

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
17 November 2015
(Also the agenda for the Mayoral Committee Meeting : 25 November 2015)**

12.

ERF 1359, 22 BELLA DONNA STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA : TITLE DEED RELAXATION AND PROPOSED DEPARTURE : MESSRS JLR & ASSOCIATES ON BEHALF OF RJ KLOPPER

1359 HSB (2711)

H Olivier

13 October 2015

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 29 September 2015 from Messrs JLR & Associates on behalf of the property owner, RJ Klopper, on Erf 1359, Sandbaai for a departure from the relevant Scheme Regulations in order to relax the eastern lateral building line from 2m to 1,340m to accommodate the existing covered braai area on the property.

The application also includes a relaxation of the 1,5m lateral building line as stipulated in the Title Deed to 1,340m to accommodate the mentioned structure.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report from the applicant in support of the proposal is attached as Annexure C.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

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6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

Erf 1359, Sandbaai is developed with an existing dwelling and outbuilding. The erf measures approximately 687m² in extent and is zoned Residential Zone I.

The applicant indicated that he bought the property 13 years ago in its existing state. The owner wants to sell the property and therefore wants to legalize the covered braai area.

All neighbours affected by the application consented to the application.

The application was circulated to all relevant municipal departments. No objections were received.

Evaluation

The covered braai is an existing structure, which is 1,340m from the southern lateral boundary line.

The structure is not an imposing structure and it is possibly for this reason why all surrounding neighbours consented to the legalization thereof. It is already older than 13 years.

Relaxation of restrictive title conditions

The Provincial Government Western Cape (PGWC) provided a letter stating that from 1 July 2015 as a result of the enactment of the Spatial Planning Land Use Management Act, 2013 the PGWC can no longer dispose of applications for relaxation of restrictive title conditions since municipalities are from the aforementioned date regarded as the administrator and is therefore the competent authority to decide on these matters.

Paragraph E7 of Title Deed T042742/2001 states:

“No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator, be erected nearer than 5 metres to the street line which forms a boundary of this erf, nor within 3 meters of the rear or 1,5m meters of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority:-”

It is thus clear that the Title Deed permits the administrator to grant a relaxation. The relaxation of the relevant restrictive title condition, namely condition E7 contained in Title Deed T042742/2001 imposing a 1,5m lateral building line, is supported as it would not adversely impact the safety and

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wellbeing of the local community. Written consent from all the affected adjoining property owners was also obtained.

Conclusion

The application will not have a negative effect on surrounding property owners or the character of this residential area.

The application is desirable and is supported.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services Department

See Annexure D.

Building Control Department

Supported.

Operational Manager

No objection.

Fire Department

No objection.

Electrical Department

In view of the fact that no alterations to services will take place, there are no comments on the proposal.

District Health

Application approved.

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10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation
- Annexure D: Services Report
- Annexure E: Comments: Telkom
- Annexure F: Comments: Eskom

RECOMMENDATION:

1. that the application for the relaxation of the eastern 1,5m Title Deed building line to 1,340m, as stipulated in Condition E7 of Title Deed T042742/2001 of Erf 1359, Sandbaai, **be approved**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a departure from the relevant Scheme Regulations on Erf 1359, Sandbaai to allow the relaxation of the eastern lateral building line from 2m to 1,340m to accommodate an existing covered braai, **be approved**, subject to the following conditions:
 - (a) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that this approval is only for the relaxation of building lines indicated on the floor plan which was submitted with the application (attached as Annexure B);
 - (d) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (e) that all the conditions imposed by Telkom in their letter dated 31 August 2015 (attached as Annexure E) be complied with; and
 - (f) that all the conditions by Eskom in their letter dated 15 July 2015 (attached as Annexure F) be complied with.
3. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government: Municipal Systems Act No. 32 of 2000 with regard to the above decision.

