

**ERF 1849, 20 INDUSTRY CIRCLE, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: JEANE DOUGLAS ON BEHALF OF EM BRITS**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to the above-mentioned erf, namely:

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

Detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus and 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 to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za) on or before **Friday, 14 March 2025** quoting your name, address, contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Senior Town Planner, Mr. SW van der Merwe** at 028-313 8900. The Municipality may refuse to accept comment 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 1849, INDUSTRIESIRKEL 20, GANSBAAI, OVERSTRAND MUNISIPALE AREA: AANSOEK OM VERGUNNINGSGEBRUIK EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: JEANE DOUGLAS NAMENS EM BRITS**

Kennis word hiermee gee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), van die volgende aansoeke van toepassing op die bogenoemde erf, naamlik:

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

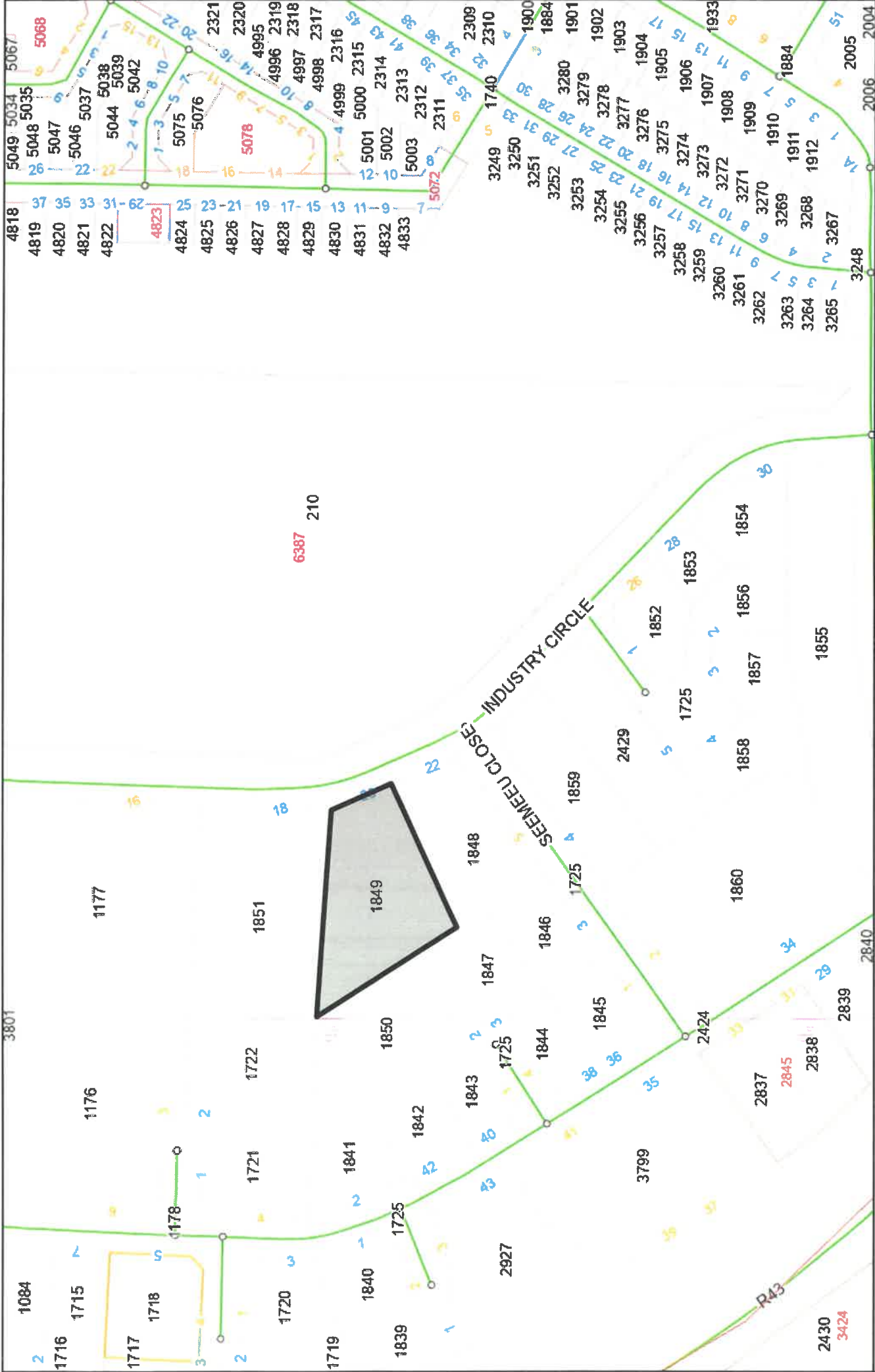
Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en by Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar moet skriftelik ingedien word in terme van Artikels 51 en 52 van die bogenoemde Verordening by die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za) voor of op **Vrydag, 14 Maart 2025**, vergesel van u naam, adres, kontak besonderhede, belang in die aansoek en redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Mnr. SW van der Merwe** by 028-313 8900. Die Munisipaliteit mag weier om kommentare 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 formuleer.

