

ERF 2840, 27 INDUSTRY CIRCLE, INDUSTRIE PARK, GANSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: DIE MARKIE ON BEHALF OF ANCAR BELEGGINGS BK

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 business premises (retail sale of fresh farm produce).
- ✚ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for unauthorised land use as mentioned above.

Detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town and Spatial 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 / (e) alida@overstrand.gov.za) on or before **4 July 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 and Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 2840, INDUSTRIESIRKEL 27, INDUSTRIEPARK, GANSBAAI, OVERSTRAND MUNISIPALE AREA: AANSOEK OM VERGUNNINGSGEBRUIK EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: DIE MARKIE NAMENS ANCAR BELEGGINGS BK

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

- ✚ **vergunningsgebruik** ingevolge Artikel 16(2)(o) van die Verordening om 'n besigheidsperseël te akkommodeer (handel in vars plaasprodukte).
- ✚ **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) vir ongemagtigde grondgebruik soos bo genoem.

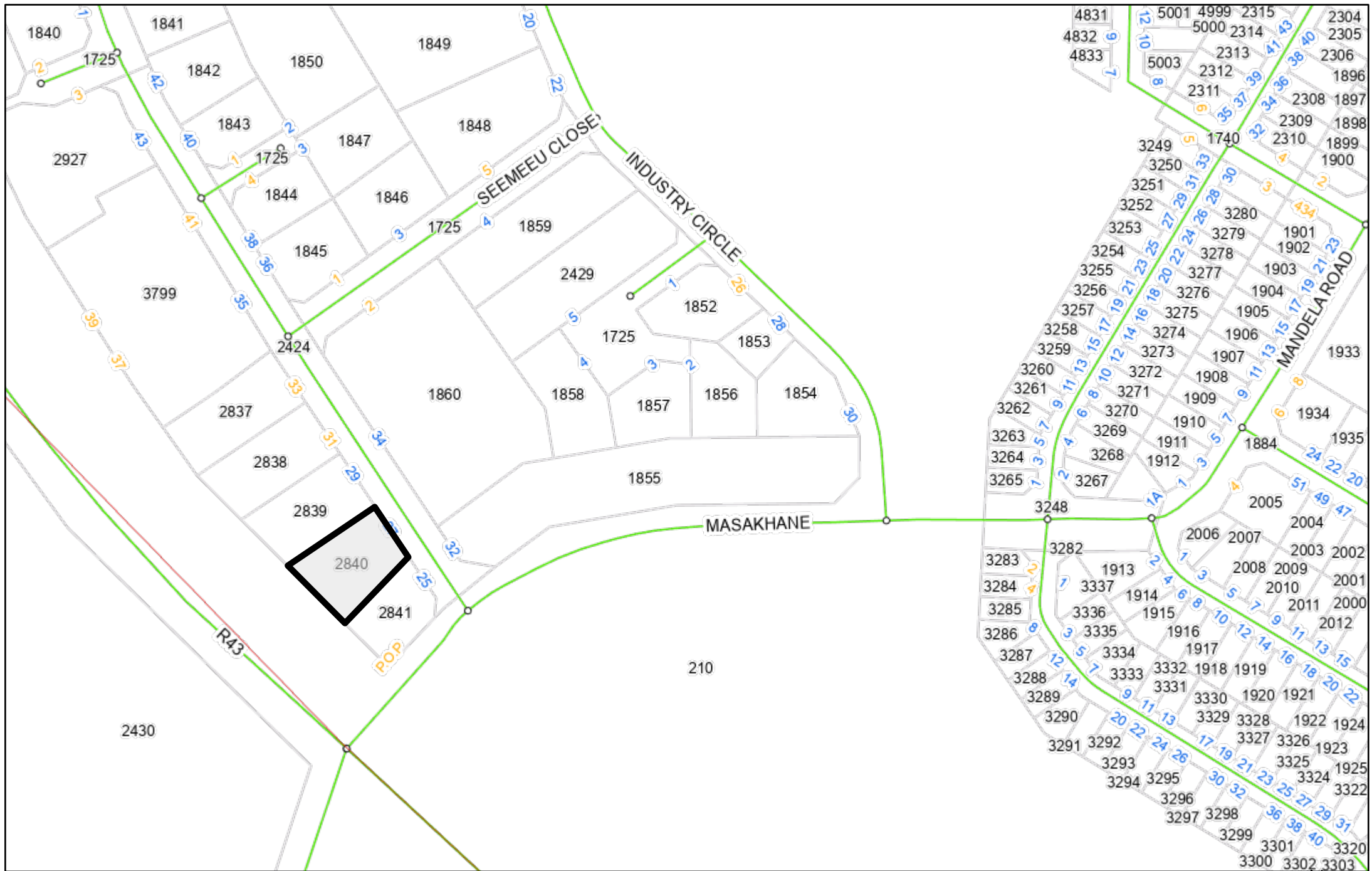
Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus en by Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar moet skriftelik ingedien word in terme van Artikels 51 en 52 van die bogenoemde Verordening by die Munisipaliteit (Patersonstraat 16, Hermanus / (e) alida@overstrand.gov.za) voor of op **4 Julie 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 Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

