

ERF 1797, 10 HOFFMAN STREET, PEARLY BEACH: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: JEANE DOUGLAS ON BEHALF OF W & L WIESE

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 eastern lateral building line from 2m to 1.780m to accommodate the existing stoep, and
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to accommodate the existing stoep.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town & Spatial Planning, Hermanus, Gansbaai Library, Main Road, Gansbaai 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 **Friday, 22 May 2026**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. S 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 & Spatial Planning Department 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 1797, HOFFMANSTRAAT 10, PEARLY BEACH: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: JEANE DOUGLAS NAMENS W & L WIESE

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 ten einde die oostelike lateraleboulyn vanaf 2m na 1.780m te verslap om die bestaande stoep te akkommodeer, en
- ❖ **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening om die bestaande stoep te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning, Hermanus, Gansbaai Biblioteek, Hoofweg, Gansbaai en 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 **Vrydag, 22 Mei 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. S 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: 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.

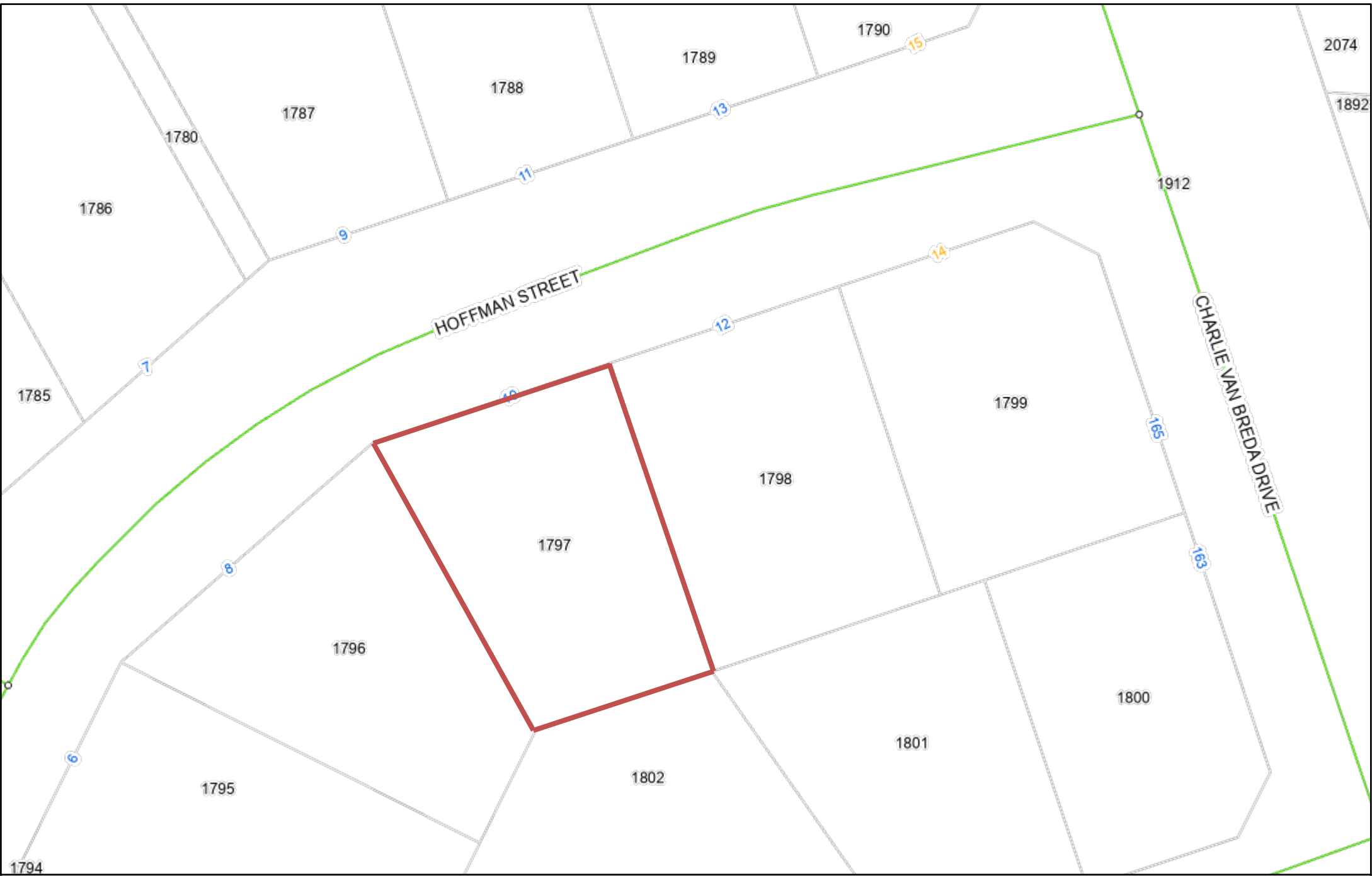
ISIZA 1797, 10 HOFFMAN STREET, PEARLY BEACH: ISICELO SOKUHAMBA KUNYE NOKUSETYENZISWA KWESOHLWAYO SOKULAWULA: JEANE DOUGLAS EGAMENI LIKA- W & L WIESE

