

ERF 5369, 3 CORONATION STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS (PTY) LTD ON BEHALF OF BAGLEY TERRACE NO 110 CC.

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 street building line setback from 3m to 2m to accommodate the existing pergola;
 - relax the southern lateral building line from 2m to 1m and 1.1m respectively to accommodate the proposed garage;
 - relax the southern lateral building line from 2m to 1.1m and 1.270m respectively to accommodate the existing second dwelling;
 - relax the southern lateral building line from 2m to 1.270m and the eastern rear building line from 2m to 1.83m to accommodate the existing storeroom and gardener's bathroom;
 - relax the southern lateral building line from 2m to 1m and 1.270m respectively and the eastern rear building line from 2m to 1.83 and 1.93m respectively to accommodate the proposed first-floor additions, and
 - relax the street building line from 4m to 1.495m and 2.525m to accommodate the existing pergola.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law.

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) alida@overstrand.gov.za) on or before **22 July 2026**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. B. Minnaar** 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 5369, CORONATIONSTRAAT 3, WESTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA : AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: PLAN ACTIVE STADS- EN STREEKBEPLANNERS NAMENS BAGLEY TERRACE NO 110 CC

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:
 - straatboulyn terugset vanaf 3m na 2m te verslap om die bestaande pergola te akkommodeer;
 - suidelike lateraleboulyn vanaf 2m na 1m en 1.1m onderskeidelik te verslap om die voorgestelde motorhuis te akkommodeer;
 - suidelike lateraleboulyn vanaf 2m na 1.1m en 1.270m onderskeidelik te verslap om die bestaande tweede woning te akkommodeer;
 - suidelike lateraleboulyn vanaf 2m na 1.270m en die oostelike agterboulyn vanaf 2m na 1.83m te verslap om die bestaande stookkamer en tuinier badkamer te akkommodeer;
 - suidelike lateraleboulyn vanaf 2m na 1m en 1.270m onderskeidelik en die oostelike agterboulyn vanaf 2m na 1.83 en 1.93m onderskeidelik te verslap om die voorgestelde eerste-vloer aanbouings te akkommodeer, en
 - straatboulyn vanaf 4m na 1.495m en 2.525m te verslap om die bestaande pergola te akkommodeer.
- ❖ **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae 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 / alida@overstrand.gov.za) voor of op **22 Julie 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. B. Minnaar** 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 Bepalings 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 5369, 3 CORONATION STREET, WESTCLIFF, HERMANUS: ISICELO SOKUHAMBA KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: PLAN ACTIVE TOWN & REGIONAL PLANNERS PTY LTD EGAMENI LIKA BAGLEY TERRACE NO 110 CC.

Isaziso sinikwa apha ngokwemigaqo yeCandelo 48 loMthetho kaMasipala oLungisiweyo waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ngo-2020 sokuba isicelo sifunyenwe koku kulandelayo:

1. ICandelo 16(2)(b), Isahluko 4 — Ukuphambuka kwimigca yesakhiwo

Kwenziwa isicelo sokuphambuka kwimigca yesakhiwo ukuze kulungiswe ukungenelela okukhoyo nokulungiselelwa utshintsho olucetywayo, ngolu hlobo lulandelayo:

- Ukuphambuka kumgca wesakhiwo wesitrato ukuze kuthotywe umgca omiselweyo ukusuka kwi-3.0 m ukuya kwi-2.0 m ukwenzela ukulungiselela nokusemthethweni ukungenelela kwepergola ekhoyo.
- Ukuphambuka kumgca wesakhiwo osecaleni ukuze kuthotywe umgca wesakhiwo osemazantsi ukusuka kwi-2.0 m ukuya kwi-1.0 m naku-1.1 m ngokulandelelana, ukwenzela ukulungiselela igaraji ecetywayo.
- Ukuphambuka kumgca wesakhiwo osecaleni ukuze kuthotywe umgca wesakhiwo osemazantsi ukusuka kwi-2.0 m ukuya kwi-1.1 m naku-1.270 m ngokulandelelana, kwanokusuka kwi-2.0 m ukuya kwi-1.270 m ngokubhekiselele kwigumbi lokugcina elikhoyo. Kukwacelwa nokuphambuka kumgca wesakhiwo ongemva ukuze kuthotywe umgca wesakhiwo ongemva osempumama ukusuka kwi-2.0 m ukuya kwi-1.83 m.
- Ukuphambuka kumgca wesakhiwo osecaleni ukuze kuthotywe umgca wesakhiwo osemazantsi ukusuka kwi-2.0 m ukuya kwi-1.0 m naku-1.270 m ngokulandelelana, kunye nokuphambuka kumgca wesakhiwo ongemva ukusuka kwi-2.0 m ukuya kwi-1.93 m naku-1.83 m ngokulandelelana, ukwenzela ukulungiselela ulwandiso olucetywayo lomgangatho wokuqala.
- Ukuphambuka kumgca wesakhiwo wesitrato ukuze kuthotywe umgca wesakhiwo wesitrato osemantla ukusuka kwi-4.0 m ukuya kwi-1.495 m kwindawo yesplay naku-2.525 m ngokulandelelana, ukwenzela ukulungiselela nokusemthethweni ukungenelela kwepergola ekhoyo.

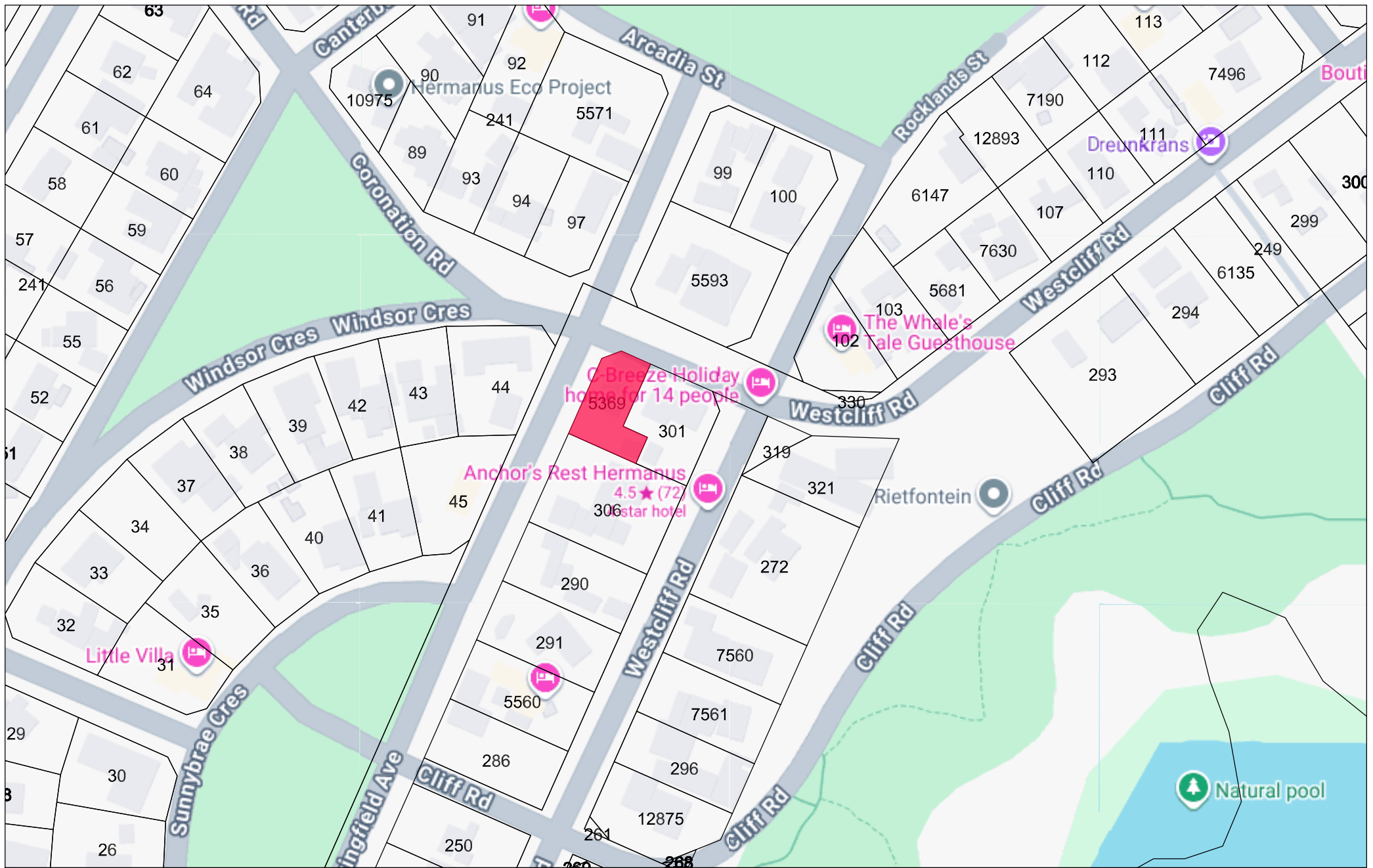
2. ICandelo 16(2)(q), Isahluko 4 — Isohlwayo solawulo

Kwenziwa isicelo sokumiselwa kwesohlwayo solawulo ngokuphathelile umsebenzi wokwakha ongagunyaziswanga kunye nokungenelela okunxulumene nemigca yesakhiwo malunga noku kulandelayo:

- Ukwakhiwa okungagunyaziswanga kweendawo zezakhiwo zepergola ezingenelela kwimigca yesakhiwo yesitrato emiselweyo;
- Ukuguqulwa okungagunyaziswanga kwegaraji enye evunyiweyo yaba yiyunithi yesibini yokuhlala;
- Ukwakhiwa okungagunyaziswanga kwegumbi lokuhlambela lomlimi kunye negumbi lokugcina; kunye
- Nokungenelela okukhoyo kwimigca yesakhiwo okunxulumene nezi zakhiwo zingentla.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokuzibenza ngamaxesha evekhi phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Ucwangciso lweDolophu noMmandla, eHermanus nakwiphapha lewebhusayithi likamasipala kwelikhonkco lilandelayo <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. Naziphi na izimvo ngesindululo mazingeniswe ngokubhalwayo ngokwemigaqo yeCandelo lama-51 kunye nelama-52 loMthetho kaMasipala omiselweyo kuMasipala (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) ngaphambi okanye nge-**22 uJulayi 2026**, ebonisa igama, idilesi neenkukacha zoqhagamshelwano, umdla kwisicelo kwakunye nezizatho zezimvo. Imibuzo ngomnxeba ingabhekiswa ku**Mnu. B. Minnaar** kule nombolo 028-313 8900. UMasipala unokwala ukwamkela izimvo emva komhla wokuvula. Nawuphi na umntu ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe: loCwangciso lweDolophu noMmandla apho aya kuthi ancediswe ligosa likamasipala ukuze anike izimvo zakhe ngokusesikweni.

Nceda uqaphele ukuba ngokomthetho wokhuseleko lweNgcaciso loLwazi loBuqu (POPIA), uya kuba ungena kwinkqubo kawonke-wonke kwaye uvuma ukuba igama lakho, ifani, iinkcukacha zoqhagamshelwano kunye nezimvo zingabengezwa / zisetyenziswe kwi (isicelo) inkqubo.



