ERF 1292, ESSEX ROAD, HAWSTON: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: J MINNAAR ON BEHALF OF L LOMBAARD

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 to relax the street building line from 2,0m to 1,5m and 1,7m respectively to accommodate a living room.
- **determination of an administrative penalty** in terms of Section 16(2)(q) for the unauthorised building line encroachments as mentioned above.

Full detail regarding the proposal is 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 / (e) landuse@overstrand.gov.za) on or before **4 December 2026**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. H. Olivier** 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 Division: Town and Spatial Planning where a municipal official will assist them in order to formalize their comment.

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.

ERF 1292, ESSEXWEG, HAWSTON: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: J MINNAAR NAMENS L LOMBAARD

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

- **afwyking** ingevolge Artikel 16(2)(b) van die Verordening om die straatboulyn onderskeidelik vanaf 2,0m na 1,5m en 1,7m te verslap om 'n leefkamer te akkommodeer.
- **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) vir die ongemagtigde boulynoorskrydings soos hierbo genoem.

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 / (e) landuse@overstrand.gov.za) voor of op **4 Desember 2026**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. H. Olivier** 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 Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.

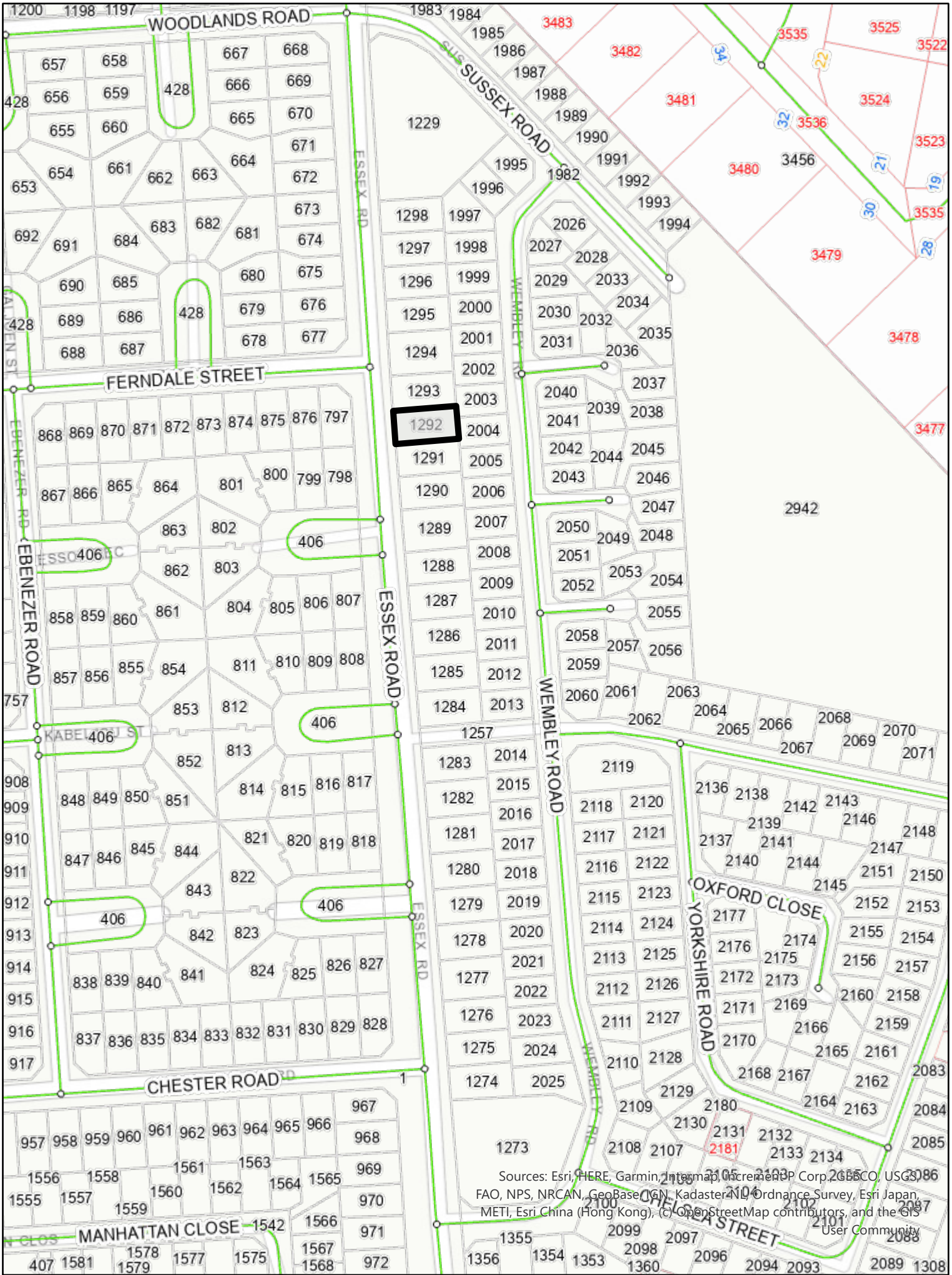
ISIZA 1292, ESSEX ROAD, HAWSTON: ISICELO SOKUHAMBA KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: J MINNAAR EGAMENI LIKA L LOMBAARD