Isaziso ngoko ke sinikezelwa ngokwemiqathango yeCandelo lama-48 loMthetho kaMasipala wase-Overstrand oLungisiweyo woCwangciso loSetyenziso loMhlaba kaMasipala, ka-2020 sokuba isicelo sifunyenwe kwezi zinto zilandelayo:

- ❖ **Ukukhamba** ngokwemiqathango yeCandelo 16(2)(b) loMthetho kaMasipala ukuze kunyenyiswe umgca wesakhiwo osecaleni ukusuka ku-2m ukuya ku-1.780m ukuze kulungiselelwe indawo istupu esikhoyo; kunye
- ❖ **nokuMiselwa kwesohlwayo solawulo** ngokwemiqathango yeCandelo 16(2)(q) loMthetho kaMasipala ukuze kulungiselelwe istupu esikhoyo.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini Phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: LeziCwangciso zeDolophu & NokuCwangcisa Indawo, Hermanus nakwiThala leeNcwadi laseGansbaai, eGansbaai nakwiphapha lewebhu likamasipala kule linki ilandelayo. <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/> Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zeSoloty lama-51 nelama-52 loMthethwana kaMasipala (16 Paterson Street, Hermanus / landuse@overstrand.gov.za) ngomhla okanye ngaphambi ko**Lwesihlanu, 22 UCanzibe 2026**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu ofumaneka kuzo. Imibuzo ngefowuni ingabuzwa ku**Mnu. S van der Merwe** ku-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvula. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe LeDolophu & NokuCwangcisa Indawo apho igosa likamasipala liza kunceda ukuhlomla ngokusemthwethweni.

Nceda uqaphele ukuba ngokoMthetho woKhuseleko lweNgcaciso loLwazi loBuqu (POPIA), uya kuba ungena kwinkqubo kawonke-wonke kwaye uvuma ukuba igama lakho, ifani, iinkukacha zoqhagamshelwano kunye nezimvo zingabhengezwa / zisetyenziswe kwi (isicelo) inkqubo



ERF 1797 PEARLY BEACH

MOTIVATIONAL REPORT: APPLICATION FOR DEPARTURE &
ADMINISTRATIVE PENALTY



ABSTRACT

Application for departure to accommodate the existing stoep.

Application By: Jeane
Douglas

Compiled for: W & L Wiese

20 February 2026

1. Background

The subject property Erf 1797 is situated in the residential neighbourhood of Pearly Beach (10 Hoffman Street, Pearly Beach) with an extent of 671m². According to the zoning map & Overstrand Municipal Land Use Scheme, 2020 the property is zoned as Residential Zone I: Single Residential (SRI). The property consists of a three-bedroom dwelling house, a laundry and a braai room.