MOTIVATION REPORT

Building Line Departures and Determination of an Administrative Penalty

ERF 5369 | HERMANUS | OVERSTRAND MUNICIPALITY

Property	Erf 5369 Hermanus
Owner	Bagley Terrace No. 110 CC
Title Deed	T61669/2025
Extent	606 m ²
Location	Corner of Coronation Street and Springfield Avenue, Westcliff, Hermanus
Zoning	Residential Zone 1 — Overstrand Municipality Land Use Scheme
Application	Building Line Departures & Determination of Administrative Penalty
By-law Refs	Section 16(2)(b) and Section 16(2)(q), Chapter 4 — Amended By-law on Municipal Land Use Planning, 2020
Prepared by	Plan Active Town & Regional Planners
Bond	No bond registered against the property

1. BACKGROUND

Plan Active has been appointed by Bagley Terrace No. 110 CC, the registered owner of Erf 5369 Hermanus, to prepare and submit applications for building line departures and the determination of an administrative penalty.

The subject property is developed with a single-storey dwelling house comprising a living area, dining room, lounge, kitchen with scullery, four bedrooms, three bathrooms, a braai area, veranda with pergola, and a garage that was converted into a second dwelling with a pergola located in front thereof.

Historical building plans obtained for the property indicate the following approvals:

- In 1974, the original dwelling house was approved;
- In 1980, additions and alterations were approved, including the extension of the garage to accommodate an external toilet and wash basin, the construction of a new storeroom, and the addition of a pergola in front of the garage. These plans also included internal alterations to the dwelling, specifically the conversion of the former servant's quarters into a scullery;
- In 2004, approval was granted for an extension to the living room; and
- In 2019, approval was granted for the addition of a braai area.

The current owner subsequently appointed Smart Solution Architecture to prepare building plans for proposed additions and alterations, as well as to address existing building encroachments on the property.

During the preparation of the updated building plans, it was identified that:

- The existing garage had been constructed closer to the southern lateral boundary than reflected on the approved plans;
- Portions of two pergolas encroach over the prescribed street building lines;
- A new gardener's bathroom and storage area had been added to the eastern side of the approved single garage; and
- The approved single garage had been converted into a second dwelling unit.

All existing encroachments and unauthorised uses were created by the previous owner of the property. Bagley Terrace No. 110 CC acquired the property with transfer having been registered in September 2025.

This application further includes proposed additions that will encroach over the southern lateral building line.

In order to regularise the existing and proposed encroachments, as well as the unauthorised change of use, applications are required for departures from the prescribed lateral and street building lines, together with the determination of an administrative penalty.

The property measures 606 m² in extent, is situated in Westcliff, Hermanus, and is held under Title Deed No. T61669/2025. No bond is registered against the property.

2. APPLICATION DETAILS

This application is submitted in terms of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, and comprises the following components:

- Section 16(2)(b), Chapter 4 — Building Line Departures: Application for departures from the prescribed lateral building lines in order to regularise the existing encroachment and proposed alterations.
- Section 16(2)(q), Chapter 4 — Determination of an Administrative Penalty: Application for the determination of an administrative penalty in respect of unauthorised building work and the associated building line encroachment identified on the property.

3. NEED AND DESIRABILITY

3.1 Property Description

Erf 5369 Hermanus is located on the corner of Coronation Street and Springfield Avenue, Westcliff, Hermanus. For spatial context and orientation, reference is made to the attached locality plan and supporting extract included below.

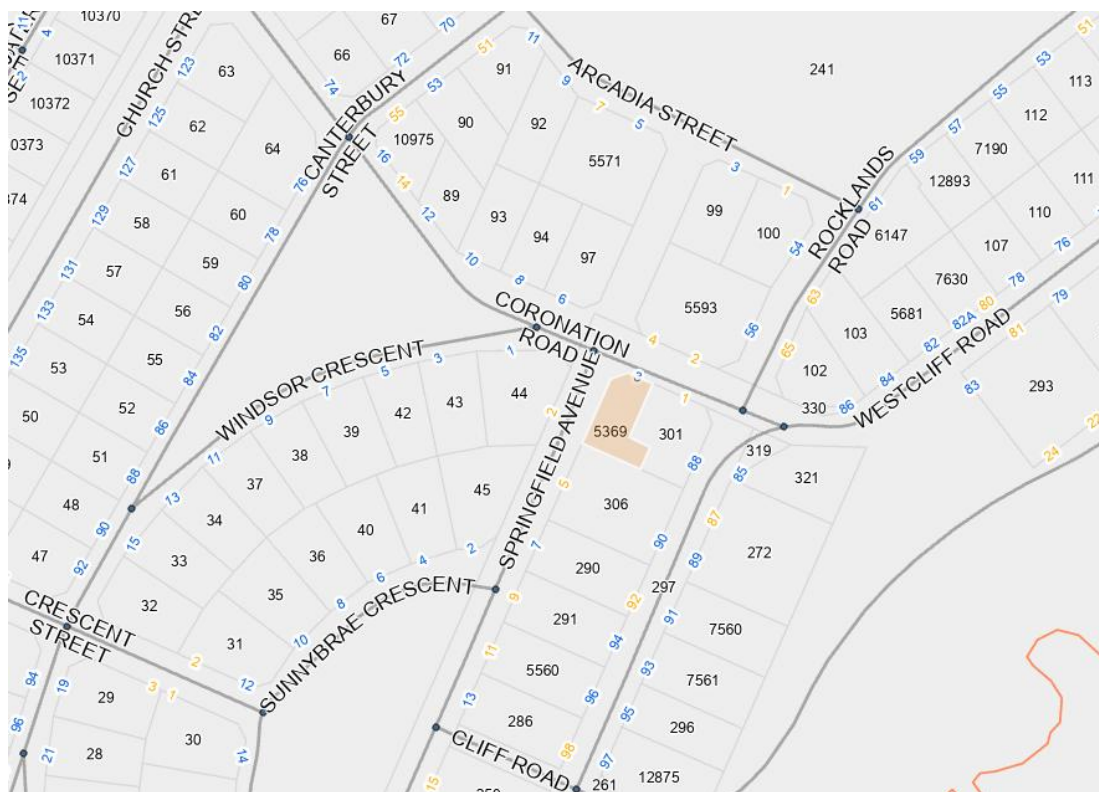


Figure 1: Locality Plan — Erf 5369 Hermanus

The property is developed with a primary single-storey dwelling and a single garage that was converted into a second dwelling unit.

3.2 Zoning

Erf 5369 Hermanus is zoned Residential Zone 1 in terms of the Overstrand Municipality Land Use Scheme. This zoning permits the use of the property for residential dwelling purposes and associated ancillary uses such as a second dwelling unit, which is consistent with the existing development on the property.

The surrounding properties are predominantly zoned for residential purposes, with portions of the surrounding area designated as public open space and public roads. A zoning map extract is included below for purposes of spatial context and illustration.

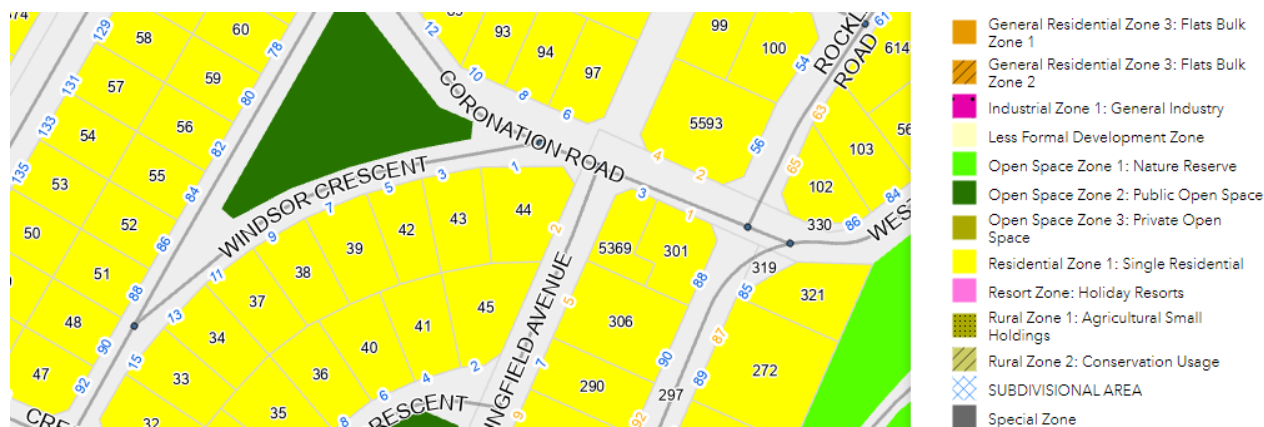


Figure 2: Zoning Map Extract — Erf 5369 Hermanus

3.3 Existing Land Use

Erf 5369 Hermanus is currently utilised for single residential purposes in accordance with its Residential Zone 1 zoning, which permits the inclusion of a second dwelling unit.

The property is developed with a primary single-storey dwelling house and a secondary dwelling unit created through the conversion of the original single garage.

The primary dwelling comprises a living area, dining room, lounge, kitchen with scullery, four bedrooms, three bathrooms, a braai area, and a veranda with pergola. The converted second dwelling unit includes an associated pergola located in front thereof.

The Residential Zone 1 zoning permits the establishment of a single dwelling house, a second dwelling unit, and associated ancillary structures, which is consistent with the existing use and development of the property.

The surrounding erven are similarly zoned and predominantly developed for single residential purposes, thereby reinforcing the established low-density residential character of the surrounding neighbourhood.

3.4 Potential of the Property

Erf 5369 Hermanus is well positioned within the established residential suburb of Westcliff and benefits from its corner property location at the intersection of Coronation Street and Springfield Avenue. The property is situated within a fully developed urban area characterised by low-density residential development, established municipal engineering services, and convenient access to the Hermanus central business district, public amenities, and surrounding coastal attractions.

The property's Residential Zone 1 zoning provides for single residential development, including the use of a second dwelling unit and associated ancillary structures. The existing development pattern on the property is therefore largely consistent with the rights associated with the zoning and the established residential character of the surrounding area.

The proposed departures and associated regularisation of the existing encroachments will not materially alter the residential nature of the property or negatively impact the amenity of adjoining properties. The encroachments are minor in nature and relate primarily to existing structures and additions already integrated into the site.

Furthermore, the continued utilisation of the converted garage as a second dwelling unit represents an efficient use of existing built infrastructure and aligns with broader planning principles supporting residential intensification and the optimal use of urban land within established residential areas.

4. PROPOSAL

This application is submitted in terms of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, and comprises the following components:

- Section 16(2)(b), Chapter 4 — Building Line Departures: Application for departure from the prescribed lateral building line in order to regularise the existing encroachment and proposed alterations.
- Section 16(2)(q), Chapter 4 — Determination of an Administrative Penalty: Application for the determination of an administrative penalty in respect of unauthorised building work and the associated building line encroachment identified on the property.

For ease of reference and to ensure a structured motivation, the application will be addressed in the following sequence: (1) Building Line Departure and (2) Determination of Administrative Penalty.

4.1 Building Line Departures

The existing and proposed building line encroachments have been labelled A to F and colour-coded for easy reference by Smart Solution Architecture. Each encroachment is addressed in the same order below, together with an abstract of the relevant plans.

