ERF 1054, 15 FAIRWAY AVENUE, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF C HONIG

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

- **Departure** in terms of Section 16(2)(b) of the By-Law in order to relax the northern street building line from 4m to 0.5m to accommodate the existing pergola.

- **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 Division: Town and Spatial Planning at 16 Paterson Street, Hermanus and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ . Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / landuse@overstrand.gov.za) on or before **20 November 2026**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. P. Roux** at 028-313 8983. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town & Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 1054, FAIRWAYLAAN 15, EASTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: INTERACTIVE TOWN & REGIONAL PLANNING NAMENS C HONIG

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

- **Afwyking** ingevolge Artikel 16(2)(b) van die Verodening ten einde die noordelike straatboulyn vanaf 4m na 0,5m te verslap om die bestaande pergola te akkommodeer.

- **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verodening.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weeksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning, Hermanus en op die munisipale webtuiste by die volgende skakel https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / landuse@overstrand.gov.za) voor of op **20 November 2027**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. Mr. P. Roux** by 028-313 8983. Die Munisipaliteit mag weier om die kommentaar 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 formaliseer.

ISIZA 1054, 15 FAIRWAY AVENUE, VOËLKLIP, HERMANUS, KUMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING EGAMENI LIKA-C HONIG

Kukhutshwa isaziso ngokumayela neCandelo 48 loMthetho Otshintshiweyo woMasipala waseOverstrand ongokuSetyenziswa koMhlaba kaMasipala, 2020 ukuba kufunyenwe isicelo sezi zinto zilandelayo:

- **Ukunyenyiswa** ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kunyenyiswe umgca wesakhiwo okwicala elingasezantsi lesitalato ukusuka ku-4m ukuya ku-0.5m ukulungiselela iveranda esele ikhona.

- **Ukugqitywa kwesohlwayo** ngokumayela neCandelo 16(2)(q) loMthetho kaMasipala

Iinkcukacha ezipheleleyo mayela noku kucetywayo ziyafumaneka ukuze ihlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe: Town and Spatial Planning at 16 Paterson Street, Hermanus nakwiwebhusayithi kamasipala kule linki ilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ . Naziphi na izimvo ezibhaliweyo zingokungeniswa ngojuhambelana neCandelo 51 neCANDELO 52 loMthetho kaMasipala (16 Paterson Street, Hermanus / landuse@overstrand.gov.za) ngaphambi okanye ingadlulanga **20 kaNovemba 2026**, ubhale igama lakho, idilesi yakho neenkcukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingabhekiswa **kuMnu. P. Roux** ku 028-313 8983. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe lakwaTown & Spatial Planning apho igosa lakwamasipala liya kumnceda afake amagqabaza akhe okuhlomla.