**ISIZA 1849 20 INDUSTRY CIRCLE, GANSBAAI, UMMANDLA WOMASIPALA WASE-OVERSTRAN: ISICELO SOKUSETYENZISWA KWEMVUME KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO:JEANE DOUGLAS EGAMENI LIKA EM BRITS**

Isaziso sinikezelwa ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 wezi zicelo zilandelayo ezisebenza kwesi Siza sikhankanywe ngasentla ezizezi;

- **Ukusetyenziswa kwemvume** ngokwemiqathango yeCandelo 16(2)(o) waloMthetho, ukulungiselela ukurisayiklisha kwi propati.
- **Ukumiselwa kwesohlwayo** solawulo ngokwemiqathango yeCandelo 16(2)(q) waloMthetho kaMasipala.

linkcukacha ezihambelana nesi siphakamiso ziyafumaneka kwiintsuku zaphakathi evekini ukuze zihlolwe phakathi kwentsimbi ye-08:00 ne- 16:30 kwiSebe: Izicwangciso ngeDolophu kwa16 Paterson Street, Hermanus nakwithala leencwadi lase Gansbaai., Main Road, Gansbaai. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zeSoloty lama-51 nelama-52 loMthethwana kaMasipala ochazwe ngentla (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla kaLwesihlanu, 14 EyoKwindla 2025 uchaze igama lakho, idilesi, neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa ku**Mcwangcisi omkhulu wedolophu uMnu. SW van der Merwe** kwa- 028-313 8900. UMasipala angala ukwamkela izimvo emva kokuvala. Nabani na ongakwazi ukufunda nokubhala angandwendwela kwiSebe leziCwangciso zeDolophu acele igosa limncede ukufaka uluvo lwakhe ngokusemthethweni.



**ERF 1849, 20 INDUSTRY CIRCLE, GANSBAAI INDUSTRIAL**

Date: 2025/02/05



## 1. Background

The subject property Erf 1849 is situated in the Industrial area of Gansbaai and is located along Industry Circle with an extent of 3002m<sup>2</sup>. According to the zoning map & Overstrand Municipal Land Use Scheme, 2020 the property is zoned as Industrial Zone I: General Industry.

The subject property is currently being utilised for storage purposes. However, a portion of the property is currently being utilised for scrap yard purposes. The property owner has received a notice of non-compliance due to the fact that operating a scrap yard is a consent use right in terms of the Overstrand Municipality Land Use Scheme, 2020. The intent of the property owner is to comply with the notice of non-compliance in order to legalise the scrap yard business which occupies a portion of the property. The portion being used for the scrapyard has an extent of ±460m<sup>2</sup> and situated at the rear side of the property.

Jeane Douglas is hereby duly appointed by the property owner (Elizabeth Brits) to submit a land use planning application for the proposed development.

See Appendix -C for the Power of Attorney & Appendix -D 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 20 Industry Circle, Gansbaai. The location of the property is shown in the figure below.

