAINTED INSIDE & OUT.
 3. 80mm WALLS PLASTERED & BAGGED.
 4. HORIZONTAL AND VERTICAL D.P.C. AROUND ALL OPENINGS.
 5. WALL TILES AS BY OWNER FIXED TO PLASTER WITH APPROVED TILE CROUT.
 6. PRESTRESSED LINTELS OVER ALL OPENINGS.

NEW ROOF CONSTRUCTION:
 1. SEE SECTIONS FOR DETAILS

PLUMBING:
 1. 110mm DIA. SEAMLESS ALUM. GUTTERS & DRAIN PIPES TO BE AT EVERY JUNCTION.
 3. A VENT AT THE HIGHEST POINT OF THE SYSTEM.
 4. R.E. AT THE BEGINNING OF THE SYSTEM AND AT EVERY CHANGE OF DIRECTION.
 5. MIN. DEPTH OF SYSTEM = 450mm.

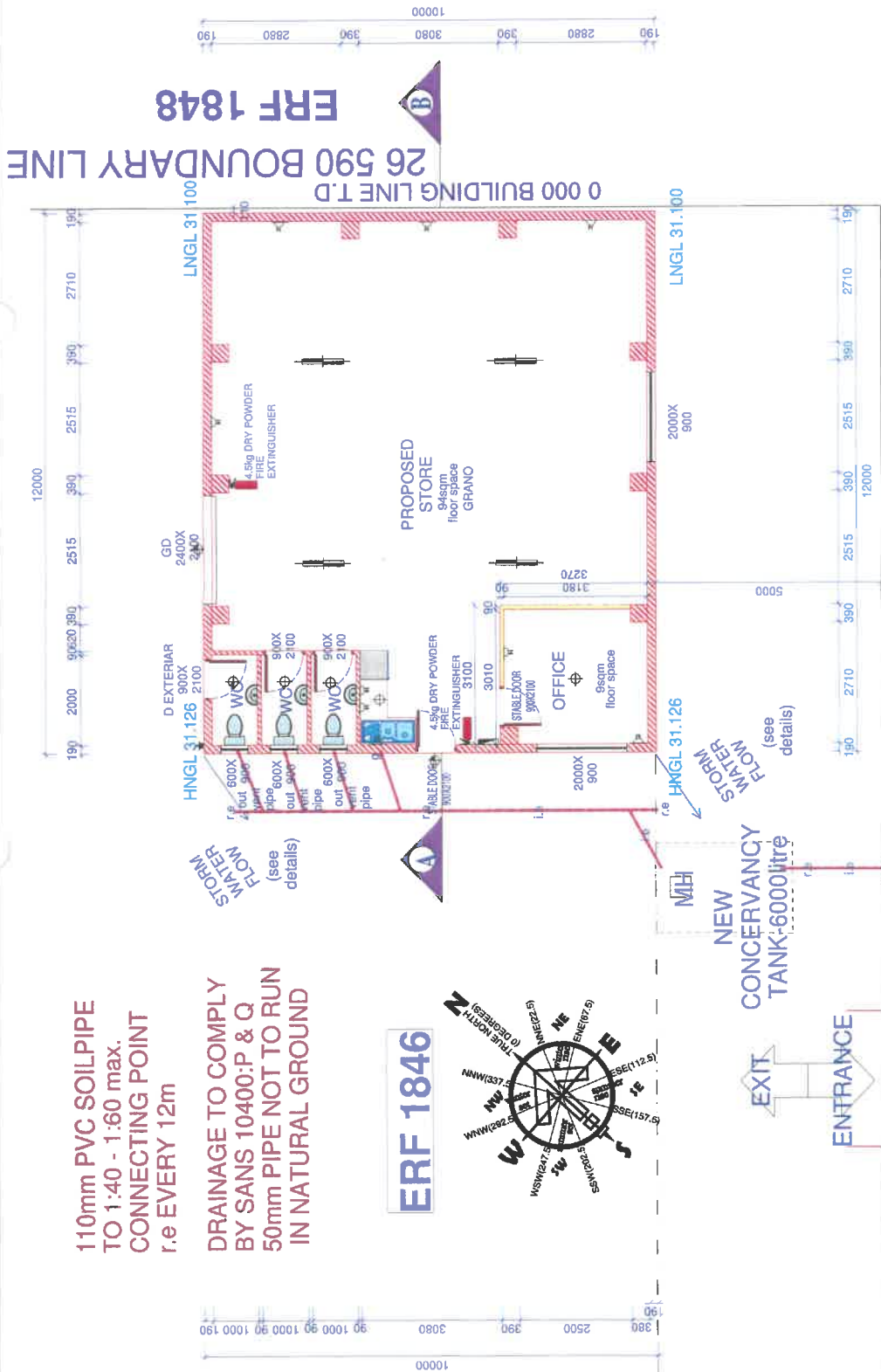
PROPOSED NEW STORE FOR MR. BURGER ON ERF 1846
 3 SEEMEEU STREET, GANSBAAI INDUSTRIE GANSBAAI

FLOOR PLAN & NOTES

DRAWING NUMBER
 2414 - 2 of 4

SCALE
 A.S. SHOWN
DATE
 16/09/2024

ETH HOME DESIGNS
 PROF. ARCH. DRAUGHT
 SACAP REG. PAD24750139
 1833753202
 eth@homeplans.za.org
 ethhomeplans@gmail.com
 100% SATISFACTION GUARANTEE
 P180201919



38 750 600 BOUNDARY LINE
NO OBSTRUCTION

FLOOR PLAN
SCALE 1 : 100

REQUIRED WATER FLOW:
 FROM WATER FITTINGS:
 HWB: 10litre/min.
 W.C: 5litre/min.
 DEEM TO COMPLY

ELECTRICAL KEY:

- CEILING LIGHTS
- WALL LIGHT(OUTSIDE)
- ELECTRIC PLUG - DOUBLE
- 1.2m NEON LIGHT
- WATERPOINT
- MAIN SWITCHBOARD

WATER FLOW KEY:

- HOT WATER: RED
- COLD WATER: GREEN
- NEW MASONRY: BROWN
- NEW CONCRETE: BLUE
- NEW STEEL & IRON: YELLOW
- NEW WOOD: BROWN
- NEW SEWAGE WORK: BROWN
- EXISTING WORK: BROWN