ISIZA 2840, 27 INDUSTRY CIRCLE, INDUTRIE PARK, E GANSBAAI, UMASIPALA WASE-OVERSTRAND: ISICELO SOKUSETYENZISWA KWEMVUME KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: DIE MARKIE EGAMENI LIKA ANCAR BELEGGINGS BK

Isaziso siyanikezelwa ngokwemiqathango yeCandelo lama-48 -lomThetho kaMasipala oLungisiweyo wo Masipala wase Overstrand ongoCwangciso lokuSetyenziswa koMhlaba ka Masipala,2020 sokuba isicelo sifunyenwe soku kulandelayo.

- ✚ **Ukusetyenziswa kwemvume** ngokwemiqathango yeCandelo le-16(2)(o) waloMthetho ukulungiselela indawo yezo shishino (Ivenkile ethengisa imveliso ezintsha zefama).
- ✚ **Ukumiselwa kwesohlwayo Solawulo** ngokwemiqathango yeCandelo 16(2)(q) waloMthetho wokusetyenziswa komhlaba olungagunyaziswanga njengoko kukhankanywe ngasentla.

linkcukacha eziphelileyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi yesi-08:00 neye-16:30 kwiSebe: UCwangciso lweDolophu, eHermanus kunye neThala leeNcwadi laseGansbaai Main Road eGansbaai. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokuhambelana nezibonelelo zeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, Hermanus / alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-4 **EyeKhala 2025**, uchaze igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa kuMchwangcisi weDolophu, **uMnu. SW van der Merwe** kule nombolo yomnxeba 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.



Die Markie

Barend Christoffel Marais

082 355 5592 (dimarkieg.baai@gmail.com)

11 April 2025

11 APR 2025

Overstrand Municipality Department of Town & Spatial Planning (6 Paterson Street, Hermanus, 7200)

RE: APPLICATION FOR CONSENT USE ("BUSINESS PREMISES") – DIE MARKIE, ERF 2840, 27 INDUSTRY CIRCLE, GANSBAAI INDUSTRIAL

Dear Schalk van der Merwe,

I, Barend Christoffel Marais, hereby submit this letter of motivation in support of the **Application for Consent Use on Erf 2840, 27 Industry Circle, Gansbaai Industrial**, in accordance with **Section 16(2)(o) of the Overstrand Municipal Land Use Planning By-Law** and the applicable guidelines as per **Section 66 (Annexure B – Motivational Report Guidelines)**.

1. Background & Nature of Application

The application seeks **consent use for "business premises"** to allow for **general retail and the sale of fresh farm produce within an Industrial Zone 1 (INDZ1)**. The proposed use is permissible as a **consent use** within the zoning parameters, and the primary zoning will remain unchanged. This application is submitted voluntarily and retrospectively, as the applicant was unaware of the requirement for consent use authorisation.