The subject property was built with a stoep over the 2m eastern lateral building line. Application is therefore made for departure to accommodate the stoep in its current position. An application is also made for the determination of an administrative penalty due to the structure being built prior to municipal approval granted.

Jeané Minnaar is hereby duly appointed by the property owners (Werner & Louwina Wiese) 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

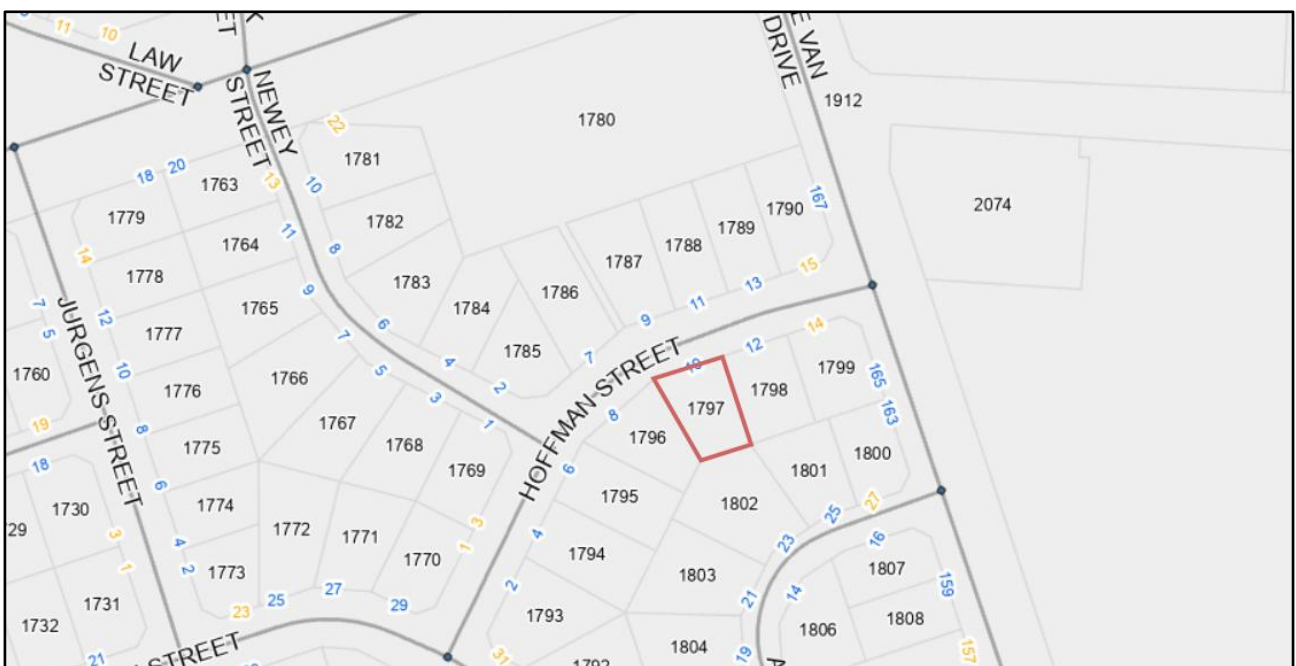
The following is proposed:

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 eastern lateral building line from 2m to 1.780m to accommodate the existing stoep.
- Application in terms Section 16(2)(q) of the By-Law for the determination of an administrative penalty to accommodate the existing stoep.