Isaziso ngoku sinikezelwe ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo wase-Overstrand woCwangciso lokuSetyenziswa koMhlaba kaMasipala, wango-2020, sokuba kufunyenwe isicelo sezi zinto zilandelayo:

- **ukuhamba** ngokwemiqathango yeCandelo 16(2)(b) loMthetho kaMasipala ukuze kuncitshiswe umgca wesakhiwo umda wesitalato ukusuka kwi-2,0m ukuya kwi-1,5m nakwi-1,7m ngokulandelelanayo, ukuze kulungiselelwe igumbi lokuhlala.
- **ukumisela isohlwayo solawulo** ngokwemiqathango yeCandelo 16(2)(q) ngokungena komgca wesakhiwo okungagunyaziswanga njengoko kuchaziwe ngasentla.

Inkcazelo epheleleyo mayela noku kucetywayo ziafumaneka ukuze ihlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe: Town and Spatial Planning e16 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 zimelwe zingeniswe ngokumayela nezibonelelo zeCandelo 51 neCandelo 52 laloMthetho kaMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngaphambi okanye ungadlulanga umhla **we4 kaDisemba 2026**, ubhale igama lakho, idilesi neenkcukacha zoqhagamshelwano, umdla kwisicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingabhekiswa **kuMnu. H. Olivier** ku 028-313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angatyelela iSebe: leTown and Spatial Planning apho igosa lakwamasipala liza kumnceda ukuze afake amagqabaza akhe.

Nceda uqaphele ukuba ngokwemiba yoMthetho Okhusela Ingxelo Yomnyu Ngamnye (POPIA), uza kube ungena kwinkqubo yoluntu ngoko ke uyavuma kwaye uvumela ukusetyenziswa kwegama lakho, ifani yakho, iinkcukacha zakho noluvo(nezimvo) zakho zingadizwa/ zingasetyenziswa kwinkqubo yesi (sicelo).



OVERSTRAND MUNICIPALITY

Locality Map

Erf 1292, Essex Road, Hawston

N

Date: 2026/07/28

ERF 1292 HAWSTON

MOTIVATIONAL REPORT: APPLICATION FOR DEPARTURE & ADMINISTRATIVE PENALTY



ABSTRACT

Application for departure in order to accommodate the living room.

Application By: Jeane Minnaar

Compiled for: L Lombaard

Sep 2026

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ANNEXURE A- APPLICATION FORMS ..... **Error! Bookmark not defined.**

ANNEXURE B- POWER OF ATTORNEY ..... **Error! Bookmark not defined.**

ANNEXURE C- SITE DEVELOPMENT PLAN ..... **Error! Bookmark not defined.**

ANNEXURE D- ZONING MAP ..... **Error! Bookmark not defined.**

ANNEXURE E-TITLE DEED ..... **Error! Bookmark not defined.**

ANNEXURE F- NEIGHBOURS CONSENT ..... **Error! Bookmark not defined.**

1. Background

The subject property Erf 1292 is situated in the residential neighbourhood of Hawston, and is located along Essex Street with an extent of 325m². According to the zoning map & Overstrand Municipal Land Use Scheme, 2020 the property is zoned as Residential Zone I: Single Residential (SRI). Access to the property is gained from Essex Street. The property owner illegally started to build a living room being unaware that building plans and a land use application had to be submitted.