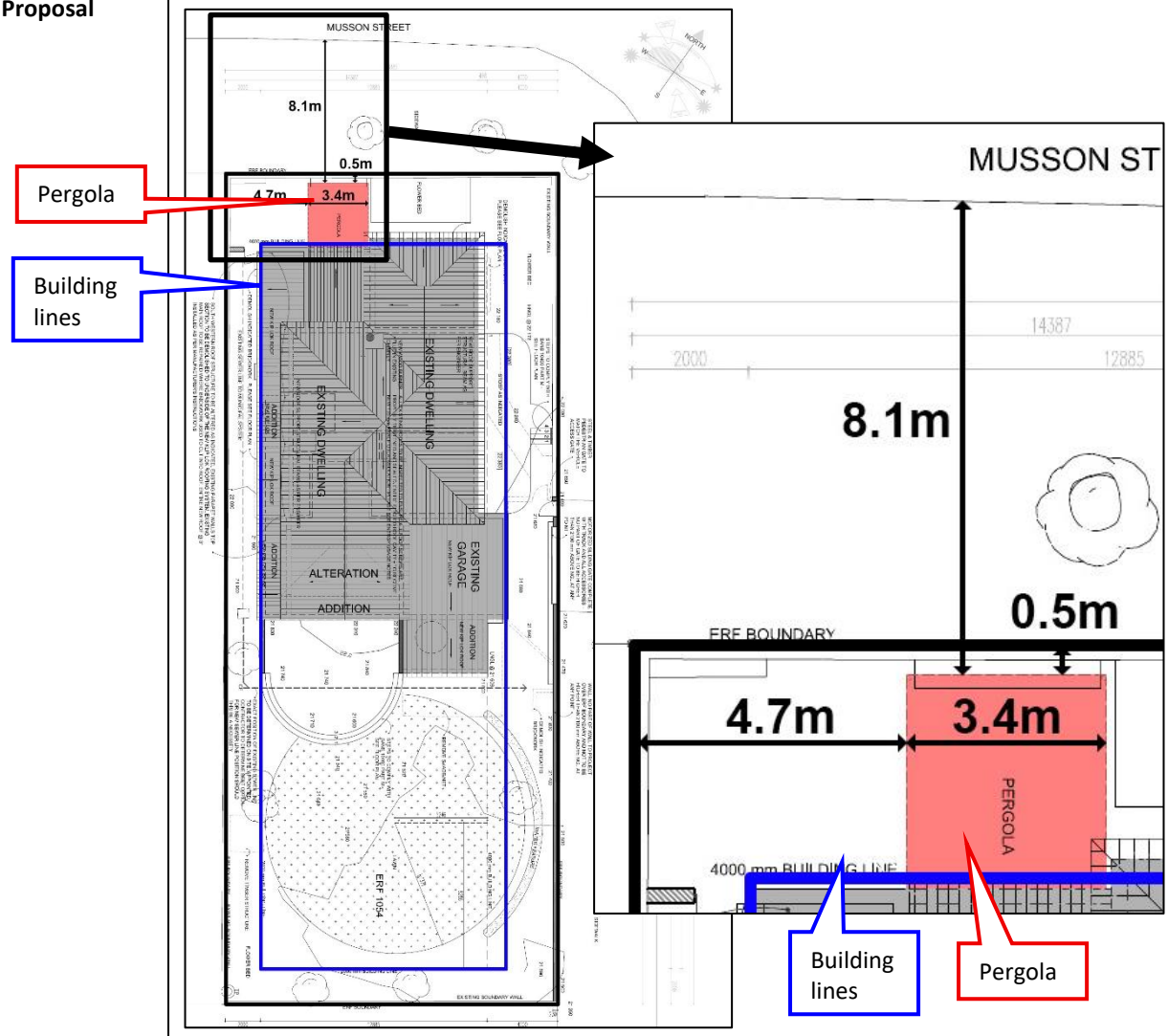
OVERSTRAND MUNICIPALITY

1054 EASTCLIFF

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Date: 2026/10/15

1. Introduction

a. Brief Refer to **Annexure B** for the Power of Attorney.	InterActive Town and Regional Planning was appointed by the owner of the property, Ms Catharina Honig, to prepare and submit an application for a building line departure and the determination of an administrative penalty in respect of Erf 1054, Eastcliff, in accordance with the applicable legislation.
b. Background	The application area accommodates an existing dwelling house. The owner recently acquired the property and has undertaken various renovations and upgrades to the dwelling. As part of these improvements, the owner decided to retain the existing pergola, which contributes positively to the functionality and aesthetic appeal of the property. The pergola was constructed by the previous owners across the street building line without obtaining the required municipal approvals.
c. Objective & Application Proposal	The **purpose** of the application is to legalise the existing pergola, which encroaches on the street building line. The following sketch shows the location and extent of the pergola:  **Figure 1: Site Plan overlay** In response to the above contraventions the **application is made** is for: • A departure to relax the northern street building line from 4m to 0.5m to allow for the existing pergola. • The determination of an administrative penalty for the existing pergola exceeding the street building line.

2. The Application

a. Analysis: Title Deed

Refer to **Annexure D** for the Conveyancer Certificate.

There are no title deed conditions evident which restricts the application proposal.

b. Analysis: Development Criteria:

The development parameters for Erf 1054 Hermanus as per the Overstrand Municipality Land Use Scheme, 2020 are summarised as follows:

Parameters		Existing Zoning:	Proposal:	Comments
Zoning		Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Consistent
Primary Use		Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering	Dwelling house	Consistent
Consent Uses		Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture	None	Consistent
Coverage		50%	32.7%	Consistent
Height		8m	Approximately 2,5m	Consistent
Building lines	**Street**	4m north 3m east	4m north for dwelling **0.5m north for pergola** 3m east	**Application is for a departure**
	Side	2m	2m	Consistent
	Rear	2m	2m	Consistent
Parking		Dwelling house: 2 bays	Dwelling house: 2 bays	Consistent

c. Application:

The application form is attached as **Annexure A**.

Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020:

- A departure to relax the northern street building line from 4m to 0.5m to allow for the existing pergola in terms of Chapter IV, Section 16(2)(b).
- The determination of an administrative penalty for the existing pergola exceeding the street building line in terms of Chapter IV, Section 16(2)(q).

3. Contextual Site Information

a. Property Description

Refer to **Annexure E** for the SG Diagrams, **Annexure C** for the Title Deed of **Erf** 1054 Eastcliff.