2. Site Context & Compliance

- The subject site is **located within the Gansbaai Industrial Area** and is currently utilised as **Die Markie**, a local retail establishment specialising in **farm-fresh organic produce and other locally sourced products for reselling**. The business also supplies wholesale goods to local enterprises.
- The site is adequately serviced, and the proposed consent use **will not require any upgrades to municipal infrastructure** or increase demand on municipal services.
- The existing **road network will not be impacted**, and **traffic flow will remain unchanged**.
- Adequate on-site parking is available, with additional public parking along **33 Industry Circle Street**, which is also owned by the landlord. The proposed use complies with the municipal **parking ratio requirement (4 bays per 100m² GLA)**.
- No natural environmental features exist on or near the premises that could be affected by this application.

3. Socio-Economic Considerations & Public Interest

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- The business owner has **contributed to the local economy for several years**, previously operating from Gansbaai Main Road before relocating to the industrial area.
- **Employment generation:** Die Markie provides **permanent employment for four HDI (historically disadvantaged individuals) members** and contributes to the economic upliftment of the community.
- **Community access to essential goods:** The business provides **safe, convenient access to fresh farm produce and other food products** to the marginalised communities of **Masakhane and Blompark**, as well as the broader **Gansbaai community**.
- **Regulatory compliance:** The business holds a valid **Certificate of Acceptability for Food Premises** for selling of goods, issued by the Overberg District Municipality, ensuring compliance with **food safety regulations**.

4. Impact Assessment

- **Traffic & Parking:** No negative impact is expected on traffic circulation or road capacity. Existing parking is sufficient to accommodate customers and staff.
- **Municipal Services:** No additional demand on water, sanitation, electricity, or refuse removal services.
- **Neighbouring Properties:** The consent use will not compromise the **character of the industrial area** or negatively impact surrounding properties.

5. Planning Principles (SPLUMA Section 42 & LUPA Chapter VI)

In considering the proposed consent use for "business premises" on Erf 2840, Gansbaai Industrial, the following spatial planning principles, as outlined in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014), have been considered:

5.1 Spatial Justice

The application makes use of an existing industrial property and will not impact spatial justice negatively. The business provides farm-fresh organic produce and other locally sourced products for reselling to marginalised communities in the vicinity, thereby improving access to goods and services. In addition, Die Markie provides permanent employment to historically disadvantaged individuals and contributes to the economic upliftment of the community.

5.2 Spatial Sustainability

The proposed consent use does not require rezoning or significant land-use change and operates from an existing industrial structure/building with minimal impact on the surrounding environment or infrastructure.

5.3 Efficiency

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The proposal makes optimal use of an existing structure and infrastructure, avoiding the need for additional services or new development. No additional construction or municipal investment is required. It also contributes to spatial efficiency by reducing the need for residents from marginalised communities to travel longer distances for basic goods, thus reducing transport-related environmental and economic costs.

5.4 Spatial Resilience

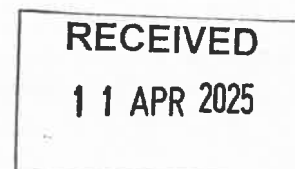
The application proposal generates sufficient income and generates short and long term employment opportunities. The business contributes to local economic resilience by offering a flexible, low-threshold economic activity that can adapt to changing market conditions and community needs. The business associated with the proposed consent use is expected to add to the adaptive capacity of the local economy and improve food and goods accessibility for the surrounding community.

5.5 Good Administration

This application has been submitted voluntarily and in good faith following a notice from the municipality. It complies with the Overstrand Municipal Land Use Planning By-law, and is being undertaken in a transparent, consultative manner.

6. Conclusion

Given the above, the proposed consent use for business premises within Industrial Zone 1 is consistent with all the planning and development principles of SPLUMA and LUPA *and* supports local economic development. It represents a modest but meaningful land-use regularisation that enhances the local economy, promotes access to goods and employment, and is compatible with the character and function of the industrial area. The use will continue to provide employment opportunities, retail services and economic benefits without adversely affecting municipal services, traffic, or neighbouring properties. It is therefore recommended that this application be approved.



Administrative Penalty

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To whom it may concern,

I hereby request the consideration of the competent authority when determining the administrative penalty associated with the unauthorised land use on Erf 2840, Industry Circle, Gansbaai Industrial. We fully acknowledge the importance of adhering to the Overstrand Municipal Land Use Planning By-Law and appreciate the municipality's role in ensuring orderly compliance and sustainable land use development.