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RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	9 DECEMBER 2015
TARGET DATE TO INFORM APPLICANT :	9 DECEMBER 2015
TARGET DATE TO INFORM OBJECTOR :	N/A

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AREA : TITLE DEED RELAXATION AND PROPOSED DEPARTURE : MESSRS JLR
& ASSOCIATES ON BEHALF OF RJ KLOPPER**

1359 HSB (2711)

H Olivier

13 October 2015

(028) 313 8900

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
17 NOVEMBER 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

H OLIVIER

TARGET DATE FOR IMPLEMENTATION :

9 DECEMBER 2015

TARGET DATE TO INFORM APPLICANT :

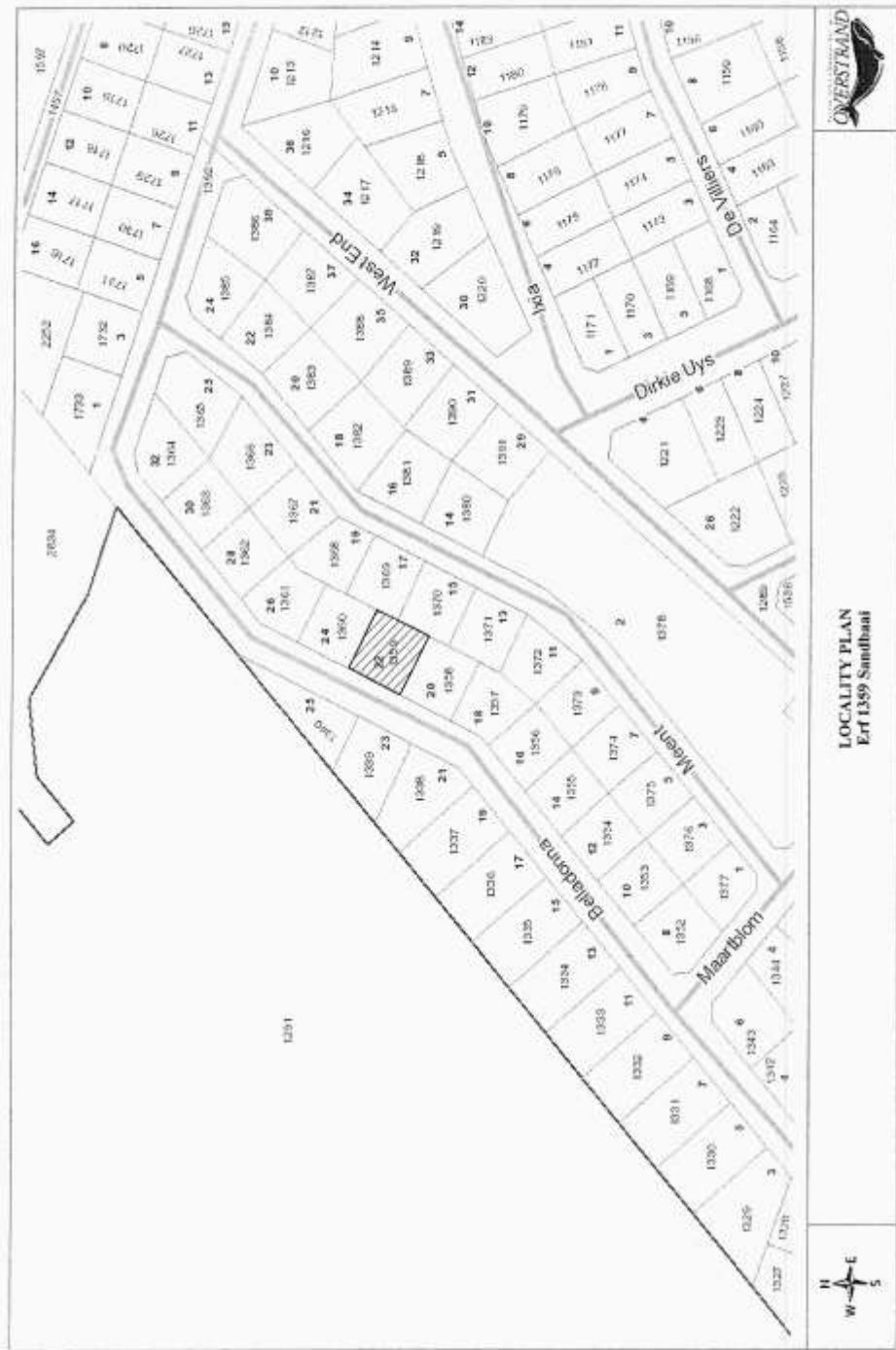
9 DECEMBER 2015

TARGET DATE TO INFORM OBJECTOR :