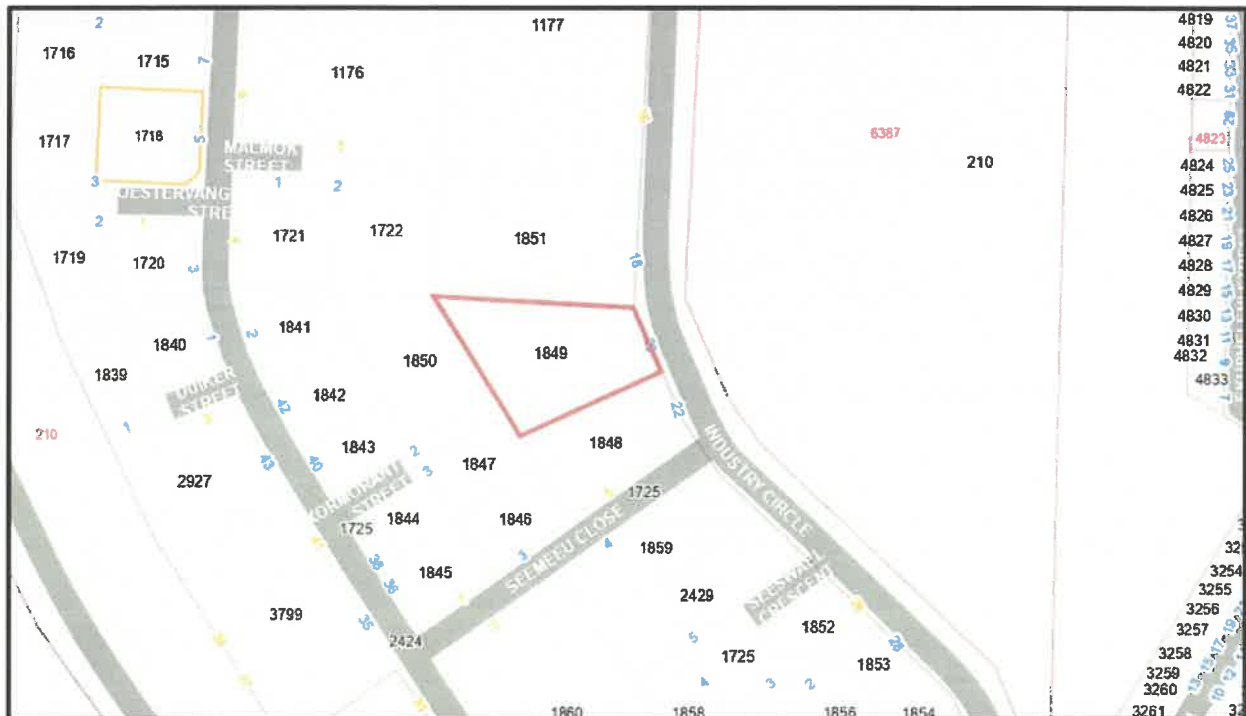


Figure 1: Locality Map

#### 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.

A portion of the property indicated in red will be used for recycling purposes where ferrous and non-ferrous metal will be stored. Once it arrives at the facility all metals will be separated and sorted into ferrous and non-ferrous metals and recycled in the designated area for a short period of time where the metal is transported to Cape Town twice a month. The zoning in the area is shown below as Figure 2 and Appendix E

##### 4.1 Parking

The property currently consists of a storage facility. The owner's intent is to utilize a portion of the property (±460m<sup>2</sup>) for scrapyards purposes which is in line with the zoning of the subject property. With regards to the parking requirements the property is approved with nine (9) parking bays and a loading zone to be utilized for the existing self-storage units. The proposed scrapyards will only be utilizing the loading zone and will not require additional parking bays since the materials will only be dropped off and be sorted and taken away twice a month.



Figure 2: Surrounding Zoning

#### 5. Title Deed

In terms of the Title Deed No T/ 18442/2005, Erf 1849 Gansbaai is registered in the name of Elizabeth Maria Brits with no title deed conditions restricting the proposed development. The Title Deed is attached hereto as Appendix -F.

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## 6. Engineering Services

### Electric, Water, Sewage and Solid waste

It is not foreseen that the property will negatively impact on the existing service network as the subject property is already connected to the Overstrand Municipality services network.

## 7. Policies and Regulations

### Overstrand Municipal Spatial Development Framework, 2020 (MSDF)

The Municipal Spatial Development Framework is a sectoral component of the IIDP 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

Spatial Justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for consent use does not perpetuate apartheid spatial development imbalances.

#### 2. Spatial Sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposal for consent use intends to ensure the subject property is utilized to its maximum capabilities.

### **3. Spatial resilience**

This proposal is not in conflict with any spatial planning policies or other regulations of the Overstrand Municipality.

### **4. Efficiency**

This proposal intends to maximize the usage of the subject property allowing a scrapyards as a consent use on a on a storage premises.

### **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 2010. The property owner was not aware that she needed permission from the municipality to use a portion of the property as a scrapyards.

**(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 a portion of the subject property was being utilized for scrapyards purposes. The property owner was served with a notice of no compliance which triggered an application for consent use as well as a determination of an administration Penalty. It must be noted that the property owner was under the impression that a scrapyards was permitted. Please see attached notice that was served as Appendix G.

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

No report by a quantity surveyor is submitted and the property owner has opted to utilize the municipal tariff of 2024/2025 in order to calculate the administrative penalty.

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**(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 consultation with the property owner and to my knowledge the property owner has not previously contravened this By-Law or any other By-Law.

## 9. Needs and Desirability

The Overstrand Municipal Land Use Planning Scheme, 2020 makes provision for a scrapyards 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 portion of the property that is being used as a scrapyards is mostly being used for recycled metal. This will not have a detrimental effect on the surrounding and effected properties as 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 it gets taken away to be recycled. 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

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.