1. Unintentional Non-Compliance and Good Faith Action

Both the property owner and the tenant were unaware that the existing business activities at *Die Markie* required formal consent use authorisation under Industrial Zone 1 (INDZ1) regulations. At no point was there any deliberate attempt to contravene municipal by-laws, and the non-compliance was entirely unintentional.

Upon receiving official email of non-compliance, immediate corrective action was taken to address the situation. The required consent use application was promptly prepared and lodged with the municipality to ensure compliance and prevent any further contravention. The willingness of both the landlord and tenant to proactively rectify the matter demonstrates a clear commitment to correcting the oversight and operating within the prescribed municipal framework.

2. Considerations for Reduction of Administrative Penalty

In determining the administrative penalty, we kindly request that the following mitigating factors be taken into consideration:

- **Lack of Intentional Non-Compliance:** Neither the owner nor the tenant was aware that a consent use application was required to operate the business. Had this been known, the necessary approvals would have been sought before commencement of operations.
- **Proactive Compliance Efforts:** Immediate steps were taken to rectify the non-compliance following receipt of the email after applying for business licence. The consent use application has been duly submitted, reflecting a responsible and cooperative approach to resolving the issue.
- **No Adverse Impact:** The business has been operating in a manner that aligns with the surrounding land uses and has not negatively impacted municipal infrastructure, traffic flow, or the rights of adjacent property owners.
- **Economic and Community Contribution:** *Die Markie* plays a valuable role in the local economy by providing employment opportunities and offering fresh farm produce and a variety of goods to the community, including historically disadvantaged areas such as Masakhane and Blompark.
- **First-Time Offense:** To our knowledge, this is the first instance of non-compliance associated with the property or its tenants, and we sincerely regret the oversight.

3. Conclusion

Given the above circumstances, we respectfully request that the municipality exercises its discretion in determining a fair and reasonable penalty amount. The good faith efforts taken to rectify the issue, coupled with the absence of any deliberate non-compliance, warrant consideration for a reduced administrative fine.

We appreciate your time and consideration in reviewing this request and remain committed to full compliance with all municipal regulations. Should any further information be required, we are available to provide clarification at your earliest convenience.

Sincerely,

Blancais

3/13/2011

Die Markie - 174 vkm
 Vrugte en groente
 4 Parkering per 100vkm
 = 7



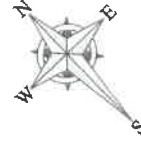
Swembad benodighede
 Stoor area - 56 vkm
 2 Parkering per 100 vkm
 = 1



Build it - 276 vkm
 Vertoon lokaal
 2 Parkering per 100vkm
 = 5



Industry Circle 27 Gansbaai Skaal 1.50



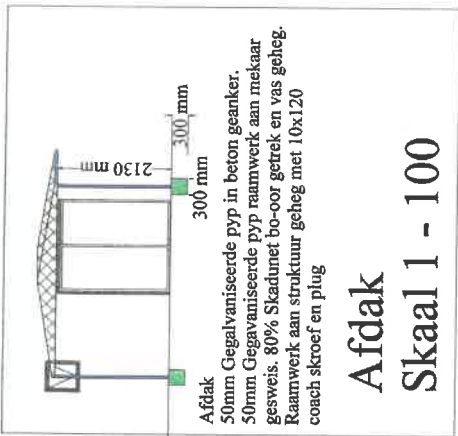
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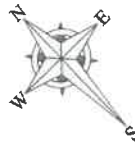
Plan nr: 0484/17 Tekening: Vloerplan Skaal: 1 - 200 Blad: 2 - 4 Datum: 01/04/2025	Ancar Beleggings Erf 2840 27 Industry Circle Gansbaai 7220	Plan deur: Jacobus Adriaan van Staden 3 Sneeuigans street Perlemoenbaai Gansbaai 7220 email: rijaanvs38@gmail.com Cel: 082 929 8688
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PROFESSIONAL ARCHITECTURAL
 DRAUGHTSPERSON
JACOBUS VAN STADEN
 3380 Pni (JanseDraughtsperson) on 12 Jan 2024