N/A

ANNEXURE A

Page 1 of 1



LOCALITY PLAN
Erf 1349 Sandhaai



ANNEXURE B



SITE PLAN
Scale 1:200

BELLA DONNA AVENUE

Departure(Buildingline)

ERF 1359, SANDBAAI

OVERSTRAND MUNICIPALITY

(Gansbaai Administration)

BACKGROUND AND INTRODUCTION

R.J. Klopper, is the registered owner of Erf 1359, Sanbaai. The subject property is located at the Northern side of Sanbaai in Bella Donna street

Mr. Klopper bought the subject property about 13 years ago. The subject property was not altered and As for mr Klopper is not staying permanently in the dwelling due to him staying in the Cape Town area and also has another house in Sandbaai, they use the property as a holiday house for the family. The subject property consist of a main dwelling, covered braai and a outbuilding which is situated on the northern western boundary.(See layout plan.)

It is Mr. Klopper's intention to sell the afore said property.

Erf 1359- Sandbaai

The company **JLR & ASSOCIATES** has therefore been empowered to apply for the necessary rights in the above regard.

APPLICATION DETAILS

The application entails the following legislative applications:

- **Application for departure (building line encroachment) in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).**

MOTIVATION

LOCALITY AND PROPERTY DESCRIPTION AND CURRENT DEVELOPMENT

Bella Donnastreet borders Erf 1359 on the North Eastern side



Erf 1359- Sandhani

dwelling on erf 1360(South Eastern side) and dwelling on erf 1358(Northern Western side);



This location ensures direct access to all major routes within the immediate area and the CBD of Sandbaai.

The total extent of the property is 687m² and held by Title Deed No. 042742/2001.

The zoning status of Erf 1359 is Single Residential Zone.

The property is currently developed with a 3 bedroom dwelling.

DETAILED ANALYSES OF THE APPLICATION

The Overstrand Municipality Zoning Scheme regulations provides for a departure of building lines on single residential properties.

The application for submission entails the following applications:

Departure, Building line encroachment, on the South Eastern side of the existing covered braai area is by 660mm from 2.0m to 1,340m

Surrounding Land uses and Characteristics

The immediate land uses surrounding Erf 1359, Sandbaai mainly consists of residential uses.



Erf 1359- Sandbaai



The Sandbaai area is characterized with excellent fishing and walking spots and lookout points with panoramic views. It is a holiday destination with many people owning holiday houses but also accommodate local residence.

Erf 1359 is in close proximity of Onrus, Hermanus and Kleinmond which are areas well known for whale watching boat trips and Fynbos viewing. The Overstrand spatial plan was formulated by extensive specialist studies, that covers all facets of the economy and these studies indicate that this is a perfect retirement area .

Sustainable development

The development of a sustainable facilities in Sandbaai and surrounding towns will lead to the economical advantage of the local communities and will contribute to the area being developed in a strong economical entity.

Erf 1359- Sandbaai

Impact on character of the Area

Mr. Klopper is of a retirement nature therefore he wants to scale down on his property portfolio. Many retirement houses exist in the area and the proposed application will therefore not lead to the detriment of the character of the build environment.

Architecture and Esthetics

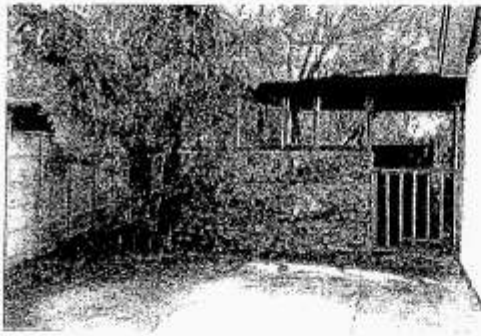
The existing dwelling is of excellent interior and exterior design and quality and blends in exceptionally with the build environment in the area.

Development requirements

In terms of the local authority's policy ample parking can be provided as can be observed from the property layout plan.

RECOMMENDATION

The proposed departure of the building lines on the covered braai area can only contribute positively with no inconvenience for the surrounding area.