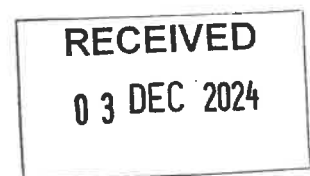
In addition to the proposal, we hereby request that the administrative penalty be waived since swift action was taken in order to resolve and legalize the matter. If the penalty should be imposed, it is hereby requested that a minimum penalty be imposed.

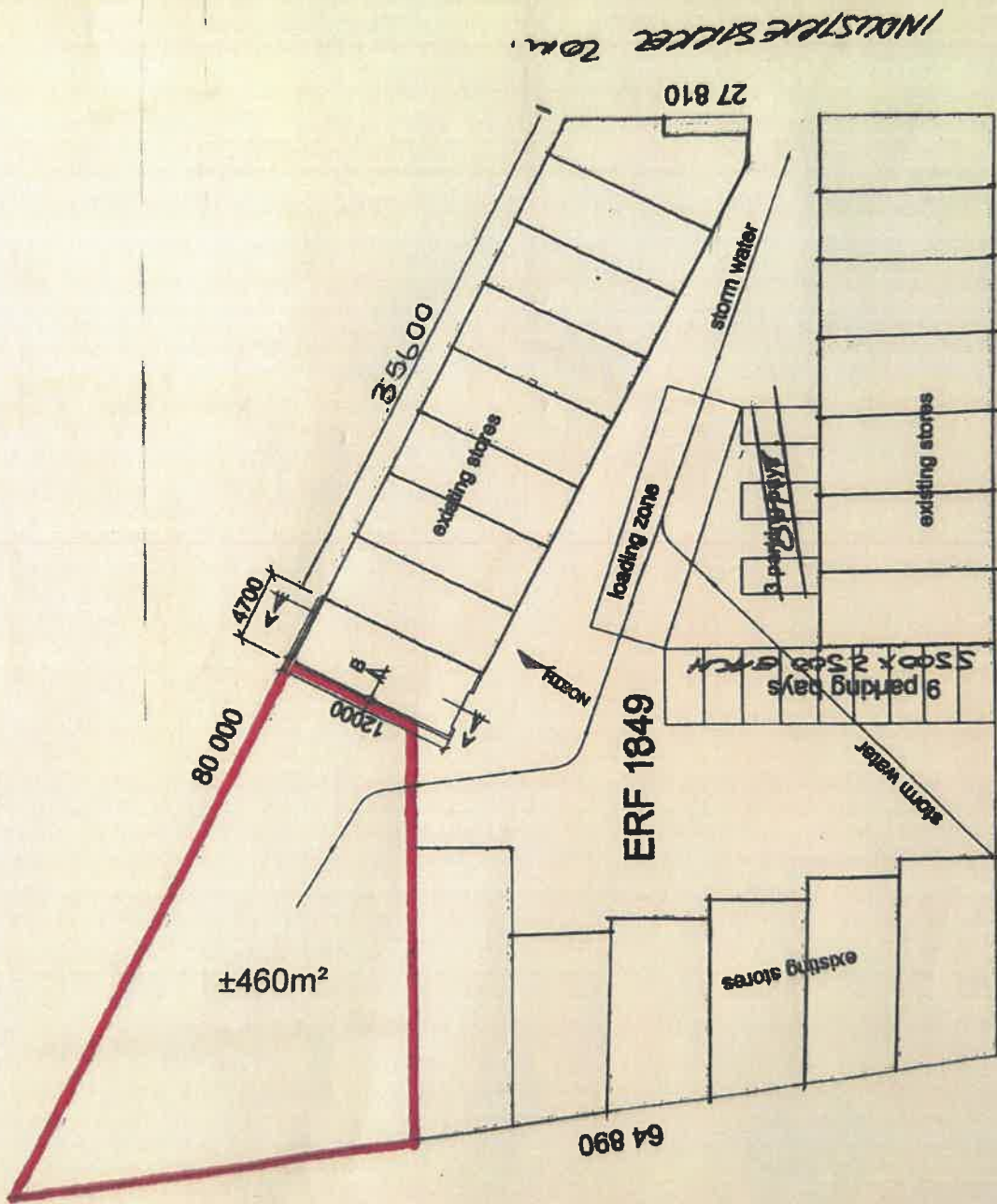
## 10. Recommendations

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 scrapyards.
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 scrapyards without approval





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62 330  
Small scale Site Plan 1:500

Proposed store for me. E.M. Brits  
on plot 1849, Industrial area,  
Gansbaai.