4.1.1 Encroachment A — Street Building Line (Springfield Avenue)

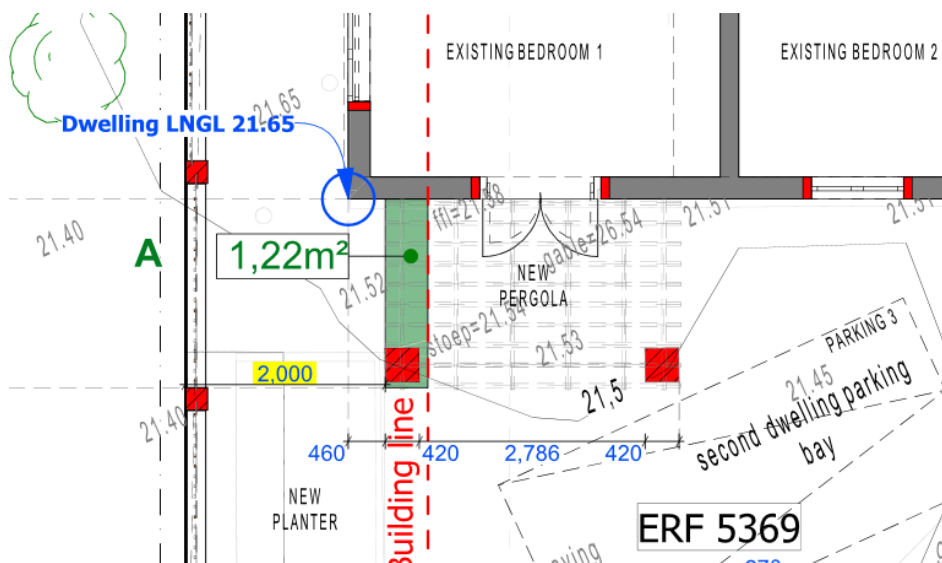


Figure 3: Building Plan Abstract — Encroachment A, Erf 5369 Hermanus

A pergola was constructed in front of the room labelled Bedroom 1 without prior municipal approval and without the submission of the required building plans.

In terms of the applicable development parameters of the Overstrand Municipality Land Use Scheme, a 3 m street building line applies along the Springfield Avenue boundary. During the preparation of the updated building plans, it was identified that a support pillar and a portion of the pergola encroach over the prescribed street building line.

The pergola structure and its supporting pillar have been constructed approximately 2 m from the street boundary, resulting in an encroachment of 1 m into the prescribed street building line setback area. The portion of the pergola that encroaches over the street building line measures approximately 1.22 m² in extent.

The pergola is minor in scale and serves as an ancillary architectural feature associated with the existing dwelling house. Due to its open-sided nature and limited extent, the structure does not adversely impact the streetscape, traffic visibility, pedestrian movement, or the amenity of adjoining properties.

Application is made for a street building line departure to relax the prescribed setback from 3 m to 2 m in order to accommodate and regularise the existing pergola encroachment.

Application is made for a lateral building line departure to relax the prescribed southern lateral building line from 2 m to 1 m and 1.1 m respectively, in order to accommodate the proposed garage.

4.1.3 Encroachments C and D — Southern Lateral and Eastern Rear Building Lines (Existing Second Dwelling and Ancillary Structures)

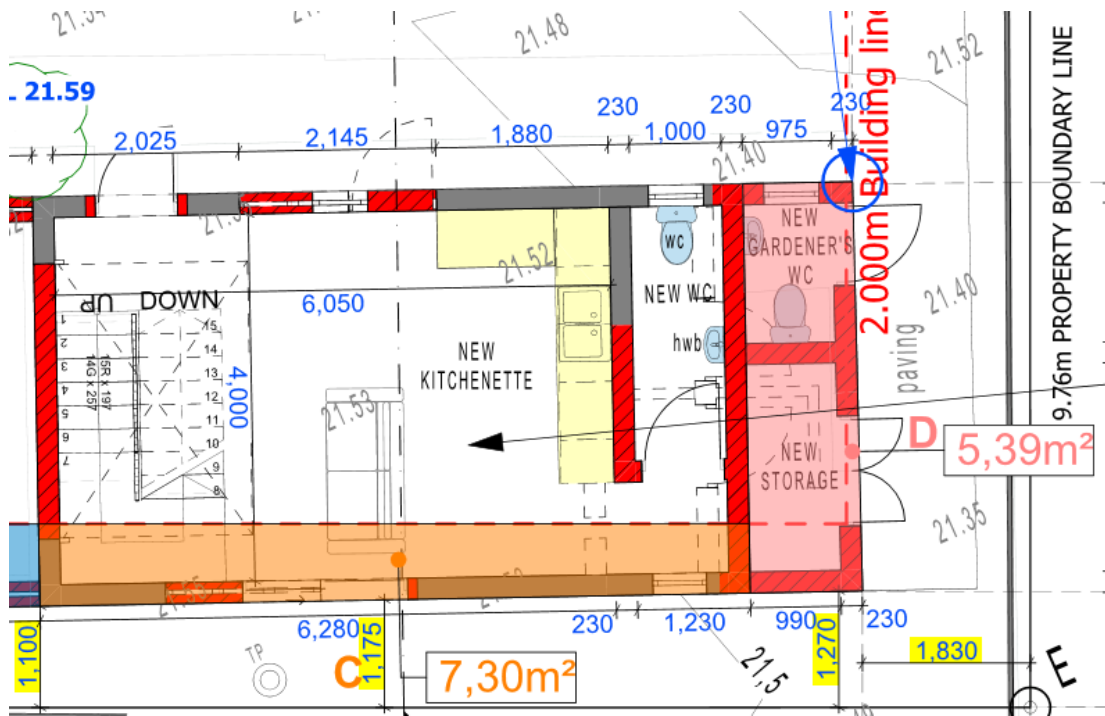


Figure 5: Building Plan Abstract — Encroachments C & D, Erf 5369 Hermanus

The existing single garage structure, which appears on site plans dating back to 1978, was constructed approximately 1.1 m to ±1.270 m from the southern lateral boundary. The exact date of the original approval of the garage structure remains unclear, as both the 1978 and 1980 approved building plans depict the garage as an existing structure without indicating dimensions or its precise setback from the lateral boundary.

Subsequent approved building plans contain varying information regarding the setback of the structure. The 2004 approved building plans indicate a 2 m lateral building line, with the garage reflected as complying with the prescribed setback. However, the approved 2019 building plans depict the garage structure as being approximately 1.3 m from the southern lateral boundary.

Due to these discrepancies in the historical building plan records, together with the subsequent conversion of the structure into a second dwelling unit, this application seeks to regularise the existing encroachments and associated land use.

The former owner converted the approved single garage into a second dwelling unit comprising a studio-style apartment with a kitchenette and bathroom facilities. The combined length of the integrated building component — consisting of the proposed single garage, the existing second dwelling unit, and the existing storeroom and gardener’s bathroom — is approximately 15.84 m along the southern side of the property.

A portion of the existing second dwelling unit, measuring approximately 7.3 m² in extent, encroaches over the prescribed southern lateral building line. As part of the proposed alterations, a bathroom window and aluminium door with an additional glazed panel are proposed within the southern elevation. These openings will be screened and obscured from the adjoining property, Erf 306 Hermanus, by the existing boundary wall.

Application is made for a lateral building line departure to relax the prescribed southern lateral building line from 2 m to 1.1 m and 1.270 m respectively (Encroachment C), and from 2 m to 1.270 m for the existing storeroom (Encroachment D). A rear building line departure is also sought to relax the prescribed eastern rear building line from 2 m to 1.83 m.

4.1.4 Encroachment E — Proposed First-Floor Addition (Southern Lateral and Eastern Rear Building Lines)

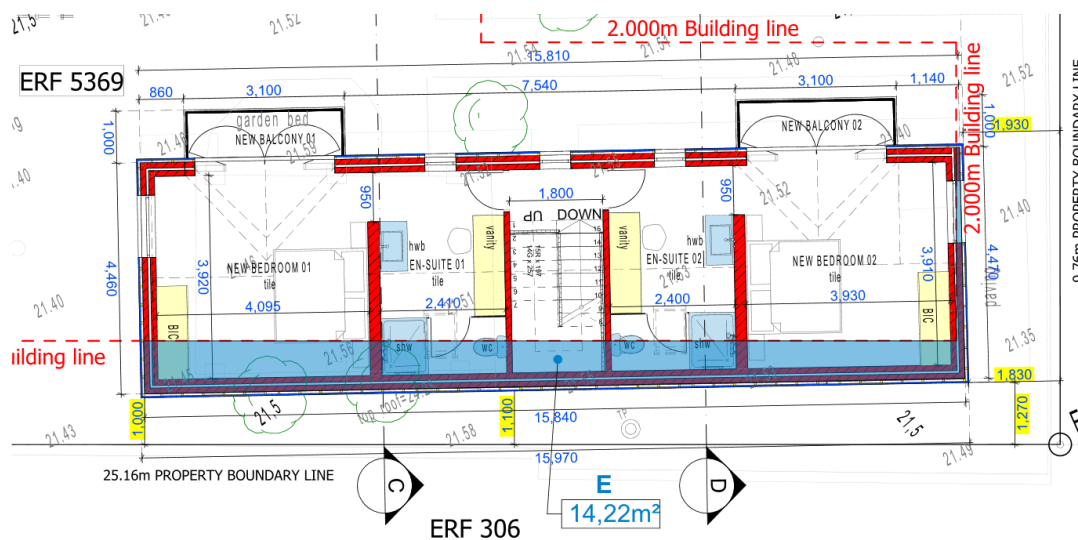


Figure 6: Building Plan Abstract — Encroachment E, Erf 5369 Hermanus

It is proposed that the existing second dwelling unit be vertically extended through the addition of a first floor above the proposed new garage and the existing converted garage structure. The proposed first-floor addition will form part of the same integrated building component described under Encroachments B, C and D and will be accessed via a proposed internal staircase.

At ground-floor level, the second dwelling unit will comprise an open-plan sitting room and kitchen area, together with toilet facilities and a hand wash basin. On the first floor, two bedrooms are proposed on opposite sides, each with north-facing balconies orientated towards the interior of the property. No windows or doors are proposed within the southern elevation of either the ground or first floor.

The proposed first floor will be positioned approximately 1 m and 1.270 m from the southern lateral boundary respectively, as well as approximately 1.93 m and 1.83 m from the eastern rear boundary.

The proposed building height will remain approximately 300 mm below the maximum permissible height restriction, measured from base level to the roof ridgeline. The total floor area of the proposed extended

4.2 Summary of Building Line Departures

Encroachment	Description	Boundary	Prescribed BL	Proposed BL	Extent (m ²)
A	Pergola (existing)	Street (Springfield)	3 m	2 m	1.22
B	New single garage	Southern lateral	2 m	1.0 m – 1.1 m	6.58
C	Existing second dwelling unit	Southern lateral	2 m	1.1 m – 1.270 m	7.30
D	Existing storeroom & gardener's bathroom	Southern lateral / Eastern rear	2 m	1.270 m / 1.83 m	5.39
E	Proposed first-floor addition	Southern lateral / Eastern rear	2 m	1.0 m – 1.270 m / 1.83 m – 1.93 m	—
F	Pergola (existing)	Street (Coronation)	4 m	1.495 m – 2.525 m	1.77

5. DETERMINATION OF ADMINISTRATIVE PENALTY

In terms of Chapter 5, Section 89(1) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, any person who has contravened a provision of the By-law and seeks to rectify such contravention is required to apply for the determination of an administrative penalty. This process may only proceed where no compliance notice or demolition order has been issued in terms of Section 85 of the By-law in respect of the relevant property or structures.

This application includes a request in terms of Chapter 4, Section 16(2)(q) of the By-law for the determination of an administrative penalty relating to unauthorised building work and associated building line encroachments identified on Erf 5369 Hermanus.

The identified contraventions comprise the following:

- The unauthorised construction of portions of pergola structures encroaching the prescribed street building lines;
- The unauthorised conversion of the approved single garage into a second dwelling unit;
- The unauthorised construction of a gardener's bathroom and storeroom; and
- Existing building line encroachments associated with the above structures.