Afdak
Skaal 1 - 100



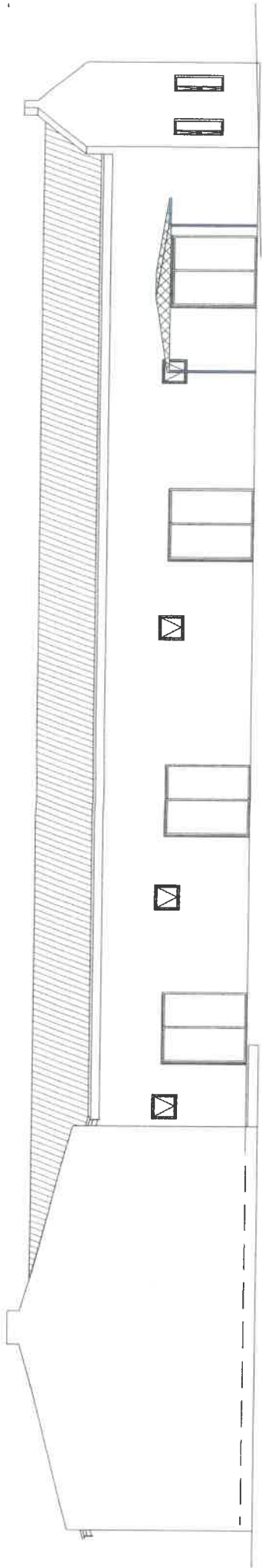
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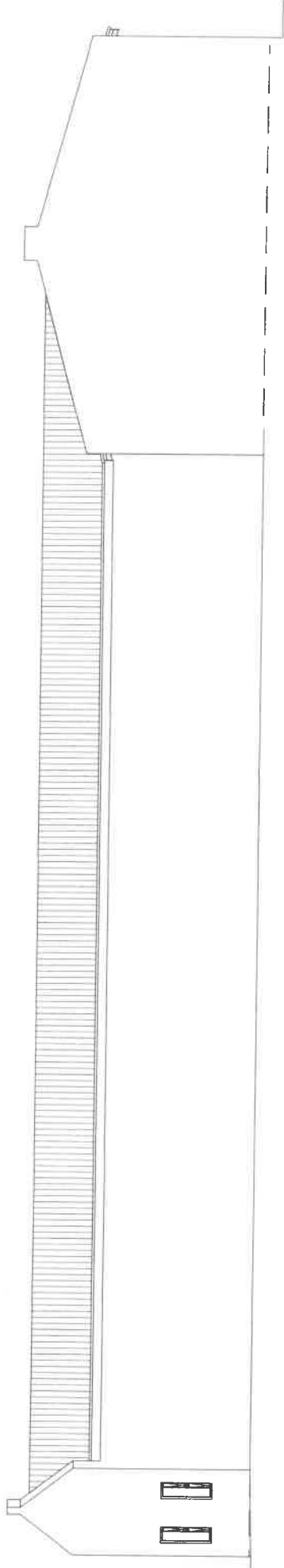
Industry Circle 27
Gansbaai
Skaal 1.50

Oppervlakte Gebou 545.80 vkm Afdak 11.50 vkm Totaal 557.30 vkm	Plan nr: 0484/17 Tekening: Tereinplan Skaal: 1 - 200 Blad: 1 - 4 Datum: 01/04/2025	Industrial Zone 1 Ancar Beleggings Erf 2840 27 Industry Circle Gansbaai 7220	Plan deur: Jacobus Adriaan van Staden 3 Sneeuigans street Perlemoenbaai Gansbaai 7220 email: riaanvs38@gmail.com Cel: 082 929 8688
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Skaal 1 - 100