The application therefore consists of departures and the determination of an administrative penalty.

Jeané Minnaar is hereby duly appointed by the property owner (L Lombaard) 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:
Application is hereby submitted in terms Section 16 (2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for departure for the following:

- Relaxation of the street building line from 2m to 1.7m and 1.5m to accommodate the existing living room.

- Application in terms Section 16(2)(q) of the By-Law for the determination of an administrative penalty to accommodate the illegal building work.

3. Locality

The subject property is situated within the Overstrand Municipality, located at 1292 Essex Street, Hawston, Hermanus. The location of the property is shown in the figure below.



4. Land Use Environment

The property is situated in the residential neighbourhood of Hawston, Hermanus where the predominant use of the area is for residential purposes. The zoning of the subject erf and the surrounding properties are zoned Residential Zone 1: Single Residential Zone (SR1). The zoning in the area is shown below as Figure 2 and Appendix D.

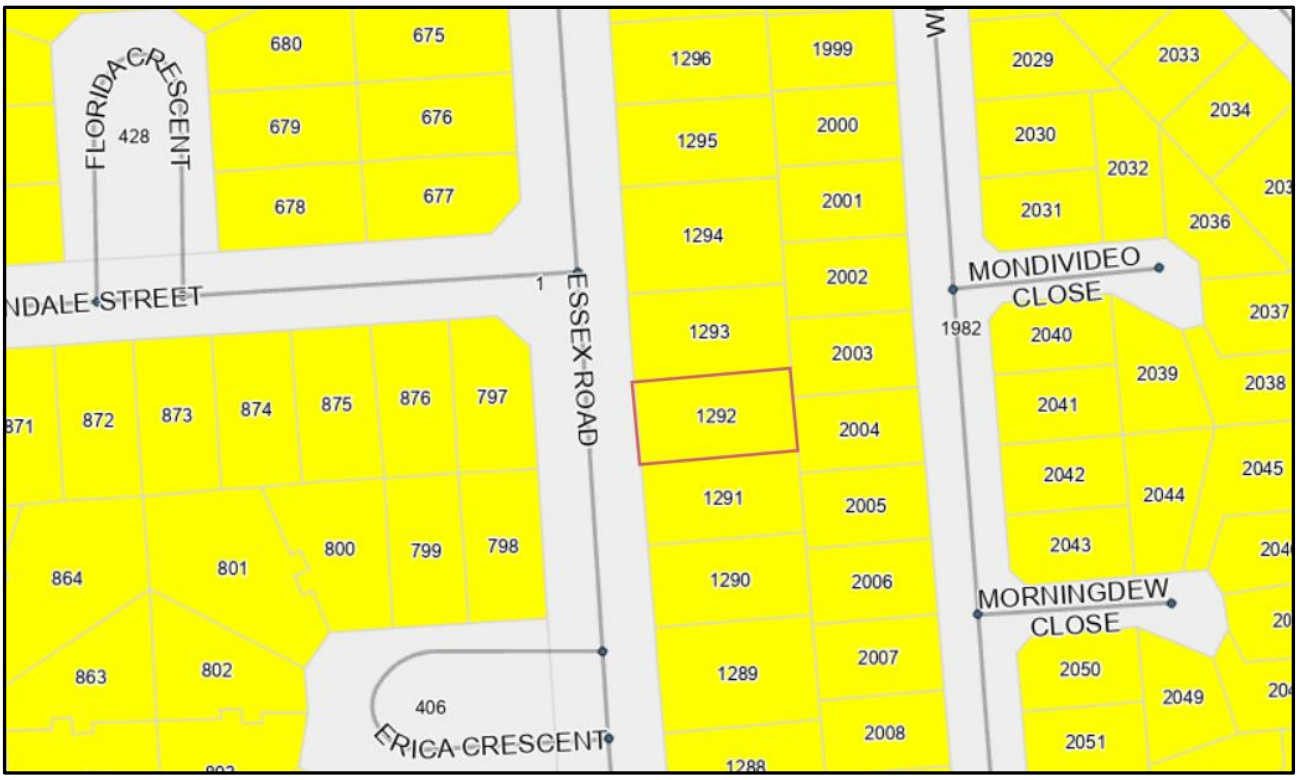


Figure 2: Surrounding Zoning

5. Land Use Scheme Parameters

The property is zoned Residential Zone 1: Single Residential Zone (SR1) in terms of the Overstrand Municipality Land Use Scheme, 2020. The table below indicates the applicable parameters in terms of the zoning and the proposed departure.