Property	Extent	Title Deed	Registered Owner
Erf 1054 Eastcliff, Hermanus	892m²	T58911/2025	Catharina Honig

The following Surveyor General Plans reflect the application site:

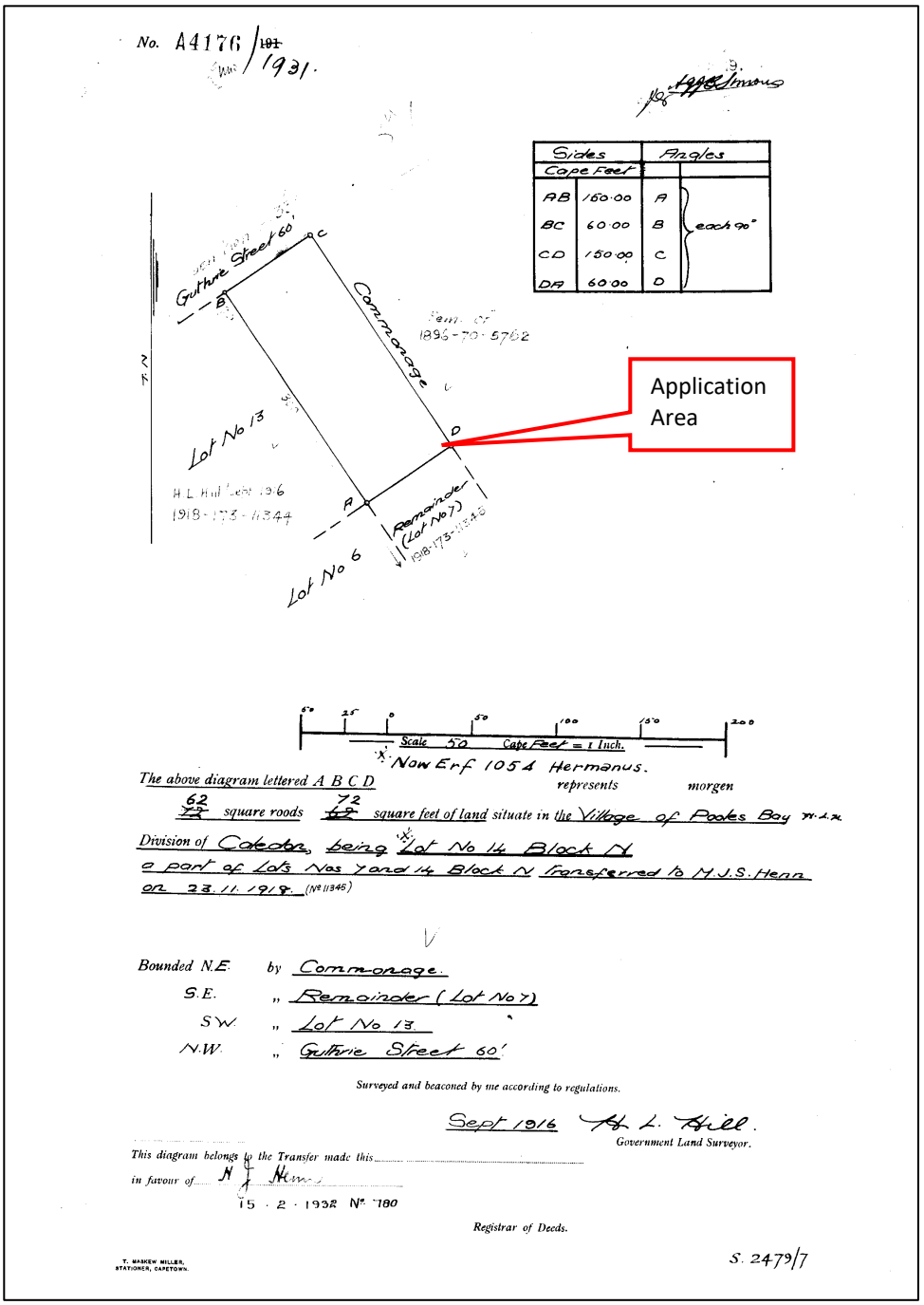
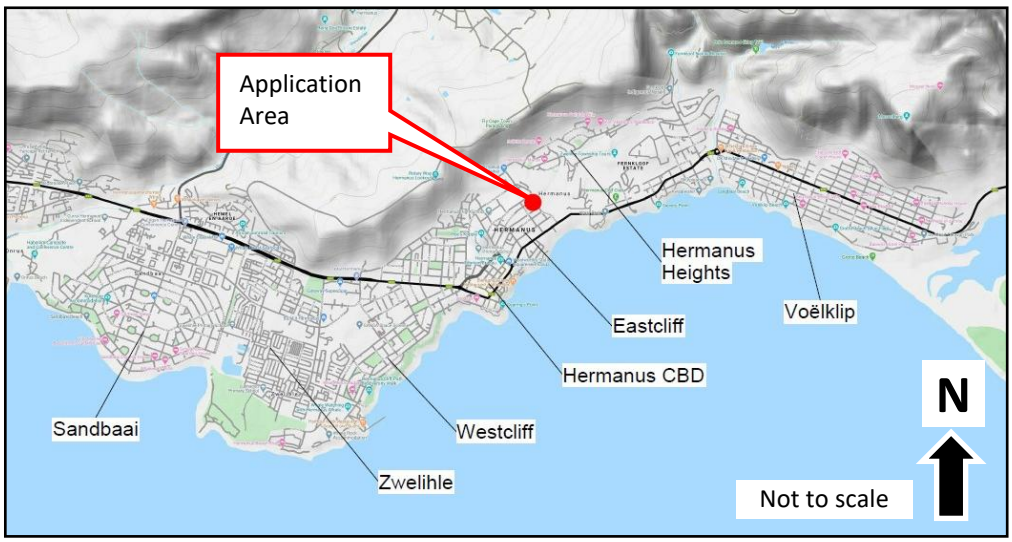
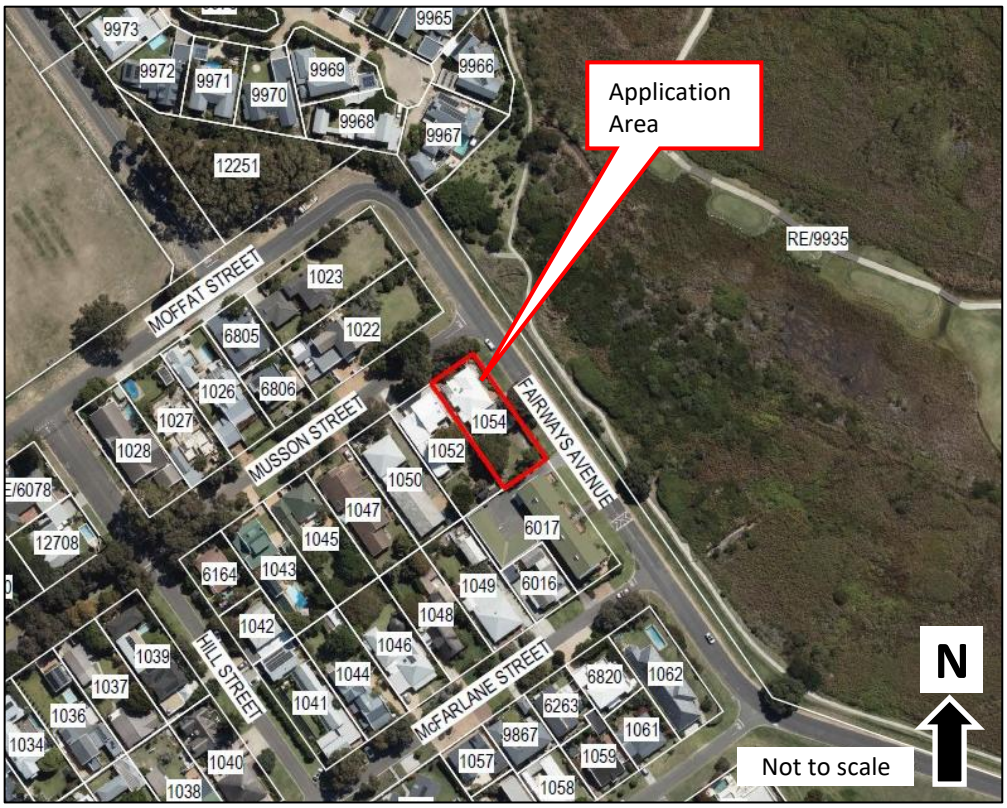