ANNEXURE D

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 1359, SANDBAAI (2711)**

Electricity	:	In order
Water	:	In order
Sewer	:	In order
Stormwater	:	In order
Roads and traffic	:	In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that stormwater be allowed to discharge through Erf 1359 Sandbaai, unobstructed;
4. that no on-street parking be allowed.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

14/9/2015
DATE

ANNEXURE E1/4



Telkom

Access Network Engineering

Telkom SA SOC Limited

10 Jan Smuts Drive
Pinelands
7404

Tel : 021 414 5614
Fax : 088 021 414 5616
Email : Petersl2@telkom.co.za

Enquiries : Ishaam Peters
Our Ref : WHMN2757/15
Your ref :

TP- A Theart
(H Olivier)

31 August 2015

Attention: H Olivier
OVERSTRAND MUNICIPALITY
HERMANUS

FILE NO:	EL 1359-SB
SCAN NO:	42
COLLABORATOR NO:	834468

Dear Sir/Madam

TELKOM SERVICES: REZONING – ERF 1359, 22 BELLA DONNA STREET, SANDBAAI

With reference to your letter and dated 10 July 2015.

I hereby inform you that Telkom approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per the drawing supplied, Telkom SA LTD infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

Telkom SA SOC Limited: Reg no 159100547600
Directors: JA Matsusa (Chairman), SN Masoko (Group Chief Executive Officer), DJ Fredericks (Chief Financial Officer), S Botha, Dr. CA Fynn, N Kapita*,
I Kgabosela, K Kwayama, K Mzondeni, F Petersen, LL Von Zeuner.
Company Secretary: X Mpongolhe Makasi

*inda

TP 31 AUG 2015

Telkom

As important OPTIC FIBRE cables are affected, please contact our representative **FREDERIK SWART** at telephone number **081 3637815** least **48 hours** prior of commencement on construction work.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Telkom SA infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

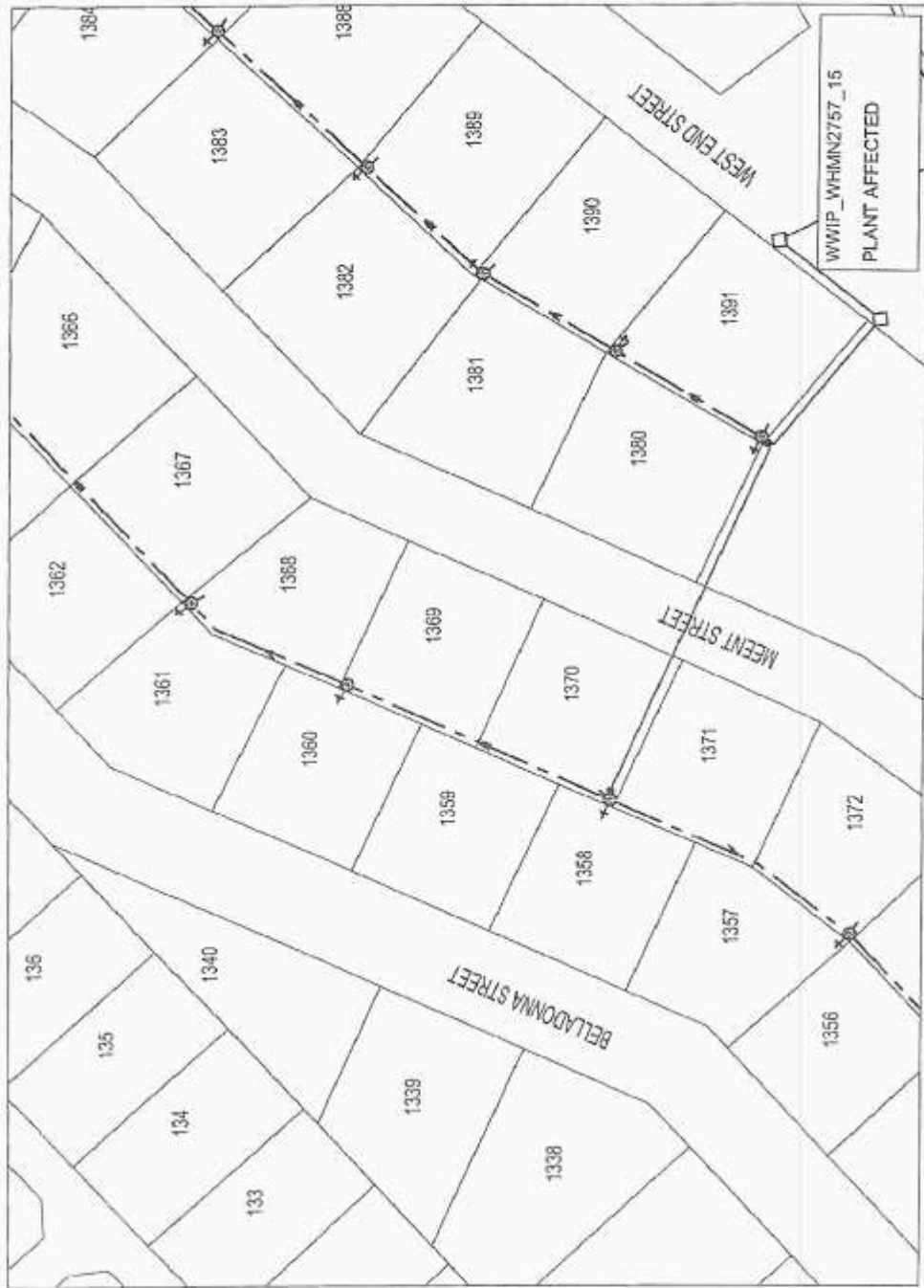
All Telkom SA LTD rights remain reserved.