	Scheme Parameters	Proposed Development	Departure Required
Coverage	65%	28.9%	No
Street Building Line	2m	Living room encroaches street building line from 2m to 1.5m and 1.7m.	Yes
Western Side Building Line	1m	N/A	No
Eastern Side Building Line	1m	N/A	No
Rear Building Line	2m	N/A	No

With reference to the above and the building plans the living room is encroaching the street scheme building lines from 2m to 1.5m and 1.7m and therefore require a departure application.

The proposal for a living room optimizes the utilization of the subject property and is normally associated with residential areas.

6. Title Deed

In terms of the Title Deed No T/ 68560/2013, Erf 1292 Hawston is registered in the name of Loretta Hendricks (Lombaard) with no title deed conditions restricting the proposed development. The Title Deed is attached hereto as Appendix E.

7. Engineering Services

The subject property is connected to the existing Overstrand Municipality services network which includes electricity, water, sewage and solid waste. No problems are anticipated as the proposal is for an existing braai.

8. 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 is indicated as part of the “urban development area”. The living room is therefore in line with this forward planning document.

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 5 which currently does not propose densification.

The proposal to erect a living room is therefore in line with this forward planning document.

9. Planning Principles

Spatial Planning and Land Use Management Acr,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. The proposal to erect a living room are normal uses/structures that are associated with a dwelling house and will not perpetuate further spatial justice. The principle of spatial justice therefore is not applicable to the application.

2. Spatial Sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. The subject property is not located within any environmentally sensitive area or agricultural sensitive land. The principle of spatial sustainability is therefore not applicable to the application.

3. Spatial resilience

The proposed living room demonstrates spatial resilience through its flexible design, allowing the space to accommodate a variety of recreational and social activities beyond its primary entertainment function. Its integration with the existing dwelling enhances social interaction while maintaining compliance with zoning requirements and minimising impacts on neighbouring properties. The design therefore contributes to the long-term adaptability, sustainability, and functionality of the residential property.

4. Efficiency

The proposed living room promotes efficient land use by enhancing the functional capacity of the existing residential property without placing undue pressure on available site resources. The structure is integrated with the existing dwelling, improving accessibility and circulation while making optimal use of available space.

Its design supports the efficient use of infrastructure and services, maintains adequate private open space, and contributes positively to the overall functionality and liveability of the property.

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.

10. Administrative Penalty

In term of Section 90 of the Overstrand Municipality Amendment By-Law on Municipal Lan 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 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 extend of the contravention.
The property owner started building the braai room in the beginning of 2026 with the living room having an extent of 2.89m² over the street building line.

(b) the conduct of the person (allegedly) involved in the contravention.
The property owner is involved in the contravention.

(c) a report by a quantity surveyor in matter of unauthorised building/construction.
A quotation has been provided for the building work.

(d) whether the unlaw conduct was stopped.
The construction has been put on hold until approval has been received.

(e) Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.
The property owner has not previously contravened this By- Law or any other By-Law.
With reference to the above, the property owner was ill advised by her builder and therefore request that the penalty be reduced.

11. Need and Desirability

The proposed living room is considered both needed and desirable as it enhances the functionality and amenity of the existing residential property by providing a dedicated space for family gatherings, recreation, and social interaction. The development responds to the lifestyle needs of the occupants while remaining ancillary to the primary residential use of the property.

The proposed structure is compatible with the character of the surrounding residential area and does not introduce land uses that are inconsistent with the existing zoning or neighbourhood context. The living room will improve the usability of the property, contribute to the residents' quality of life, and support social cohesion within a private residential setting.