In determining an appropriate administrative penalty, the Municipality is required to consider various factors. Each of these considerations is addressed below.

Nature, Duration, Gravity, and Extent of the Contravention

The identified contraventions relate solely to existing unauthorised building work and associated building line encroachments created by previous owners of the property over an extended period of time. The contraventions comprise minor pergola encroachments, the conversion of an approved single garage into a second dwelling unit, and the construction of an unauthorised gardener's bathroom and storeroom.

The encroachments are relatively limited in extent and occur within an established residential environment. The structures do not materially alter the residential character of the property or surrounding neighbourhood and remain compatible with the Residential Zone 1 zoning applicable to the property.

Conduct of the Person Involved in the Contravention

The current owner, Bagley Terrace No. 110 CC, did not create the unauthorised structures or associated encroachments. The property was acquired with the existing improvements already in place, with transfer having been registered in September 2025. Upon becoming aware of the discrepancies during the preparation of updated building plans, the owner acted in good faith by appointing professional consultants to initiate the required regularisation applications.

Whether the Unlawful Conduct Was Stopped

No further unauthorised building work associated with the identified contraventions is currently taking place on the property. The current application therefore represents a proactive effort to rectify the existing contraventions in a lawful and transparent manner.

Impact on Adjacent Properties and the Surrounding Area

The existing encroachments and unauthorised structures have a limited impact on adjacent properties and the surrounding area. The pergola encroachments are minor in extent and do not interfere with traffic visibility, pedestrian movement, or public safety. The existing structures have been integrated into the property for an extended period and no evidence exists of material adverse impacts on adjoining properties or the broader Westcliff area.

Cost Estimate and Possible Administrative Penalty

A cost estimate for the existing unauthorised structures and encroachments has been prepared by Smart Solution Architecture and is summarised in the table below:

Encroachment	Description	Extent (m ²)	Construction Cost (incl. VAT)
A	Pergola encroachment — Springfield Avenue	1.22	R 2,257.00
C	Existing garage converted into flatlet	7.30	R 18,250.00
D	Existing gardener's WC and garden tool storage	5.39	R 40,425.00
F	Pergola encroachment — Coronation Street	1.77	R 3,274.00
	TOTAL		R 64,206.00

It is respectfully submitted that the Municipality take into consideration the historic nature of the contraventions, the relatively minor extent of the encroachments, the fact that the current owner did not create the contraventions, and the absence of material adverse impacts when determining an appropriate and proportional administrative penalty.

Previous Contraventions

To the knowledge of the current owner and professional team, neither Bagley Terrace No. 110 CC nor the current members of the Close Corporation have previously contravened the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, or any previous planning legislation applicable to the property.

6. ACCESS AND PARKING

The property is situated on the corner of Coronation Street and Springfield Avenue within an established residential area characterised by low traffic volumes and predominantly residential vehicular movement. The proposed development remains residential in nature and does not introduce any commercial, industrial, or high-intensity land uses that would generate excessive traffic volumes or abnormal transportation demands.

Vehicular access to the property will continue to be obtained from Springfield Avenue via the existing access point serving the former garage and pergola area. No additional vehicular access points are proposed as part of the application.

Adequate on-site parking is provided to accommodate the residential use of the property. A total of three on-site parking bays are available, of which one parking bay will be accommodated within the proposed single garage. The proposed parking arrangement is considered sufficient to serve the primary dwelling and second dwelling unit without resulting in overflow parking onto surrounding public roads.

7. MUNICIPAL SERVICES

The property is situated within an established and fully serviced urban area of Hermanus with access to existing municipal engineering services, including water supply, electricity, stormwater infrastructure, sewerage services, and refuse removal.

The application primarily relates to the regularisation of existing structures and limited residential additions. The proposed development does not constitute a significant intensification of land use or demand on municipal infrastructure. No industrial, commercial, or high-impact land uses are proposed that would generate abnormal demands on water, sewerage, electricity, traffic movement, or stormwater systems.

Stormwater generated from the proposed additions will continue to be managed in accordance with the existing municipal stormwater system and natural drainage patterns applicable to the property. The application is therefore not expected to negatively impact the provision, functioning, or capacity of existing external engineering services infrastructure serving the property or the broader Westcliff area.

8. TITLE DEED

Erf 5369 Hermanus is held under Title Deed No. T61669/2025 and is registered in the name of Bagley Terrace No. 110 CC. The property measures approximately 606 m² in extent and is situated within the suburb of Westcliff, Hermanus.

A review of the Title Deed indicates that no restrictive Title Deed conditions applicable to the current application are registered against the property. Furthermore, no mortgage bond is registered against the property.

The application for building line departures and the determination of an administrative penalty is therefore not constrained by restrictive Title Deed conditions or bondholder requirements.

9. FORWARD PLANNING AND LAND USE DOCUMENTS

The proposal is consistent with the applicable forward-planning instruments and land use policies of the Overstrand Municipality.

Overstrand Spatial Development Framework (SDF), 2020

Erf 5369 Hermanus falls within the established urban footprint earmarked for urban development purposes. The SDF supports the consolidation and optimisation of existing urban areas through appropriate residential infill development, the utilisation of existing municipal infrastructure, and context-sensitive residential intensification within established neighbourhoods.

Overstrand Municipal Growth Management Strategy (OMGMS), 2010

The property falls within Planning Unit 16, comprising the established Westcliff residential area. The OMGMS recognises the capacity for incremental and managed densification within this planning unit and notes that subdivision and additional dwelling units could potentially be accommodated on approximately 20% of erven within the planning area.

10. OTHER RELEVANT CONSIDERATIONS

10.1 Heritage

The proposed regularisation of the existing encroachments and the proposed additions and alterations are not expected to negatively impact the heritage significance or cultural landscape of the surrounding area.

The subject property is located within an established residential area of Westcliff, Hermanus, and does not form part of a formally declared heritage site, conservation area, or identified cultural landscape of exceptional heritage significance. The proposed additions and regularisation measures remain residential in nature and do not introduce excessive bulk, scale, or visually intrusive elements into the surrounding streetscape. The proposed development will not result in the demolition of any identified heritage resources.

10.2 Biophysical Environment

The proposed development is not expected to have any significant negative impact on the biophysical environment. The subject property is situated within an established and fully developed urban residential area where the surrounding environment has already been substantially transformed through existing urban development, municipal infrastructure, roads, and associated residential land uses.

No large-scale earthworks, vegetation clearing, habitat destruction, or environmentally invasive activities are proposed. Stormwater runoff generated by the proposed development will continue to be managed through the existing municipal stormwater system and established drainage patterns applicable to the property.

10.3 Social and Economic Impact

The application will contribute positively towards orderly development, improved compliance with municipal planning regulations, and the continued maintenance and upgrading of an existing residential property within the established Westcliff neighbourhood. The proposed regularisation will provide legal

certainty regarding the existing improvements on the property and ensure compliance with the Overstrand Municipality's planning and land use management requirements.

The proposed development will also generate short-term economic benefits during the construction phase through the utilisation of local contractors, suppliers, and building-related services. The regularisation of the existing structures will further ensure that property improvements are formally reflected within the municipal records system, contributing to the accurate valuation of the property for municipal rates purposes.

11. PLANNING PRINCIPLES

Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) ("SPLUMA") establishes the development principles applicable to all spatial planning, land development, and land use management processes in South Africa. The proposed regularisation and additions on Erf 5369 Hermanus are considered consistent with these principles for the following reasons:

Spatial Justice

The proposal supports spatial justice by facilitating the efficient use of residential land and enabling additional residential accommodation opportunities within an established urban area. The continued use and extension of the second dwelling unit contributes towards broader residential accommodation opportunities within Hermanus without requiring additional urban expansion or exclusionary land use practices.

Spatial Sustainability

The proposal supports spatial sustainability by promoting the optimal use of already developed urban land and existing municipal infrastructure within the established urban footprint of Hermanus. The application relates predominantly to the regularisation of existing structures and limited residential additions on a fully serviced property situated within an established residential neighbourhood.

Spatial Efficiency

The proposal promotes spatial efficiency through the continued and intensified use of an existing residential erf within a fully serviced urban area. The establishment and extension of the second dwelling unit represent an efficient use of existing built infrastructure and municipal services without necessitating significant additional public infrastructure investment.

Spatial Resilience

The proposal supports spatial resilience through the continued utilisation and upgrading of an existing residential property within the established urban area of Westcliff. The application promotes the adaptive use and improvement of existing built infrastructure rather than outward urban expansion into undeveloped areas.

Good Administration

The applicant and professional team are committed to full cooperation with the Overstrand Municipality in order to ensure a transparent, efficient, and procedurally compliant land use planning process. Upon becoming aware of the historical unauthorised structures and building line encroachments, the current owner acted in good faith by appointing professional consultants to investigate the status of the property and initiate the required regularisation applications.

12. RECOMMENDATION

After due consideration of the applicable planning legislation, municipal policy frameworks, surrounding land uses, and the merits of the application, it is respectfully submitted that the application for building line departures and the determination of an administrative penalty should be supported for the following reasons:

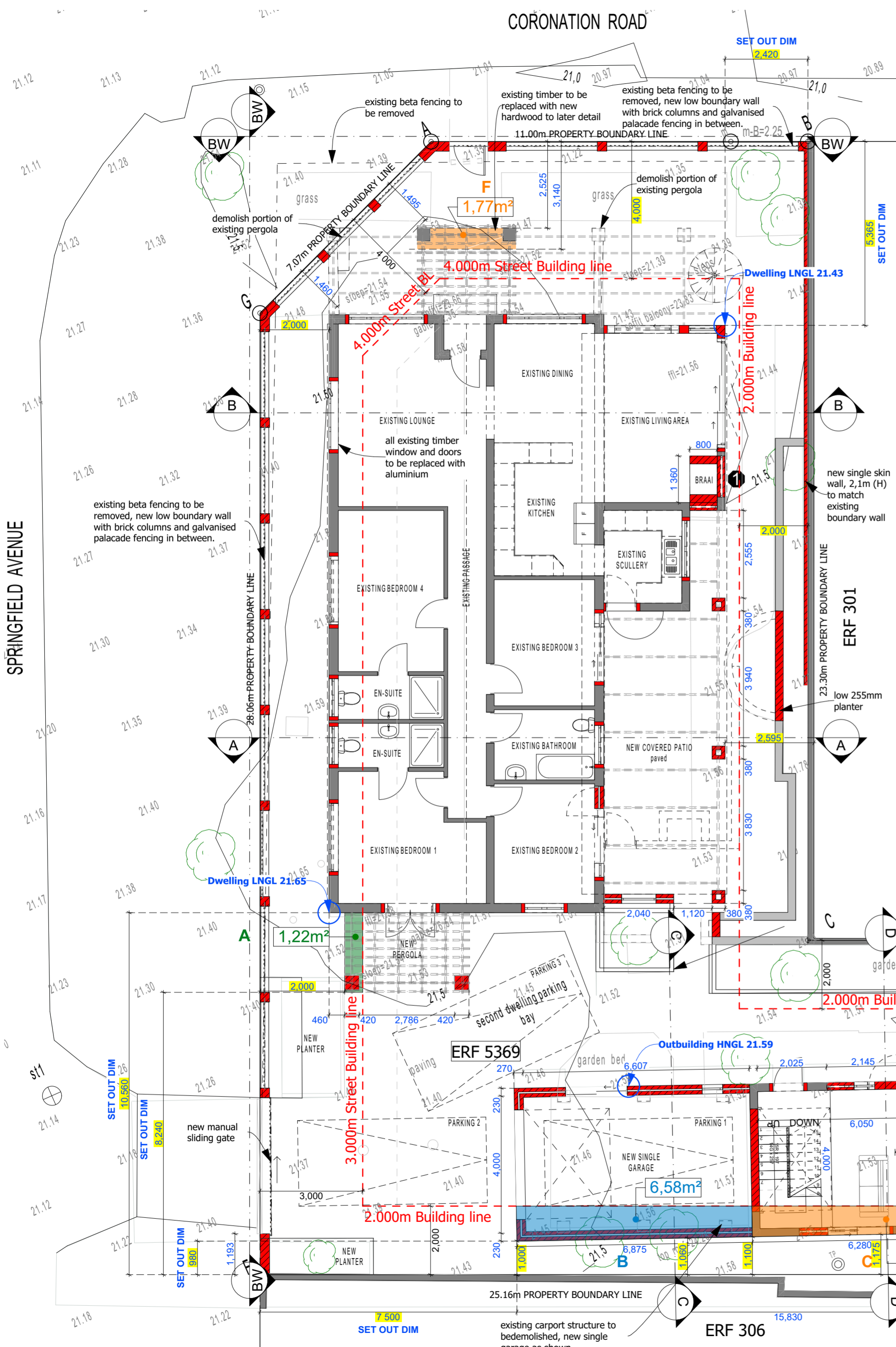
- The application relates predominantly to the regularisation of historical unauthorised structures and building line encroachments inherited by the current owner upon transfer of the property;
- The property is zoned Residential Zone 1 and the existing and proposed development remain compatible with the permitted land uses applicable to the zoning;
- The proposed second dwelling unit and associated additions are consistent with the established residential character and development pattern of the Westcliff area;
- The surrounding neighbourhood already contains similar residential development patterns, including what appears from Westcliff Drive to be a double-storey second dwelling unit on the adjoining Erf 301 Hermanus;
- The proposed encroachments are limited in extent and will not materially impact adjoining properties, public safety, pedestrian movement, or the surrounding streetscape;
- Adequate consideration has been given to the privacy and amenity of adjoining properties through the omission of south-facing first-floor windows and doors facing Erf 306 Hermanus;
- The proposed additions remain below the maximum permissible building height restriction applicable to the property;
- The total floor area of the proposed second dwelling unit (106.46 m²) remains below the maximum permissible floor area of 120 m²;