Yours faithfully



Daniel Cornelius
Operations Manager
Wayleave Management, Western Region

ANNEXURE E3/4



Wayleave
Telkom S.A Ltd

This wayleave, Ref is WWIP WIMN2757_15 is valid for 12 months from date here of and is subject to the following conditions.

1. No mechanical plant or vibrator type compactors may be used within three metres of any Telkom plant (i.e. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and **FREDERIK SWART** at telephone number **081 363 7815** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Telkom Plant will be indicated on-site.
3. A written request must be submitted to Telkom for consideration should the applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existence of the indicated plant and to notify Telkom immediately should the applicant locate any Telkom plant which is not indicated on the plans.
5. Should the applicant expose any Telkom plant, the safeguard thereof will be the applicants full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for and damage or loss as a result thereof.

Date: 19 August 2015

M.FREDERICKS
For Regional General Manager
Western Cape (N2W3T1B)

Telkom Symbol Legend	Green
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distribution Cabinet (SDC)	
5. Jointing Pit / A/P	
6. Jointing Pillar (PJ)	
7. Pipe Junction Box (B/S)	
8. Robot Control	
9. Pole	
10. Stay	
11. Street	
12. Aerial Cable (A/C)	
13. Break in pipe	

The pipeline indicated contains OPTIC FIBRE cables.

Mr FREDERIK SWART @ telephone **(028) 514-1199 / 081 363 7815** must be contacted at least 48 hours before commencement of work.

Telkom

ANNEXURE F



The Municipal Manager
OVERSTRAND MUNICIPALITY
 P.O. Box 20
HERMANUS
 7200

*TP - A Theart
 (H Olivier)*

Date:
 15.07.2015

Enquiries:
 Shaun Swanepoel
 Tel 021 980-3913
 Fax 086 660 0941

Attention: Loriaan Isaacs

Dear Sir/Madame

ERF 1359, SANDBAAI. APPLICATION FOR DEPARTURE.
YOUR REF: ERF 1359
OUR REF: 01929/15

I refer to your application received 14 July 2015

Eskom has no objection to the abovementioned application, provided the following conditions are adhered to:

1. Should it be necessary to move or support any of Eskom's services, at least 3 month's notice in writing is required and cost will be entirely for the account of the Developer / Applicant.
2. Eskom's right on the property will not be affected.

Please contact us should you require further information.

Yours sincerely

SHAUN SWANEPOEL
LAND DEVELOPMENT (BRACKENFELL)

FILE NO:	EL 1359-HSB
SCAN NO:	
COLLABORATOR NO:	819834

CU Distribution Division - Western Region [Land Development]
 Western Region
 Eskom Road, Brackenfell 7580 PO Box 222 Brackenfell 7581 SA
 Tel +27 86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/30