Furthermore, the development represents a modest improvement to the property that utilizes existing infrastructure and services efficiently, without creating significant adverse impacts on neighbouring properties or the surrounding environment. The proposal is therefore considered both necessary for the reasonable enjoyment of the property and desirable from a land use planning perspective, as it promotes sustainable residential development and enhances the overall liveability of the site.

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.

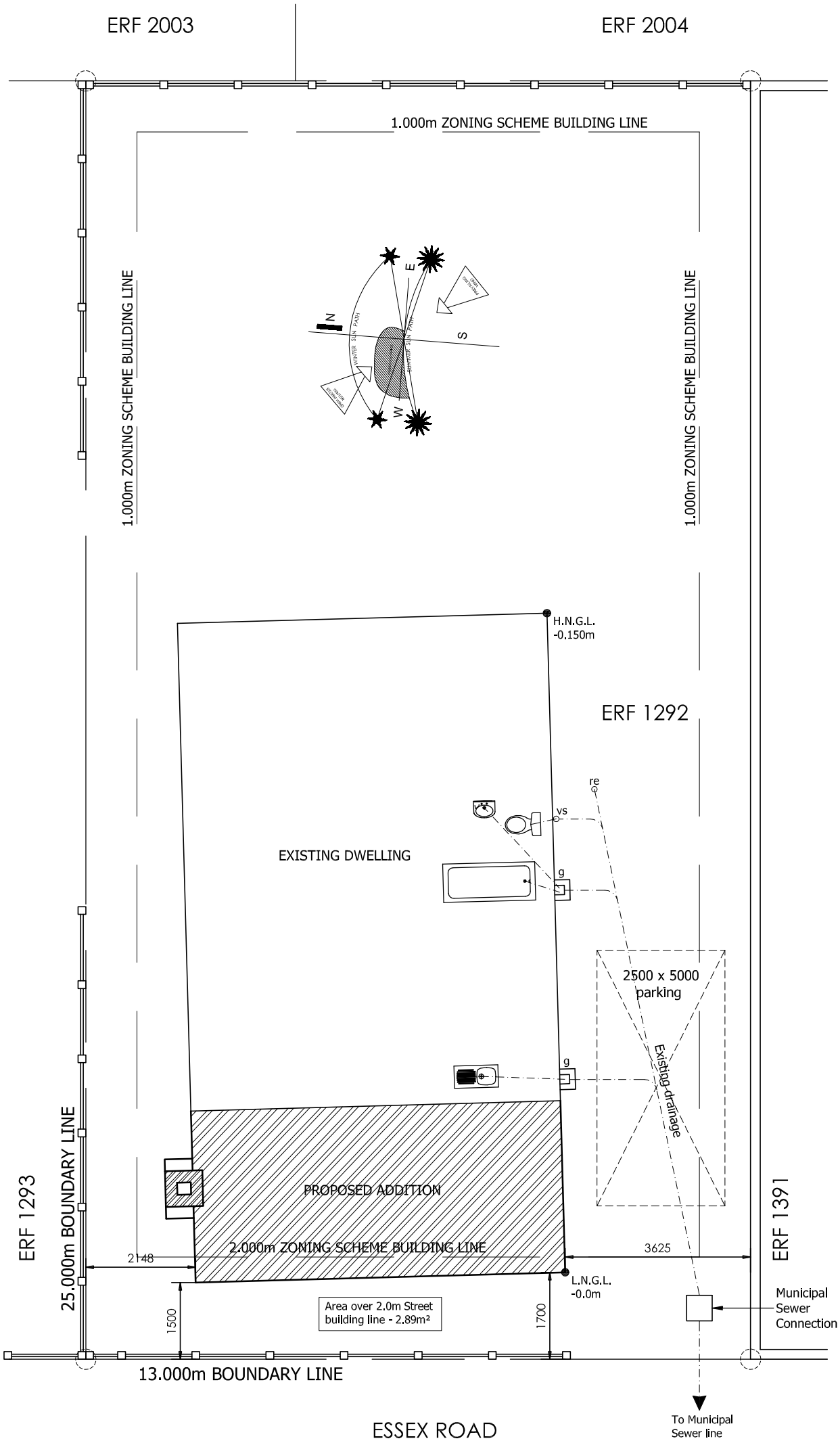
12. Recommendations

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

Application for departure in terms Section 16 (2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- Relaxation of the street building line from 2m to 1.5m and 1.7m to accommodate the existing living room.