- Adequate on-site parking is provided comprising three bays, including one within the proposed single garage, with access retained from Springfield Avenue;
- The proposal is aligned with the Overstrand Spatial Development Framework (2020) and the Overstrand Growth Management Strategy (2010);
- The proposal supports the development principles contained in Section 7 of SPLUMA; and
- The approval of the application will promote orderly planning, lawful land use management, and improved compliance with the municipal planning framework.

It is therefore respectfully recommended that the Overstrand Municipality approve the applications in terms of Section 16(2)(b) and Section 16(2)(q), Chapter 4 of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.

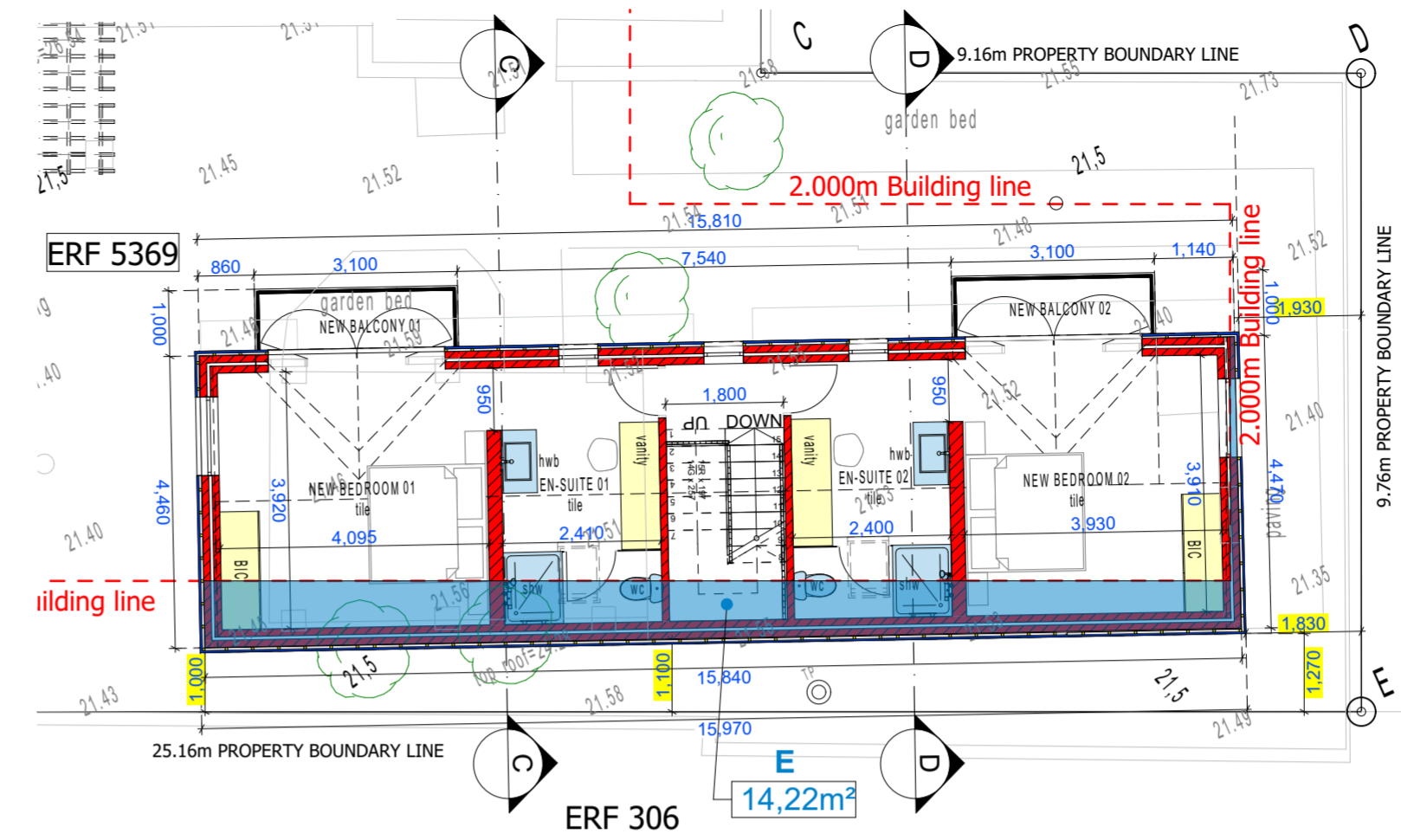
Plan Active Town & Regional Planners

On behalf of: Bagley Terrace No. 110 CC



SITE AND GROUND STOREY LAYOUT

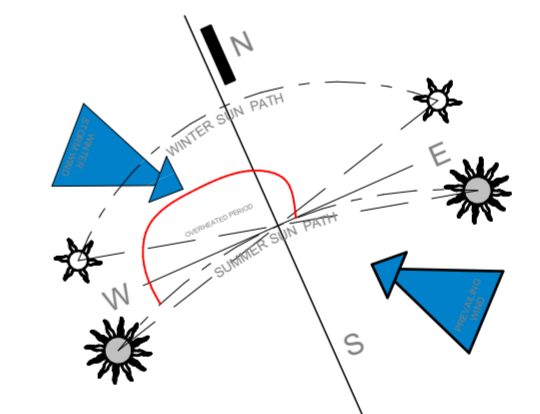
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PARTIAL SITE AND FIRST STOREY LAYOUT

1:100

APPLICABLE FOR THE DETERMINATION OF ADMINISTRATIVE PENALTIES			
YES	NO	REASON	
A		legalize existing pergola structure	1,22m ² X
B		new proposed garage on ground storey	6,58m ² X
C		existing garage converted into flatlet	7,30m ² X
D		gardener wc and storage	5,39m ² X
E		new proposed second storey 2nd dwelling	14,22m ² X
F		legalize existing pergola	1,77m ² X
A + C + D + F =		15,68m ²	



THE BUILDINGS	
DESCRIPTION	TOTAL
GROUND STOREY	236,78(m²)
EXIST. DWELLING	166,43m ²
NEW ADDITIONS	70,35m ²
NEW OPEN STOEP	33,25m ²
EXIST. OUTBUILDING (new second dwelling)	33,49m ²
NEW GARAGE	30,65m ²
NEW WC AND STORAGE ROOM	6,45m ²
FIRST STOREY	79,21(m²)
SECOND DWELLING	73,51m ²
OPEN BALCONY 1	2,85m ²
OPEN BALCONY 2	2,85m ²
TOTAL COVERED FOOTPRINT	278,89m²
TOTAL COVERED FLOOR AREA	276,04m²

THE SITE	
ERF SIZE	606m ²
COVERAGE PERMITTED	50%
PROPOSED COVERAGE	46,02%

PROPOSED SECOND DWELLING = 106,46m²

MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUB- CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE COMMENCING WORK. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS DRAWING IS THE PROPERTY OF SMART SOLUTION ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.

VARIATIONS:		
REV NO	DATE:	DESCRIPTION:
00	09.12.2025	LUMS Appl.

BASE LEVEL CALCULATIONS	
(Dwelling)	
LOWEST LEVEL	+21.43
HIGHEST LEVEL	+21.65
BASE LEVEL	+21.54
8.0m HEIGHT RESTRICTION	+29.54
BASE LEVEL CALCULATIONS	
(Outbuilding)	
LOWEST LEVEL	+21.40
HIGHEST LEVEL	+21.59
BASE LEVEL	+21.495
8.0m HEIGHT RESTRICTION	+29.495

DRAWING STAGE:	
COUNCIL SUBMISSION	<input type="checkbox"/>
DEPARTURE APPLICATION	<input checked="" type="checkbox"/>
SKETCH PROPOSAL	<input type="checkbox"/>
TENDER DRAWING	<input type="checkbox"/>
WORKING DRAWING	<input type="checkbox"/>

SITE RESTRICTIONS:	
STREET BUILDING LINE	3.0/4.0m
LATERAL BUILDING LINE	2.0m
REAR BUILDING LINE	2.0m
HEIGHT RESTRICTION (from sea level)	8.0m
TITLE DEED BUILDING LINES (see drawings)	n/a

ZONE APPLICABLE:	
SINGLE RESIDENTIAL (SR1)	<input checked="" type="checkbox"/>
TOWN HOUSING - ZONE 1 (GR1)	<input type="checkbox"/>
TOWN HOUSING - ZONE 2 (GR2)	<input type="checkbox"/>
FLATS - ZONE 3 (GR3 and DR4)	<input type="checkbox"/>
LESS FORMAL DEVELOPMENT (LFD)	<input type="checkbox"/>

SMART SOLUTION ARCHITECTURE
and Architectural Consultants
Members of SACAP / CIA / and SAIAT
PRINCIPAL: Ian Smit t/a Smart Solution Architecture

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D Swart 079 694 1728 dian@ssarc.co.za
Mail Collection 104, Hemel & Aarde Estate, Hermanus, 7200

PROJECT NAME:
PROPOSED ALTERATIONS AND ADDITIONS FOR
GP LOUW
ERF 5369
3 CORONATION ROAD
WESTCLIFF
7200

DWG TITLE:
Site, Ground Storey, and First Storey Layout

DATE:
12/9/2025

DRAWN BY:
I VAN DEN BROEK

CHECKED BY:
D SWART

SACAP REG.
PSAT24749037

DRAWING SCALE
AS SHOWN

PRINT A2
LANDSCAPE

DRAWING NO.
1 0583 - A2 - 01

REV NO.
00

MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUB- CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE COMMENCING WORK. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS DRAWING IS THE PROPERTY OF SMART SOLUTION ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.