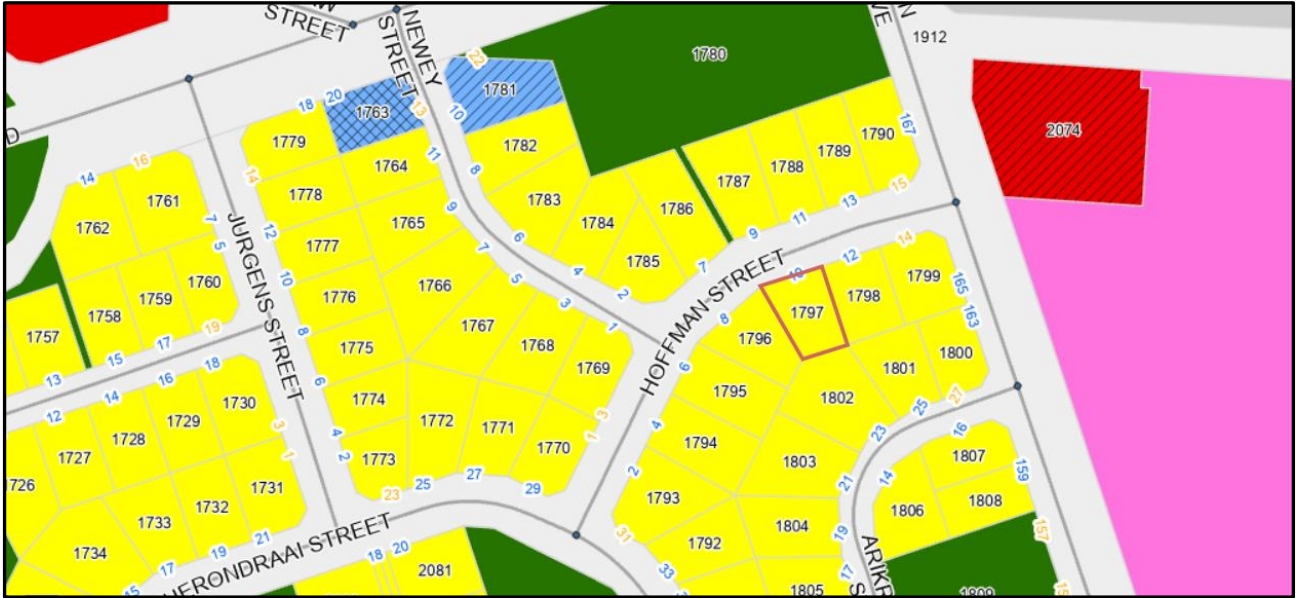
3. Locality

The subject property is situated within the Overstrand Municipality, located at 10 Hoffman Street, Pearly Beach. The location of the property is shown in the figure below.



4. Land Use Environment

The property is situated in the residential neighbourhood of Pearly Beach where the predominant use of the area is for residential purposes. The zoning of the subject erf and the surrounding properties are zoned for residential purposes with business, utility and resorts zones in close proximity. The zoning in the area is shown below as Appendix D.



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	50%	26.39%	N/a
Northern Street Building Line	4m	Compliant	N/a
Northern Street TD Building Line.	5m	Compliant	N/a
Eastern Side Scheme Building Line	2m	Stoep encroaches the 2m scheme building from 2m to 1.780m.	Yes
Eastern Side TD Building Line	1.57m	Compliant	N/a
Western Side Scheme Building Line	2m	Compliant	N/a
Western Side TD Building Line	1,57m	Compliant	N/a
Southern Rear Scheme Building Line	2m	Compliant	N/a

Southern Rear TD Building Line	3m	Compliant	N/a
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6. Title Deed

In terms of the Title Deed No T/ 015288/2003, Erf 1797 Pearly Beach is registered in the name of Werner and Louwina Wiese. The proposed development is not restricted by the development parameters in terms of the title deed. 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.

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 proposed addition to the residential zoned property 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 3 which promotes residential densification.

The proposal to accommodate a stoep should be considered in line with the residential nature of the area since the property is already situated within the existing established residential neighbourhood. The proposal should therefore be deemed in line with this forward planning document.

9. 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. The existing stoep will not trigger the principle due to it being a normal residential addition to an existing dwelling house. The principle of spatial justice is not applicable since the property will not perpetuate spatial injustice.

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 proposed additions.

3. Spatial resilience

The existing stoep is a normal addition to a residential property and is therefore not in conflict with any planning policies or be susceptible to spatial or environmental shocks. The principle of spatial resilience is therefore not applicable to the proposal.