Figure 2: Extracts of the Surveyor General Plans of the application site

b. Location: For the Locality Plans refer to **Annexure F**	**Regional Context:** Within the regional context, the application area is located within the Eastcliff residential suburb.  **Figure 3: Locality Plan – Regional Context**
	Local Context: Within the local context the application area is on the corner of Fairways Avenue and Musson Street in Eastcliff and number 15 Fairways Avenue.  **Figure 4: Locality Plan – Local Context**

c. Land Use:

Refer to the Extract of Hermanus Zoning plan attached as **Annexure G**.

The application area accommodates a dwelling house on the property. The surrounding land-uses consist of single residential dwellings and general residential as well as open space. No change in land use is proposed. The application proposal is **consistent** with the land use of the area.

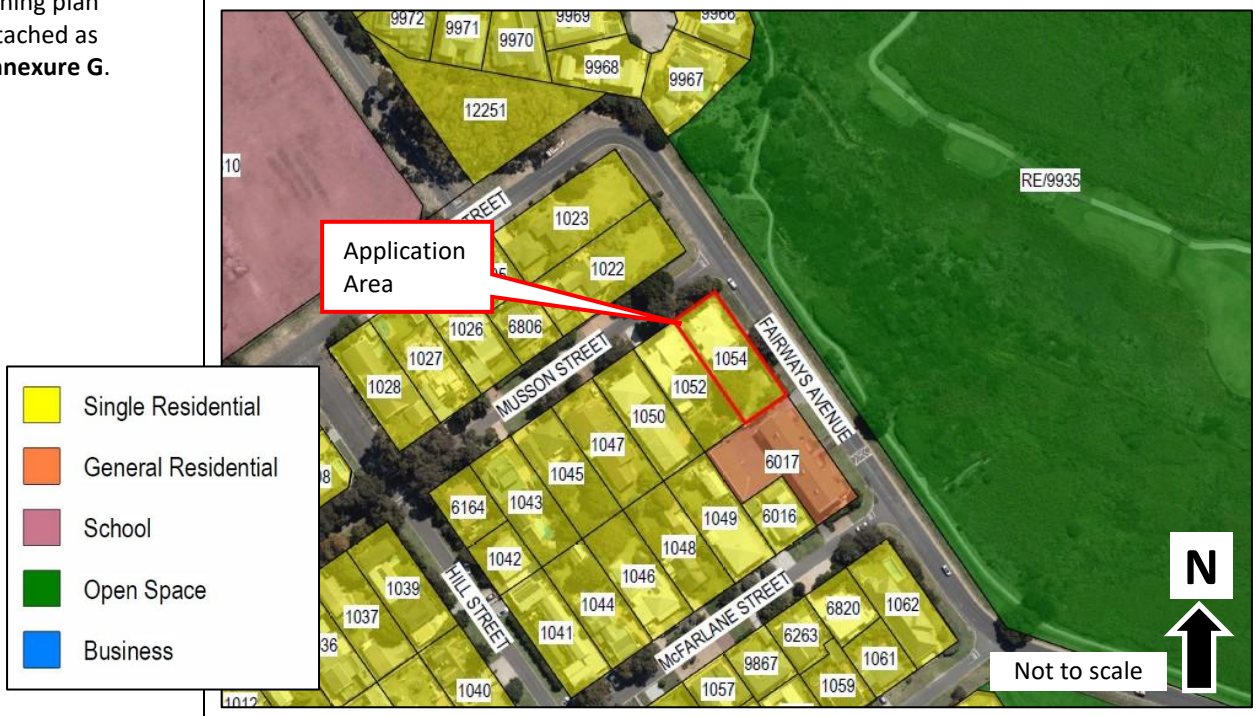


Figure 5*:* Arial Image illustrating the residential land-use activities of the application area and surrounding properties

d. Zoning:

Refer to the Extract of Hermanus Zoning plan attached as **Annexure H**.

The application area, Erf 1054, Eastcliff is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential, General Residential Zone 1: Town Housing and Open Space Zone 3: Private Open Space. No change in zoning is proposed. The application proposal is consistent with the zoning of the area.

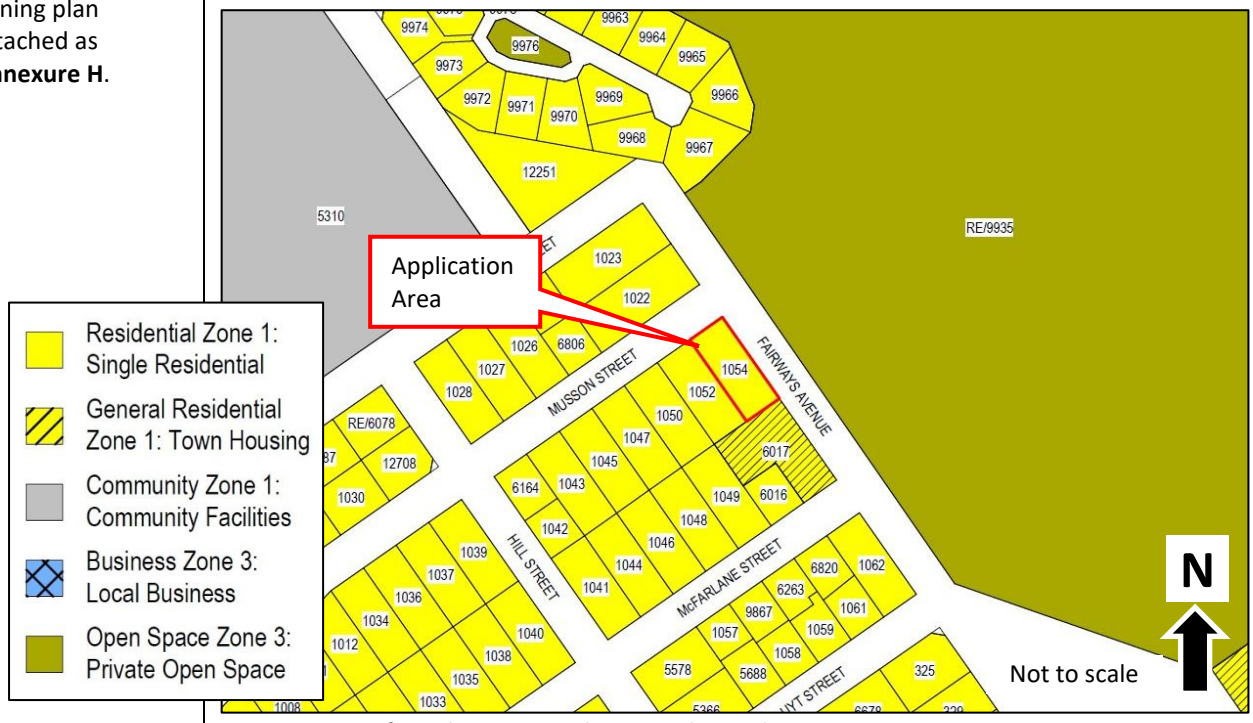
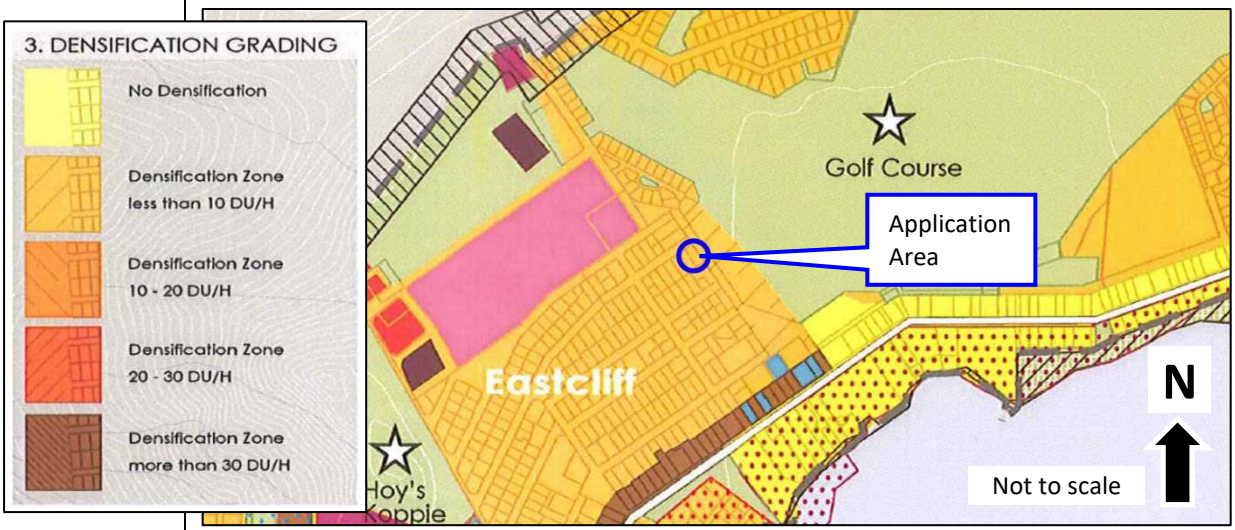