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LOWEST LEVEL	+21.43
HIGHEST LEVEL	+21.65
BASE LEVEL	+21.54
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BASE LEVEL CALCULATIONS	
(Outbuilding)	
LOWEST LEVEL	+21.40
HIGHEST LEVEL	+21.59
BASE LEVEL	+21.495
8.0m HEIGHT RESTRICTION	+29.495

DRAWING STAGE:	
COUNCIL SUBMISSION	<input type="checkbox"/>
DEPARTURE APPLICATION	<input checked="" type="checkbox"/>
SKETCH PROPOSAL	<input type="checkbox"/>
TENDER DRAWING	<input type="checkbox"/>
WORKING DRAWING	<input type="checkbox"/>

SITE RESTRICTIONS:	
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TITLE DEED BUILDING LINES (see drawings)	n/a

ZONE APPLICABLE:	
SINGLE RESIDENTIAL (SR1)	<input checked="" type="checkbox"/>
TOWN HOUSING - ZONE 1 (GR1)	<input type="checkbox"/>
TOWN HOUSING - ZONE 2 (GR2)	<input type="checkbox"/>
FLATS - ZONE 3 (GR3 and DR4)	<input type="checkbox"/>
LESS FORMAL DEVELOPMENT (LFD)	<input type="checkbox"/>

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Mail Collection 104, Hemel & Aarde Estate, Hermanus, 7200

PROJECT NAME:
PROPOSED ALTERATIONS AND ADDITIONS FOR

GP LOUW
ERF 5369
3 CORONATION ROAD
WESTCLIFF
7200

DWG TITLE:
Elevations

DATE:
12/9/2025

DRAWN BY:
I VAN DEN BROEK

CHECKED BY:
D SWART

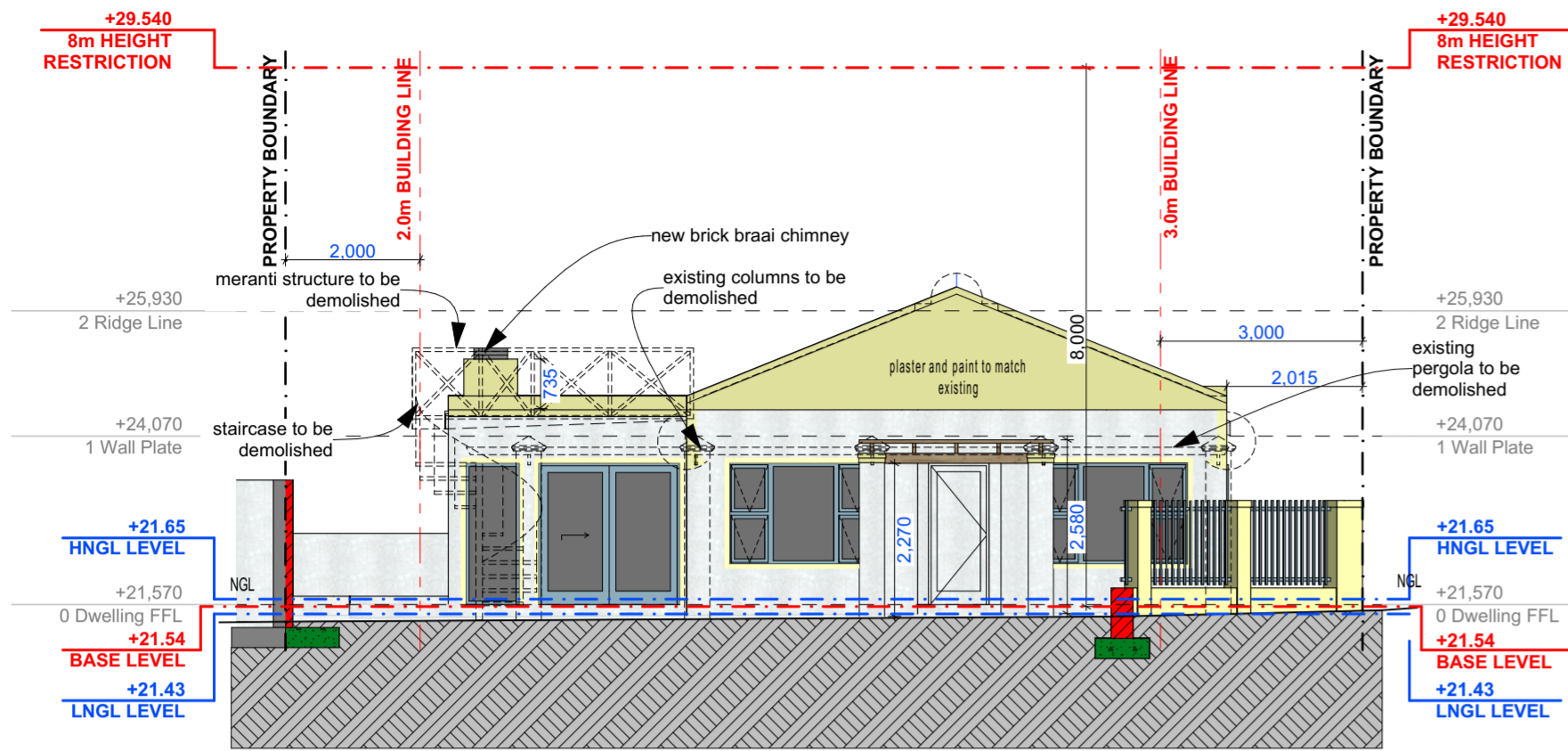
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DRAWING SCALE
AS SHOWN

PRINT A2 LANDSCAPE

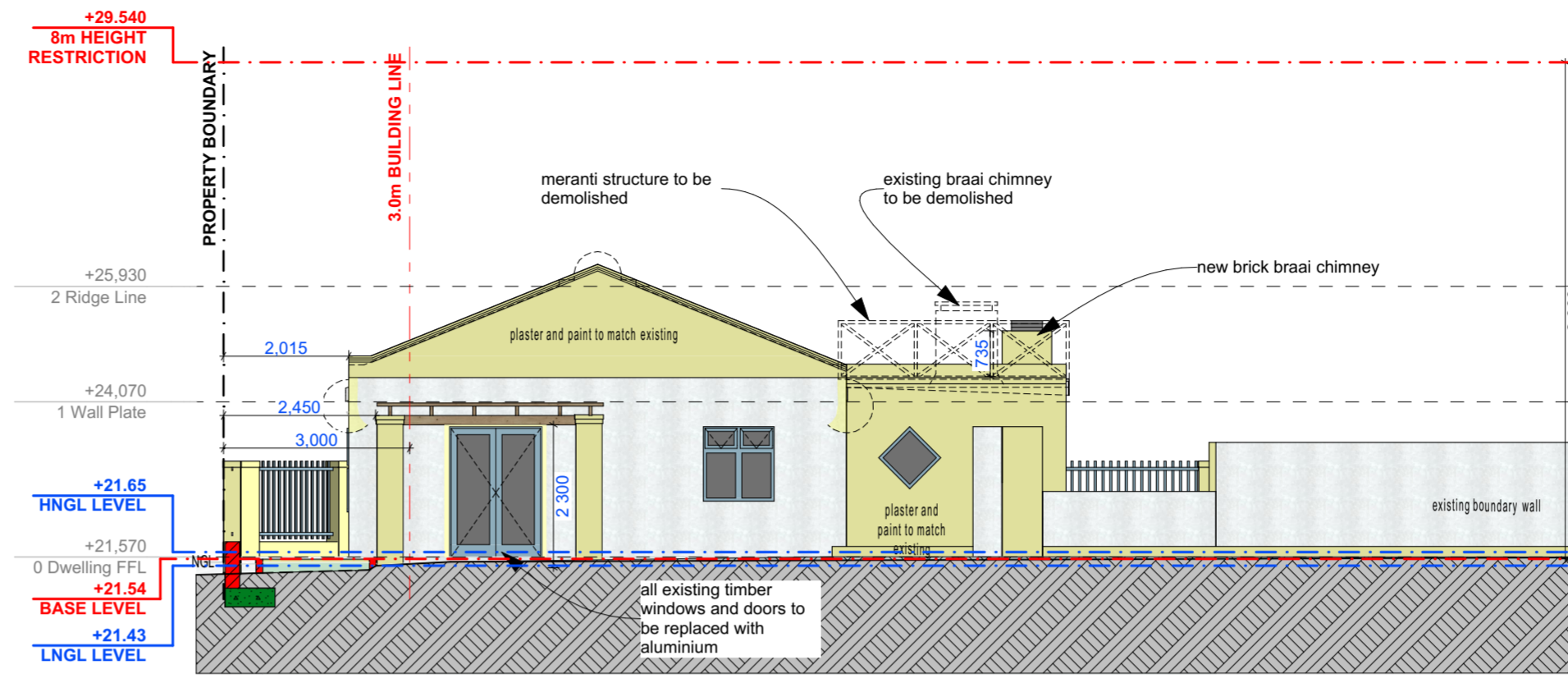
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REV NO.
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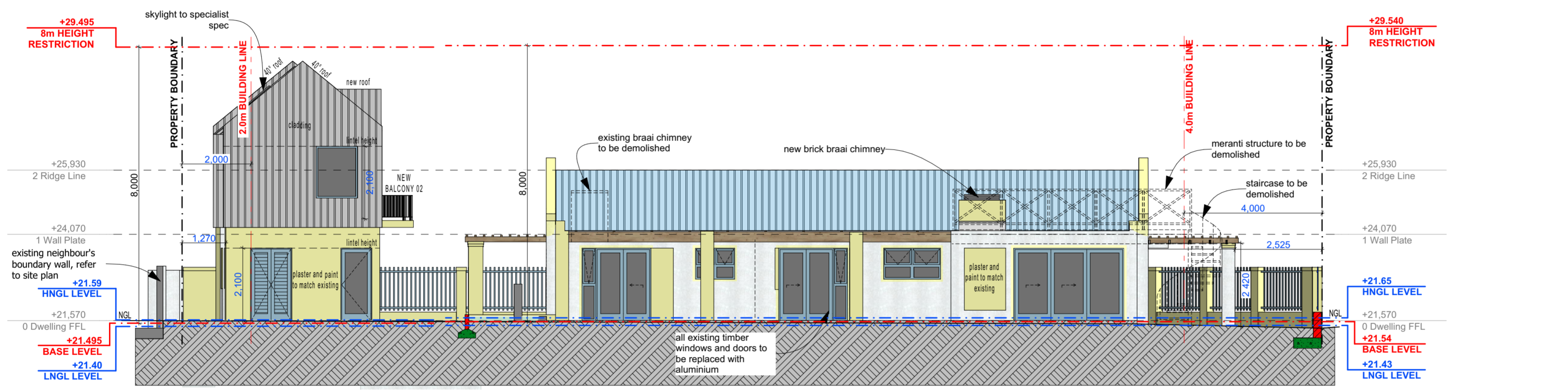
NORTH ELEVATION (Dwelling)