4. Efficiency

This proposal intends to maximize the usage of the subject property by accommodating a stoep over the eastern lateral building line.

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 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 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 existing stoep has an extent of 0.915m². The stoep was erected by the property owner in 2007.

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

The owner is in the process of submitting building plans for additions when it was discovered the stoep is encroaching the eastern lateral building lines.

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

No quotes have been submitted due to the minor nature of the existing addition. The municipal tariff of 2025/2026 can be used in order to calculate the penalty for the existing stoep.

(d) whether the unlaw conduct was stopped.

The existing stoep has already been built, and the construction has been completed.

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

To the best of my knowledge, the property owner has not previously contravened this By-Law or any other By-Law.

11. Need and Desirability

The addition of a stoep has been constructed prior to the submission of a land use planning application. A stoep is an addition that is of a normal residential nature and does not detract from the character of the area since the character will remain the same and should be considered for approval from a planning perspective.

With the above-mentioned stated, 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 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 eastern lateral building line from 2m to 1.780m to accommodate the existing stoep.
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ERF 1798

ERF 1801

31.50

Fibacrete boundary wall 1.5m

Deed building line 1.57m

Building 2.0m

1780 mm

Carport
to be removed

Fibacrete boundary wall 0.9m

24.43

Vehicle access
no obstruction

ERF 1797

18.16

ERF 1802

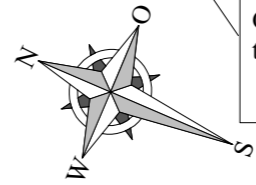
Building 2.0m

Deed building line 3.0m

Building 4.0m

Deed building line 5.0m

Concervancy
tank 6000 Lt



Building 2.0m

Deed building line 1.57m

ERF 1796

32.12

Fibacrete boundary wall 1.5m

Fibacrete boundary wall 0.9m

10 Hoffman street
Pearly Beach
Scale 1 - 100

PROFESSIONAL ARCHITECTURAL
DRAUGHTSPERSON

JACOBUS ADRIAAN VAN STADEN

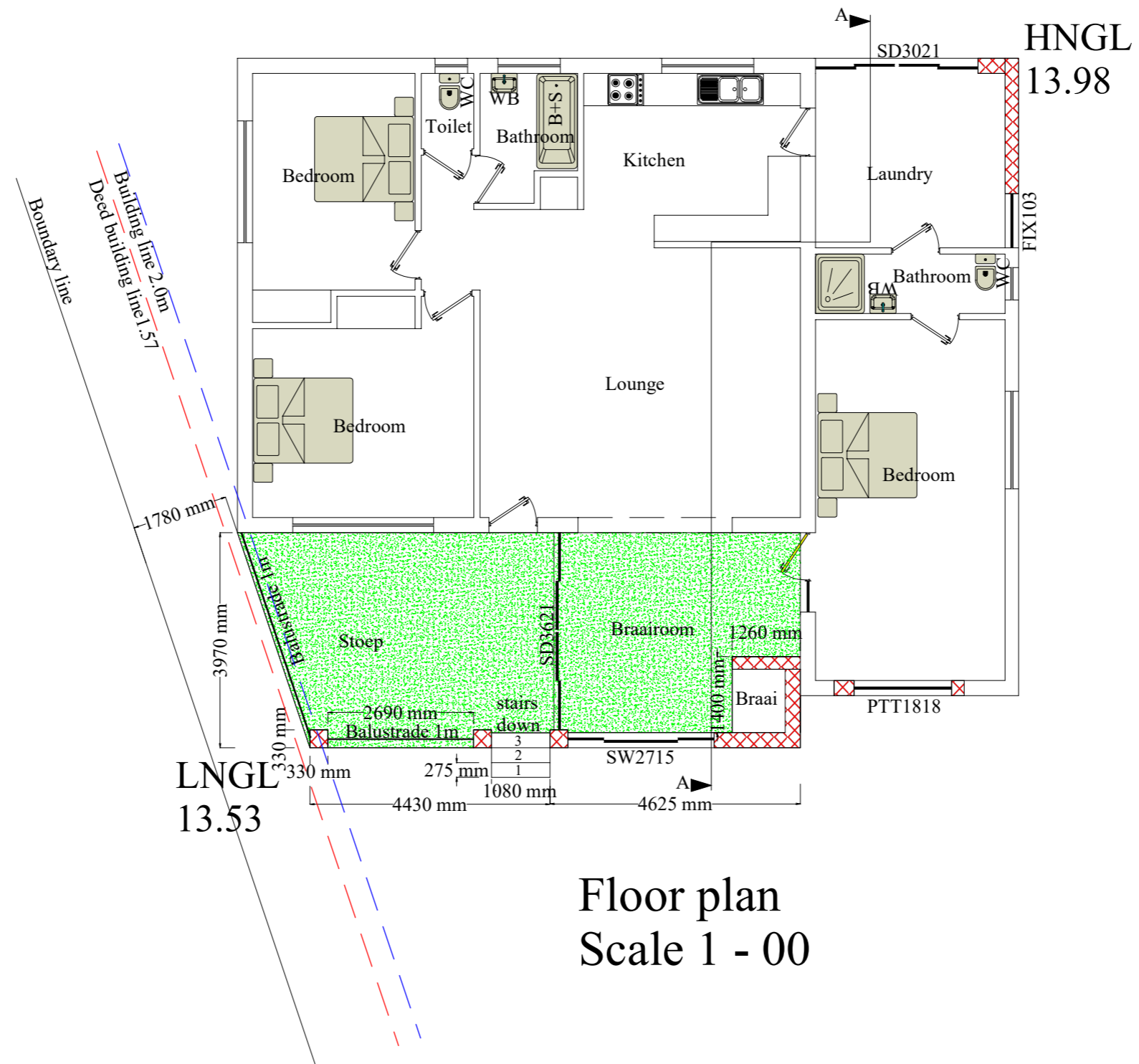
South African Council
for the Architectural Profession

15:05 PM (Africa/Johannesburg) on 12 May 2025

Drawing nr: 0547/17
Drawing: Site plan
Scale: 1 - 100
Page: 1 - 4
Date: 04/12/2025

Alterations for:
W & L Wiese
Erf 1797
10 Hoffman street
Pearly beach
Overstrand Munisipaliteit

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



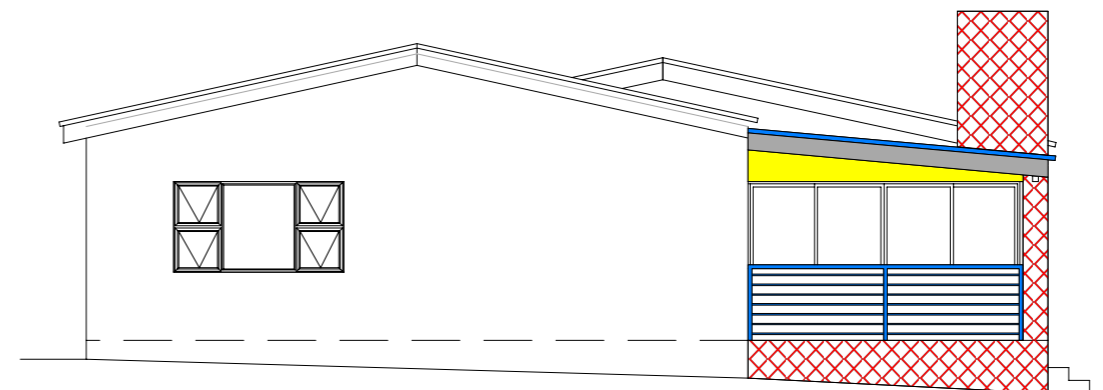
Floor plan
Scale 1 - 00


PROFESSIONAL ARCHITECTURAL DRAUGHTSPERSON
JACOBUS ADRIAAN VAN STADEN
 South African Council for the Architectural Profession
 15:05 PM (Africa/Johannesburg) on 12 May 2025