- Application in terms Section 16(2)(q) of the By-Law for the determination of an administrative penalty to accommodate the illegal building work.



Site Plan
Scale - 1:100

PROJECT

ADDITION ON
ERF 1292
ESSEX ROAD
HAWSTON

CLIENT

L. HENDRICKS

.....

DRAWING

SITE- & GROUND STOREY PLAN

DRAWING

COUNCIL SUBMISSION

SCALE	DRAWN
1:100	CFG
CHECKED	DATE
CFG	8 MAY 2026

DRAWING No.

1292HAW(2026-05)-01/A3-REV A

AREAS

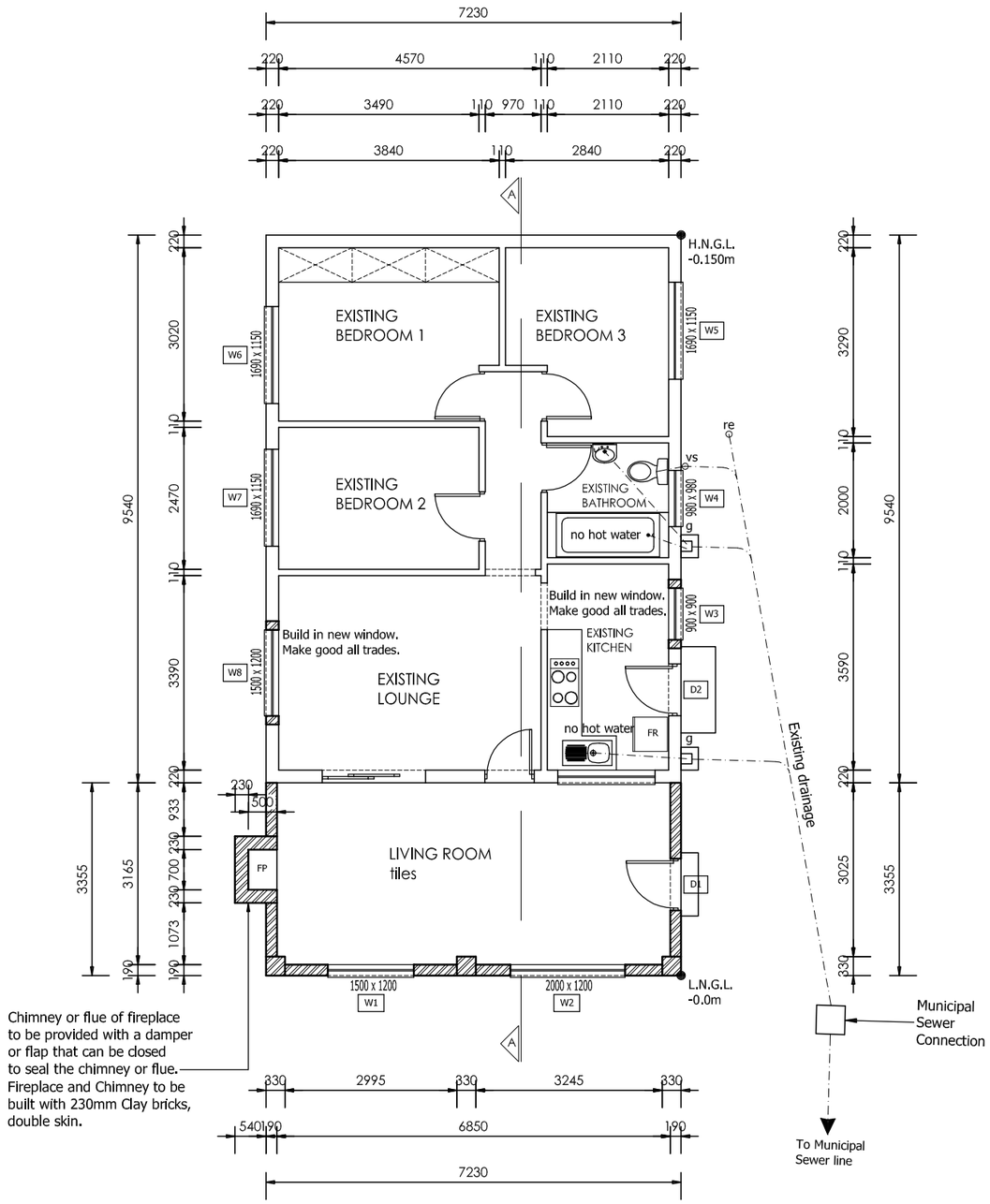
EXISTING DWELLING	68.97 m²
PROPOSED ADDITION	24.88 m²
TOTAL	93.85 m²
ERF AREA	325.0 m²
FOOTPRINT	93.85 m²
COVERAGE (65 % max)	28.9 %