Figure 6: Extract from the Overstrand Municipality: Online zoning viewer

e. Laws and policies, forward planning and land use documents	The following policy is applicable to the application area. **i. Overstrand Municipal Spatial Development Framework, 2020** The SDF 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 application area falls within an Urban Development area, adjacent to a Proposed Bypass Road and within the Urban Edge.  **Figure 7: Spatial Development Framework 2020 Spatial Proposals Plan** <u>The application is consistent with the Overstrand Municipal Spatial Development Framework, 2020.</u> **ii. Overstrand Municipality Growth Management Strategy, 2010** The application area is located within a zone of less than 10 dwelling units per hectare densification zone. No densification is proposed.  **Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2010 reflecting the envisaged land-uses for the area.** <u>The application proposal is consistent with the Overstrand Municipality Growth Management Strategy, 2010.</u>

4. Motivation

Motivation for the application:

Refer to **Annexure I** for the Building Plan and **Annexures J and K** for the builders' quotations

a. Introduction and Background

The application area accommodates an existing dwelling house within the residential suburb, Eastcliff.

The existing pergola was built over the street building line by previous owners without the required approvals.

b. Proposal

The **development objective** is to legalise the existing pergola exceeding the northern street building line.

The pergola is 0.5m from the street boundary and 3.4m wide. The pergola is also 8.1m from the road kerb and 4.7m from the common boundary to the west as shown in the following sketch and photographs:

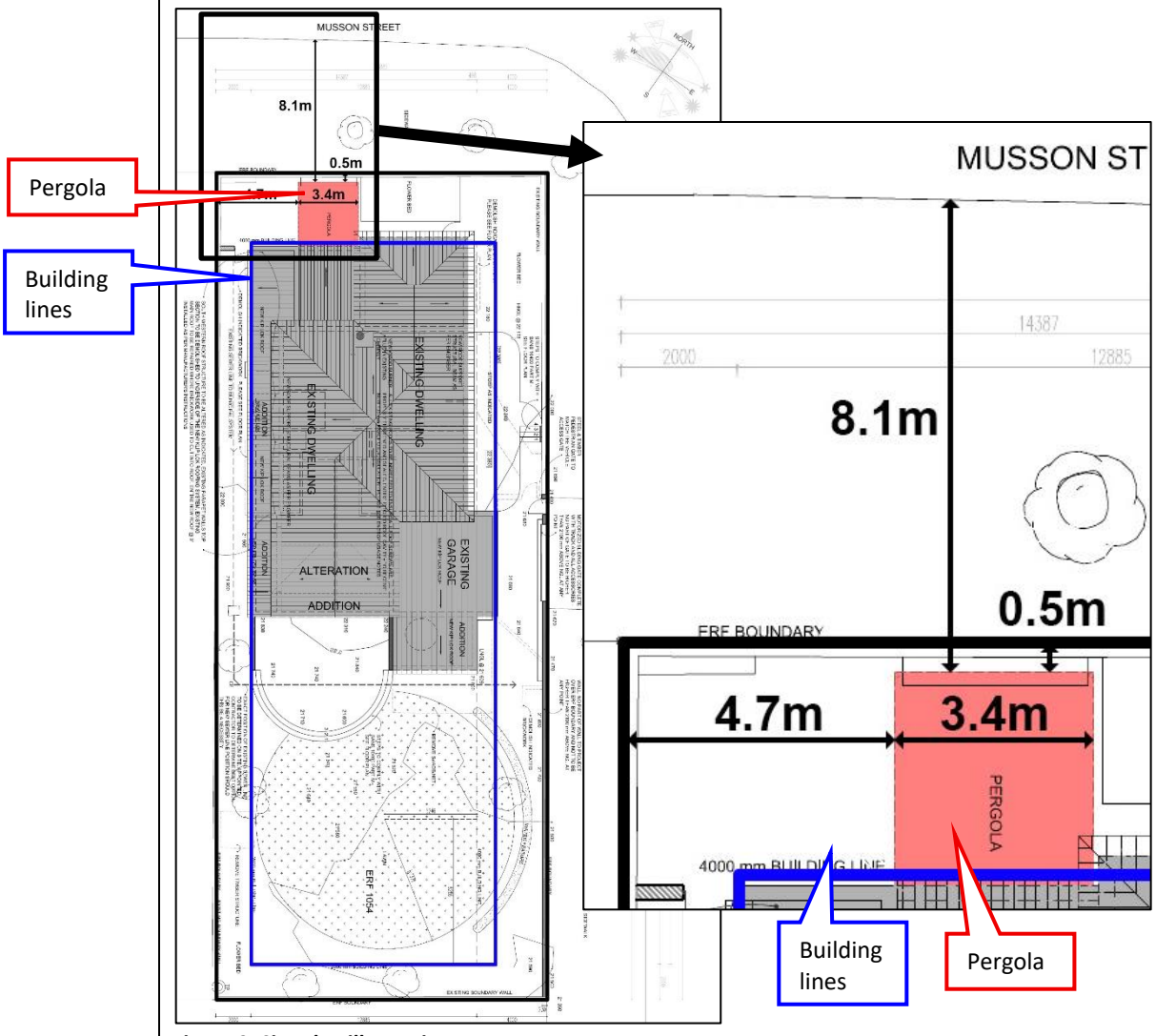


Figure 9: Site Plan illustration









Figure 10: Photographs of the subject pergola

Subsequently application is made for:

- A departure to relax the northern street building line from 4m to 0.5m to allow for the existing pergola.
- The determination of an administrative penalty for the existing pergola exceeding the street building line.

The motivation for the individual applications:

A departure to relax the northern street building line from 4m to 0.5m to allow for the existing pergola

The pergola is an existing, neat and well-maintained structure supporting a climbing vine, which provides a sense of spatial definition and creates an opportunity for a vertical garden. This contributes positively to the visual quality, character and overall enjoyment of the dwelling. Partially enclosed spaces are also generally perceived as more comfortable and inviting, providing a sense of enclosure while maintaining an open connection with the surrounding garden.

The pergola is located approximately 8 metres from the road kerb and 4.7 metres from the eastern common boundary, thereby maintaining a substantial separation from other active and habitable uses on the adjoining property. The structure is confined to the ground floor and is neither large nor visually imposing. Consequently, its visual impact is considered to be minimal. Rather than detracting from the streetscape or surrounding properties, the pergola is considered to enhance the appearance and functionality of the dwelling while providing a pleasant and attractive outdoor living environment.

Determination of an administrative penalty

As the existing pergola does not comply with the applicable zoning scheme criteria, an application is hereby made for the determination of an administrative penalty in terms of Chapter IV, Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, as set out below:

The following information with regards to the administrative penalty is provided as required according to Chapter X, Section 90(3):

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

The pergola was built 0.5m from the northern street boundary with a width of 3.4m along the boundary by a previous owner. The area of the pergola exceeding the street building line is 6.9m^2. The date of construction of the pergola is not known.

(b) The conduct of the person (allegedly) involved in the contravention;

The pergola was constructed over the street building line by a previous owner.