<p> ERF = 671m² Existing house = 125.38m² Addition = 51.72m² Total = 177.10m² Coverage = 26.39% </p>	<p> Drawing nr: 0547/17 Drawing: Floor plan Scale: 1 - 100 Page: 2 - 4 Date: 04/12/2025 </p>	<p> Alterations for: W & L Wiese Erf 1797 10 Hoffman street Pearly beach Overstrand Munisipaliteit </p>	<p> Plan drawn by: Jacobus Adriaan van Staden 3 Sneegans street Perlemoenbaai Gansbaai 7220 email: riaanvs38@gmail.com Cel: 082 929 8688 </p>
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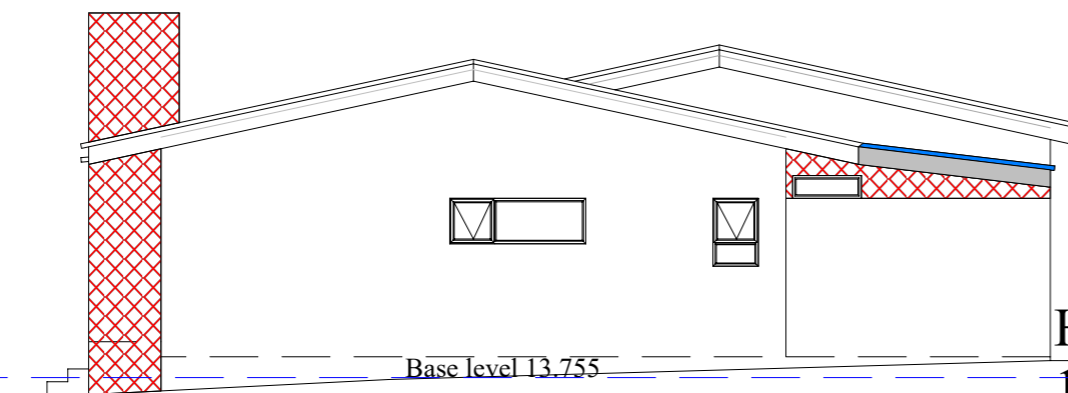