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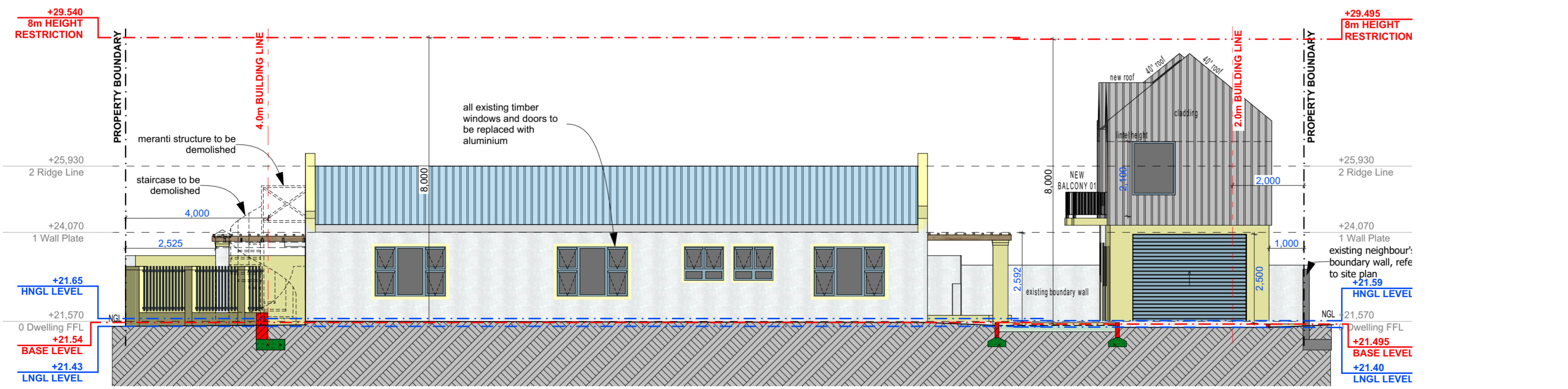
SOUTH ELEVATION (Dwelling)

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EAST ELEVATION (Dwelling and outbuilding)

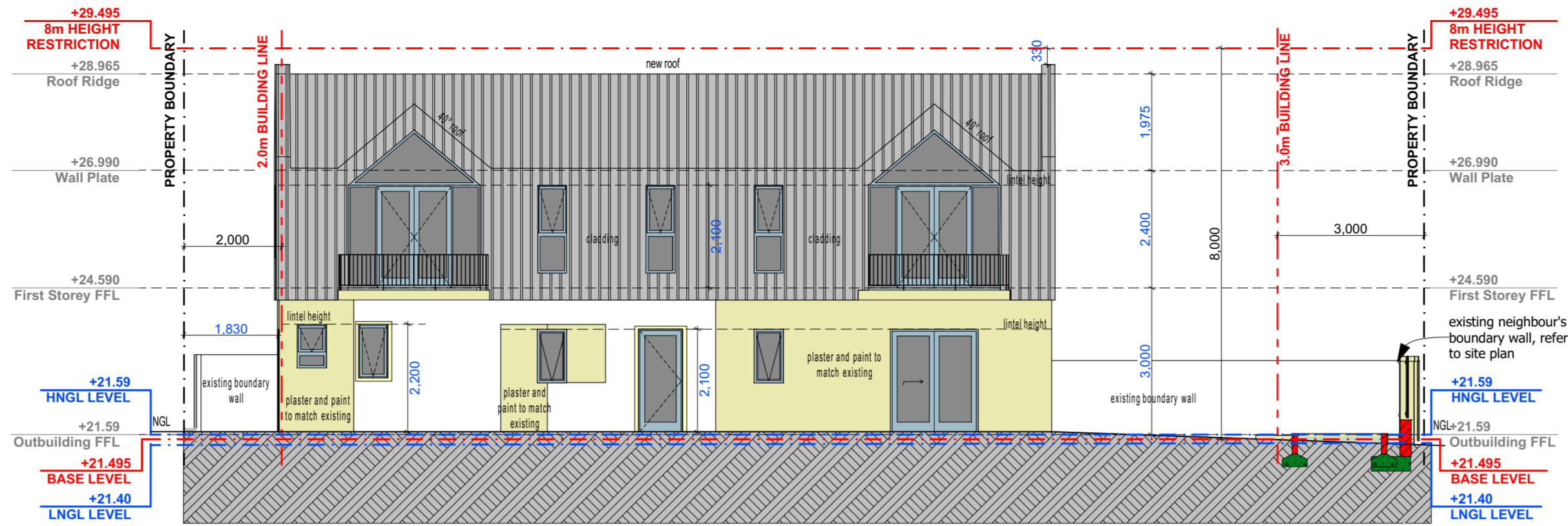
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WEST ELEVATION (Dwelling and outbuilding)

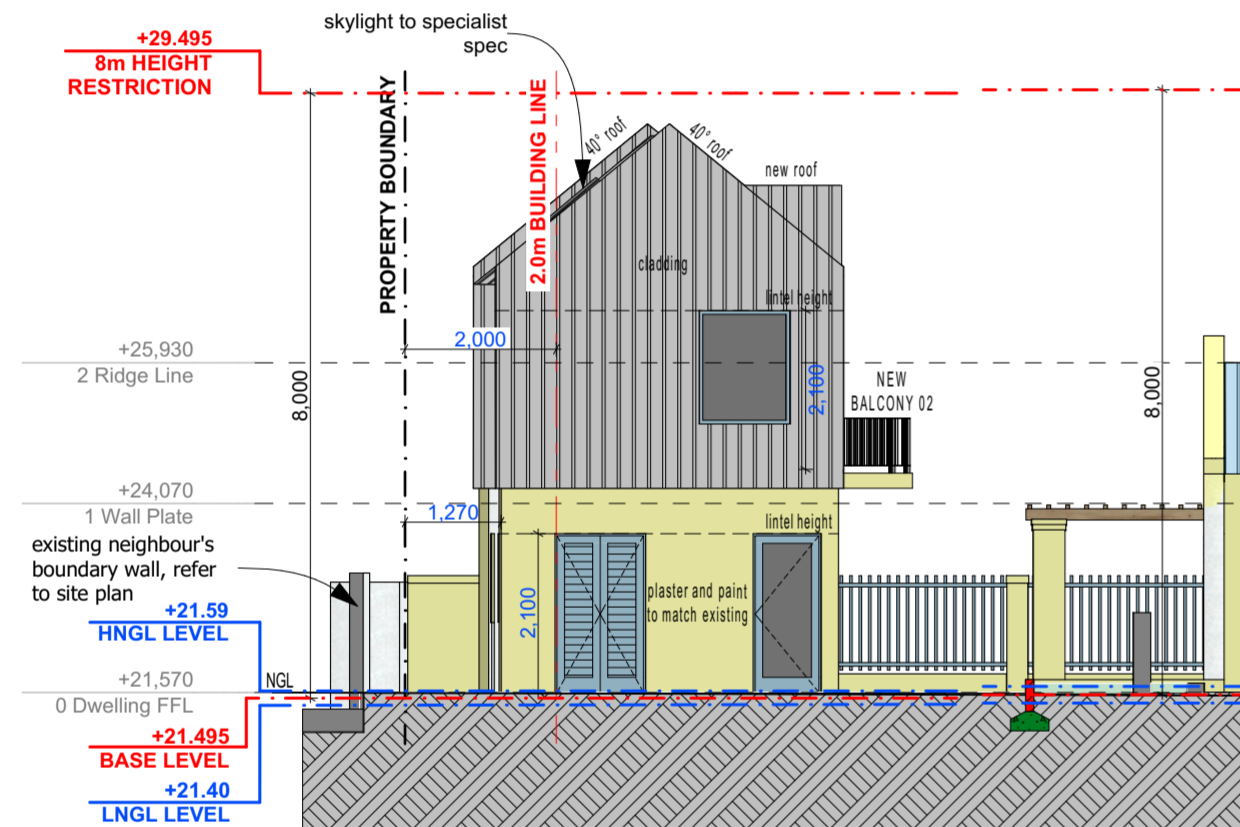
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PROPOSED SECOND DWELLING = 106,46m²



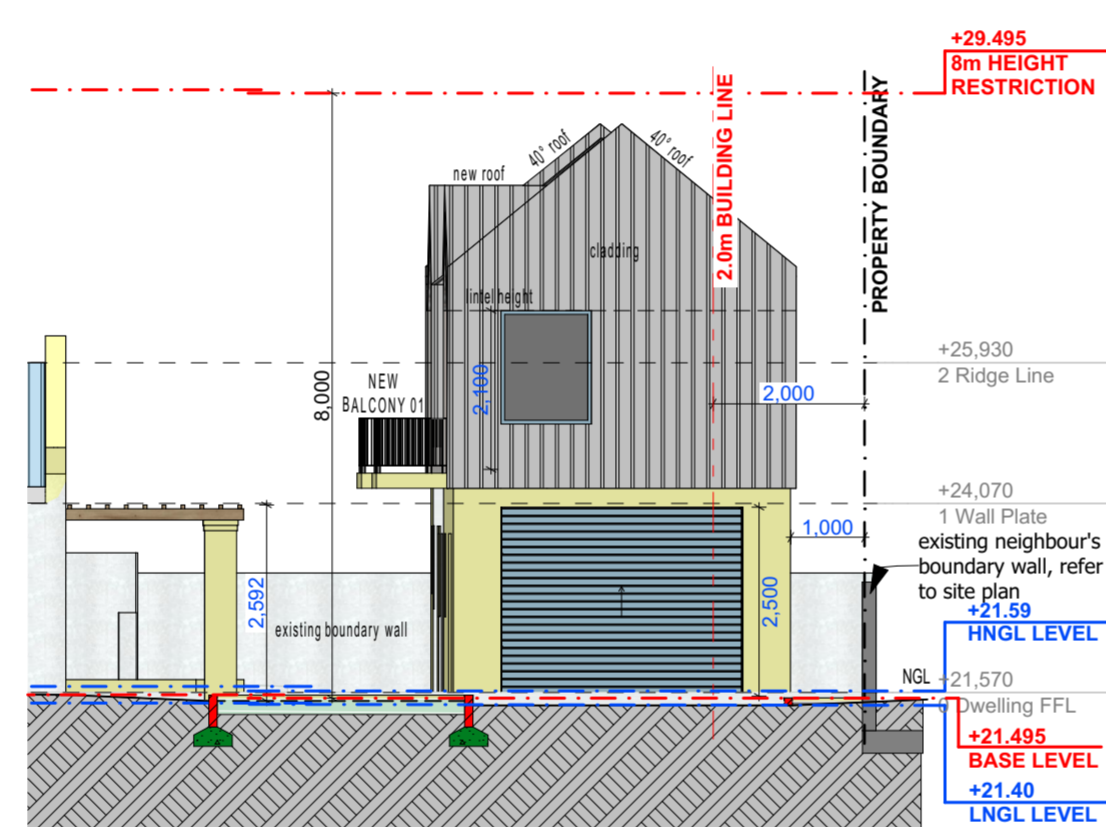
NORTH ELEVATION (Outbuilding)