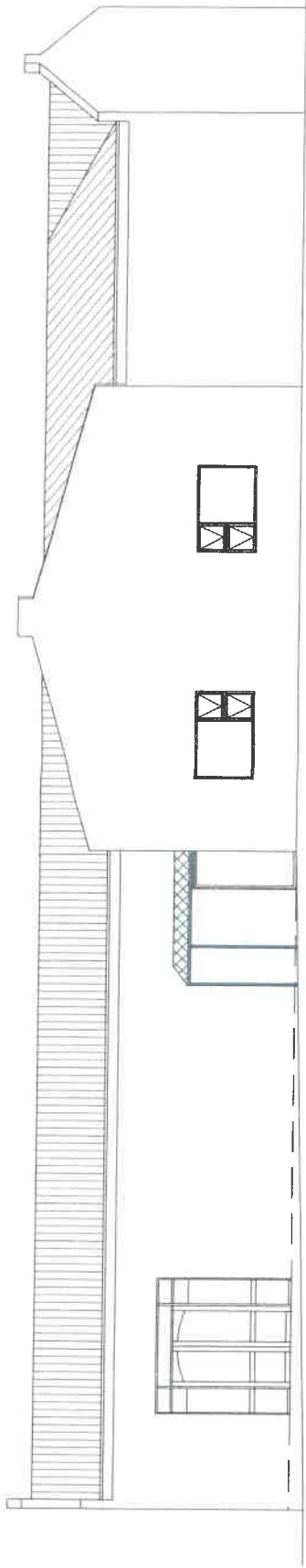


Noord Wes aansig
Skaal 1 - 100

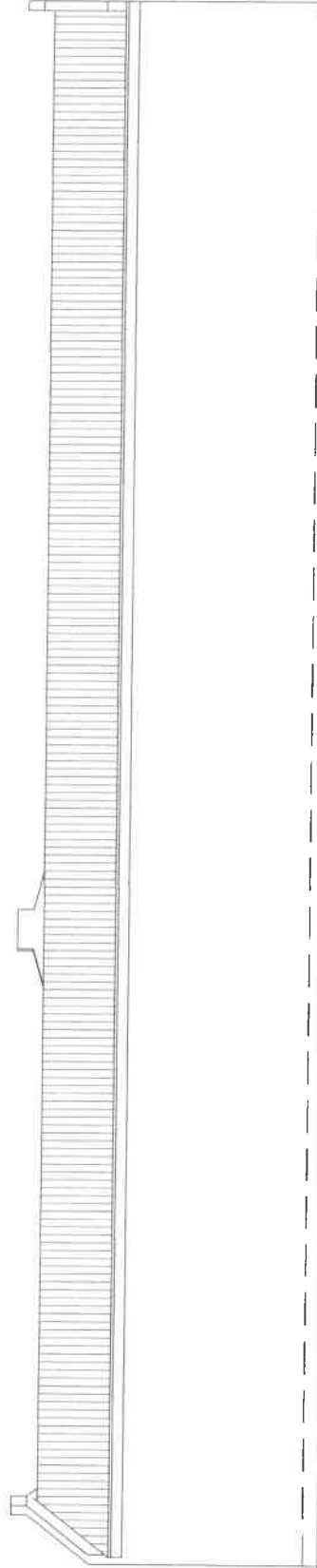
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Plan nr: 0484/17 Tekening: Aansig Skaal: 1 - 100 Blad: 3 - 4 Datum: 01/04/2025	Ancar Beleggings Erf 2840 27 Industry Circle Gansbaai 7220	Plan deur: Jacobus Adriaan van Staden 3 Sneeuigans street Perlemoenbaai Gansbaai 7220 email: rjaanvs38@gmail.com Cel: 082 929 8688
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PROFESSIONAL ARCHITECTURAL
DRAUGHTSPERSON
JACOBUS VAN STADEN
1250 PR (AR/SA/2016/00000000) on 12 Jun 2024



Noord Oos aansig
Skaal 1 - 100



Suid Wes aansig
Skaal 1 - 100

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Plan nr: 0484/17
Tekening: Aansigte
Skaal: 1 - 100
Blad: 4 - 4
Datum: 01/04/2025

Ancar Beleggings
Erf 2840
27 Industry Circle
Gansbaai
7220

Plan deur:
Jacobus Adriaan van Staden
3 Sneeuigans street
Perlemoenbaai
Gansbaai
7220
email: riaanvs38@gmail.com
Cel: 082 929 8688