	(c) Report by a quantity surveyor in matters of unauthorised building/construction; Cost estimates were received from two builders for the pergola and are as follows: • HDK Maintenance: R9833.19 • Designer Construction: R18198.75 (d) Whether the unlawful conduct was stopped The existing pergola was retained and therefore an application is made for a building line departure to legalise the existing structure. (e) Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law We are not aware of any contraventions other than stated in this application. **c. Desirability** The application proposal is considered desirable for the following reasons: • The pergola is a permeable and relatively small structure, thus not having a significant visual impact and does not have a noticeable impact on the character of the area. • The pergola is considered a visual improvement of the property. • The application proposal does not negatively impact on the neighbouring properties in terms of privacy, light, views, noise or safety. • The pergola improves the experience of the property by the property owners. • The legalisation of the existing pergola is the most resource efficient solution to the pergola which exceeds the street building line.
	d. Planning Principles In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site: 1) Spatial Justice which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land. **Possible results of the development** The application proposal relates to a building line departure on a single residential erf and will not impact on spatial justice. The application proposal is **consistent** with **spatial justice**. 2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl. **Possible results of the development** The application proposal is for a building line departure on a single residential zoned property and will not impact on valuable agricultural land, environmentally sensitive or biodiversity rich areas, scenic or cultural landscapes. The application proposal is **consistent** with **spatial sustainability**. 3) **Spatial Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities. **Possible results of the development** The application proposal does not affect land use, the layout or structure of the town and will therefore not impact on spatial justice. The application proposal is **consistent** with the **efficiency principle.**

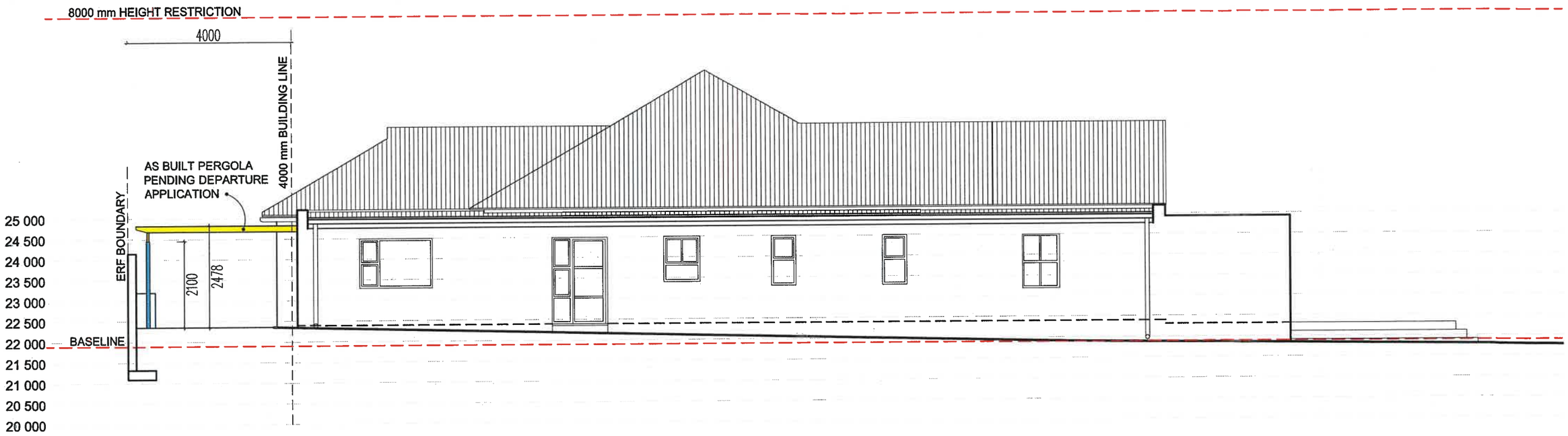
	4) **Spatial Resilience** which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner. **Possible results of the development** The application proposal relates to an addition to a dwelling house and will not impact on spatial resilience. The application proposal is **consistent** with the principle of **spatial resilience**. 5) **Good Administration** which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued. **Possible results of the development** Consultive practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process. The application proposal is **consistent** with the principle of **good administration**.

5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities.

It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020:

- A departure to relax the northern street building line from 4m to 0.5m to allow for the existing pergola in terms of Chapter IV, Section 16(2)(b).
- The determination of an administrative penalty for the existing pergola exceeding the street building line in terms of Chapter IV, Section 16(2)(q).



- SOUTH WEST ELEVATION SCALE 1:100

BenK draft
South African Council for the Architectural Profession
BEN KUNZ
073 317 3187
SACAP REGISTRATION: PAD 24750382

HOUSE HONIG

Client
C HONIG

Project
DEPARTURE APPLICATION FOR AS BUILT PERGOLA PROJECTING OVER BUILDING LINE ON ERF 1054, 15 FAIRWAYS AVENUE, EASTCLIFF, HERMANUS

Scale	AS SHOWN ON A3	Drawn	B.K.
Checked	B. KUNZ	Date	AUGUST 2026
Drawing			DEPARTURE APPLICATION
Drawing No.			ERF1054_HON_A3/01-2026-SD

Sheet no: 1 OF 1



- SOUTH WEST ELEVATION SCALE 1:100

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073 317 3187

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Sheet no: 1 OF 1