LNGL
13.53 North elevation
Scale 1 - 100



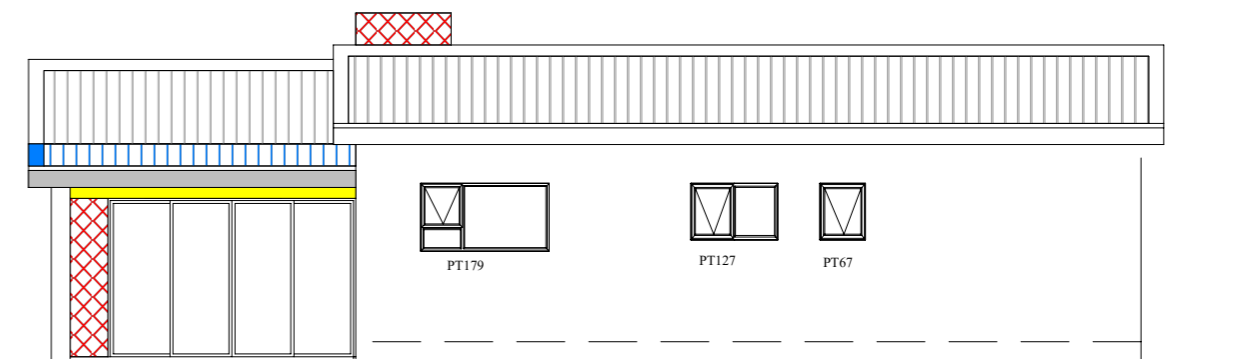
East elevation
Scale 1 - 100

Height restriction 8.0m



West elevation
Scale 1 - 100

HNGL
13.98



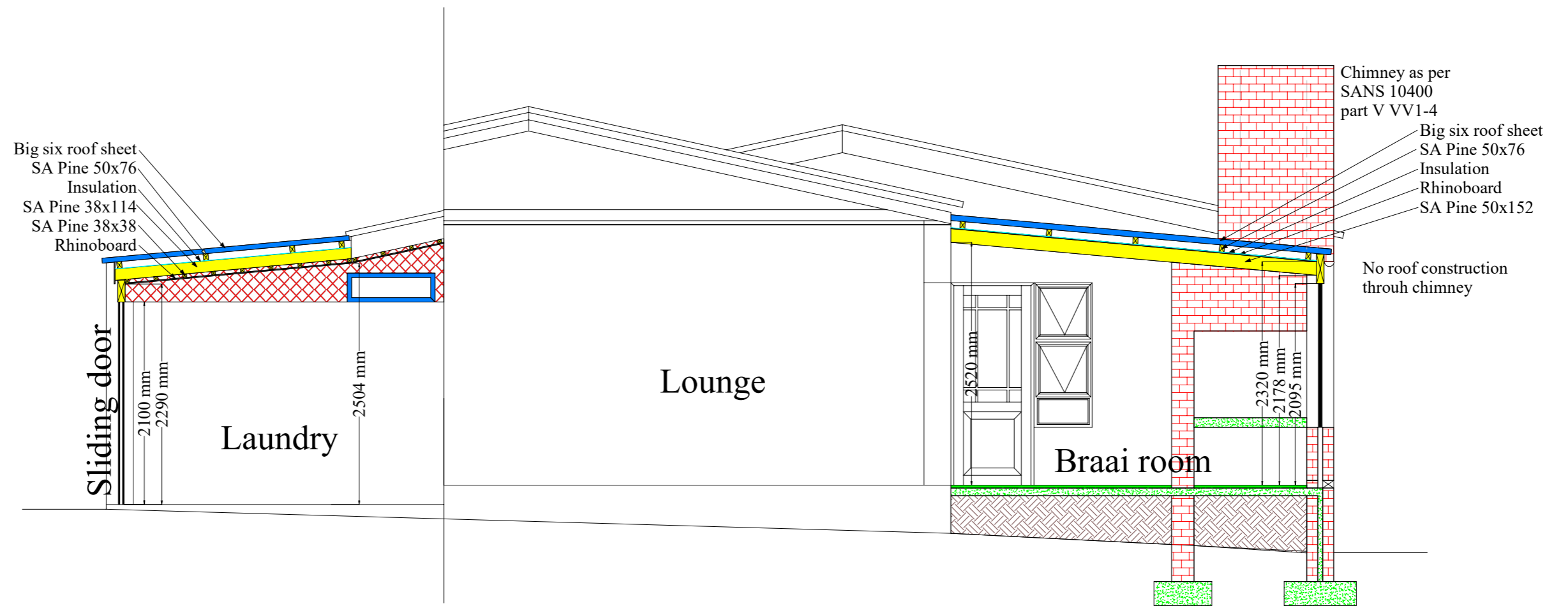
South elevation
Scale 1 - 100



Drawing nr: 0547/17
Drawing: Elevations
Scale: 1 - 100
Page: 3 - 4
Date: 04/12/2025

Alterations for:
W & L Wiese
Erf 1797
10 Hoffman street
Pearly beach
Overstrand Munisipaliteit

Plan drawn by:
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Section A-A
Scale 1 -50

PROFESSIONAL ARCHITECTURAL
DRAUGHTSPERSON

JACOBUS ADRIAAN VAN STADEN

South African Council
for the Architectural Profession

15:05 PM (Africa/Johannesburg) on 12 May 2025

Drawing nr: 0547/17
Drawing: Section A
Scale: 1 - 50
Page: 4 - 4
Date: 04/12/2025

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