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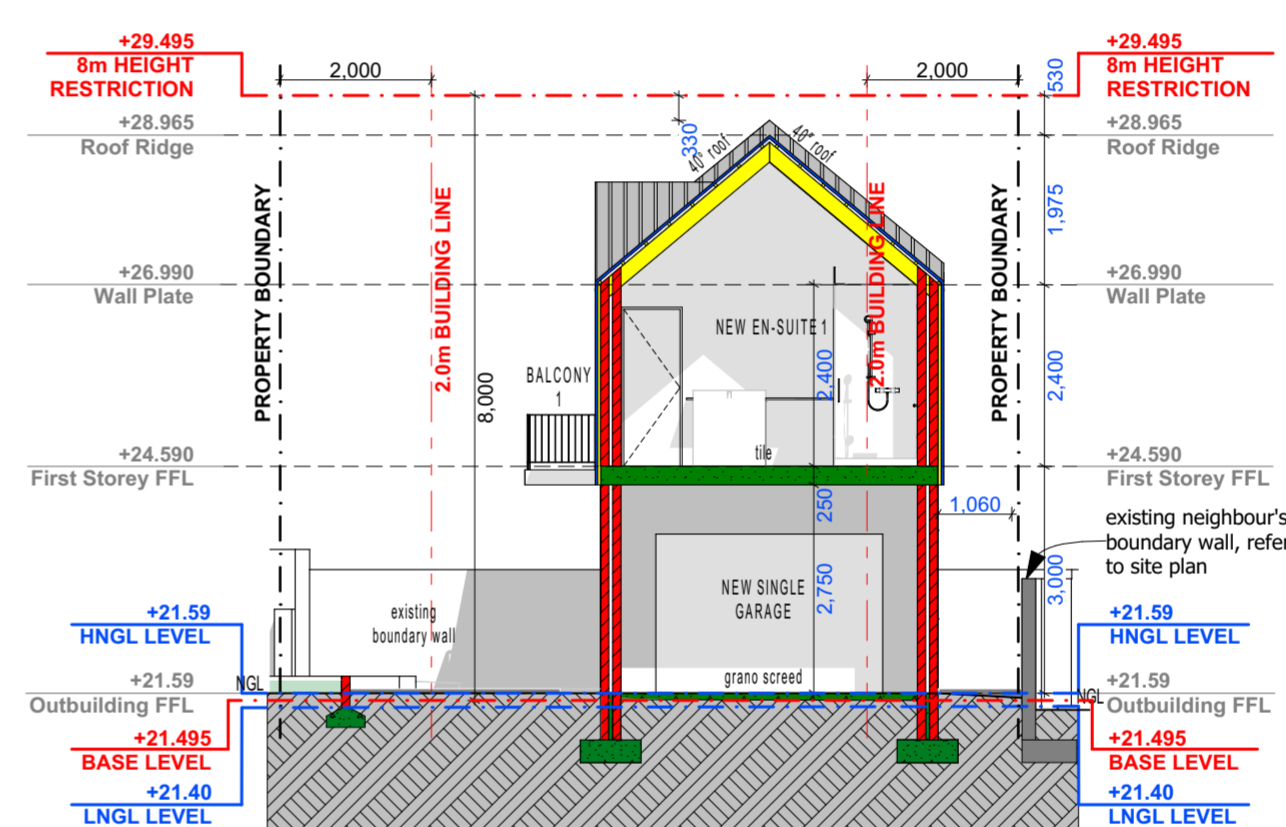
EAST ELEVATION (Dwelling and outbuilding)

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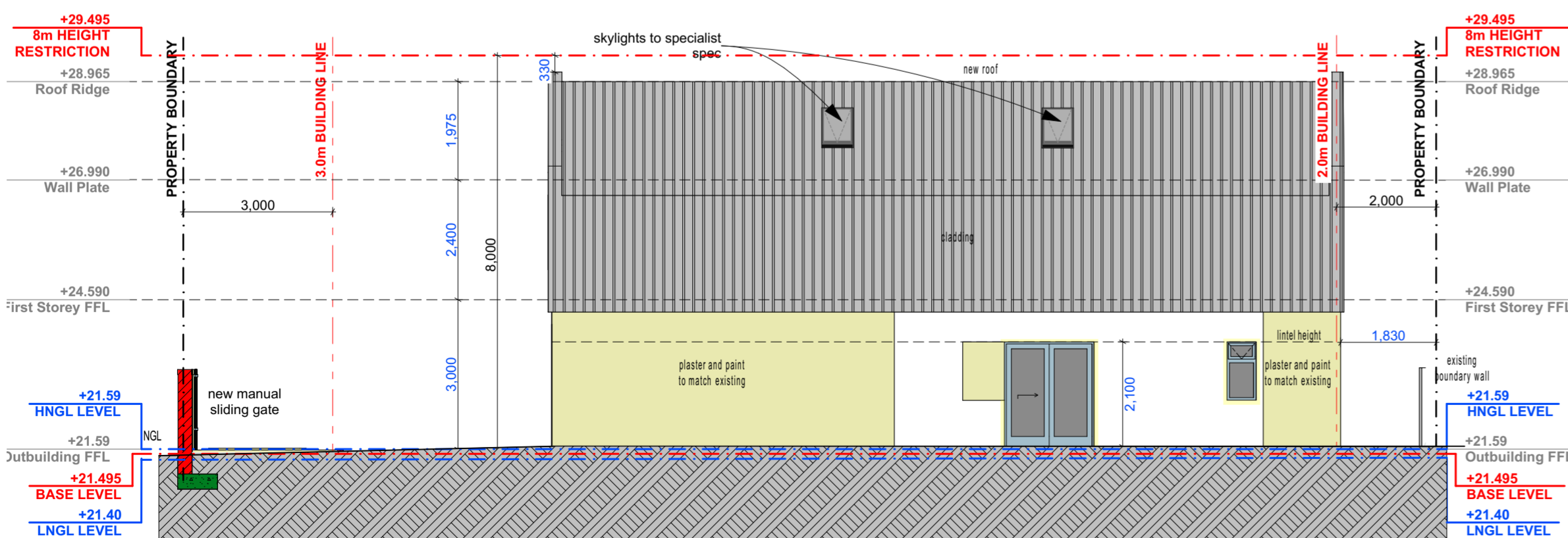
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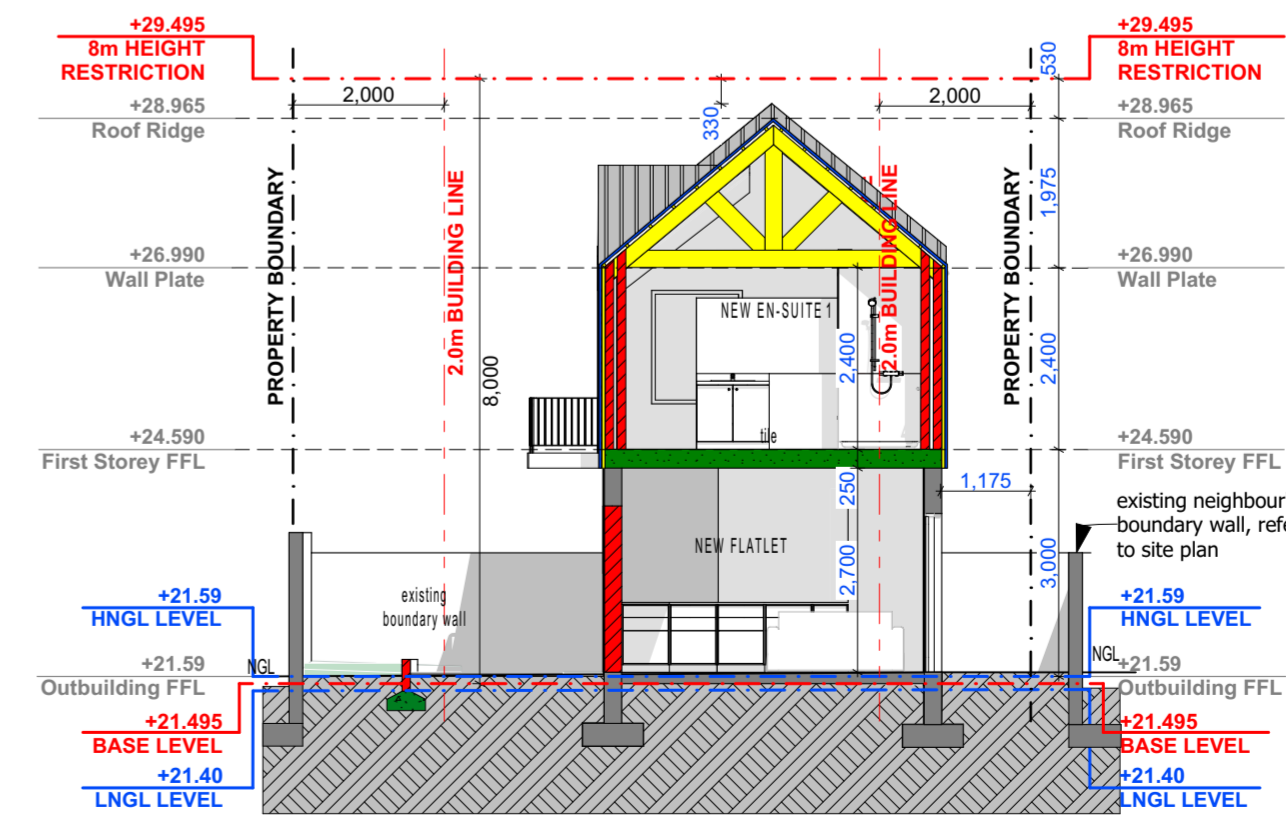
SECTION C-C

1:100



SOUTH ELEVATION (Outbuilding)

1:100



SECTION D-D

1:100

PROPOSED SECOND DWELLING = 106,46m²

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VARIATIONS:

REV NO	DATE:	DESCRIPTION:
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BASE LEVEL CALCULATIONS

(Dwelling)	
LOWEST LEVEL	+21.43
HIGHEST LEVEL	+21.65
BASE LEVEL	+21.54
8.0m HEIGHT RESTRICTION	+29.54

BASE LEVEL CALCULATIONS

(Outbuilding)	
LOWEST LEVEL	+21.40
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8.0m HEIGHT RESTRICTION	+29.495

DRAWING STAGE:

COUNCIL SUBMISSION	<input type="checkbox"/>
DEPARTURE APPLICATION	<input checked="" type="checkbox"/>
SKETCH PROPOSAL	<input type="checkbox"/>
TENDER DRAWING	<input type="checkbox"/>
WORKING DRAWING	<input type="checkbox"/>

SITE RESTRICTIONS:

STREET BUILDING LINE	3.0/4.0m
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PROJECT NAME:

PROPOSED ALTERATIONS AND ADDITIONS FOR

GP LOUW
 ERF 5369
 3 CORONATION ROAD
 WESTCLIFF
 7200

DWG TITLE:

Elevations

DATE:

12/9/2025

DRAWN BY:

I VAN DEN BROEK

CHECKED BY:

D SWART

SACAP REG.

PSAT24749037

DRAWING SCALE

AS SHOWN

PRINT A2
LANDSCAPE

DRAWING NO.

1 0583 - A2 - 03

REV NO.

00

MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUB- CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE COMMENCING WORK. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS DRAWING IS THE PROPERTY OF SMART SOLUTION ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.

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DRAWING STAGE:	
COUNCIL SUBMISSION	<input type="checkbox"/>
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FLATS - ZONE 3 (GR3 and DR4)	<input type="checkbox"/>
LESS FORMAL DEVELOPMENT (LFD)	<input type="checkbox"/>



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PRINCIPAL: Ian Smit t/a Smart Solution Architecture

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D Swart 079 694 1728 dian@ssarc.co.za
Mail Collection 104, Hemel & Aarde Estate, Hermanus, 7200

PROJECT NAME:
PROPOSED ALTERATIONS AND ADDITIONS FOR

GP LOUW
ERF 5369
3 CORONATION ROAD
WESTCLIFF
7200

DWG TITLE:
Proposed new outbuilding Renders

DATE:
12/9/2025

DRAWN BY:
I VAN DEN BROEK

CHECKED BY: D SWART	SACAP REG. PSAT24749037
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DRAWING SCALE AS SHOWN	PRINT A2 LANDSCAPE
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DRAWING NO. I 0583 - A2 - 04	REV NO. 00
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