C. F. Geldenhuys
FINELINE DRAFTING

P.O. BOX 517
CALEDON
7230

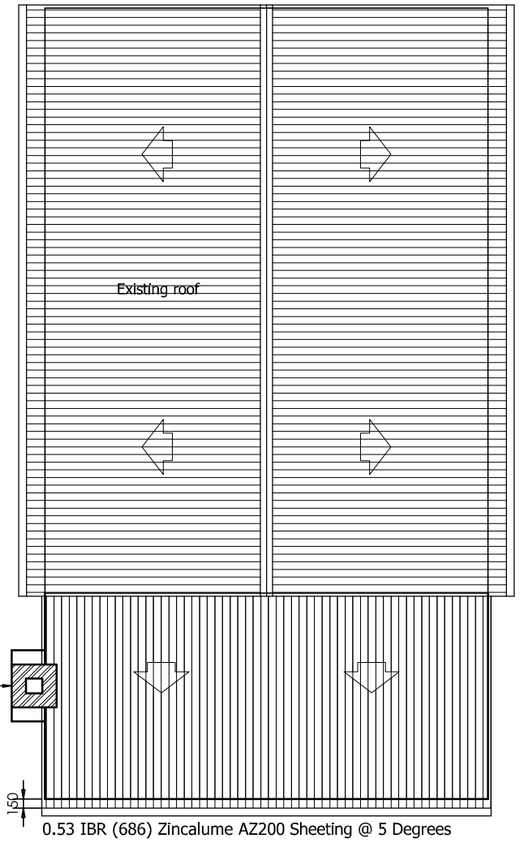
C.GELDENHUYS - 082 836 8631
SACAP - PAD : 20718





Chimney or flue of fireplace to be provided with a damper or flap that can be closed to seal the chimney or flue. Fireplace and Chimney to be built with 230mm Clay bricks, double skin.

Ground Storey Plan
Scale - 1:100



Roof Plan
Scale - 1:100

PROJECT

ADDITION ON
ERF 1292
ESSEX ROAD
HAWSTON

CLIENT

L. HENDRICKS

.....

DRAWING
ELEVATIONS
DRAWING
COUNCIL SUBMISSION

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CFG	8 MAY 2026

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1292HAW(2026-05)-02/A3-REV A

No.	Date	Revision	Initial

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HEIGHT RESTRICTION - 8.075m

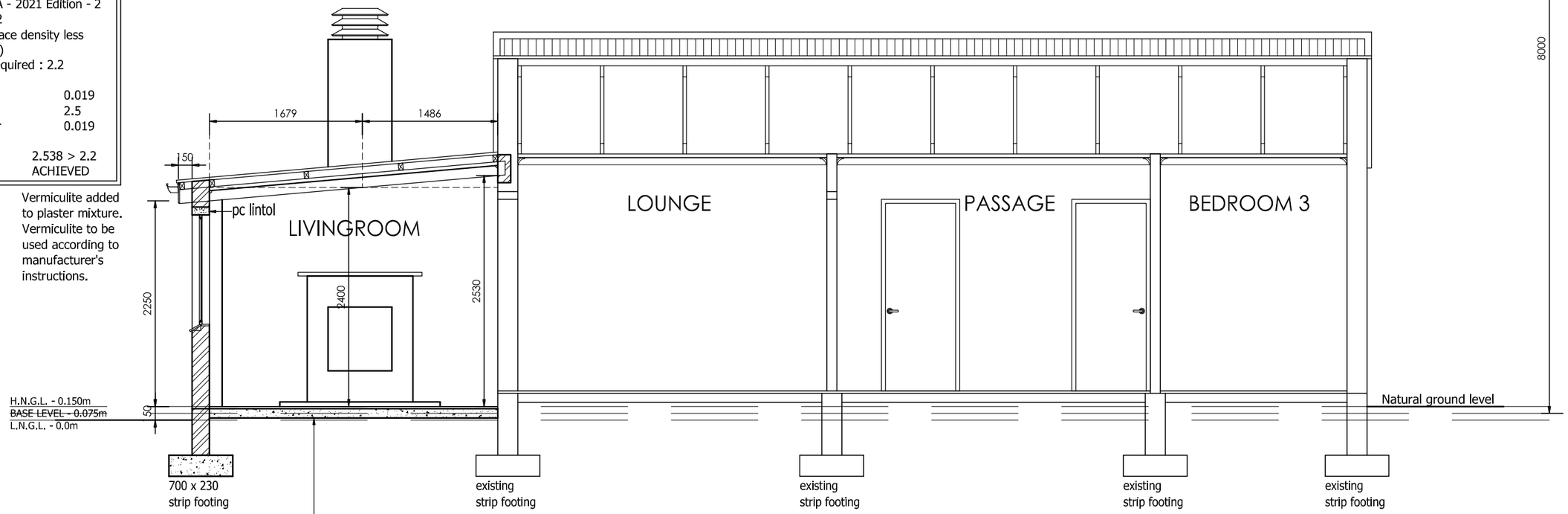
Roof Construction: LIVINGROOM
0.53 IBR (686) Zincalume AZ200 Sheeting @ 5 Degrees on
Radenshield double sided insulation membrane on
76 x 50 SAP Purlins on edge @ max. 1000 cc's on
152 x 38 (Grade 7) SAP Rafters by Specialist
tied down with 1,6 x 30 GMS Hoop irons
built 600mm into brickwork.
Roof to comply with NBR and SANS 10400-PART L.

Ceiling Construction:
6,4mm Rhino board fixed to 38 x 38 brandering
at 400mm centers. Finished with 25mm quarter rounds.
75mm Aerolite insulation between rafters.

ROOF ASSEMBLY: Min. R-VALUE = 3.7		
OUTDOOR AIR FILM		0.03
ROOF COVERING	- Zincalume	0.30
INSULATION	- 75mm Aerolite	1.88
CEILING	- 6,4mm Rhinoboard	0.03
RADENSHIELD DOUBLE SIDED		1.36
INDOOR AIR FILM		0.11
TOTAL		3.71> 3.7
		ACHIEVED

SANS 10400 XA - 2021 Edition - 2	
Energy zone : 2	
Walls with Surface density less than 270kg/m²)	
Min. R-Value required : 2.2	
Internal plaster	0.019
Vermiculite	2.5
External plaster	0.019
Total	2.538 > 2.2
	ACHIEVED

Vermiculite added to plaster mixture. Vermiculite to be used according to manufacturer's instructions.



Floor finish as indicated on plan on 25mm screed on 100mm concrete surface slab (30mPa) with ref 193 mesh matt on 250mic USB green damp proof course (Sans 925-1985) type C) laid with min 150mm overlaps sealed with gunplas tape. All installed on 25mm Isoboard insulation on 50mm clean sandbed on well compacted filling(150mm layers)Finished floor level to be minimum 150mm above NGL. All as per NBR & SANS 10400 PART J.

Section A-A
Scale 1:50

PROJECT

ADDITION ON
ERF 1292
ESSEX ROAD
HAWSTON

CLIENT

L. HENDRICKS

.....

DRAWING
ELEVATIONS
DRAWING
COUNCIL SUBMISSION

SCALE	DRAWN
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CHECKED	DATE
CFG	8 MAY 2026

DRAWING No.
1292HAW(2026-05)-03/A3-REV A

No.	Date	Revision	Initial

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